



COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

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October 28, 2024

TO: Supervisor Lindsey P. Horvath, Chair
Supervisor Hilda L. Solis
Supervisor Holly J. Mitchell
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FROM: Max Huntsman
Inspector General

A handwritten signature in black ink, appearing to read "Max Huntsman", written over the printed name and title.

SUBJECT: **REPORT BACK ON DIGNITY AND HEALTH FOR PEOPLE WHO ARE INCARCERATED: ENSURING ACCESSIBILITY TO MENSTRUAL PRODUCTS IN THE LOS ANGELES COUNTY PROBATION DETENTION FACILITIES (ITEM NO. 4, AGENDA OF JUNE 25, 2024).**

Purpose of Memorandum

On June 25, 2024, the Board of Supervisors (Board) passed a motion directing the Office of Inspector General to:

Review existing Probation Department policies to ensure compliance and alignment with AB 732 (2020); availability and accountability of menstrual products; security search concerns; and ensuring all barriers to the products are removed, including asking staff for products, and [e]nsure 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.

In response, Office of Inspector General staff inspected Unit PQ at the Los Padrinos Juvenile Hall (LPJH) and the cottages at the Dorothy Kirby Center (DKC) where menstruating youth are housed, interviewed youth and staff at each facility, reviewed current policies on access to menstrual products and search procedures, and requested

review of any complaints filed by youth alleging lack of access to menstrual products or inappropriate searches of menstruating youth by staff at LPJH or DKC.

POLICY ALIGNMENT WITH PRIOR BOARD MOTION AND CALIFORNIA LAW:

In recent years, both the Board and the California Legislature have taken action to ensure that youth confined in local juvenile facilities have ready access to menstrual products.

In 2017, the Board passed a motion supporting expanded access to menstrual products for incarcerated youth and directing the Probation Department to update its policies as necessary “to allow young women a choice as to what feminine hygiene products they receive as well as procedures in place to allow young women to have sufficient access to these products and to use the restroom as frequently as needed in order to safely and humanely use these products.”¹

In response, the Probation Department updated its policies on “female hygiene products” to state:

All female youth shall be given the *option of both feminine hygiene pads and tampons* [emphasis added] for use during menstruation. Feminine hygiene products shall be placed in an easily accessible location in plain view within the juvenile hall unit, camp dormitory or DKC cottage (...). Youth must be allowed the opportunity to use the restroom as frequently as needed to safely and humanely use these products.²

In 2020, the California Legislature enacted [Assembly Bill 732](#) (AB 732), which amended state law to specify that any menstruating person confined in a state prison or local detention facility must be provided with “materials necessary for personal hygiene with regard to their menstrual cycle and reproductive system, including, but not limited to, sanitary pads and tampons, at no cost to the person.”³ In 2024, the Legislature enacted

¹ Board Motion, [Promoting Dignity for Young Women and Girls in the Probation Camps and Juvenile Halls](#) (Jan. 10, 2017).

² Probation Department Directive No. 1401, issued June 7, 2017 and [Detention Services Bureau, 632: Feminine Hygiene Products](#).

³ AB 732 modifies two provisions of state law that address access to menstrual products in adult facilities: Penal Code section 3409, which applies to state prisons, and Penal Code section 4023.5, which applies to local detention facilities. The availability of menstrual products for juvenile detention facilities is governed by Welfare and Institutions Code section 221, which AB 732 did not amend. Because the Board motion directs the Office of Inspector General to determine if the Probation Department’s policies align with AB 732, this report addresses that alignment.

[Assembly Bill 1810](#) (AB 1810), requiring that individuals confined in local juvenile facilities have ready access to menstrual products “without needing to request” them.⁴ These changes work to ensure that detained individuals have access to a variety of menstrual products.

The requirement in Probation Department policy that the Department provide menstruating youth with “both feminine hygiene pads and tampons” complies with the requirements of the Board’s 2017 motion and meets the minimum requirements of AB 732 for adult facilities. However, AB 732 contemplates providing a broader choice of menstrual products “including, but not limited to” sanitary pads and tampons.” The Department should revise its policy to include the phrase “but not limited to, sanitary pads and tampons” in order to align with AB 732 and ensure youth have access to a variety of menstrual products as requested by the Board motion.

Probation Department policy requires menstrual products to be placed “in an easily accessible location in plain view within the” housing unit, which would generally allow youth access without requesting them, as will be required under AB 1810, effective January 1, 2025. However, as described below, in some locations the Department provides products in locations where youth would have to request them. To ensure compliance, the Department should incorporate the language of AB 1810 into its policy by requiring that menstrual products be provided so that youth can access them “without needing to request” them.

AVAILABILITY AND ACCESSIBILITY OF MENSTRUAL PRODUCTS

The Office of Inspector General examined the actual availability of menstrual products by reviewing complaints relating to availability of menstrual products and by inspecting facilities to ensure menstrual products were readily available to youth.

Complaints. In 2021, a youth at DKC filed a complaint stating that the cardboard tampons in her cottage were “uncomfortable and get stuck” and requested tampons with plastic applicators. Probation made the request and within one month, six boxes of tampons with plastic applicators were delivered to the cottage.⁵

On the morning of January 2, 2024, a menstruating youth at Los Padrinos (housed in the medical unit at the time) filed a complaint stating that she was not receiving

⁴ *Id.*

⁵ Grievances must be resolved within ten (10) business days unless more time is needed, and youth is notified of the reason for any delays Probation Department Directive 1495, issued May 8, 2023.

postnatal supplies, including sanitary pads. In response, the youth was provided all the supplies she requested during the evening shift.

During a visit to Los Padrinos, Office of Inspector General staff spoke to a youth who stated that one time she did not have access to any menstrual products in her unit, but that the issue was quickly resolved. She added that she had not had any issues since.

Inspections of Facilities. During inspections of Unit PQ at LPJH, Office of Inspector staff observed a combination of sanitary pads, panty liners, and tampons placed in large plastic containers at the entrance of every communal bathroom. However, none of the 12 “wet rooms” (individual rooms containing beds as well as toilets and sinks) on the Q side of the unit and none of the four wet rooms on the P side of the unit had menstrual products stored in them. Therefore, occupants of wet rooms do not have access to menstrual products when they use the toilet, unless they ask staff in advance, in violation of the amendment in AB 1810 requiring menstrual products be readily available to the menstruating population “without needing to request” them.

The Probation Department policy states that “[e]ach female youth shall be provided with sanitary napkins, panty liners and tampons *as requested*” (emphasis added).⁶ The Department should update its current policy to require these products be provided in both communal bathrooms and wet rooms, without any reference to a specific request, to avoid unnecessary barriers to youth obtaining menstrual products as needed.

At DKC, none of the rooms occupied by menstruating youth contain individual toilets. Only communal bathrooms are available. During inspections, Office of Inspector General’s staff observed a combination of sanitary pads, panty liners, and tampons stored in large plastic containers and placed either outside the door of each communal bathroom, or inside each stall. However, at the Aquamarine cottage,⁷ one of the two communal bathroom stalls did not contain menstrual products. The large plastic container used to store menstrual products inside the stall was empty.

At both LPJH and DKC, Office of Inspector General staff spoke to Probation Department staff to determine how menstrual products are stored and monitored. At each facility, Office of Inspector General staff confirmed that menstrual products are stored in large closets inside each unit and cottage. However, after speaking to

⁶ Probation Department Detention Services Bureau, 508: Housekeeping: Personal Hygiene Supplies.

⁷ This cottage is a Secure Youth Treatment Facility (SYTF), a long-term facility for youth who previously would have been committed to California’s youth prison system, the Division of Juvenile Justice, before its closure on July 1, 2021.

Department staff at each facility, Office of Inspector General staff determined that inconsistent procedures are followed to monitor and ensure menstrual products are always available and accessible to youth.

According to the Probation Department policy, “[a]t the beginning of every shift, staff shall ensure that there is an adequate supply available to the youth at all times.”⁸ However, at some facilities, staff rely on youth to notify them if there is an inadequate supply of menstrual products available. To ensure adequate menstrual products are always available and accessible to menstruating youth, the Department should require staff to monitor, replenish, and document the stock levels of all menstrual products at the beginning of each shift. The Department should require staff to document the stocking of products on a written supply log or tracking sheet, which supervisors should audit to ensure compliance.

SECURITY SEARCH CONCERNS

The Probation Department authorizes strip searches and visual body cavity searches under limited circumstances.⁹ When strip searches or visual body cavity searches do occur, Department policy sets forth detailed procedures for how staff should conduct the search.¹⁰ But Department policy provides no instructions on how body searches should be conducted during a youth’s menstrual cycle and does not consider the anatomy of menstruating youth and their experience during menstruation.¹¹ At a minimum, the Probation Department should revise its policy to ensure that strip searches, if

⁸ Probation Department Directive No. 1401, issued June 7, 2017, and Detention Services Bureau, 632: Feminine Hygiene Products.

⁹ The Probation Department does not generally authorize strip searches or more intrusive visual cavity searches for any youth entering facilities but limits such searches to youth whose charges or prior offenses involve weapons, drugs, or violence. The policy requires reasonable suspicion that the youth is holding contraband that could not be detected by a pat-down search and that the search be documented in writing, with written authorization from an on-duty supervisor. See Los Angeles County Probation Department, Detention Services Bureau Policy Manual, §§ 702: Types of Searches and Definitions, 703: Searches of Youth Housed in Juvenile Facilities – General Information, 708: Intake Searches of Newly Arrested Youth, 711: Admissions Procedures – Strip Search and/or Visual Body Cavity Search.

¹⁰ For example, the Policy Manual states that Probation Department staff can instruct female youth “to raise their breasts,” and authorizes staff to “visually inspect the youth’s buttocks area, looking for any string or thread leading into the anus,” and to “[i]nstruct the youth to assume a squatting position and cough deeply. This should expel most items of contraband secreted in the rectal area.” *Id.*, § 711.

¹¹ In recent years, strip searches have been the subject of a class action lawsuit against the County involving, in part, searches of women during their menstrual cycle. [Alene Tchekmedyan, *Women in jail endured group strip searches. L.A. County to pay \\$53 million to settle suit*, Los Angeles Times \(July 16, 2019\).](#)

conducted, respect the dignity and bodily needs of menstruating youth during their menstrual cycle to the fullest extent possible.¹²

CONCLUSION AND RECOMMENDATIONS:

After review, Office of Inspector General staff found:

- 1) While Probation Department policy likely complies with the Board's 2017 motion and meets the minimum requirements of AB 732 for adult facilities, it does not allow for choice of menstrual products beyond tampons and sanitary pads.
- 2) While the Probation Department policy requiring that menstrual products be placed "in an easily accessible location in plain view within the" housing unit would generally allow most youth access without requesting them, as will be required under AB 1810, effective January 1, 2025, the policy does not provide such access to youth locked in wet rooms.
- 3) Wet rooms in Unit PQ at LPJH do not have direct access to menstrual products.
- 4) One of the communal bathrooms inside a cottage at DKC was not stocked with any menstrual products.
- 5) The Probation Department does not follow consistent procedures across different youth facilities to ensure menstrual products are available and accessible.
- 6) Since 2020, at least two youth have filed complaints have that they lacked access to a variety of menstrual products.

¹² Some juvenile justice advocates support eliminating strip searches in juvenile facilities because "the practice is invasive, degrading, and can traumatize youth." [Addressing Trauma: Eliminating Strip Searches](#), Juvenile Law Center. According to a national survey, over one-third of girls in the juvenile system report being survivors of sexual abuse. For these survivors, strip searches can be retraumatizing. *Id.* Although eliminating strip searches without a reasonable alternative to discovering contraband poses security risks, especially given recent drug use and overdoses in County juvenile facilities, the Probation Department has obtained body scanners and, on October 19, 2024, issued a policy providing that a "body scanner shall be used whenever reasonably practicable in place of a search, strip search, or body cavity search of youth unless one of those searches is reasonably necessary after the scan." Probation Dept., Directive 1519 (Oct. 19, 2024). This should allow the Probation Department to use primarily body scanners rather than strip searches for security, as the Sheriff's Department already does. See Board Motion, [Ensuring Proper Implementation and Use of Body Scanners in the Jails](#) (Aug. 7, 2018); Sheriff's Department Custody Division Manual § 5-08/020.00, [Custody Screening Program \(B-SCAN\)](#). However, the new body scanner policy does not address searches on menstruating youth, and expressly prohibits youth from using the restroom before being scanned.

- 7) Current Probation Department policies on strip searches and body cavity searches do not account for how menstruating youth should be safely and humanely searched during their menstrual cycle.

To maintain the dignity and health of menstruating youth in our juvenile facilities and ensure compliance and alignment with Board directives and California law, the Office of Inspector General makes the following recommendations:

- 1) The Probation Department should revise its policy to include the phrase “but not limited to, sanitary pads and tampons” to comply with the Board’s 2017 directive and align with AB 732 by ensuring youth have access to a variety of menstrual products.
- 2) The Probation Department should incorporate the language of AB 1810 into its policy by requiring that menstrual products be provided so that youth can access them when using the bathroom “without needing to request” them.
- 3) The Probation Department should update its current policy to require that all communal bathrooms and wet rooms used by menstruating youth be stocked with menstrual products, in order to avoid unnecessary barriers to accessing menstrual products.
- 4) The Probation Department should require staff to monitor, replenish and document the stock levels of all menstrual products at the beginning of each shift. The Department should require staff to document the stocking of products on a written supply log or tracking sheet, which supervisors should audit to ensure compliance.
- 5) The Probation Department should employ a body scanner in lieu of a strip search whenever feasible, pursuant to its new policy on Body Scanners, which it should revise to instruct staff on how to accommodate menstruating youth. To address contingencies where a more invasive search may be necessary, the Department should revise its policy on strip searches and visual cavity searches to instruct staff on searches for youth who menstruate, to ensure safe and humane body searches during their menstrual cycle.

c: Guillermo Viera Rosa, Chief Probation Officer

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