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INSPECTOR GENERAL

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February 2, 2018

TO: Chairwoman Sheila Kuehl
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Janice Hahn
Supervisor Kathryn Barger

FROM: Max Huntsman
Inspector General

SUBJECT: Services and Programs Offered to Pregnant Prisoners and Mothers

At the November 14, 2017 Board meeting, Supervisor Hilda Solis instructed the Inspector General to report back to the Board with information on the services provided to pregnant prisoners at Century Regional Detention Facility (CRDF). The Office of Inspector General monitors gender responsive programming and reproductive justice issues as part of its ongoing site visits and attendance at the Los Angeles County Sheriff's Department's (Department) monthly Gender Responsive Advisory Committee meetings. In December 2017 and January 2018, the Office of Inspector General conducted multiple site visits and met with personnel and prisoners specifically regarding the Department's provision of services to pregnant prisoners at CRDF.

Programs

As of January 2018, there were thirty-five pregnant prisoners at CRDF. The Department currently operates six programs for pregnant prisoners and mothers, and a seventh program is in the planning phase. For each program listed, the OIG has spoken with providers and participants and has reviewed curricula where available. Programs include:

Lactation Program

The Department implemented its lactation program in January 2016. This program is offered to pregnant prisoners during their initial prenatal appointments or their post-delivery assessments, and to prisoners who report that they were breastfeeding prior to incarceration. To be eligible for the program, the prisoner must pass a medical clearance, the child must be under six months old, and a designated person must commit to retrieve frozen milk weekly. Currently, there are six participants in the program and the Department makes accommodations for participants whose families can only pick up milk every two weeks.

Correctional Health Services (CHS) and the Department are doing effective outreach to pregnant and postpartum prisoners and current participants expressed to the Office of Inspector General gratitude toward the Department for its existence. The Department does not have historical data regarding the number of participants since the program's inception. However, the Department reports that no one who meets the eligibility criteria has been refused. The Office of Inspector General has commended the Department's lactation program efforts and has recommended that it begin to track participation data to highlight those efforts and prisoner participation rates.

Adults Bonding with Children (ABC) Program

The ABC Program allows for contact visits between prisoners and their children under the age of twelve. The visits occur weekly in a room that offers games, movies, activities, books and toys. Prisoners qualify for participation if they are currently enrolled in Education Based Incarceration (EBI) and meet other criteria based upon prisoners' bail amounts, current charges and criminal histories. The Department reports that in the last six months, 36 prisoners were approved for participation in ABC and 120 were rejected. The program currently has seven prisoner participants and ten children.

The ABC program and the custody assistant who runs ABC are highly regarded by the prisoners and their families, and the Office of Inspector General has recommended that the Department evaluate all options for increased participation, including expanding participation criteria.

Families & Criminal Justice Miracle Project (Miracle Project)

The Miracle Project is provided through EBI and is available to parents and pregnant prisoners. It offers support groups, child custody advocacy and

offers programming in child development, pregnancy and prenatal development, human reproduction, childbirth, and the postpartum experience. The Department reports that there are currently eleven participants and two civilian instructors for the program. The Miracle Project may be beneficial to more pregnant prisoners at CRDF, however, the Office of Inspector General has not determined how many of CRDF's pregnant prisoners would participate in the program if given the opportunity.

Harriet Buhai Center for Family Law

The Harriet Buhai Program is a three-day legal clinic that educates and engages prisoners in, among other areas, dependency law, domestic violence, paternity, child support and life skills. The program is offered on a rotating schedule throughout CRDF general population housing areas.

Gender Responsive Rehabilitation (GRR) Program

The GRR Program is offered in one EBI housing module which houses pregnant and general population prisoners. It has a dedicated GRR Family Services Coordinator who maintains a caseload of pregnant and postpartum prisoners, specifically. The Family Services Coordinator works with Department of Child and Family Services (DCFS) social workers and attorneys to assist pregnant and postpartum prisoners with custody issues and provide group and individual counseling based on a therapeutic community model.

As of January 2018, the Family Services Coordinator had a caseload of eight prisoners. The program and access to the Family Services Coordinator would surely be beneficial to more of CRDF's pregnant and post partum prisoners, however, the Office of Inspector General has not determined how many additional prisoners would participate if given the opportunity. For example, some pregnant prisoners suffer from severe mental illness and program participation eligibility is dependent upon the acuity of their symptoms at the time one of the 124 spaces becomes available.

Mama's Neighborhood

Mama's Neighborhood is a Department of Health Services (DHS) program that is currently offered in the community only, but the Department has partnered with Mama's Neighborhood to expand to CRDF by the end of February 2018.

Mama's Neighborhood provides health services and referrals, assistance with depression, postpartum depression, behavioral changes, and parenting, as

well as assistance with negotiating the DCFS process to reunite with children upon release. When participants are released, their cases will be transferred to community care coordinators who will follow participants for up to 18 months. In addition to case management, Mama's Neighborhood is exploring the possibility of utilizing a registered nurse or volunteer to provide support services during labor and delivery. The Office of Inspector General will continue to monitor and report on the development and implementation of this program.

Women's Integrated Services Program (WISP Pilot)

The Department reports that the WISP pilot is a collaboration between the Department, DHS and the Los Angeles County Probation Department, and provides services to CRDF general population prisoners with non-violent offenses. WISP Pilot probation personnel work with prisoners to determine their post release probation plans where necessary. Two WISP Pilot social workers and two deputy probation officers conduct a comprehensive assessment and work with prisoners on re-entry planning as well as access to services while in custody and in the community upon release. The Department reports that, as of January 2018, there were nine participants in the program.

Drinking Water

Over the last three years, the Office of Inspector General has received complaints regarding the taste, quality and sanitation of the water at CRDF. On multiple occasions, Office of Inspector General personnel have observed drain fly and larvae infestations¹ in sink holes and drains throughout the facility. The Department has stated that the infestations are caused by the prisoners putting food down the drain and are exacerbated by the prisoners clogging sink holes and drains with tissue paper (in efforts to control infestations).

Water conditions were also identified in a March 2016 letter to the Department from the Sybil Brand Commission which reported "brown" water quality and "gnats" in sink holes. In April 2016, the Department issued a Corrective Action Plan (CAP) that promised the installation of a facility-wide filtration system as well as weekly pest control and thorough facility cleanings.

¹ These flies live and breed in the organic matter present inside moist drains.

Facilities Services Bureau (FSB) personnel confirmed that the filtration system was installed in July 2016, and that the Department tests the chlorine levels twice monthly to ensure compliance with the California Environmental Protection Agency's standard for the allowable chlorine levels in drinking water.² Office of Inspector General personnel confirmed weekly visits from a pest control agency. However, pest control efforts are not facility-wide each week and do not address drain fly and larvae infestations.

The facility reports that it allows for weekly "double scrubs" of each module, but drain solvent is not regularly provided, and the infestations are not specifically addressed. In its April 2016 CAP, the Department indicated that its long-term plan is the replacement of all CRDF underground pipes. Department personnel indicate that new pipes are still necessary to improve the water quality generally, and that frequent and thorough drain cleaning with the correct solvents is necessary to eliminate the infestations specifically.

Facility leadership expresses concern about the infestations and professes a genuine desire to remedy them, but have indicated that underground pipe replacement is cost prohibitive and would require additional budget allocations to implement. The Office of Inspector General has recommended that the Department make available to prisoners, trustees and anyone responsible for housing-unit sanitation, sufficient cleaning supplies to address *all* module sanitation needs. The Department has committed to the purchase of sufficient drain solvent for the regular treatment of every affected housing area until a permanent solution can be identified and implemented.

Although the water is tested regularly and is deemed safe to drink, the presence of flies and larvae in the drains from which the drinking water is dispensed is concerning. The Office of Inspector General and Department personnel have received confirmation that some prisoners, including pregnant prisoners, are disinclined to drink the water because of its perceived danger and/or poor taste.

Until recently, all CRDF prisoners were limited to the purchase of five bottles of water per week from commissary. Additional bottles could be purchased through vending machines if prisoners had sufficient funds. In response to

² The California Environmental Protection Agency's allowable chlorine in tap water is no more than 4.0 parts per million and the Department documents indicate that on December 28, 2017, the chlorine levels were within compliance. The Department also notes that the tap water inside the facility is from the same civic water supply that is available in the surrounding community.

Office of Inspector General concerns, the Department now allows pregnant prisoners to purchase as much water as they need from commissary. Indigent pregnant prisoners who cannot afford to purchase water are still limited to tap water from the sink.

Because pregnant prisoners are advised to drink two liters of water per day, the Office of Inspector General has recommended that the Department pursue all available solutions to all water-related issues and implement identified solutions as soon as possible. The Department reports that it is in the process of exploring the feasibility of the installation of additional water filtration systems to the communal sinks in all housing areas at CRDF. The Office of Inspector General will continue to monitor the Department's progress in this area.

Prenatal Diets

In monitoring dietary accommodations for pregnant prisoners, the Office of Inspector General spoke with five Los Angeles County Medical Center (LCHMC) obstetricians as well as prisoners and Department and CHS personnel. The CRDF Director of Women's Health Services stated that pregnant prisoners are advised not to consume cold-cut meats for various health reasons, some potentially serious. The Office of Inspector General has received complaints from pregnant prisoners that they have been given cold-cut meats in their custody diets. LCHMC medical personnel reported to the Office of Inspector General that they, too, have received similar complaints from CRDF prisoners.

CRDF personnel explained that, at times, pregnant prisoners do not receive their prenatal diets if they change housing locations, and if staff on the floor are not immediately notified of special diet accommodations. The Department has committed to brief all custody personnel on the handling of prenatal diets to ensure that no breaks occur as prisoners change housing locations, and to ensure that prenatal diets are accurately labeled.

Recreation Time

Department personnel have reported, and eUDAL documentation confirms, that CRDF housing locations are generally limiting unstructured recreation time to an average of two hours per day. The Department correctly notes that this exceeds the minimum three hours weekly identified in California Code of Regulations Title 15 Minimum Standards for Local Detention Facilities. For the remaining twenty-two hours, unless otherwise engaged in structured programs or treatment, prisoners may be confined to their cells

or bunks. This includes pregnant prisoners and those who are assigned to sleep in triple bunks in module dayrooms. The current housing and out-of-cell schedules are insufficient for pregnant prisoners and are inconsistent with a direct-supervision model which is widely regarded as more suitable for women's facilities.

The Department reports that it cannot offer additional out-of-cell time for 120-prisoner housing modules without additional assigned personnel. If so, the Department must re-evaluate and adjust existing resources to increase out-of-cell time for all prisoners, and particularly for those who are pregnant. In the interim, the Office of Inspector General has recommended that the Department permit prisoners to eat meals in housing unit dayrooms. This will increase out-of-cell direct supervision time, and may decrease fly infestation issues if prisoners and personnel can ensure that food is disposed of in dayroom trash bins rather than toilets inside prisoners' cells. The Department has agreed to permit prisoners to eat two meals in module common areas, and the Office of Inspector General will continue to monitor the Department's progress in increasing unstructured recreation time.

Restraint of Pregnant Prisoners

The Office of Inspector General received several complaints from pregnant prisoners that they have been "dragged around" while restrained to non-pregnant prisoners during transport to and from court. Department personnel confirmed that general population prisoners, including pregnant prisoners, were being transported in fours, and handcuffed together by one hand each. The four single cuffs were connected to chain tethers that intersect at a locking mechanism centered between them. This form of restraint subjects each prisoner to the movements of others and may not be safe for physically vulnerable or pregnant prisoners.

The Department was responsive to these complaints and reports that it has now discontinued the practice of tethering pregnant prisoners to other prisoners. The Office of Inspector General will continue to monitor the Department's use of restraints on pregnant prisoners.

The Custody Division Manual states that a prisoner "in labor, during delivery, or in recovery after delivery, shall not be restrained by the waist, wrists, or ankles." The Office of Inspector General conducted an unannounced visit with a pregnant prisoner in active labor at LCMC and verified that she was not restrained. Prisoners are left unrestrained for two to three hours post-delivery and interviews with postpartum prisoners revealed that the

Department complies with this requirement and has made efforts to extend the amount of time prisoners are unrestrained post-delivery.

Support Services During Labor

In December 2016, the Office of Inspector General reported that the Department had partnered with the American Civil Liberties Union to coordinate doula services to assist prisoners during child birth. Doula services would be especially valuable because family is not permitted to be present during labor and delivery. In December 2017, the Department reported that the doula program was never implemented due to liability and security concerns. For example, the Department is concerned that volunteers may violate security policies, such as notifying family members who have been barred from notification when a prisoner is going into labor.

The Department recognizes that pregnant prisoners should not be without emotional support during labor and delivery, and that these services are more appropriately planned and implemented by medical personnel and CHS. The Department has expressed a commitment to increasing support services during labor and delivery through the Mama's Neighborhood program.

The Office of Inspector General has recommended that:

- CHS, DHS and the Department collaborate in the development of a policy that allows for the provision of sufficient support services during labor and delivery.
- the policy include the presence of family during delivery, where possible, and that the specific support provided be communicated to prisoners and everyone involved in their care and security, prior to delivery, and as part of a comprehensive birth plan.

LCMC Unit Order 8-22-010 states that prisoners in the open ward,³ which is where prisoners deliver, are not permitted to make phone calls.

The Office of Inspector General has recommended that:

- the Department, CHS, and DHS develop policy and procedure that allow for advance communication between facility medical personnel, custody leadership, prisoners, and prisoners' loved ones.

³ The unsecure area of the Los Angeles County Medical Center.

- phone calls be arranged in advance with additional discretion for deputies to increase phone access if time and operations permit.
- that calls be permitted when prisoners arrive at the hospital, as well as pre and post delivery.

Visits with Newborn

Prisoners who deliver at LCMC are permitted to have varied contact with their newborns for the duration of their hospital stays. According to LCMC custody personnel, deputies take into account prisoner behavior, attitude, and criminal history when making these determinations.

The Office of Inspector General has recommended, and the Department agrees, that if and how these factors impact the time prisoners may spend with their newborns should not be determined solely by custody personnel. As with emotional support services during labor and delivery, the Office of Inspector General has recommended that determinations about the amount of time prisoners spend with their newborns be a collaborative effort between medical, mental health, and custody personnel.

The Office of Inspector General has recommended that prisoners' preferences receive strong consideration, that determinations be part of comprehensive birth plans, that they be communicated to prisoners and their loved ones in advance, and that any deviation from a plan that limits visits be clearly articulated in writing and communicated at the earliest available opportunity. The Department has committed to ensuring that prisoners who are determined not to pose a threat, are permitted the maximum amount of time with their newborns, including rooming in where possible. The Office of Inspector General will continue to monitor the amount of time prisoners are permitted to spend with their newborns.

Conclusion

The Department has expressed a commitment to providing pregnant prisoners with the necessary tools, resources, and accommodations to assist them while in custody and during their transition back to the community.

The Department has dedicated a full time, unfunded custody assistant to tracking and facilitating services for pregnant prisoners. The Office of Inspector General receives positive remarks from prisoners about the nurse

practitioner and custody assistant assigned to their care. Prisoners describe them as kind and attentive to their questions and concerns, which are essential to limiting stress and supporting safety during childbirth. These personnel may be excellent candidates to plan and implement the above recommendations should the Department dedicate appropriate resources to the effort.

The Office of Inspector General commends the Department for its commitment to reproductive justice for Los Angeles County prisoners and will continue to monitor the Department's progress at CRDF.

If you have any questions please contact me at (213) 974-6100.

MH:vb:nz

c: Jim McDonnell, Sheriff
Sachi A. Hamai, Chief Executive Officer
Lori Glasgow, Executive Officer
Mary C. Wickham, County Counsel
Mark Ghaly, Deputy Director, Community Health



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



February 7, 2018

Max Huntsman, Inspector General
Los Angeles County Office of Inspector General
312 South Hill Street, 3rd Floor
Los Angeles, California 90013

Dear Mr. Huntsman:

**RESPONSE TO THE LOS ANGELES COUNTY OFFICE OF INSPECTOR GENERAL
REPORT TO THE BOARD OF SUPERVISORS REGARDING SERVICES AND
PROGRAMS OFFERED TO PREGNANT PRISONERS**

Attached is the Los Angeles County Sheriff's Department's (Department) response to the Los Angeles County Office of Inspector General's (OIG) final report entitled, "Services and Programs Offered to Pregnant Prisoners and Mothers."

I thank you and your staff for your efforts in monitoring the various Department reforms. I would like to address a few of the topics covered in the report, and I have therefore provided a response in the attached document.

The effort and dedication made by members of the OIG to execute this report are greatly appreciated by the Department. The Department will continually strive to meet and/or exceed the recommendations of this report.

The Audit and Accountability Bureau has the responsibility to monitor and document the Department's response related to this evaluation. Should you have any questions regarding the Department's response, please contact Captain Steven E. Gross at (323) 307-8302.

Sincerely,

JIM McDONNELL
SHERIFF

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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— Since 1850 —

**RESPONSE TO THE LOS ANGELES COUNTY OFFICE OF INSPECTOR GENERAL
REPORT TO THE BOARD OF SUPERVISORS REGARDING SERVICES TO
PREGNANT PRISONERS**

COUNTY OF LOS ANGELES – SHERIFF

**SUBJECT: SERVICES AND PROGRAMS OFFERED TO PREGNANT PRISONERS
AND MOTHERS**

RESPONSE TO RECOMMENDATIONS BY THE OIG:

1. The Office of Inspector General recommends the Department evaluate all options for increased participation, including expanding participation criteria.

The Department does not oppose this recommendation and will re-evaluate the available space for expansion of the program as well as current criteria used to select participants.

2. The Office of Inspector General suggests the Gender Responsive Rehabilitation (GRR) program may be beneficial to more pregnant and postpartum women at Century Regional Detention Facility (CRDF).

The GRR program is focused on women who have suffered trauma. The women are assessed on the specific type of trauma they have endured (Domestic Violence vs. Human Trafficking), and they are provided services specific to their needs. There are pregnant women in this program and they do receive services specific to their pregnancy as well as trauma. However, pregnancy and childbirth are not the primary focus of this elective program. The GRR program is one of four eight-week, Education Based Incarceration (EBI) programs in which a woman in CRDF custody may elect to participate (High School Module 2500, Substance Treatment and Re-Entry Transition [START] program Module 3600, Life Skills Module 2700, GRR Healthright 360 Module 3500).

Additionally, all pregnant inmates are encouraged to participate in the Families and Criminal Justice Miracle Project. This project is also offered through EBI and offers prenatal, infant and child development services. This program is focused entirely on the needs of pregnant women in custody and provides continuation of care in their homes after release from custody. This program is elective. However, the mother may choose to attend this program simultaneously with the other EBI programs.

3. The Office of Inspector General recommends the Department make available to prisoners, trustees and anyone responsible for housing unit sanitation, sufficient cleaning supplies to address *all* module sanitation needs.

The Department concurs with this recommendation, with the noted exception that prisoners in housing would not be supplied with caustic chemicals or poisons that pose a risk to them, or that pose a risk of assault to other prisoners and staff. In lieu of this, CRDF has developed a schedule and methodology of cleaning sinks and drains with a dedicated work crew utilizing pressure cleaning and vacuums followed by chemicals to eliminate the issue of infestations.

4. The Office of Inspector General recommends that the Department pursue all available solutions to resolve all water related issues and implement identified solutions as soon as possible.

The Department's Facilities Services Bureau (FSB), which is responsible for the maintenance and renovation of all custody facilities, confirmed the water distributed inside CRDF is the same water distributed to homes in the surrounding community. All of the supply lines inside the facility are copper, and do not affect water quality. The underground pipes are steel with a liner/coating on the inside. They do not affect water quality unless they burst. While there is a long-term plan to replace underground water supply pipes, it is not related to water quality or taste. The filtration system installed at CRDF in 2016 is designed to filter sediment and silt from our system when the Lynwood Water Department flushes its system. As the largest user of water in the area, CRDF received the greatest amount of silt when these flushes occurred, which resulted in an amber brown cast to the water. The filter is designed to minimize this consequence.

FSB informed the Department that we cannot treat water because we are not a *purveyor* of water.

FSB added that repeated tests, including those supplied to the Department of Public Health, all show the water inside the facility is potable and within California State Water Resources Control Board standards.

Going forward, the Department is committed to aggressively monitoring the water situation at CRDF, and should any issues arise, we will immediately address the situation and notify both the Office of Inspector General and the California State Water Resources Control Board.

5. The Office of Inspector General has received complaints from pregnant prisoners that they have been given cold-cut meats in their custody diet.

The Department dieticians do not include cold-cut meats in the special diets provided to pregnant women. There have been occasions when a pregnant prisoner may not have received her prenatal special diet because she has moved housing locations. The special diets are planned and prepared one day in advance, so they would be delivered to the previous housing locations. The Department has recently developed a system to update dieticians the moment a pregnant inmate has transferred to a different housing location to ensure delivery of the special diet meals.

to the correct location. Additionally, personnel assigned to CRDF were briefed that they cannot provide cold-cut meats to a pregnant prisoner. A unit order on the subject of prenatal diets is pending. Effective immediately, to assist in encouraging pregnant inmates to drink more water, the Department will also be adding bottled water to each special diet meal and evening snack (totaling: 2 liters).

6. The Office of Inspector General recommends CHS, DHS and the Department collaborate in the development of sufficient support services during labor and delivery.

The Department agrees with this recommendation and is looking forward to the benefit Mama's Neighborhood brings to this collaboration.

7. The Office of Inspector General recommends that determinations about newborn visits should be a collaborative effort between medical, mental health and custody personnel.

The Department agrees with this recommendation and is consulting with CHS, DHS and the Department of Children and Family Services to develop written policies at LCMC and CRDF, which will set forth the criteria to be used when making determinations about newborn visits.