



ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

OFFICE OF THE SHERIFF

August 7, 2020

Honorable Kirk Nakamura
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

RE: Response to 2019-20 Orange County Grand Jury report, "*Maternal Health Care While Incarcerated.*"

Dear Judge Nakamura:

In accordance with Penal Code sections 933 and 933.05, enclosed please find my response to the 2019-20 Orange County Grand Jury report, "*Maternal Health Care While Incarcerated.*"

Unfortunately this report contains significant inaccuracies. Each of the inaccuracies were brought to the attention of the Grand Jury prior to publication, but almost all were ignored. Inaccurate reports by a Grand Jury have real consequence and undermine the trust between local government and the citizens we serve. It is imperative that the Court provide jurors with oversight and guidance to ensure that reports issued are not only complete, but also factually correct.

Going forward, I recommend the Grand Jury reinstitute their former practice of meeting with relevant staff to review draft reports. This process ensured inaccurate or unclear information was fully addressed prior to publication. Differences of opinion will happen, but the factual information contained in a report must be vetted and true. I urge the 2020-2021 Grand Jury to follow the past review procedures as it will strengthen the validity of their findings and recommendations.

If you have any questions, please do not hesitate to contact my office. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Don Barnes".

Don Barnes
Sheriff-Coroner

cc: Grand Jury Foreperson
Members, Orange County Board of Supervisors
Frank Kim, County Executive Officer

Orange County Sheriff's Department
Response to Findings and Recommendations
2019-2020 Orange County Grand Jury Report
"Maternal Health Care While Incarcerated"

FINDINGS

F.1.

The 2018-2019 Grand Jury recommended that four interview cubicles be constructed by the Orange County Sheriff's Department at the Intake Release Center. The Orange County Sheriff's Department agreed with that recommendation. However, as of the date of the publication of this report, the construction of the four cubicles had not been completed.

Response: *Disagrees with finding.*

This statement is inaccurate. The planned construction at the IRC was announced prior to the release of the 2018-019 Grand Jury's report. OCSD identified the need for this change and is in the process of construction. The Grand Jury Report did not contribute to this decision.

F.7.

Although pregnant inmates were correctly identified by Correctional Health Services during the intake booking process with a pink tag (wristband), they were not consistently assigned to a low bunk or a low tier as is required for pregnant inmates.

Response: *Disagrees with finding.*

The Grand Jury's report narrative does not accurately reflect changes made in the past year. The example noted on Page 10 would be better addressed if the Grand Jury provided specific dates so a proper investigation can be conducted.

F.8.

At the time of the Grand Jury's visit to the Women's Central Jail, inmates were not issued pink pants to identify them as being pregnant as is required by the current Clothing Identification system.

Response: *Disagrees with finding.*

This finding creates a false impression. At the time of the Grand Jury's initial tour in 2019, pink clothing had not yet been issued to pregnant inmates due to the fact that the new classification system was at the beginning stages of implementation. At the request of the Grand Jury, on May 18, 2020 my staff provided a photo of inmates wearing the appropriate clothing. This fact was omitted from the report. Pregnant inmates currently wear pink clothing.

F.11.

Pregnant inmates were not consistently provided an extra mattress if pregnancy was > 26 weeks as required.

Response: *Disagrees with finding.*

Pregnant inmates are provided an extra mattress as required.

F.12.

There are irregularities with respect to enforcement of the newly implemented policy prohibiting the use of waist restraints on pregnant inmates.

Response: *Disagrees with finding.*

The Grand Jury's discussion on Pages 11 and 12 of their report regarding the use of restraints during court transportation relies on old information that does not take into account current policy and procedures. The report should acknowledge the work that has been done and the current state of affairs.

F.13.

Many inmates choose to launder their clothes in their cells between scheduled clothing exchanges.

Response: *Agrees with finding.*

Inmates may choose to rinse their clothing in between exchanges.

F.15.

Orange County Sheriff's Department Food Services Unit has modified the standard diet for pregnant inmates to address their nutritional dietary needs.

Response: *Agrees with finding.*

F.16.

Dehydration is common among pregnant inmates in the Central Women's Jail.

Response: *Disagrees with finding.*

This is broad statement without substantial documentation to support the allegation. All inmates have regular access to water in their housing units.

F.17.

Individual units of water are not available for purchase at the jail commissary.

Response: *Agrees with finding.*

All inmates have access to water in their housing units. As the Grand Jury was advised, individual units of water cannot be sold to inmates due to security concerns. Water bottles have been used to hide contraband or make alcohol. There have also been instances where inmates have filled bottles with human waste and spray them at the deputies. Inmate Services staff have looked at bagged water, but the packaging was found to be flammable.

F.23.

Contracted service providers are not aware of and do not have access to the Orange County Jail policies regarding the monitoring and securing of pregnant inmates.

Response: *Partially disagrees with finding.*

While there may be instances of contract service providers not being aware of policies regarding the monitoring and securing of pregnant inmates, this finding is overly broad.

F.24.

Orange County Sheriff's Department may be required to provide emergency medical care to pregnant inmates.

Response: *Agrees with finding.*

RECOMMENDATIONS:

R.1.

The Orange County Grand Jury recommends that the Orange County Sheriff's Department be monitored for the completion of the reconfiguration on the screening area at the Intake Release Center by newly scheduled date of December 2020.

Response: *This recommendation will not be implemented because it is not warranted or reasonable.*

The Sheriff has the prerogative to manage projects within the department. The IRC reconfiguration project began at the initiation of the Sheriff and will be completed as pandemic conditions and funding availability allow.

R.5.

The Orange County Grand Jury recommends that pregnant inmate's records be audited to ensure that they receive the accommodations to which they are entitled to.

Response: *The Sheriff's Department defers to the Orange County Health Care Agency's response to this recommendation.*

R.6.

The Orange County Grand Jury recommends that pregnant inmates be consistently issued pink pants to accurately identify their classification.

Response: *This recommendation is not warranted.*

As demonstrated to the Grand Jury on May 18, 2020, pregnant inmates are already issued pink clothing to accurately identify their classification.

R.9.

The Orange County Grand Jury recommends that OCJ provide clean undergarments (i.e., underwear) for each day of the week for female inmates.

Response: *The recommendation will not be implemented because it is not warranted.*

The Sheriff's Department conducts clothing exchanges consistent with the standards set forth in Title 15 of the California Code of Regulations.

R.10.

The Orange County Grand Jury recommends that inmates be advised that the only way to reliably remove organisms that can cause disease from clothes is to use the institutional laundry.

Response: *This recommendation will not be implemented because it is not warranted.*

The Sheriff's Department encourages inmates to participate in the clothing exchanges that take place on a regular basis.

R.13.

The Orange County Grand Jury recommends that individual units of water be available for purchase at the jail commissary.

Response: *This recommendation will not be implemented because it is not reasonable.*

All inmates have access to water in their housing units. As the Grand Jury was advised, individual units of water cannot be sold to inmates due to security concerns. Water bottles have been used to hide contraband or make alcohol. There have also been instances where inmates have filled bottles with human waste and spray them at the deputies. Inmate Services staff have looked at bagged water, but the packaging was found to be flammable.

R.18.

The Orange County Grand Jury recommends that contracted service providers with the Orange County Jail be provided with policies regarding the monitoring and securing of pregnant inmates.

Response: *This recommendation will be implemented.*

The Sheriff's Department will work with Correctional Health Services to ensure contracted service providers have information on policies regarding the monitoring and securing of pregnant inmates.

R.19

The Orange County Grand Jury recommends that the Orange County Sheriff's Department conduct training that insures that all personnel are properly trained and certified to perform the type of health care, including childbirth, that they may be called on to perform.

Response: *This recommendation will not be implemented because it is not warranted.*

Sheriff's deputies receive regular CPR training and other lifesaving training. This training is consistent with best practices. Additionally the Orange County Jail has medical staff present 24/7. The current training for Sheriff's personnel and the staffing of medical personnel are sufficient.

R.21.

The Orange County Grand Jury recommends that all jail personnel be regularly trained on policies for pregnant inmates and that activities be supervised to ensure compliance.

Response: *This recommendation is not warranted.*

Sheriff personnel already receive training on jail standards and compliance is ensured by supervisors.