

LACTATION JUSTICE IN JAILS: A COALITION APPROACH



Ruth Dawson, Policy Counsel

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1

1

- ♥ Communicate the need for lactation support for incarcerated folks
- ♥ Explain genesis and passage of AB 2507
- ♥ Unpack how a statewide coalition coalesced to influence a bill, and now to implement it
- ♥ Plug in to help with implementation

GOALS

2

2

WHO'S IN THE ROOM

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REPRODUCTIVE JUSTICE

- LGBTQ, Gender & Reproductive Justice Project
- Reproductive justice is achieved when every person can decide if, when, and how to have children, and to raise the children they have with dignity and respect.
- Reproductive health, rights, and justice operate cooperatively.

For more on RJ, visit: <http://www.colorlatina.org/content/reproductive-justice>

4

4

REPRODUCTIVE JUSTICE IN JAILS + PRISONS

- 62% of women in state prisons have minor children
- 64% of those mothers lived with their children prior to incarceration
- 1.3 million children have mothers who are incarcerated in the US
- 5% of people in jails nationwide are pregnant at admission
- 85-90% of women report having survived sexual or domestic abuse prior to incarceration

5

5

REPRODUCTIVE JUSTICE IN JAILS + PRISONS

- CA jails and prisons must provide:
 - Necessary reproductive health care
 - Information and education on repro health topics
 - Protection from sexual assault
 - Pregnancy-related accommodations
- Currently, law is clearer on stronger about prisons than jails. (But -> current bill proposed.)
- We know what is required is not often provided, per people's lived experiences.

6

6

A NOTE ON LANGUAGE

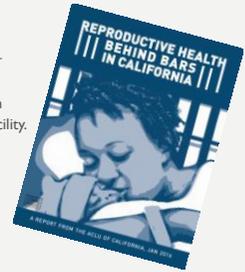
- Our work and this presentation focus particularly on the needs of women (both cisgender and transgender), of transgender men, and of nonbinary folks.
 - Cisgender refers to people whose gender identity – one's inner sense of being male, female, or another gender – is the same as their sex assigned at birth.
 - Transgender refers to people whose gender identity differs from their assigned or presumed sex at birth.
- “Pregnant people,” “people who lactate”

7

7

LACTATION IN JAILS

- Focus on reproductive justice in jails throughout the state
 - Reproductive Health Behind Bars
 - Tool to Assess and Reform Policies + Practices
- We had dozens of conversations with people at the LA County women's facility. We listened.
- Primary concerns:
 - Pregnant/ postpartum diet
 - Pre-natal care
 - Giving birth alone
 - Lactation accommodations
 - including pump + pick-up



8

8

Instructions

- ▽ Turn to your neighbor
- ▽ Take 3 minutes to answer the question : What are some issues incarcerated people may face regarding lactation?

**PAIR
SHARE**

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9

UNDERSTANDING THE LAW

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BEFORE AB 2507

- Patchwork of laws
 - Required jails to allow expression of breastmilk, but not for delivery to the child.
- Common sense to connect the dots.
- Centering the voices of those most impacted -> strong desire to deliver milk.

11

11

MORE + MORE POLICIES AT LOCAL LEVEL

- LA County
- SF County
- Santa Clara County
- ★ Kern County
 - Pump + pick up
 - No time limit
 - To relieve discomfort, maintain milk supply, and/or prevent infection
 - Arrangements for delivery to child
 - Pregnant people notified of this possibility and educated as to benefits of breastfeeding



Pumping breast milk from behind bars? LA County jails launch lactation pilot program - MyNewsLA.com
A 19-year-old woman jailed for identity theft gave birth to a son on Sunday at the Century Regional Detention facility in Inglewood, where she is participating in a...

12

12

AB 2507

- Sponsored by Assemblyman Reggie Jones-Sawyer in 2018
 - Passed + signed into law!
- This law lives in California Penal Code § 4002.5
- Bill requires that by January 2020, jails:
 - "...develop and implement an infant and toddler breast milk feeding policy for lactating inmates detained in or sentenced to a county jail. The policy shall be based on currently accepted best practices."

13

13

AB 2507

- The policy must include:
 - (1) Procedures for providing medically appropriate support and care related to the cessation of lactation or weaning.
 - (2) Procedures providing for human milk expression, disposal, and same-day storage for later retrieval and delivery to an infant or toddler by an approved person, at the option of the lactating inmate and with the approval of the facility administrator.
 - (3) Procedures for conditioning an inmate's participation in the program upon the inmate undergoing drug screening.

This law lives in the California Penal Code § 4002.5

14

14

AB 2507

- The lactation policy must be posted in all locations in the jail where medical care is provided and the provisions of the policy shall be communicated to all staff persons who interact with or oversee pregnant or lactating inmates.
- This law applies without regard to whether the jail is operated pursuant to a contract with a private contractor and without regard to whether the inmate has been charged with or convicted of a crime.

This law lives in the California Penal Code § 4002.5

15

15

IMPLEMENTATION PROCESS TODAY

- The CA Breastfeeding Coalition has coalesced a group of advocates:
 - Breastfeeding/ lactation advocates
 - Legal and policy advocates
 - Medical professionals
 - Lactation professionals
- Drafting a model policy, with a focus on mitigating any harm due to the drug screening provision.
- Every county in CA (all 58!) will have to have a policy in place by 2020.
- If you're interested in helping make sure your local jails are implementing, this law, and well, contact us!

16

16

QUESTIONS & RESOURCES

- *Reproductive Health Behind Bars in California*, ACLU of California (2016)
 - Report
 - Tool to Assess and Reform Policies and Practices
 - Know Your Rights document for incarcerated people
- *Bias Behind Bars*, The Women's Foundation of California (2014)
- American College of Obstetricians and Gynecologists (ACOG)
 - Multiple policy statements
- *Standards for Health Services in Jails*, National Commission on Correctional Health Care (2014)
- *Standards for Health Services in Correctional Facilities*, American Public Health Association (2003)
- *Who Pays? The True Cost of Incarceration on Families*, Ella Baker Center for Human Rights and Forward Together (2015)

17

17

- rdawson@aclusocal.org
- (213) 977-5258
- 1313 West 8th Street,
Los Angeles, CA 90017

CONTACT US!

Further questions, concerns, or advocacy needed?

I can also put you in touch with folks from other ACLU affiliates and projects.

18

18