



# County of Orange

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County Executive Office

August 25, 2020

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

Subject: Response to Grand Jury Report, "Maternal Health Care While Incarcerated"

Dear Judge Nakamura:

Per your request, and in accordance with Penal Code 933, please find the County of Orange response to the subject report as approved by the Board of Supervisors. The respondents are the Orange County Board of Supervisors and the County Executive Office.

If you have any questions, please contact Lala Oca Ragen of the County Executive Office at 714-834-7219.

Sincerely,

Frank Kim  
County Executive Officer

Enclosure

cc: Orange County Grand Jury  
Lala Oca Ragen, Assistant Deputy Chief Operating Officer, County Executive Office



Responses to Findings and Recommendations  
2019-20 Grand Jury Report:

*“Maternal Health Care While Incarcerated”*

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SUMMARY RESPONSE STATEMENT:

On June 26, 2020, the Grand Jury released a report entitled “Maternal Health Care While Incarcerated.” This report directed responses to findings and recommendations to the Orange County Board of Supervisors (Board), the Orange County Sheriff-Coroner Department (OCSD), and Orange County Health Care Agency/Correctional Health Services HCA/CHS). OCSD will be filing its response separately as outlined in the Penal Code. The response below is the collective response of the Board and HCA/CHS:

FINDINGS AND RESPONSES:

**F1. 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:** Defers to OCSD.

**F2. The *Statement of Booking Officer* form does not question if an arrestee is or could be pregnant when processed into the Orange County Jail, potentially resulting in inmates receiving the wrong care and/or placement.**

**Response:** **Disagrees partially with the finding.** The Statement of Booking Officer form is intended to identify urgent issues or incidents that occurred at or around the time of arrest. A comprehensive screening is conducted by licensed health professionals immediately upon booking that includes identifying if an individual is pregnant.

**F3. Taking blood pressure when an arrestee is handcuffed behind the back could result in an inaccurate reading, potentially resulting in improper care and/or placement.**

Response: Agrees with the finding.

F4. All the printed reports of pregnant inmates' electronic medical records were found to be incomplete with missing data.

Response: **Disagrees wholly with the finding.** Electronic health record systems are each unique in the way that data is presented. Individuals not familiar with the system may have difficulty finding information without assistance. Correctional Health Services offered to meet with members of the Grand Jury to assist in navigating the records provided, but the offer was not accepted.

F5. Correctional Health Services routinely performed pregnancy testing during the intake booking process.

Response: Agrees with the finding.

F6. Correctional Health Services consistently issued pink tags (wristbands) during the intake booking process identifying inmates as pregnant or possibly pregnant.

Response: Agrees with the finding.

F7. 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: Defers to OCSD.

F8. 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: Defers to OCSD.

F9. The *Pregnant Inmate Information* form does not include all of the required standards and policies governing pregnant inmates.

Response: Agrees with the finding.

**F10. Medical care refusal acknowledgement forms were not correctly completed in that the signature line was blank with neither the inmate's signature nor a staff notation of "refused" indicating that the inmate refused to sign the form.**

**Response: Disagrees wholly with this finding.** Health records that were provided to the Grand Jury were reviewed and this was not found to be an issue.

**F11. Pregnant inmates were not consistently provided an extra mattress if pregnancy was  $\geq$  26 weeks as required.**

**Response: Disagrees wholly with this finding.** The Grand Jury report does not contain information and data upon which to respond to this finding.

**F12. There are irregularities with respect to enforcement of the newly implemented policy prohibiting the use of waist restraints on pregnant inmates.**

**Response: Defers to OCSD.**

**F13. Many inmates choose to launder their clothes in their cells between scheduled clothing exchanges.**

**Response: Defers to OCSD.**

**F14. Once identified as pregnant, Correctional Health Services provides daily prenatal vitamins to inmates.**

**Response: Agrees with the finding.**

**F15. Orange County Sheriff's Department Food Services Unit has modified the standard diet for pregnant inmates to address their nutritional dietary needs.**

**Response: Defers to OCSD.**

**F16. Dehydration is common among pregnant inmates in the Central Women's Jail.**

**Response: Disagrees wholly with the finding.** The Grand Jury report does not contain information and data upon which to responds to this finding.

**F17. Individual units of water are not available for purchase at the jail commissary.**

**Response: Defers to OCSD.**

**F18. Based on the cases that were provided to the Grand Jury to review, the rate of Urinary Tract Infection among pregnant inmates in the Central Women's Jail was as high as 65%.**

**Response: Disagrees wholly with this finding.** In a review of the records provided to the Grand Jury, the rate of urinary tract infections among pregnant inmates was not 65%. Furthermore, pregnant individuals may enter the jail with a urinary tract infection.

**F19. Orange County Jail complied with ensuring that opioid dependent pregnant inmates have access to either a triage prescriber or to a prescriber on-call within 24 hours of all new bookings.**

**Response: Agrees with the finding.**

**F20. Not all opioid-dependent pregnant inmates receive adequate discharge plans and linkage of services upon their release from jail.**

**Response: Disagrees wholly with this finding.** Correctional Health Services provides discharge planning and linkage services to pregnant individuals in custody.

**F21. *Inmate Health Message Slip(s)* were not consistently documented by Correctional Health Services with date and employee number.**

**Response: Disagrees wholly with the finding.** In a review of the records provided to the Grand Jury, Correctional Health Services did not find a consistent issue with the documentation of date and employee number.

**F22. Although male inmates have access to Patient's Rights Advocates, female inmates do not have equal access to Patient's Rights Advocates.**

**Response: Disagrees wholly with the finding.** Patients' Rights Advocates are available for both male and female inmates equally.

**F23. 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: Defers to OCSD.**

F24. Orange County Sheriff's Department may be required to provide emergency medical care to pregnant inmates.

Response: Defers to OCSD.

F25. Health Care Agency contracts with one OB/GYN doctor to provide services at the Central Women's Jail only two days a week.

Response: **Agrees with the finding.** Correctional Health Services contracts with one OB/GYN doctor to provide services at the Central Jail Complex two days a week, plus contracts with a hospital-based OB/GYN physician for offsite services. Additionally, a maternal fetal medicine physician group is available for high risk cases, as needed.

F26. Although Correctional Health Services policy states that they "shall keep a list of all pregnancies and their outcomes" for inmates who were less than 20 weeks pregnant, Correctional Health Services did not track the outcomes for these pregnancies.

Response: **Disagrees wholly with the finding.** Correctional Health services tracks outcomes of pregnancies for all individuals whose pregnancies conclude while in custody.

**RECOMMENDATIONS AND RESPONSES:**

R1. 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. (F1)

Response: Defers to OCSD.

R2. The Orange County Grand Jury recommends that the Correctional Health Services amend the *Statement of Booking Officer* form to include a question about pregnancy when processing female arrestees into the Orange County Jail. (F2)

Response: The recommendation has not yet been implemented, but will be implemented **in the future.** This recommendation is currently being implemented and will be completed by 10/1/2020.

R3. The Orange County Grand Jury recommends that taking inmate's blood pressure readings with their body in a position that will result in accurate readings thereby leading to proper placement and care. (F3)

**Response:** The recommendation has not yet been implemented, but will be implemented in the future. This recommendation will be implemented when the reconfiguration on the screening area at the Intake Release Center has been completed.

**R4.** The Orange County Grand Jury recommends that Correctional Health Services provide training for jail staff to properly and accurately complete required forms and to audit the completion of these forms to assure accuracy. This will increase inmate safety and reduce County potential liability stemming from incomplete inaccurate records. (F4, F10)

**Response:** The recommendation requires further analysis. The Grand Jury report does not contain information and data upon which to respond to this recommendation. Correctional Health Services will conduct a review to determine if further action is needed.

**R5.** 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. (F7, F11)

**Response:** The recommendation has been implemented. Correctional Health is currently conducting record reviews to ensure appropriate accommodations are provided.

**R6.** The Orange County Grand Jury recommends that pregnant inmates be consistently issued pink pants to accurately identify their classification. (F8)

**Response:** Defers to OCSD.

**R7.** The Orange County Grand Jury recommends that the *Pregnant Inmate Information Standards* form be revised and updated to reflect jail standards and policies governing pregnant inmates to include an inclusive list of rights to which pregnant inmates are entitled. (F9)

**Response:** The recommendation has not yet been implemented, but will be implemented in the future. This recommendation is currently being implemented and will be completed by 10/1/2020.

**R8.** The Orange County Grand Jury recommends that female inmates be informed of their rights with respect to consenting and testing for alcohol and/or drugs and whether the test results will be kept confidential or if the results will be reported to the County of Orange Social Services Agency (F9)

**Response:** The recommendation has not yet been implemented, but will be implemented in the future. This recommendation is currently being implemented and will be completed by 10/1/2020.

**R9.** The Orange County Grand Jury recommends that OCJ provide clean undergarments (i.e., underwear) for each day of the week for female inmates. (F13)

**Response:** Defers to OCSD.

**R10.** 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. (F13)

**Response:** Defers to OCSD.

**R11.** The Orange County Grand Jury recommends that pregnant inmates' weight be consistently tracked to assure they are receiving adequate nutrition. (F4)

**Response:** This recommendation has been implemented. Assessment of weight during prenatal visits has been and will continue to be conducted.

**R12.** The Orange County Grand Jury recommends that educational materials be made available to all pregnant inmates relating to the importance of staying hydrated and the minimum recommended daily water intake during pregnancy. (F16)

**Response:** This recommendation has not yet been implemented, but will be implemented in the future. A patient education handout will be included in the educational materials provided to all pregnant individuals by 10/1/2020.

**R13.** The Orange County Grand Jury recommends that individual units of water be available for purchase at the mail commissary. (F17)

**Response:** Defers to OCSD.

**R14.** The Orange County Grand Jury recommends that the Correctional Health Services take a proactive approach on establishing guidelines and recommendations for all female inmates that will help them avoid Urinary Tract Infections. (F18)

**Response:** The recommendation will not be implemented because it is not warranted or is not reasonable. Patient education is provided to all inmates at health encounters that are individualized based on health needs.



**R15. The Orange County Grand Jury recommends that all opioid-dependent pregnant inmates receive adequate discharge plans and linkage to support services upon release from jail. (F20)**

**Response:** The recommendation has been implemented. Correctional Health Services will continue to provide discharge planning and linkage to support services for opioid-dependent pregnant inmates upon release from jail.

**R16. The Orange County Grand Jury recommends that the *Inmate Health Message Slip* “hard stamped digitally” (not hand-written or left blank) to ensure that procedures are being consistently followed and inmate health care needs are being addressed. (F21)**

**Response:** The recommendation requires further analysis. The Grand Jury report does not contain information and data upon which to respond to this recommendation. Correctional Health Services will conduct a review to determine if further action is needed.

**R17. The Orange County Grand Jury recommends that female inmates have equal access to Patients’ Rights Advocates as the male inmates do. (F22)**

**Response:** The recommendation has been implemented. Patients’ Rights Advocates have been and will continue to be available for both male and female inmates equally.

**R18. 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. (F23)**

**Response:** Defers to OCSD.

**R19. 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. (F24)**

**Response:** Defers to OCSD.

**R20. The Orange County Grand Jury recommends that all pregnancy outcomes occurring during incarceration be tracked. (F26)**

**Response:** **The recommendation has been implemented.** Correctional Health Services will continue to track pregnancy outcomes for incarcerated individuals.

**R21. 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. (F7, F8, F11, F12)**

**Response:** Defers to OCSD.