



Menstruating in captivity

Sacramento sheriff agrees to stop making female inmates buy tampons

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Female inmates in Sacramento County's jails

no longer have to pay for feminine hygiene products after a civil lawsuit exposed the Sheriff's Department's practice of charging jailed women a quarter per tampon, said the attorney who filed it.

The lawsuit was filed in December in Sacramento Superior Court on behalf of plaintiff "Jane Doe," a woman of menstruating age who had been incarcerated locally, said Paula Canny, the Burlingame attorney who brought the claim. But Canny's legal campaign to stop elected sheriffs from taxing women who have periods in their jails started in February 2018.

That's when Canny visited a client in San Mateo County jail—a young woman with mental health issues who was dressed in a heavy smock to prevent suicide and in paper underwear. She told Canny she was having her period but had no money to buy a tampon at the jail's commissary, which sold them for \$6.99 a box. The attorney looked down and saw menstrual blood streaking her client's legs. Despite being no stranger to inmate rights cases, Canny remembered being surprised.

In a phone interview, Canny told SN&R she started looking into jail policies around California "because I was so ashamed of myself that I didn't know ... and because I wanted it to change."

San Mateo County Sheriff Carlos G. Bolanos eliminated the practice within 24 hours of being contacted, Canny said. But other sheriffs weren't so receptive.

Canny successfully sued San Luis Obispo County Sheriff Ian Parkinson into changing course last March. When she filed her lawsuit against Sacramento County Sheriff Scott Jones in December, he was one of about two dozen sheriffs who were still selling tampons—or not providing them at all.

According to the complaint, the price of a single tampon varied in jail commissaries around the state—costing as much as 64 cents in Yolo County, 56 cents in Fresno County Sheriff Margaret Mims' lockup and 40 cents in El Dorado County Sheriff John D'Agostini's jail. San Joaquin County Sheriff Steve Moore and Los Angeles County Sheriff Jim

McDonnell priced individual tampons at 34 cents and 27 cents, respectively.

Alameda, Imperial, Kings, Lassen, Madera, Marin, Modoc, Monterey, Orange, San Bernardino, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Tulare, Tuolumne and Ventura counties were also identified in the lawsuit.

A spokeswoman for the California Board of State and Community Corrections, which was named in the lawsuit and monitors the compliance of local jails and juvenile halls, said board members will hear a staff recommendation in April to make it clear that jails cannot charge inmates for tampons, pads and panty liners. The board already revised a similar policy governing juvenile halls last year, said its communications director, Tracie Cone. The soonest the state could adopt a revised regulation is October 1.

Both state and federal prison systems already provide free feminine hygiene products upon request. Canny said that most sheriffs have changed course since she began contacting them.

"I talked to a bunch who were like good guys," she said.

Canny said Jones initially balked at her request to stop selling tampons. But she said she had a blunt conversation with an attorney representing Jones' department, in which she reiterated that she would drop her suit and eat her legal expenses if Jones discontinued the menstrual tax inside his jails.

"I just want him to give inmates tampons when they want one," Canny explained. "Because that's a completely reasonable request in the 21st century."

Canny said the sheriff agreed to those terms and that she expected to withdraw her lawsuit soon. A sheriff's spokesman declined comment.

Canny estimates that she and her staff spent more than 500 hours on their grassroots legal campaign. She's even been called the "tampon lawyer" at the San Mateo County jail.

"I think I know more about tampon provision policy in the state than anyone in California," she joked. □

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