

Sterilization of Inmates

911.1 DEFINITION

Sterilizing Surgery is a surgical procedure that permanently ends your ability to have children of which some or all of your reproductive parts are removed or altered.

911.2 POLICY

Sterilization may not be used as a method of birth control for any inmate detained in the Shasta County Jail. There are only two exceptions, which are if the inmate's life is in danger or if the inmate consents. If a sterilization procedure is performed, it is required that the inmate receive psychological consultation and a medical follow up. If a sterilization procedure is performed on one or more individuals under the Shasta County Jail, the Shasta County Jail must annually submit data to the Board of State and

Community Corrections related to the number of sterilizations performed. Notification of these and other rights and responsibilities with regard to the sterilization of inmates are provided to all individuals in custody, and to all employees involved in providing health care services.

911.2.1 REFERENCE

Senate Bill 1135: Chapter 6 (February 20, 2014)

This bill would prohibit sterilization for the purpose of birth control of an individual under the control of the Department of Corrections and Rehabilitation or a county correctional facility, as specified. The bill would also otherwise prohibit any means of sterilization of an inmate, except when required for the immediate preservation of life in an emergency medical situation or when medically necessary, as determined by contemporary standards of evidence-based medicine, to treat a diagnosed condition and certain requirements are satisfied, including that patient consent is obtained. If a sterilization procedure is performed pursuant to these exceptions, the bill would require psychological consultation and medical follow up, as specified. The bill would require the department and all county jails or other institutions of confinement to publish an annual report of sterilizations performed, disaggregated by race, age, medical justification, and method of sterilization, and to provide notification to all individuals under their custody, and to all employees who are involved in providing health care services, of their rights and responsibilities with regard to the sterilization of inmates.

911.2.2 PENAL CODE 3440

(a) Sterilization for the purpose of birth control, including, but not limited to, during labor and delivery, of an individual under the control of the department or a county and imprisoned in the state prison or a reentry facility, community correctional facility, county jail, or any other institution in which an individual is involuntarily confined or detained under a civil or criminal statute, is prohibited. (b) Sterilization of an individual under the control of the department or a county and imprisoned in the state prison or a reentry facility, community correctional facility, county jail, or any other institution in which an individual is involuntarily confined or detained under

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a civil or criminal statute, through tubal ligation, hysterectomy, oophorectomy, salpingectomy, or any other means rendering an individual permanently incapable of reproducing, is prohibited except in either of the following circumstances: (1) The procedure is required for the immediate preservation of the individual's life in an emergency medical situation. (2) The sterilizing procedure is medically necessary, as determined by contemporary standards of evidence-based medicine, to treat a diagnosed condition, and all of the following requirements are satisfied: (A) Less invasive measures to address the medical need are nonexistent, are refused by the individual, or are first attempted and deemed unsuccessful by the individual, in consultation with his or her medical provider. (B) A second physician independent of, and not employed by, but authorized to provide services to individuals in the custody of, and to receive payment for those services from, the department or county department overseeing the confinement of the individual conducts an in-person consultation with the individual and confirms the need for a medical intervention resulting in sterilization to address the medical need. (C) Patient consent is obtained after the individual is made aware of the full and permanent impact the procedure will have on his or her reproductive capacity, that future medical treatment while under the control of the department or county will not be withheld should the individual refuse consent to the procedure, and the side effects of the procedure. (c) If a sterilization procedure is performed pursuant to paragraph (1) or (2) of subdivision (b), pre-sterilization and post-sterilization psychological consultation and medical follow-up, including providing relevant hormone therapy to address surgical menopause, shall be made available to the individual sterilized while under the control of the department or the county. (d) (1) The department shall, if a sterilization procedure is performed on one or more individuals under its control, annually publish on its Internet Web site data related to the number of sterilizations performed, disaggregated by race, age, medical justification, and method of sterilization. (2) (A) Each county jail or other institution of confinement shall, if a sterilization procedure is performed on one or more individuals under its control, annually submit to the Board of State and Community Corrections data related to the number of sterilizations performed, disaggregated by race, age, medical justification, and method of sterilization. (B) The Board of State and Community Corrections shall annually publish the data received pursuant to subparagraph (A) on its Internet Web site. (e) The department and all county jails or other institutions of confinement shall provide notification to all individuals under their custody and to all employees who are involved in providing health care services of their rights and responsibilities under this section. (f) An employee of the department or of a county jail or other institution of confinement who reports the sterilization of an individual performed in violation of this section is entitled to the protection available under subparagraphs (A) and (B) of paragraph (2) of subdivision (a) of Section 6129, or under the California Whistleblower Protection Act (Article 3 (commencing with Section 8547) of Chapter 6.5 of Division 1 of Title 2 of the Government Code) or the Whistleblower Protection Act (Article 10 (commencing with Section 9149.20) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code).