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Recommended Minimum Standards for Feminine Hygiene Policies in County Jails

The number of women in Texas prisons and jails has been increasing exponentially, an alarming trend that has a significant impact on Texas families and communities. **The number of women in Texas jails awaiting trial — totaling around 6,300 — has grown 48% since 2011, even as the number of female arrests in Texas has decreased 20% over that time period.**¹ It is vitally important for agency staff, corrections system practitioners, and policy-makers to acknowledge and address women’s unique needs, to implement policies and practices that treat these women with dignity, and to prepare them for a successful return to their families and our communities.

A critical component in treating incarcerated women with dignity means providing them with feminine hygiene products in a quantity and quality that is sufficient to meet their needs. Without enough of these products, women are forced to barter and trade with other women who may have extras (and risk a potential disciplinary infraction for bartering) or suffer leaks through their clothes and sheets. For women who are already struggling with their self-esteem, allowing women to soil themselves with blood is an unacceptable consequence of county jails’ failure to prioritize their health care needs.

Pursuant to the passage of HB 2169 during the 86th Regular Session of the Texas Legislature, the Texas Commission on Jail Standards must **adopt reasonable rules and procedures establishing minimum standards for the quantity and quality of feminine hygiene products available to females detained in Texas’ county jails.** The Texas Criminal Justice Coalition (TCJC) recommends, at a minimum, that these policies provide that:

1. Tampons in both regular and large sizes, as well as menstrual pads with wings in regular and large sizes, should be made available to all female inmates **free of charge.**
2. The number of tampons and menstrual pads made available to female inmates should **not be limited**, as the necessary amount can differ greatly from person to person.

“I had a fibroid on my uterus, so I had a lot of bleeding. But, the pads are so cheap and they don’t absorb well. I would go through three of them a night and still bleed through my clothes onto my sheets. It was so embarrassing and shameful. I would get up early and wash myself, my clothes, and my sheets, even though this was against the rules. I would get in trouble, but I couldn’t just stay with my clothes and sheets like that. It made me feel less than a human being, let alone a woman.”

— Evelyn, incarcerated for 2½ years



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3. Each jail's internal policy regarding the quantity and quality of feminine hygiene products should be **clearly posted** on the county Sheriff's Office website.
4. Each jail should ensure that feminine hygiene products are made available in a **common housing area**, allowing women to obtain them without having to make a verbal request to a correctional officer.
5. Should a jail refuse to provide feminine hygiene products at no cost, and instead require females detained in jail to purchase feminine hygiene products, the jail should sell them **at cost without profit**. Additionally, any jail that typically charges females for feminine hygiene products should be required to provide an adequate supply of feminine hygiene products to any **indigent females** detained in their jail free of charge. Any such indigency process should be streamlined for efficiency.
6. Each jail should include in its policy regarding the quantity and quality of feminine hygiene products specific considerations for the care of female inmates in **solitary confinement or administrative segregation** to ensure that such women, as well as all other women detained in county jail, remain in **sanitary conditions and are treated with dignity**.

EXPLANATIONS AND FINDINGS

TCJC requested information on policies regarding feminine hygiene product from 56 Texas county jails. As of the date of publication of this policy brief, a total of 39 counties responded. Pursuant to the information gathered from these surveys, as well as our previous research on the lack of quality and quantity of feminine hygiene products made available to women incarcerated in Texas, TCJC makes the following recommendations:

1. **Tampons in both regular and large sizes, as well as menstrual pads with wings in regular and large sizes, should be made available to all female inmates free of charge.**

Twenty-seven county jails reported that they allot some number of menstrual pads free of charge to all inmates regardless of income level. Five jails made menstrual pads available free of charge only to indigent inmates, available for purchase in the commissary by all other inmates.

Six county jails made tampons available to all inmates free of charge, whereas twenty county jails had them available only in the commissary or for indigent inmates, and six county jails did not have tampons available either for free or for sale in commissary.

Jail policies rarely specified what types of pads were provided or if a variety of sizes were made available. We recommend that both tampons and pads in various sizes be made available free of charge to all females detained in county jails.



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- 2. The number of tampons and menstrual pads made available to female inmates should not be limited, as the necessary amount can differ greatly from person to person.**

Many county jails reported only allowing women to request between one and three feminine hygiene products at a time. This unreasonable restriction could encourage the hiding and hoarding of these supplies, bartering among other women detained in the jail, and, consequently, potential disciplinary and contraband infractions.

Importantly, many women experience health issues that can lead to higher than normal bleeding, making restrictions on feminine hygiene products a risk to health and sanitation. We recommend that jail policies make clear that feminine hygiene products should not be limited, and that each woman be given the choice as to which type and quantity of feminine hygiene product is most appropriate for her.

- 3. Each jail's internal policy regarding the quantity and quality of feminine hygiene products should be clearly posted on the county Sheriff's Office website.**

Access to county jail policies surrounding feminine hygiene products are currently only available by open record request. In the pursuit of transparency and accountability, these policies should be clearly posted on each county Sheriff's Office website.

- 4. Each jail should ensure that feminine hygiene products are made available in a common housing area, allowing women to obtain them without having to make a verbal request to a correctional officer.**

Making feminine hygiene products available in common housing areas would reduce disciplinary infractions for bartering, eliminate the need for hoarding supplies, and eliminate the need for women to make verbal requests for additional products to a correctional officer (a process that many incarcerated women find humiliating).

Brazoria County Jail and Collin County Jail provide sanitary supplies in common areas inside female housing units, which women are allowed to access as needed, and we recommend that this practice be a standard requirement of all Texas county jails.

- 5. Should a jail refuse to provide feminine hygiene products at no cost, and instead require females detained in their jail to purchase feminine hygiene products, the jail should sell them at cost without profit. Additionally, any jail that typically charges females for feminine hygiene products should be required to provide an adequate supply of feminine hygiene products to any indigent females detained in their jail free of charge. Any such indigency process should be streamlined for efficiency.**



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HB 2169
Recommendations for Implementation

A 2014 survey conducted by TCJC found that 52% of incarcerated women had household incomes that were less than \$10,000 per year prior to their incarceration, well below 2017 federal poverty levels.²

Of the 39 counties that responded to our information request, 23 counties provided commissary prices for feminine hygiene products. Pads were sold far above retail prices, ranging from **five to nearly 10 times higher** than the best-selling menstrual pad available on the free market.³ Similarly the highest price for tampons in the commissary was **three times higher** than the retail price of the best-selling tampons available on the free market.

The high levels of poverty among system-involved women means these prices may be unachievable for most women in county jails. We recommend that feminine hygiene products be provided at no cost to all females detained in county jails, especially for those women who are indigent, and that any charge of feminine hygiene products be at cost.

- 6. Each jail should include in its policy regarding the quantity and quality of feminine hygiene products specific considerations for the care of female inmates in solitary confinement or administrative segregation to ensure that such women, as well as all other women detained in county jail, remain in sanitary conditions and are treated with dignity.**

Two of the surveyed jails reported internal policies that female inmates on suicide watch would be issued tampons. However, none provided information on such policies for women in solitary confinement or administrative segregation.

At a minimum, Texas county jails should ensure that women detained in their facilities have easy access to a sufficient supply of quality feminine hygiene products. **With more women incarcerated in Texas than in any other state in the country,⁴ Texas has an obligation to respond to women's particular needs to lessen the traumatic impacts of incarceration on them and their families.**

Citations

¹ Cary Aspinwall, "More Women Are Jailed in Texas, Even Though Arrests Have Dropped. Why?," *Dallas News*, December 3, 2017,

<https://www.dallasnews.com/news/social-justice-1/2017/12/03/women-jailed-texas-even-though-arrests-gone>.

² Texas Criminal Justice Coalition, *An Unsupported Population*, 6-7, 2018.

³ The bestselling menstrual pad option available on free market is the Always Thin Daily Liners regular absorbency in a 120-count box retailing at \$5.49 before tax, or the equivalent of \$0.05 per pad. The bestselling tampon option available on free market is the Playtex Sport tampons with FlexFit technology including regular and heavy options at \$8.25 or the equivalent of \$0.16 per tampon. <https://www.amazon.com/Best-Sellers-Health-Personal-Care-Sanitary-Napkins/zgbs/hpc/3779591>.

⁴ Aleks Kajstura, Prison Policy Initiative, in a call with TCJC policy attorney Lindsey Linder on September 5, 2017. This refers to all incarcerated women, including immigrant detainees, and is based on 2010 U.S. Census Bureau data.