

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 410.40.02	Page 1 of 3
	Original Effective Date: 10/18/21	New Effective Date: 03/20/23
	Supersedes: 410.40.02	Dated: 10/18/21
	Administrator's Approval: Sarah Cooper, Administrator – 3/9/23	
Required Posting or Restricted:		
<input checked="" type="checkbox"/> PIOC <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 410 Prison Rape Elimination Act		
Subject: Opposite Gender Viewing and Announcing		

POLICY

The Division of Adult Institutions shall provide PIOC with the ability to shower, perform bodily functions and change clothing within each housing unit without employees of the opposite gender viewing their breasts, buttocks, or genitalia except in exigent circumstances or when such viewing is incidental to routine call checks or security rounds. This limitation not only applies to in-person viewing, but also all forms of remote viewing.

REFERENCES

34 U.S.C. §30301. Prison Rape Elimination Act of 2003 (PREA)

28 C.F.R § Part 115, et seq. National Standards to Prevent, Detect and Respond to Prison Rape

Executive Directive 72 – Sexual Abuse and Sexual Harassment in Confinement (PREA)

DAI Policy 300.00.35 – Americans with Disabilities Act

DAI Policy 306.16.01 – Use of Body Camera

DAI Policy 306.17.02 – Searches of Inmates

DAI Policy 410.20.01 – Inmate PREA Education

DAI Policy 500.00.05 – Medical Observation and Monitoring

DAI Policy 500.70.24 – Clinical Observation

DEFINITIONS, ACRONYMS AND FORMS

Exigent Circumstances – Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

PIOC – Persons in Our Care

PREA – Prison Rape Elimination Act

Staff or staff member – Any person employed by the Department of Corrections as a fulltime employee, contracted, project, limited term employee or volunteer.

PROCEDURE

- I. **All viewing and searches shall be performed in accordance with DAI Policies 306.17.02, 500.00.05 and 500.70.24. A properly conducted search involving incidental contact with a PIOC's genitals shall not be considered a violation of sexual abuse policies.**

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- II. Except in exigent circumstances, staff of the opposite gender shall announce their presence when entering a PIOC housing unit in accordance with the following:**
- A. Each facility shall develop and be responsible for implementing local procedures to ensure that a consistent announcement is made each time a staff member, contractor or volunteer of the opposite gender enters (or exits and reenters) a housing unit where PIOC have the ability to shower, change clothing or perform bodily functions.
 - B. At minimum, such announcement shall be made when an opposite gender staff member enters the housing unit and there are no other opposite gender staff members present on the housing unit. When an opposite gender staff member is entering a housing unit and it is unknown to him/her whether the opposite gender announcement has been made on his or her behalf, the entering staff member shall be responsible for making an announcement.
 - C. Available resources to execute such announcements may vary by facility. At minimum, the method shall be audible. Generally acceptable practices include:
 - 1. A designated tone that is used only for the purpose of announcing a member of the opposite gender entering housing units.
 - 2. An announcement made by the staff working the control desk via the intercom or alternate system.
 - 3. The opposite gender staff person makes an audible announcement of their presence.
 - D. Facilities and units housing deaf/hard of hearing PIOC shall develop an alternative or supplementary notification method (e.g. sign or light) in accordance with DAI Policy 300.00.35.
 - E. Upon admission, as part of PREA-related education, PIOC shall receive facility specific information which explains how opposite gender staff announce their presence when entering a PIOC housing unit. Education shall be provided in accordance with DAI 410.20.01.

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number: 410.40.02	Page 3 of 3
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Chapter: 410 Prison Rape Elimination Act		
Subject: Opposite Gender Viewing and Announcing		
Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES

DEFINITIONS, ACRONYMS AND FORMS

FACILITY PROCEDURE

- I.
 - A.
 - B.
 - 1.
 - 2.
 - a.
 - b.
 - c.
 - 3.
 - C.

II.

III.

RESPONSIBILITY

I. Staff

II. PIOC

III. Other