

**Comments Submitted 4/16/21**

**General feedback:** OCO would like DOC to specifically address gender responsiveness and trauma-informed approaches if they are intended to be employed in this policy, and implement and identify them where they are not employed. OCO would like to see the policy differentiated for individuals with female, male, and intersex anatomy.

**Specific feedback:**

**I.A.:**

- How does DOC define reasonable suspicion?
- How is reasonable suspicion tied to the use of the body scanner?
- Does reasonable suspicion only exist if an object is observed through the use of the body scanner?
- DOC should identify specific criteria that must be present in order for a dry cell watch to be authorized.

**I.B.:** When considering whether to authorize dry cell watch, DOC should consider whether the trauma imposed by the dry cell conditions can be justified by the danger posed by the suspected contraband (e.g., a hair tie would not justify authorization of a dry cell watch).

**I.D.:**

- DOC should create gender-specific practices in this section.
- DOC should limit the amount of time an individual is kept on a dry cell watch to 72 hours, similar to the practice of Arizona's DOC. Extensions should not be allowed.
- Beyond 72 hours, in situations where DOC can demonstrate continued reasonable suspicion that an individual is concealing dangerous contraband, DOC should consider alternative methods for less restrictive placements (similar to quarantine). This will allow more humane conditions of confinement for the individuals, while also helping to ensure that contraband, if any exists, is not introduced further into the facility.
- What is the definition of a "normal" bowel movement? When is a bowel movement considered abnormal, and how is that determined for the specific individual?

**II.A.** Individuals should also be asked if they would like a mental health consult at this time.

II.B. If an individual voluntarily surrenders contraband, DOC should not infract the individual. If DOC does infract, DOC should ensure the infraction is reduced and sanctions are limited in light of the voluntary surrender, and this should be reflected in the policy.

**Conditions of Confinement (Attachment 1):**

- OCO questions why the conditions must be so limiting. Could additional comfort items be offered during this time that would not interfere with the objectives of the search?
- DOC should end the use of zip ties, handcuffs, and other restraints used during dry cell watch. The individual is already on constant visual watch by the watch officer.