

Comments Submitted 4/7/2023

DIRECTIVE

III. B. 2.

The OCO suggests that the DOC identify within this policy how and where DOC staff will be able to locate and access an individual's 02-420 Preferences Form information when needed. The OCO urges the DOC to consult with the Transgender Settlement Administrator regarding this subsection. This office urges the DOC to specify in policy that 02-420 forms will be maintained in a secure location and only accessible by authorized staff. The OCO suggests that a summary of the preference requested on an individual's 02-420 form may be maintained in OMNI under "Comments for Custody" or in a similarly accessible location.

- B. Unless there is an emergent situation:
 - 1. Females will be searched by a female employee/contract staff.
 - 2. Searches of an individual who is transgender, non-binary, and/or intersex will be conducted by the gender requested on the individual's DOC 02-420 Preferences Request and are not considered a cross-gender search.

IV. F. 4.

The OCO has received several complaints from individuals who have expressed concerns about the requirement listed in IV. F. 4. which states that individuals must, as part of a strip search, "[b]end at the waist and run hands through hair vigorously." For individuals in solitary confinement, this requirement has impacted individuals' ability to complete programming or participate in visitation. The OCO is concerned that this requirement has a disparate impact on Black people and people of color, and thus urges the DOC to re-evaluate this requirement using an equity analysis lens.

- 4. Bend at the waist and run hands through hair vigorously (e.g., beard)

VI. A. 1.

The OCO suggests that the DOC consult with the Transgender Settlement Administrator and the DES Chief Equity Officer regarding best practices for this training.

- VI. Monitoring and Training
 - A. All custody employees and applicable contract staff, as a condition of employment/job description, will receive training in effective and proper search techniques, including methods of documentation.
 - 1. Employees/contract staff who may conduct searches will be trained in searches of individuals who are transgender, non-binary, and/or intersex.