

DOC 440.080 Hygiene and Grooming of Incarcerated Individuals

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TITLE:

OCO suggests updating the title of this policy to align with the person-centered approach that DOC has adopted, as reflected in the department's collaboration with Amend and its updated mission and values statement. For instance: "Personal Care for Incarcerated Individuals" or "Personal Care and Hygiene for Incarcerated Individuals."

POLICY:

- II. As above, OCO suggests changing to a person-centered statement that aligns with DOC's new mission and values statement. Additionally, the language can be changed to reflect positive outcome language, rather than emphasizing the negative. For instance: "DOC recognizes the significance of personal care in maintaining dignity and self-respect for incarcerated individuals. Personal care and self-expression choices of incarcerated individuals should be respected and permitted unless those choices directly conflict with the facility's requirements for safety, security, identification, and hygiene."

DIRECTIVE:

- I. OCO suggests "Personal Care and Hygiene for Persons in Prison Custody"
- I.A. OCO suggests that DOC adopt an inclusive approach to personal care items that would meet the needs of individuals of all ethnicities and cultures. Specifically, OCO recommends that DOC issue additional culturally appropriate items, including:
 - hair brush
 - conditioner
 - lotion/moisturizerAdditionally, OCO suggests that Black hair products be available for any individual who needs them at intake, at every facility. The difference in product is not trivial; it addresses specific hair care needs for a specific population. BIPOC Incarcerated individuals should not encounter a situation in which culturally appropriate products are available at certain facilities, but not others.

OCO also suggests supplying hand soap to all individuals. Covid-19 has highlighted the importance of routine handwashing to help prevent the spread of viruses, bacteria, and other microbes. Standard issuance of hand soap may encourage more frequent handwashing.

I.A.1. OCO suggests adding a subsection that acknowledges that individuals who require hypo-allergenic soap instead of bath soap due to skin irritation may request this.

I.A.11. OCO suggests adopting gender-neutral language here, as individuals who identify as male may still menstruate. Recommend rewording to “State-issued sanitary napkins and tampons for persons who menstruate.”

OCO specifically recommends against 1) use of the phrase “people who are menstruating” and 2) use of the phrase “as needed.” Both phrases may be relied upon by staff to insist that a person requesting supplies prove their need. OCO has received complaints of this happening in the past – specifically, menstruating individuals having to show staff blood-stained underwear for staff to agree to provide additional supplies. This is degrading and should not occur.

I.B. See comments for “I.A.” above regarding additional standard-issue items.

I.C.2. OCO suggests adding tampons to this list, as above, and adopting gender-neutral language by deleting “for females.”

I.D.2. OCO suggests clarifying the definition of “excess” and/or adding a subsection to inform staff that infractions should not be issued for excess personal care items, except in exceptionally egregious cases. OCO does not believe that individuals should be infraacted for maintaining their personal care according to their needs.

I.E. OCO suggests that a mental health provider should be either the final decision-maker in restricting personal care items, or part of a joint decision-making process, when the person is being housed in an RTU, COA, or other location that has been assigned for mental health reasons.

II. OCO suggests “Personal Care Items for Persons in Reentry Centers.”

II.B. See comments for “I.A.” above regarding additional standard-issue items.

II.B.1. See comments for “I.A.1.” above regarding hypo-allergenic soap.

II.B.10. See comments for “I.A.11.” above regarding gender-neutral language.

- III. OCO suggests updating the title of this section to “Personal Appearance for Persons in Prison Custody” or “Personal Hair Care for Persons in Prison Custody.”
- III.A. OCO suggests re-wording or clarifying this language to specify what health requirements are being met here (salon standards or otherwise).
 - III.A.1. OCO suggests changing language to explicitly allow individuals the option of cutting one’s own hair. Individuals have the opportunity to purchase clippers, as well as the opportunity to have their hair cut in more formal settings; DOC has not identified a specific security risk posed by an individual cutting their own hair that would not also stem from these permitted activities.
 - III.A.2. OCO suggests changing language so that policy does not target individuals of a particular ethnicity or culture. The present language specifically identifies braids and the act of braiding as a potential security risk. As braids are commonly worn by BIPOC individuals and much less often worn by white individuals, the result is that the policy disproportionately applies to BIPOC incarcerated individuals. Additionally, individuals should be allowed to style/braid each other’s hair.
- III.B. OCO suggests relocating this section “I” above.
OCO suggests increasing the minimum number of showers per week.
OCO suggests changing language to “Facilities will maintain _clean and_ sufficient bathing facilities....”
 - III.B.1. See comments for “I.E.” above regarding involvement of mental health providers.
- IV.C.1. OCO suggests simplifying this section with “If an individual cannot access the container, an employee/contract staff will carefully dispose of the razor.”