State of Iowa Department of Corrections

Policy and Procedures

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115.15(d-e) Responsibility: Nick Lamb
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1. PURPOSE

To provide guidelines for opposite sex supervision in the Iowa Department of Corrections (IDOC).

2. POLICY

The IDOC recognizes both same sex and opposite sex supervision as an essential component of incarcerated individual management. The department shall make reasonable efforts to accommodate the competing personal privacy and security issues associated with opposite sex supervision. Where conflict arises between personal privacy and articulable security issues that cannot be reasonably accommodated, security concerns shall prevail.

CONTENTS

A. Daily Professional Interactions with Incarcerated Individuals

B. Opposite/Same Sex Supervision in Housing Units

C. Opposite /Same Sex Supervision in Programs and Services

D. Opposite/Same Sex Supervision during Medical Appointments/Transport

E. Opposite/Same Sex Supervision in Intake Areas

3. PROCEDURES

A. Daily Professional Interactions with Incarcerated Individuals

Each facility shall maintain sufficient staff to perform duties and responsibilities pertaining to supervision and/or searches of incarcerated individuals of the opposite/same sex.

B. Opposite/Same Sex Supervision in Housing Units

1. Each facility shall provide opposite or same sex supervision of incarcerated individuals consistent with the needs to protect the legitimate interest of security, safety, control and the orderly management of the facility as appropriate.

2. Incarcerated individuals shall be advised that they should remain sufficiently clothed in order to protect their need for privacy. Incarcerated individuals shall be properly clothed whenever they are out of the cells.

3. Staff shall exercise discretion when incarcerated individuals are using the toilet facilities. The facility shall implement procedures that enable incarcerated individuals to shower, perform bodily functions and change clothing without nonmedical staff of the opposite gender or sex viewing their breasts (female incarcerated individual as well as those patients identified as female per **HSP-704** *Management of Gender Dysphoria*), buttocks, or genitalia, except in exigent circumstance or when viewing is incidental to routine cell checks.[1]

4. Incarcerated individuals shall be made aware of the fact that staff of the opposite sex will be present on the housing unit.

    a. Each housing unit shall be required to prominently post notices of this fact in multiple locations throughout the housing unit

[1] PREA Standards §115.15(d)

including the bulletin boards normally used for posting notices to incarcerated individuals. The notice shall also inform incarcerated individuals of the use of a distinct buzzer, bell, or other noisemaking device that indicates a person of the opposite sex is newly entering the living unit.

b. All persons of the opposite sex entering a housing unit between the hours of 6:00 am and 10:00 pm shall press a distinct buzzer, bell, or other noisemaking device that indicates the person is newly entering the unit. The device shall not be used for any other purpose.

c. In addition, Notice may also be provided by other means such as an in-house television station where notices to incarcerated individuals are provided.

C. Opposite/Same Sex Supervision in Programs and Services

Sufficient same sex staff shall be available to perform searches of incarcerated individuals involved in programs and services.

D. Opposite/Same Sex Supervision during Medical Appointments/Transport

The IDOC shall permit opposite/same sex supervision and transportation of incarcerated individuals as long as sex responsive practices are followed to ensure:

1. Incarcerated individuals are able to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender or sex viewing their breasts (female incarcerated individual as well as those patients identified as female per **HSP-704**), buttocks, or genitalia.[2]

2. Supervision of incarcerated individuals at medical appointments require the removal of clothing.

    a. Male staff supervising female incarcerated individuals as well as those patients identified as female per **HSP-704** and female staff supervising male incarcerated individuals as well as those patients identified as male per **HSP-704** undergoing medical

[2] Id.

procedures are not permitted to directly observe disrobed incarcerated individuals by viewing their breasts (female incarcerated individual as well as those patients identified as female per **HSP-704**) buttocks, or genitalia. In such cases, accommodations should be made through the use of privacy screens, curtains, or other, similar measures that allow incarcerated individuals to receive medical care while staff members of the opposite gender or sex remain in near proximity and carry out their supervisory responsibility effectively, without viewing incarcerated individuals breasts (female incarcerated individual as well as those patients identified as female per **HSP-704**), buttocks, or genitalia.

b. Each facility shall come up with a procedure regarding how to document opposite sex medical supervision for incarcerated individuals undergoing medical procedures and document accordingly.

c. Male staff supervising female incarcerated individuals as well as those patients identified as female per **HSP-704** and female staff supervising male incarcerated individuals as well as those patients identified as male per **HSP-704**, absent exigent circumstances, are not permitted to conduct opposite sex pat searches, or opposite sex strip and visual body cavity searches outside of facilities.

E. Opposite/Same Sex Supervision in Intake Areas

1. At each facility, sufficient staff of the same gender or sex as the incarcerated individual being admitted shall be available to perform and/or assist with all aspects of the intake process requiring unclothed body search, shower, and use of toilet facilities.[3]

2. Institutional security staff shall not search or physically examine an incarcerated individual for the sole purpose of determining the incarcerated individual's genital status. If the incarcerated individual's genital status is unknown, it may be determined during conversations with the incarcerated individual, by reviewing medical records, or if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

[3] Id.