

<b>DEPARTMENT OF REHABILITATION AND CORRECTION</b>	<b>SUBJECT:</b> Assignment of Female Correction Officers Supervising Male Inmates	<b>Number:</b> 51-STF-05
	<b>RULE/CODE REFERENCE:</b>	<b>SUPERSEDES:</b> 1/1/91
	<b>RELATED ACA STANDARDS:</b>	<b>EFFECTIVE DATE:</b> May 20, 1996
	<b>RELATED AUDIT STANDARDS:</b> OH 2001-2007	<b>APPROVED:</b> <i>Reginald A. Wilkinson</i>

#### I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director and Warden the authority to manage all aspects of the Department and Rehabilitation and Correction.

#### II. PURPOSE

The purpose of this policy is to implement the settlement agreement entered into in *McDowell, et al., v. Celeste, et al.*, United States District Court for the Southern District of Ohio Case Number C2-77-013 by setting forth rules to be followed in the selection of post assignments for female correction officers' supervising male inmates.

#### III. APPLICABILITY

This policy applies to (1) all supervisors who possess the authority to assign female correction officers to supervise male inmates of the Ohio Department of Rehabilitation and Correction; and (2) all female correction officers assigned to supervise male inmates regardless of the security classification of the inmate.

#### IV. DEFINITIONS

Gender: Sex, male or female.

Gender Specific Assignment: An assignment requiring the supervising correction officer to be of the same gender as the inmates to be supervised.

Post: A correction officer assignment as determined by the Department or warden of an institution.

Urgent Situation: A situation which, due to its nature and time of occurrence, threatens the security of the institution, such as where there exists a reasonable suspicion of contraband or other illegal activity.

#### V. POLICY

It is the policy of the Department to provide for equal employment opportunities for female correction officers, while balancing those opportunities against a moderate concern for inmate privacy and an utmost concern for institutional security.

#### VI. PROCEDURE

A. Equal Assignments: Assignments of correction officers shall be made without regard to the gender of the correction officer except as specifically exempted by this Policy.

B. Division or Gender Specific Duties: Before any post is designated as gender specific, the warden shall determine that there is no reasonable manner by which those duties of the post deemed to be gender specific may be delegated to another staff member of the same gender of the inmates. It is expected that there will very few gender specific posts in any institution.

C. Privacy Walls, Screens or Partitions: Walls, screens or partitions shall be in place or provided for inmate showers and toilets to provide a balance between institutional security and a modicum of inmate privacy.

D. Strip Searches: For the purpose of this policy, post assignments are categorized according to their requirements for the performance of strip searches on a non-urgent basis. Except in an urgent situation, the performance of strip searches should be gender specific. If a second officer is required to directly assist in a strip search, then this officer also should be of the same gender as the inmate. In the case where another officer is present, but not a direct participant in the search, this officer may be of the opposite gender as the inmate but shall avoid a direct view of the inmate while the inmate is unclothed.

Substantial and Primary Task Posts: A "substantial and primary task post" is a post where the performance of strip searches on a non-urgent basis is the primary responsibility of the officer. For example, such posts would include visiting shakedown and receiving and discharge. Assignments to these posts shall be gender specific.

Regular and Frequent Task Posts: A "regular and frequent task post" is a post where non-urgent strip searches are numerous and predictable in the course of the regular duties. For example, such posts would include segregation units. One of the officers assigned to such a post may be of the same gender of the inmates to be supervised. Any additional officers assigned to such a post shall be assigned without regard to the officers' gender.

Regular but Infrequent Task Posts: A "regular but infrequent task post" is a post where non-urgent strip searches are predictable as a matter of practice or policy but where they are few in number on a daily basis. For example, such posts would include general population housing units. Staff are to be assigned to these posts without regard to the officers' gender, and, where necessary, supervisors are to make other arrangements to insure that all strip searches are conducted by staff of the same gender as the inmate.

Infrequent Task Posts: An "infrequent task post" is a post where non-urgent strip searches are not predictable and rarely occur. For example, such posts would include towers and control rooms. Assignments to these posts shall be made without regard to the officers' gender.

E. Assignments to Shift: The warden shall ensure that there is a sufficient number of male correction officers on each shift to staff all posts that require gender-specific tasks as set forth in this Policy.

F. Factors to be Considered in Assigning Female Correction Officers to Transportation Posts: Where a substantial and primary task of a transportation post is to conduct strip searches on a non-urgent basis, the transportation post shall be gender specific. Supervisors shall assign at least one male correction officer to transportation posts that require two or more correction officers and where a regular duty (but not a substantial and primary task) of the transportation post requires strip searches of male inmates to be performed on a non-urgent basis. If a second officer assigned to a transportation post is required to directly assist in a strip search, this officer also should be of the same gender as the inmate.

In the case where another officer is present, but not a direct participant in the search, this officer may be female, but she shall avoid a direct view of the inmate while he is unclothed.

G. Priority Override: An unexpected, urgent situation that threatens the security of the institution shall take priority over this Policy. During such an unexpected, urgent situation, real or perceived, any restriction of duty contained in this Policy shall be immediately subordinate to the most expedient and secure manner by which to respond to the urgent situation.