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REFERENCE: PREA – Prison Rape Elimination Act	SUBJECT: PREA - Searches	
ISSUED BY: Chief Frank J. Apisa	APPROVED BY: Warden Paul Kaminsky	

Purpose: The purpose of this policy is to establish the Somerset County Jail as a “zero tolerance” facility that prohibits harassment and sexual abuse in an effort to provide staff with key definitions, prohibited acts and general information regarding the prevention, detection and investigation of sexual harassment and sexual abuse in the facility.

Policy: The Somerset County Jail is a correctional facility with a “zero tolerance” for harassment and sexual abuse in accordance with the Prison Rape Elimination Act (PREA) of 2003 and the final PREA Standards adopted by the U.S. Attorney General in 2012. It is the policy of the Somerset County Sheriff's Office – Correction Division to safeguard inmates within the institution.

The Somerset County Jail shall not permit cross-gender searches (pat-down or strip searches) or cross gender visual body cavity searches except in exigent circumstances or when performed by medical providers. All cross-gender searches of female inmates, shall be documented if conducted **(115.15)**. A search of a transgender female conducted by a female officer and a search of a transgender male by a male officer does equate to a cross-gender search.

Procedure:

I. Searches

- A. Pursuant to PREA Standards, staff shall conduct searches of inmates, including transgender, intersex, or non-binary inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. For the purpose of conducting a search, officers shall treat a transgender woman as they would treat any other woman, and officers shall treat a transgender male as they would treat any other man, regardless of the gender that individual was assigned at birth and/or their anatomical characteristics.
- B. There may be instances in which cross-gender searches are prohibited (e.g., non-exigent custodial strip searches) and where the gender of the person being searched thus matters. In those cases, where only a female officer can search a woman, and only a

male officer can search a man, then it is also the case that only a female officer can search a transgender woman and only a male officer can search a transgender man. (115.15). This also applies to use of the Adani Compass Body Scanner.

- C. Staff shall never require transgender, non-binary, and gender non-conforming individuals to remove appearance-related items (such as prosthetics, bras, clothes, undergarments, wigs, chest binders, or cosmetic items) during a search unless all individuals, regardless of gender, would be required to remove such items during that search. As for any individual, officers may require the removal of such items when necessary to ensure the safety and security of any person, but should take care when practicable to remove the items in a respectful, non-invasive, and private manner.
- D. Staff is prohibited from searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined by: (115.15)
 - 1. Conversations with the inmate;
 - 2. Reviewing medical records; or
 - 3. As part of a broader medical examination conducted in private by a medical provider.
 - 4. Custody staff shall be trained on how to conduct cross-gender pat-searches and searches of transgender and intersex inmates, in a professional and respectful manner that is the least intrusive, consistent with the security needs of the facility.

II. Personal Hygiene

- A. Inmates shall be able to shower, perform bodily functions and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks or genitalia, except for the following: (115.15)
 - 1. In exigent circumstances; or,
 - 2. When such viewing is incidental to routine cell checks.
- B. Pursuant to PREA Standard 115.15, transgender, intersex, and non-binary inmates shall be given the opportunity to shower separately from other inmates.

- III. Staff of the opposite gender shall announce their presence when entering an inmate housing unit except in cases of emergency. In addition, male staff members shall attempt to have their presence announced whenever they come into view of a female housing unit if feasible (i.e. a supervisor making routine rounds in the female section). (115.13)

IV. Non-binary and gender non-conforming individuals

- A. Officers shall respectfully inquire of non-binary or gender non-conforming individuals as to their gender preference of the officer performing the search, and perform searches in accordance with that preference where possible. Any search that is not conducted in accordance with the individual's stated preference must, where practicable, be reviewed and approved by a supervisor. The denial shall be documented in writing.