

3-09-30 Personnel and Inmates of Opposite Sex in Out-of-View Areas

PURPOSE OF ORDER:

While the law prescribes rules for opposite sex searches and entry into housing areas, it does not cover the entry by personnel and inmates of the opposite sex into a common, "out-of-view" areas together. Past experience has shown that the possibility for both inappropriate conduct and false allegations of misconduct arise when personnel and inmates of opposite sex are out of view of others, even though the occurrence is both strictly professional in nature and necessary. To that end, it is the intent of this policy to be pro-active in the restriction of this activity.

SCOPE OF ORDER:

This order shall apply to all personnel assigned to and/or working in any capacity at Twin Towers Correctional Facility.

ORDER:

Section 4021 of the California Penal Code states in part that, "It shall be unlawful for custodial personnel to... enter the room or cell occupied by any prisoner of the opposite sex, except in the company of any employee of the same sex as the prisoner."

This law clearly states that opposite sex searches are prohibited. Twin Towers, because of its large contingent of employees, should have no problems complying with this law. However, this policy is designed to avoid the related problems that have occurred when inmates accuse employees of the opposite sex of misconduct.

Therefore, the following policy shall be adhered to:

- Any employee entering an opposite sex housing area shall be accompanied by an employee of the same sex or under the direct observation of an employee of the same sex as the inmates in that housing area,
- This policy also applies to all areas out of view, e.g., kitchen storerooms, closets, etc. An employee shall not be in an out-of-view area with an inmate of the opposite sex unless under the direct observation of or accompanied by an employee of the same sex as the inmate.

Supervisors shall, on a daily basis, have the appropriate custodial personnel assigned to each housing area to ensure this policy is adhered to. If movement of personnel to facilitate this is required, it shall be done.
