

 <p style="text-align: center;">STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION</p> <p style="text-align: center;"><b>DIRECTIVE</b></p>	<p>TITLE</p> <p style="text-align: center;"><b>Guidelines for Assignment of Male and Female Correction Officers</b></p>		<p>NO. 2230</p>
			<p>DATE 3/19/2012</p>
<p>SUPERSEDES</p> <p style="text-align: center;">DIR #2230 Dtd. 12/22/2010</p>	<p>DISTRIBUTION</p> <p style="text-align: center;">A</p>	<p>PAGES</p> <p style="text-align: center;">PAGE 1 OF 2</p>	<p>DATE LAST REVISED</p>
<p>REFERENCES (Include but are not limited to)</p>	<p>APPROVING AUTHORITY</p> <p style="text-align: center;"><i>Joseph F. Bellone</i></p>		

**I. INTRODUCTION:** The purpose of this directive is to ensure that the Department’s policies regarding the employment of Correction Officers are in full compliance with the Constitution and Statutes of the United States and the State of New York.\*

In complying with the law, the Department is mindful of its duty to balance its various obligations under the law including:

- A. The Department’s obligation to maintain the security and safety of its facilities and to provide a safe and secure place for its employees, inmates and visitors to the Department’s facilities.
- B. The Department’s obligation to ensure to its employees equal rights to employment in any position in its facilities regardless of gender consistent with the provisions of this directive.
- C. The Department’s obligation to its inmates consistent with the provisions of this directive. (The inmates’ privacy will be protected to the extent the Department is able to do so. For instance, if the inmate wishes to take a shower in the yard, he must be prepared to be viewed by any employee who may be in or near the yard.)

**II. POLICY**

- A. All Correction Officers will perform the duties that are assigned to them, regardless of gender, provided however, that the following assignments will not be made to Officers who are not of the same gender as the inmates:
  - 1. Strip frisks or strip searches;
  - 2. Congregate shower facilities; or
  - 3. Video taping of strip frisks or strip searches using hand-held video cameras.
- B. Where inmates are transported outside of the facility, at least one transporting Officer shall be of the same gender as the inmate(s) being transported.
- C. Whenever two or more Officers are assigned to an outside security detail, at least one must be of the same gender as the inmate. If only one Officer is assigned to an outside security detail, that Officer shall be of the same gender as the inmate. If, however, a “roving Officer” is assigned to the hospital and is the same gender as the inmate, the gender of the Officer assigned individual coverage is immaterial. The gender concern for staff does not apply for outside crew assignments, i.e. community crews.
- D. Cross-gender pat frisks will only be performed in accordance with the procedures set forth in Directive #4910, “Control of & Search for Contraband.”
- E. Except for in-cell shower stalls at “S” blocks and within the areas designated as special housing units in Upstate and Five Points Correctional Facilities, individual shower stalls will utilize the Corcraft manufactured PVC shower curtain that is designed as breakaway with Velcro straps for attaching and is available in translucent for use with male inmates and green for use with female inmates. The bottom 12” of the shower curtains are constructed of clear PVC for viewing the lower legs and feet of the inmate occupying the shower. The shower curtain must be of sufficient length to cover the bodies of inmates and extend to the floor.

\*NOTE: The decision of the United States Circuit Court of Appeals in *Forts v. Ward* covers Bedford Hills; therefore, this directive is not applicable to Bedford Hills Correctional Facility.

F. Unless conditions dictate otherwise, staff of the opposite gender shall announce their presence in housing areas to avoid unnecessarily invading the privacy of inmates of the opposite gender.

**III. EMERGENCIES:** During emergencies, Correction Officers regardless of gender may perform any necessary duties including those otherwise prohibited by reason of gender.