



DOC H.550 Comments:

Page 3

Lines 3-6:

Bill Text: (B) if the inmate is lawfully searched, the inmate be searched according to the search policy for the inmate's gender identify or according to the gender designation of the correctional facility where the inmate is housed, based on the inmate's search preference

DOC Comment: Concerns with deferring entirely to incarcerated individual's search preference; concerns with language around searches according to gender designation of facility (at times, women are brought to male facilities for short periods of time, etc.).

Lines 7-9:

Bill Text: (C) if the inmate's gender identity cannot be determined, any lawful search shall be conducted according to the gender designation of the correctional facility where the inmate is housed

DOC Comment: Conflicts with current PREA guidance.

Lines 10-12:

Bill Text: (D) the inmate is housed at a correctional facility designated for men or women based on the inmate's preference, including, if eligible, any residential treatment program within the jurisdiction of the Department

DOC Comment: Cannot defer entirely to incarcerated person's preference—could result in significant safety concerns based on prior behavior and underlying convictions. These factors are taken into account during housing committee placement process.

Lines 13-18:

Bill Text: (E) the inmate's perception of health and safety be given serious consideration in any bed assignment, placement, or programming decision within the facility in which the inmate is housed, including granting single-cell status, housing the inmate with another inmate of choice, or removing the inmate or individual who pose a threat from any location where there is access to the inmate expressing a safety concern.

DOC Comment: Lack infrastructure for single-cell placement, housing requests for specific incarcerated individuals could be abused.

Page 6:

Lines 1-16:

Bill Text: (3)(A) During the initial intake and classification process, and in a private setting, the Department shall ask each inmate to specify the following:

- (i) the individual's gender identity of female, male, or nonbinary;
- (ii) whether the individual identifies as transgender, nonbinary, or intersex; and
- (iii) the individual's gender pronoun and honorific.

(B) An inmate shall not be disciplined for refusing to answer, or for not disclosing complete information in response to, the questions pursuant to subdivision (A) of this subdivision (3). (C) At any time, an inmate may inform designated facility staff of the inmate's gender identity, and designated facility staff shall promptly repeat the process described in subdivision (A) of this subdivision (3).

(D) Department staff, contractors, and volunteers shall not consistently fail to use the gender pronoun and honorific an inmate has specified in all verbal and written communications that involve the use of the inmate's pronoun and honorific

DOC Comment: These lines pertain to the department's classification process and not medical care of incarcerated individuals, so may not be appropriate to place it under 28 V.S.A. § 801. Could be more appropriate in 28 V.S.A. § 701b.