

November 7, 2018

Harold W. Clarke
Director
Virginia Department of Corrections
P.O. Box 26963
Richmond, VA 23261-6963

Dear Director Clarke,



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acluva.org

Claire G. Gastañaga
Executive Director

We write to express concern about multiple complaints our office has recently received regarding denial of visiting privileges at Virginia correctional centers to menstruating individuals. We strongly discourage implementation of any such policy, and we urge the Department of Corrections to clarify its position on this issue to the public and to all facilities under its administration.

As we have previously communicated to you directly and publicly stated, the suspended policy banning menstruating visitors from using tampons or menstrual cups denies them their basic human dignity and ignores their legitimate health needs. It also discourages individuals from visiting inmates. As you are aware, these visits are critical to maintaining inmates' connections to their families and communities and assisting inmates in rehabilitation and eventual successful re-entry to society.

On September 25, 2018, Secretary of Public Safety and Homeland Security Brian J. Moran publicly announced that the visitation policy banning individuals using tampons and menstrual cups was to be suspended immediately until further review. It is unclear from this public statement, however, whether the suspension requires all Department of Corrections facilities to cease implementation of any existing facility policy banning menstruating visitors from using tampons or menstrual cups, or if this suspension at the state level continues to allow individual facilities to administer their own policies on this matter.

Based on the recent complaints our office has received, it appears Greensville Correctional Center has been prohibiting visits from menstruating individuals wearing tampons since at least November 2017 and has permanently suspended the visiting privileges of at least one individual owing to violation of the policy. We hope that Greensville's policy has been suspended in light of Secretary Moran's statement. Augusta Correctional Center, however, required a woman wearing a sanitary napkin to undergo a strip search prior to a non-

contact visit in October 2018. This is after the ban was suspended, and sanitary napkins were not even one of the banned items. We will be writing to these facilities separately to encourage them to abandon these policies and to reinstate the privileges of anyone suspended under this egregiously unfair policy. Additionally, we hope the Department of Corrections will prohibit enforcement of this policy and encourage all facilities under its purview to reinstate visiting privileges to any individuals denied visitation as a result of these policies.

Any policy banning visitors from using necessary menstrual products is a gross overreach into visitors' personal healthcare decisions that is entirely unjustified by the proposed rationale of stemming contraband. According to Operating Procedure 445.1 Sec. VI(E)(1)(b), all inmates are strip searched following contact visitation. It is therefore unnecessary to prohibit menstruating visitors from using necessary products to prevent contraband from entering the facility. Any hypothetical contraband would be discovered during the inmate's strip search prior to re-entry into the prison population.

Further, as it has been implemented, this menstrual product policy functionally bans any menstruating visitor from contact visits. Operating Procedure 445.1 Sec. V(C)(9)(c) nonsensically limits visitors who submit to strip searches and are **not** found with contraband to non-contact visits only. If use of a menstrual product automatically requires a strip search, menstruating visitors can never participate in contact visits. This outcome is ludicrous at best, and discriminatory at worst.

Accordingly, we urge you to clarify that the suspension of the policy requires all facilities to permit menstruating visitors to use whatever sanitary products necessary to address their needs.

Thank you for your prompt attention to this matter.

Sincerely,



Claire G. Gastañaga
Executive Director



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CC: Governor Ralph Northam
Secretary Brian J. Moran, Public Safety and Homeland Security



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