

March 19, 2019

Bernard W. Booker, Warden
Buckingham Correctional Center
1349 Correctional Center Road
P.O. Box 430
Dillwyn, VA 23936

Dear Warden Booker,



701 E. Franklin Street
Suite 1412
(804) 644-8022
Richmond VA 23219
acluva.org

Claire G. Gastañaga
Executive Director

We write to express concern about a complaint our office has recently received regarding Buckingham Correctional Center's denial of visiting privileges to menstruating individuals. We strongly discourage continued implementation of any such policy, and encourage you to reinstate visiting privileges for anyone suspended under such policy.

Banning menstruating visitors from using sanitary napkins, 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 their 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 Department of Correction's proposed visitation policy banning visitors using tampons and menstrual cups was to be suspended immediately until further review. Nevertheless, we received a complaint last month that Buckingham Correctional Center barred from visitation at least one visitor using a sanitary napkin without providing any option by which she demonstrate her lack of contraband. This occurred after the suspension of the DOC policy, and even exceeded the bounds of that policy by including a sanitary napkin as a prohibited menstrual product.

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 cease banning menstruating visitors from using necessary menstrual products and to reinstate the visiting privileges of anyone denied for refusing to submit to the policy.

Thank you for your prompt attention to this matter.

Sincerely,



Claire G. Gastañaga
Executive Director

CC: Governor Ralph Northam
Secretary Brian J. Moran, Public Safety and Homeland Security
Director Harold J. Clarke, Virginia Department of Corrections



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