



42.A.14 Transgender Inmates

STANDARDS:

POLICY

It is the policy of the Thurston County Corrections Facility to receive, evaluate, house and provide secure, safe and humane custody, of all persons who are lawfully committed or held for confinement by the Thurston County Corrections Facility in a respectful, courteous and professional manner while maintaining safety and security. Discrimination or harassment of any kind based on sexual orientation or gender identity is strictly prohibited.

PROCEDURE

Communication

Conversations involving the transgender inmate in regard to their gender identity shall be conducted in private.

In an effort to avoid confusion and provide consistency, transgender inmates will be addressed using their last name (as indicated in ATIMS) when possible.

Members shall not deliberately use pronouns or honorifics other than those preferred by the individual.

Questions relating to an inmate's gender identity or gender expression shall only be asked when necessary to achieve a legitimate penological need.

An individual's transgender/intersex status will be maintained as confidential and only disclosed on a need to know basis.

[PREA 115.41(i)].

Determining Gender Identity

Members shall not search any person solely for the purpose of determining that person's genital status [PREA 115.15(e)]. If an individual's genital status is unknown, it may be determined during conversations with the individual, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

Members shall not require proof of an individual's gender or inquire about details of an individual's anatomy in order to determine an individual's gender. This is not intended to preclude classification staff from requesting information via the Transgender Review Checklist.

Inmates may not be disciplined for refusal to answer or failure to disclose complete information in response to questions regarding gender identification.

If gender identity cannot be determined, members shall notify their immediate supervisor.

Medical and/or mental health staff may attempt to communicate to the inmate the need for their cooperation in determining gender for the purposes of housing and additional inmate services.

In the absence of self-identification by the subject individual, members may use the most current government-issued identification or prior booking/medical records to determine gender identity.

A Transgender Review Checklist may be completed and used to assist with determining gender identity.

Intake and Booking

If determination of an inmate's gender cannot be made prior to the pat search when receiving the inmate from the arresting agency, a cross-gender pat search technique will be used. If feasible, a female deputy will perform the search.

If the inmate's gender identity has been determined or self-disclosed when receiving the inmate from the arresting agency, a staff member of the same gender as identified will conduct the search.

A Statement of Search Preference Form shall be completed as part of the booking process. Whenever possible, the ODS (on duty supervisor) will complete this form.

Staff will ensure the gender and identity of a transgender individual in ATIMS matches the name and gender associated with legal documentation (e.g., birth certificate, driver's

license, passport, court order, or government-issued non-driver's identification card). Enter an AKA in ATIMS when appropriate.

Staff will document a gender identity or expression that is not the same as the legal identification of the arrestee as noted in arrest paperwork, associated reports or criminal history information.

If the individual discloses information about medical treatment related to gender transition, it shall be fully documented upon intake, along with all other medical conditions. Disclosure of this information is voluntary, and an inmate may not be disciplined for refusing to provide such information.

Searches

Searches will be conducted by a member with the same sex as indicated by the inmate on the Statement of Search Preference Form unless exigent circumstances exist, there is no one of that sex available, the failure to conduct the search will jeopardize the safety of staff or inmates, or to do so would significantly impact the operation of the jail. If the search preference cannot be accommodated, a cross-gender pat search technique will be used and an informational report outlining the exigent circumstances will be completed in ATIMS.

Strip searches will be conducted in private, away from other inmates. The Statement of Search Preference Form will be used to determine the sex of the deputy performing the search. Except as outlined in this policy, strip searches will be conducted as per 42.A.07 Strip Searches. If the search preference cannot be accommodated an informational report outlining the exigent circumstances will be completed in ATIMS.

Requests to remove clothing or accessories due to safety and security concerns such as the removal of prosthetics and clothes of the presenting gender, wigs, and cosmetic items shall be consistent with requirements for the removal of similar items for non-transgender individuals.

If a Statement of Search Preference Form has not been completed and a Corrections Deputy conducting a pat or strip search discovers that an inmate is a transgender with the opposite external genitalia, he/she shall immediately stop performing the search and notify his/her respective supervisor.

Classification and Housing

In cases where the classification team is not available, the ODS or Team Lieutenant will determine the initial housing placement following the booking process. Transgender and

intersex inmates initial housing assignment will be determined by using the following information:

Current/Past Offenses

Previous classifications and housing assignments

Institutional history

Mental health/Medical information

Behavior at time of intake

The classification team will review and determine appropriate housing within 72 hours excluding weekends and holidays. The Objective Classification Tool (in ATIMS) and Transgender Review Checklist will be used in this review.

If an inmate discloses their transgender identity to staff after their housing placement, the staff member will report this to the ODS or Team Lieutenant. The ODS or Team Lieutenant will disclose this information to the Classification Sergeant or designee who will ensure the inmate is interviewed and a Transgender Review Checklist is completed within 72 hours, excluding weekends and holidays. If the inmate is disclosing this information due to a concern for their safety, the ODS or Housing Sergeant will address immediate concerns pending the classification teams review.

Transgender and intersex inmates shall not be placed in segregation or dedicated housing units for the sole reason of their gender identity or status.

Transgender or intersex inmates may be housed according to their gender identity, rather than their birth sex. In deciding whether to assign a transgender or intersex inmate to housing for male or female inmates, as well as other programming assignments, classification and the support services captain or his/her designee shall consider, on a case by-case basis, whether a placement would ensure the inmate's health and safety and if the placement would present management or security problems. If deemed necessary for the inmate's safety and emotional well-being, classification may place transgender or intersex inmates according to their birth sex, taking into account the facility's safety and security [PREA 115.42(c)].

Transgender and intersex inmates may make requests to have their housing assignment re-evaluated by sending an Inmate Request (kite) to classification. As part of this review, the inmate will be asked to explain any safety concerns needing consideration. A Transgender Review Checklist will be completed as part of this review. The inmate will be provided with a written notice of the Classification Team's decision within 72 hours, excluding weekends and holidays. This decision may be appealed using the inmate grievance process.

A transgender or intersex inmate's own views with respect to his or her own safety shall be seriously considered [PREA 115.42(e)].

A transgender inmate will be given the opportunity to purchase, via the inmate commissary, personal clothing and hygiene items consistent with his/her gender identity.

Accommodations

Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates [PREA 115.42.f].

Transgender and intersex inmates who are placed in administrative segregation or other special management housing for their safety and security shall have the same rights and privileges as other inmates of the same classification/housing assignment. Additional privileges, programs or personal items will be reviewed upon request by the classification team.

If a transgender or intersex inmate requests administrative segregation, a review will be done to determine what exceptions can be made as it relates to programs and personal items. The privileges and items that were available to the inmate prior to the request will be continued as much as feasibly possible and still maintain the safety and security of the inmate, other inmates, and the facility. A Lieutenant or Captain will be included in this review process.

Medical Treatment

Transgender individuals shall receive the same standards of care as other individuals based on medical need, including needs related to gender transition. Medical needs related to gender transition will be treated with the same urgency as other medical needs.

By Order of the Chief Deputy of Corrections



Todd Thoma

December 16, 2019

Date