

 <b>King County</b>	<b>Department of Adult and Juvenile Detention</b> <b>Adult Divisions</b> <b>General Policy Manual</b>	
	<b>Chapter 6</b> <b>Inmate Classification and Discipline</b>	
<b>6.03.007 Transgender Inmates</b>	Approved By:	Director Holtgeerts
	Effective Date:	August 31, 2006
	This policy supersedes all prior policies and memoranda relating to this subject.	

### **Purpose**

To establish protocols on providing the appropriate treatment of transgender, transsexual, intersex, and gender variant persons who are incarcerated and housed within King County's Department of Adult and Juvenile Detention.

### **Policy**

It is the policy of this Department to establish guidelines for the proper treatment of transgender, transsexual, intersex, and gender variant inmates by all jail staff (custodial, administrative, Jail Health Staff, and all other support and programs access staff) and volunteers. This will ensure not only that the inmate is treated with dignity, but that staff have the information and support they need to be more effective in their duties and responsibilities.

### **References**

DAJD Forms: Strip Search Form (F-543)  
DAJD Policies: 5.01.001 Admission Procedures  
4.01.025 Strip Searches  
1.03.020 Anti-Harassment and Discrimination  
6.04.002 Inmate Grievance Procedures  
6.03.001 Administrative Segregation  
6.01.005 Classification and Assessment  
6.03.003 Critical Inmate Placement  
JHS: J-G-01 Special Needs Treatment Plans

### **Definitions**

**Gender:** The psychosocial construct used to classify a person as a man, woman, both, or neither. Gender encompasses all relational aspects of social identity, psychological identity, and human behavior.

**Gender Identity and Expression:** Gender identity is someone's sense of their own gender, which is communicated to others by their gender expression. Since most people conform to societal gender norms, they have a gender identity congruent with their gender expression and physical sex.

**Gender Variant:** Those people who cannot or choose not to conform to societal gender norms associated with their physical sex. Many people choose to be gender variant in some form and do not consider themselves 'born that way'.

**Intersex:** A person who is born with genitalia and/or secondary sex characteristics determined as neither exclusively male nor female, or which combine features of the male and female sexes.

**Sex:** The physical anatomy and underlying chromosomal and hormonal biology that determines whether someone is male, female, or intersex.

**Staff:** For the purposes of this policy, "staff" shall refer to all full and part-time employees, volunteers, contractors, vendors and those with facility access.

**Transgender:** The overarching term for a variety of individuals, behaviors, and groups involving tendencies along the gender continuum that are in opposition to, or in divergence from, the social identity known as "gender role" (woman or man) commonly, but not always, assigned for life at birth. Transgender is the state of one's identity not matching one's assigned gender, or of falling into multiple categories in terms of gender and sexual identification. Transgender is inclusive of such diverse categories as transvestism, transsexualism, and any other traits and behaviors not typically associated with one's assigned gender.

**Transsexual:** A person who establishes a permanent identity with the opposite gender of their assigned sex. Transsexual men and women make or desire to make a *transition* from their birth sex to that of the opposite sex, with some type of medical alteration (sexual reassignment therapy) to their body.

#### A. General Guidelines

1. All DAJD forms, formal interaction, addresses, and valid law enforcement discussions shall include the arrestee's birth and/or legal name or the name the inmate has been booked under.
2. Staff should address inmates by last name and refrain from using forms of address such as Mr. or Mrs.
3. If staff are uncertain about names or pronouns, they should respectfully ask the inmate.
4. Inmates shall not be punished for respectfully clarifying name and pronoun usage by staff.
5. Unless such questions are part of a formal investigation or other situations that affect the safe and secure operation of the facility, staff shall not ask personal questions related to sexual identity, gender identity or gender expression.
6. Transgender, transsexual, gender variant, and intersex inmates shall have access to all necessary medical and mental health care. For more in depth protocol involving Jail Health Services, refer to the *2004 Jail Health Procedures*.
7. Transgender, transsexual, gender variant and intersex inmates will be provided with a commissary form that conforms to their housing assignment and security level.
  - a. As long as it does not disrupt the safe and secure functioning of the facility, transgender, transsexual, gender variant, and intersex inmates shall be permitted to wear the same items as anyone else of their adopted gender (*i.e.*, transsexual women will be provided with bras, and personal supplies given to other females).



- b. For male-identified inmates who have not or are not having chest surgery, DAJD will, upon request, issue shirts that are large enough to fit loosely over the chest area to help the inmate maintain a gender-congruent appearance.
- c. Menstrual hygiene supplies are available on an as-needed basis.
- d. Shaving supplies are available through the facilities commissary.
- e. After reviewing an inmate's medical history, and if approved, JHS shall provide transsexual inmates with necessary continuing care items such as stents and other post-operative supplies.

## **B. Intake, Transfer and Release**

1. At the time of booking, the Officer shall make a booking note denoting the inmate's gender identity and the inmate's physical sex.
2. Following Department policy *5.01.001 Admission Procedures*, all inmates shall be screened for medical and psychological issues, and be afforded the opportunity to speak with medical and psychiatric services in order to assess the inmate's needs.
3. DAJD staff shall follow the dictates of this policy and other relevant Departmental protocol for handling transsexual, transgender, gender variant, or intersex inmates during transport, release, or any other time the inmate is off jail grounds, but still in DAJD custody.
4. Strip Searches and inmate "dress-outs" shall be carried out following Department policy *4.01.025 Strip Searches*, including, but not limited to:
  - a. Strip searches of transgender, transsexual, intersex, or gender variant inmates must be authorized by the duty Sergeant or higher authority before proceeding.
  - b. Those inmates in post-conviction status and being booked on those charges that require a strip search shall be searched following the guidelines in the above strip search policy.
  - c. Strip searches will not be done to see the inmate's genitals and/or to determine gender.
  - d. The reason for the strip search must be documented on the Strip Search Form (F-543).
  - e. Strip searches shall be done by two Officers who are of the same physical sex as the inmate.
  - f. If the inmate's physical sex cannot be determined, and/or the inmate refuses to cooperate, JHS shall be called in to make the determination with uniformed staff standing by for security purposes.

## **C. Behavior Toward Transsexual/Transgender/Intersex/Gender Variant Inmates**

1. Following Department policy *1.03.020 Anti-Harassment and Discrimination*, the following activities constitute harassment of inmates and must not be engaged in by DAJD staff or other inmates.

- a. Talking within hearing/sightline of a transgender, transsexual, intersex, or gender variant inmate about their own gender identity or gender identity in general in a derogatory or hurtful manner.
- b. Talking about or ridiculing transgender, transsexual, intersex, and gender variant inmates specifically, or these populations in general, to the larger inmate population. This could have the effect of sanctioning and bringing already existing prejudicial feelings to the surface in other inmates, which could make things unsafe for transgender, transsexual, intersex, and gender variant inmates.
- c. Asking an inmate personal questions about what their genitals look like, why they want to undergo gender reassignment, or anything else related to their gender identity or its presentation.
- d. There may be necessary exemptions which include, but are not limited to:
  1. Jail Health Staff personnel, when performing their duties relating to the sexual and gender identities of inmates.
  2. Departmental investigations or other formal inquiries.
  3. As part of the Classification process.

#### **D. Housing**

1. Following DAJD policies *6.01.005 Inmate Classification and Assessment* and *6.03.003 Critical Inmate Placement*, all transsexual, transgender, intersex, or gender variant inmates in the care of DAJD will be classified and assigned housing based on their safety/security needs, housing availability, gender identity, and genitalia.
2. There are some times, as with any inmate, when a transsexual, transgender, intersex, or gender variant inmate will not be right for placement in general population or group administrative segregation. This assessment will be made following DAJD policy *6.03.001 Administrative Segregation* and not on the basis of gender identity, but on relevant objective criteria, which includes but is not limited to:
  - a. The inmate has been charged, or convicted of, a violent crime.
  - b. The inmate has a record of disruption or non-cooperation.
  - c. There is a history of escape attempts.
  - d. There is a history of victimizing others.
  - e. The inmate has marked or severe symptoms of a mental or physical illness that may require special housing. (Being transsexual, transgender, gender variant, or intersex does not count as an illness for this requirement.)
3. Inmates placed in protective custody/group segregation because their gender identity/expression places them at risk shall have access to the same services afforded to general population inmates assigned to the same custody status.

#### **E. Dispute Resolution**

1. Following Department policy *6.04.002 Grievance Procedures*, inmates have the right to submit a written or verbal complaint when an issue cannot be resolved informally, or the allegation involves gross or criminal misconduct by staff.



2. If the DAJD grievance protocol does not resolve the issue or complaint, the inmate may attempt resolution through the use of the King County Ombudsman's Office.

**F. Staffing and Training**

1. Staff shall receive New Employee Orientation training as well as in-service training relevant to these protocols.
2. Staff can refer transgender, transsexual and gender variant inmates for psycho-social assessment, case management /care coordination, and release planning at the Seattle Division and Kent Division by contacting the JHS Special Medical Needs Social Worker at 296-3415 or pager 645-0818.