5-02/050.00 Classification, Screening, and Housing of Gay, Gender Non-Conforming, Intersex, and Transgender Inmates

The Department shall adhere to the Prison Rape Elimination Act of 2003 (PREA) and shall make individualized determinations on how to ensure the safety of each inmate who discloses they are LGBTI (lesbian, gay, bisexual, transgender, intersex) or gender non-conforming during the classification and housing process. The classification and housing of gay, gender non-conforming, intersex, and transgender inmates is also established in connection with, and shall adhere to, the legal settlement of *Robertson, Belisle, and Rumph v. Sherman Block et al.* (1985) 82 1442 WPG.

DEFINITIONS

Refer to the Manual of Policy and Procedures (MPP) 5-09/560.00, "Interactions with Transgender and Gender Non-Confirming Persons," for appropriate language to use when speaking to LGBTI inmates.

SCREENING AND CLASSIFICATION

The Population Management Bureau (PMB) Classification is responsible for the initial screening of all inmates. Male-assigned inmates who disclose themselves to be or are perceived to be gay, bisexual, gender non-conforming, intersex, or transgender are separated and upon medical clearance are transferred to an appropriate housing location for further screening and classification by the [REDACTED TEXT] Processing Detail and/or the Gender Identity Review Board (GIRB). Female-assigned inmates who disclose themselves to be or are perceived to be intersex, or transgender are separated and upon medical clearance are transferred to an appropriate housing location for further screening and classification by GIRB. Inmates shall not be disciplined for refusing to answer, or for not disclosing, whether they are gay, bisexual, gender non-conforming, intersex, or transgender.

[REDACTED TEXT] is a classification used for administratively segregated inmates who are confirmed members of the LGBTI community. The [REDACTED TEXT] Processing Detail is responsible for all screening, record keeping, files, and determining factors related to the classification or de-classification of gay, bisexual, gender non-conforming, intersex, and transgender inmates designated as [REDACTED TEXT]. The [REDACTED TEXT] Processing Detail shall assess the housing assignments for LGBTI inmates at least twice per year to review any threats to health and safety experienced by a LGBTI inmate.

The Inmate Reception Center (IRC) and Century Regional Detention Facility's (CRDF) PREA Compliance Manager shall interview all transgender and intersex inmates to identify the best housing location. Transgender and intersex inmates shall be screened and classified on a case-by-case basis. Their gender identity, outward appearance, and the inmate’s own perception of vulnerability shall be taken into consideration. Department personnel shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate’s genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. If the inmate's gender identity cannot be determined, the inmate's case shall be referred to GIRB as listed in the section below.

If an inmate’s gender identity cannot be determined, the inmate shall be administratively segregated temporarily and classified as a [REDACTED TEXT] for up to 72 hours, during which time GIRB will meet to

determine the best housing for the inmate. The inmate shall not be moved from the receiving facility or placed in [REDACTED TEXT] housing. Immediate notification shall be made of the inmate's name, booking number, and temporary housing location to the following individuals/groups:

- The receiving facility's PREA Compliance Manager;
- Department PREA Coordinator;
- Custody Support Services PREA [REDACTED TEXT].

The watch commander shall document the notifications in the Watch Commander's Log.

Circumstances and related documentation shall be referred to the GIRB to determine the appropriate housing location for the inmate.

Inmates who have been sexually abused shall not be placed in restrictive housing, unless an assessment of all available alternatives has been made and there is no available alternative of separating the victim from likely abusers (see CDM section 5-02/040.00, "Administrative Segregation").

REFERRALS TO THE GENDER IDENTITY REVIEW BOARD (GIRB)

The Department has created a Gender Identity Review Board consisting of the Department's PREA Coordinator, representatives from Correctional Health Services (CHS), Mental Health, Custody Division, and members from the LGBTI community. The purpose of this Board is to establish and address the needs and housing of LGBTI inmates whose gender identity cannot be determined.

Only personnel assigned to the [REDACTED TEXT] Processing Detail shall screen, classify, or de-classify any inmate who has self-identified as being LGBTI. No facility will refuse to accept an inmate based solely on either an inmate's disclosure or the Gender Identity Review Board's recommendation for housing.

Absent exigent circumstances regarding the medical or mental health of an inmate, no facility shall transfer or attempt to transfer any [REDACTED TEXT] inmate, or any inmate who is LGBTI between any facility or housing unit without first obtaining permission from the [REDACTED TEXT] Processing Detail, PMB Classification Lieutenant, or IRC watch commander and the Gender Identity Review Board. All inmate transfers shall be coordinated through IRC. If an inmate discloses they are LGBTI, the involved housing facility will contact PMB Classification for instructions. Inmates shall not be transferred back to IRC unless permission is first obtained from IRC.

It is possible to ascertain whether or not an inmate has been screened, classified, or de-classified by accessing the [REDACTED TEXT] screens on the Automated Justice Information System (AJIS) terminal. The [REDACTED TEXT] Processing Detail may be contacted by calling [REDACTED TEXT]. The PMB Classification Lieutenant may be reached at [REDACTED TEXT], and the IRC Watch Commander may be contacted at [REDACTED TEXT].

HOUSING

The housing placement of gay, bisexual, gender non-conforming, intersex, or transgender inmates will be based on the findings of PMB Classification, the [REDACTED TEXT] Processing Detail, and the Gender

Identity Review Board. If it has been determined an inmate will be classified as a [REDACTED TEXT], they shall be housed separately from the general jail population at a designated, exclusive, housing location and may only be housed with other [REDACTED TEXT] inmates unless other factors regarding their classification preclude them from being housed there.

Unless other case factors dictate, female inmates who identify as lesbian shall not be housed separately from the general jail population.

Intersex and transgender inmates shall be given the opportunity to shower separately from all other inmates in their housing unit. Each facility that houses a transgender or intersex inmate shall have procedures in place to accommodate that inmate should they choose to shower separately.

For inmates who are temporarily housed at a station jail, Department personnel shall use the Station Jail Inmate Classification Questionnaire (SH-R-456) and the Arrestee Medical Screening Form (SH-R-422) to determine placement inside the station jail until that inmate is released or transferred.