2023-03 Screening of Transgender and Intersex Inmates

Los Angeles County Sheriff's Department
INFORMATIONAL BULLETIN
Custody Operations

Custody Support Services

Bulletin #2023-03

Screening of Transgender and Intersex Inmates

INTRODUCTION

The purpose of this informational bulletin is to inform personnel on the procedures of screening transgender and intersex inmates in accordance with Manual of Policy and Procedures (MPP) section 5-09/560.00, "Interactions with Transgender and Gender Non-Conforming Persons"; Custody Division Manual (CDM) sections 5-02/050.00, "Classification, Housing of Gay, Gender Non-Conforming, Intersex, and Transgender Inmates" and 5-08/010.00, "Searches"; and Station Jail Manual (SJM) section 6-04/010.00, "Inmate Classification."

DEFINITIONS

Transgender: Individuals with a gender identity that is different from the sex assigned to them at birth. Someone who was assigned the male sex at birth, but who identifies as female, is a transgender woman. Likewise, a person assigned the female sex at birth, but who identifies as male, is a transgender man. Some individuals who would fit this definition of transgender do not identify themselves as such, and identify simply as men and women, consistent with their gender identity. The guidance discussed in this bulletin applies whether or not a particular individual self-identifies as transgender.

Intersex: The general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male.

For additional definitions related to gender identity, refer to MPP section 5-09/560.00, "Interactions with Transgender and Gender Non-Conforming Persons."

PROCEDURES

Screening and Classification

If an inmate's gender identity cannot be determined during a Preliminary Gender Identity Interview, the inmate shall be temporarily administratively segregated and classified as a [REDACTED TEXT] for up to 72 hours,

during which time personnel assigned to the [REDACTED TEXT] Processing Detail will be summoned and shall conduct a Gender Identity Interview and screen, classify, or de-classify any inmate who has self-identified as being transgender or intersex. If the [REDACTED TEXT] Processing Detail cannot ascertain the gender identity of the inmate, a Gender Identity Review Board (GIRB) will convene in a timely manner to determine the best housing for the inmate. A GIRB consists of LASD executives and community representatives and is used as a last resort. Only the [REDACTED TEXT] Processing Detail can refer an inmate to the GIRB.

Note: The inmate shall not be moved from a facility or placed in [REDACTED TEXT] housing until safe housing has been identified by the [REDACTED TEXT] Processing Detail or the GIRB.

If the facility or the [REDACTED TEXT] Processing Detail cannot identify safe housing for a transgender or intersex inmate, immediate notification shall be made of the inmate's name, booking number, temporary housing location, and a brief synopsis to the following individuals/groups:

- The receiving facility's watch commander
- The receiving facility's Prison Rape Elimination Act (PREA) Compliance Manager
- Department PREA Coordinator (PREA-Coordinator@lasd.org)

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

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

Searches

LASD personnel may verbally determine gender. (e.g., "What is your gender?")

LASD personnel shall not conduct a search for the sole purpose of determining gender or the presence or absence of genitalia.

LASD personnel shall not ask medical staff to conduct an examination for the sole purpose of determining gender.

LASD personnel shall, under no circumstance, subject a transgender or intersex person to a more invasive search than a non-transgender or non-intersex person.

These guidelines do not preclude personnel from conducting searches for safety and security. For further information on search procedures for transgender and intersex inmates, refer to CDM section 5-08/010.00, "Searches."

Name And Pronoun Usage

Los Angeles County Sheriff's employees are to interact with transgender and gender non-conforming people in a manner that is professional, respectful, and courteous.

Employees shall follow these policies when either of these two conditions are met:

- A person informs a deputy or employee that he/she is transgender.
- A deputy or employee has good reason to believe the individual is a transgender person. Good reason may be based on gender expression and presentation, reasonable observations, prior interactions, and/or background checks.

Every individual has the right, upon request, to be addressed by the name and pronoun that correspond to their gender identity. Proof of a court-ordered name or gender change is not required. If an individual's appearance and gender expression do not clearly indicate their gender identity, a deputy or employee shall politely and respectfully ask how the person wishes to be addressed, for instance, "What name and pronouns would you prefer I use when I address you?"

The intentional or persistent refusal to respect an individual's gender identity (for example, intentionally referring to the person by a name or pronoun that does not correspond to their gender identity) constitutes harassment and violates MPP sections 5-09/560.00, "Interactions with Transgender and Gender Non-Conforming Persons" and 3-01/030.15, "Conduct Toward Others."

The procedures outlined in this informational bulletin are intended to ensure LASD personnel are aware of key elements from the MPP, CDM, and SJM sections listed in the introduction to this bulletin.

If you have any questions regarding this informational bulletin, please contact the Office of PREA Compliance [REDACTED TEXT].