



POLICY AND PROCEDURES

NUMBER: 1807 SUBJECT: *Transgender Inmates*

ACA STANDARDS: None

ACTING DIRECTOR: *Julia Childrey*

EFFECTIVE DATE: 7/16 REVISION DATE: 5/18

I. POLICY

The St. Louis County Department of Justice Services shall ensure that inmates identifying as transgender are identified, classified, and housed in a manner that best provides for the safety and security of the inmate and the facility.

II. RESPONSIBILITIES

All St. Louis County Department of Justice Services' staff are responsible for the following procedures.

III. DEFINITIONS

Asexual: A person who is not romantically or sexually attracted to any gender.

Bisexual: A person who is romantically or sexually attracted to more than one gender or sexual category

Gay: Commonly refers to men typically attracted to other men

Gender: A socially constructed concept classifying behavior as either “masculine” or “feminine”, unrelated to one’s external genitalia

Gender Expression: A person’s expression of their gender identity, including appearance, dress, mannerisms, speech, and social interactions

Gender Identity: Distinct from sexual orientation and refers to a person’s internal, deeply felt sense of being male or female

Gender non-conforming: Gender characteristics and/or behaviors that do not conform to those typically associated with a person's biological sex

Gender "norms": The expectations associated with "masculine" and "feminine" conduct, based on how society commonly believes males and females should behave

Heterosexual: Sexual or romantic attraction to a sex differing from one's own

Homosexual: Sexual, emotional, and/or romantic attraction to persons of the same sex

Intersex: A condition in which a person is born with external genitalia, internal reproductive organs, chromosome patterns, and/or an endocrine system that does not fit typical definitions of male or female

LGBTIQ: Acronym for a group of sexual minorities including lesbian, gay, bisexual, transgender, questioning, and intersex individuals

Lesbian: Commonly refers to women typically attracted to other women

Questioning: Active process in which a person explore her or his own sexual orientation and/or gender identity and questions the cultural assumptions that they are heterosexual and/or gender conforming

Sex: Ones' anatomical make-up, including external genitalia, chromosomes, and reproductive system

Sexual Identity: The sex that a person sees themselves as. This can include refusing to label oneself with a sex

Sexual Orientation: Romantic and/or physical attraction to members of the same or different sex

Transgender: A person whose gender identity differs from their birth sex

Transgender girl: A person whose birth sex was male but who understands herself to be, and desires to live her life as, a female

Transgender boy: A person whose birth sex was female but who understands himself to be, and desires to live his life as, a male

Transsexual: A person whose physical anatomy does not match his or her gender identity, and seeks medical treatment (sex reassignment surgery or hormones)

Transvestite: A person who engages in gender non-conforming behavior, such as adopting the gender expression of the opposite sex for purposes of sexual or emotional gratification, but does not necessarily consider their gender identity to be different from their sex

IV. PROCEDURES

A. Initial Classification

1. If an inmate is identified as transgender in the Law Enforcement Lobby upon arrival to the facility, the following will occur:
 - a. Corrections Medicine staff will conduct a routine assessment to record any information offered by the inmate pertaining to the completion or current status of gender reassignment, to include:
 1. Breast implants or breast removal
 2. Facial reconstruction
 3. A current prescription for hormones
 4. Opposite gender name change
 5. A history of living as the opposite gender
 - b. Corrections Medicine staff will forward any necessary information to intake staff, including the officer in the LEL, the shift supervisor, and the classification specialist.
 - c. Upon acceptance by Corrections Medicine staff, the inmate will be pat searched by a female officer.

NOTE: Staff is prohibited from searching or physically examining a transgender 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, by reviewing medical records, or, if necessary, that information can be learned as part of a broader medical examination conducted in private by a medical practitioner. This provision does not prohibit or otherwise affect searches of inmates to ensure the safety and security of the institution.

- d. Medical staff will ensure the inmate is referred to mental health for assessment of the need for further mental health services.

2. During the course of the initial classification process, the Classification Specialist will ask inmates questions about sexual orientation/identity and the responses will be documented in IJMS for classification purposes and for screening of being sexually abused by other inmates or sexually abusive toward other inmates in accordance with Policy 1809 (PREA).
3. The classification specialist will forward inmate's name and IMN to the Superintendent of Security and the Superintendent of Operations and will have the inmate fill out the "Statement of Preference". The inmate's preferences will be documented in IJMS.
4. All transgender inmates will be placed in a segregation unit of his/her assigned sex for no more than 72 hours after arrival while the members of the Transgender Committee assess the inmate for appropriate housing.
5. Classification of a transgender inmate will be on a case by case basis and at no time will identification of an inmate as transgender be the sole factor in determining housing. All classification decisions will be made to ensure the inmate's health and safety are not compromised and to prevent management or security issues.

B. Transgender Committee

1. The Director/designee shall establish the Committee for the purpose of reviewing placements, security concerns, and overseeing gender related accommodation needs. At a minimum, the Committee shall be comprised of the following:
 - a. Corrections Mental Health Personnel
 - b. Superintendent of Security and/or Superintendent of Operations
 - c. Justice Services Administrative Staff (i.e. Unit Manager)
 - d. Case Manager
2. The Committee Chair or designee will interview any inmate who identifies as transgender, and convene a meeting within 72 hours of the inmate's arrival.
3. The Committee will make recommendations for those inmates identified as transgender to be housed in units conducive to their needs. The Committee will consider the inmate's own views with respect to his or her safety when determining housing and programming assignments.
4. Each inmate will be reviewed at least twice a year to review any threats to safety experienced by the inmate or any concerns with the inmate population.

C. Searches

1. The Classification Specialist will ensure the inmate fills out the “Statement of Preference”.
2. On the “Statement of Preference”, the inmate will declare if they prefer to be searched by a male officer or a female officer.
3. Transgender inmates will be pat searched and strip searched by an officer of the gender of the inmate’s preference.
4. All searches will be conducted in accordance to Policy #813 Inmate Searches.

D. General Information

1. Transgender inmates are authorized to wear and possess gender identified undergarments and may groom according to their gender identity.
2. Staff will address a transgender inmate as he/she prefers based on the information the inmate provided on the Statement of Preference.
3. Staff will not bully or harass transgender inmates.
4. Staff will remain professional and respectful at all times.
5. Staff will refrain from discussing a transgender inmate’s status in front of other inmates.
6. Staff will not allow other inmates to bully or harass a transgender inmate and will report any incidents to the Housing Unit Supervisor immediately.

E. Staff Training

1. All staff, either through the required annual training or during the Training Academy for new staff, shall receive training specific to the LGBTIQ community, including but not limited to:
 - a. Sexual Harassment as it pertains to LGBTIQ
 - b. PREA as it pertains to LGBTIQ
 - c. Professionalism and Respect for people with different backgrounds