

 <p style="text-align: center;">ALLEGHENY COUNTY BUREAU OF CORRECTIONS</p>	APPLICABILITY: All Authorized Personnel	
	POLICY NUMBER: #324	EFFECTIVE: 7/25/16 REVIEWED: 9/29/22
	TITLE: Guidelines for Detaining Transgender and Intersex Inmates	
	ACA Standards: 2A-66 Title 37: 37-95.222,225,226; PREA 115.15,41,42,43	
AUTHORIZED BY: ORLANDO L. HARPER		
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POLICY

It is the policy of the Allegheny County Bureau of Corrections (ACBOC) to provide services in a humane and respectful manner to inmates identified as transgender and intersex while ensuring that they are housed safely and efficiently to the greatest extent possible.

PURPOSE

1. To establish procedures to ensure transgender and intersex inmates are free from unreasonable conditions of confinement, have equal access to programs and facilities, and have the necessary medical care to treat medical conditions.
2. To take reasonable measures to guarantee the safety of all inmates from assault under the Prison Rape Elimination Act (PREA) standards by determining risk for sexual victimization and ensuring their right to privacy and freedom of religion and expression.

DEFINITIONS

- **Lesbian:** Commonly refers to women typically attracted to other women.
- **Gay:** Commonly refers to men typically attracted to other men.
- **Bisexual:** A person who is romantically or sexually attracted to more than one gender or sexual category.
- **Transgender:** A person who gender identity differs from their birth sex.
- **Transsexual:** A person whose physical anatomy does not match his or her gender identity, and they are seeking or have sought medical treatment regarding this matter (gender reassignment surgery or hormones).

- **Intersex:** A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical biological definitions of male or female. Not all intersex people identify as transgender; unless otherwise specified, this policy does not apply to intersex people who do not identify as transgender.
- **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.
- **LGBTI:** Acronym for a group of sexual minorities including lesbian, gay, bisexual, transgender, questioning and intersex individuals.

PROCEDURAL GUIDELINES

A. Employee Conduct

1. The ACBOC has a **zero-tolerance policy** for any staff sexual harassment or sexual misconduct towards transgender and intersex inmates. Any substantiated claim of sexual conduct, sexual contact, or sexual harassment by a staff member to an inmate may result in termination of the staff member’s employment, referral for criminal charges, civil penalties, or other punitive actions deemed appropriate.
2. The ACBOC will have zero tolerance for derogatory terms used towards transgender and intersex inmates and members of the LGBTI community.

B. Gender Identity or General Expression

1. Under all circumstances, personnel shall only ask questions related to gender identity or gender expression for the purpose of intake and housing assignments, classification, programming, health care and health assessments or where information is necessary to ensure the safety, security and order of inmates, authorized visitors, personnel, and the facility.
2. Questions related to sexual identity, gender identity, or gender expression shall be asked in a respectful manner to preserve confidentiality as well as human dignity. Questions are to avoid subjecting the inmate to abuse, humiliation or ridicule.
3. During the receiving screening the healthcare services department will ask a series of questions related to gender identity, sexual orientation and pronoun preference. Healthcare services staff will notify the Intake

Supervisor in the event the inmate identifies as transgender or intersex. The Intake Supervisor will then contact the Shift Commander at their earliest convenience. The Shift Commander is tasked with notifying the Administration.

4. The healthcare services staff in collaboration with uniformed staff will use the following to identify:
 - a. The inmate's appearance or behavior—shall be an identification indicator—If an inmate's appearance or behavior does not match the name or gender marker on the inmates arresting/transportation paperwork or identification.
 - b. Inmate self-report
 - c. Prior booking records
5. All questioning shall be conducted in a private and respectful manner.
 - a. If after questioning the person and the gender cannot be determined by reviewing documents and/or they refuse to cooperate, the inmate will be placed in a single cell until the routine intake medical assessment is completed during Processing.
 - b. If it is determined that the inmate is transgender or intersex, Intake Supervisory Staff are to be contacted immediately.
 - c. The Supervisor will make the determination of cell placement with respect to the inmate's safety and security while in the Intake/Processing area. Intake Supervisory Staff will also contact the Shift Commander so that immediate post-Intake housing can be decided and to make notification to the Jail Administration by way of e-mail.
6. Due to their vulnerability, inmates identified as transgender or intersex shall be expedited from time of arrest to placement on a housing unit. Intake Supervisory Staff are responsible for ensuring that the processing of transgender and intersex is expedited. Furthermore, their classification will be expedited so that appropriate housing can be identified.

C. Searches

1. Upon commitment, the initial pat search will be based on Law Enforcement personnel documentation.

2. The ASAP Officer shall check the Allegheny Standardized Arrest Program to determine the detainee's legal gender identity. If the legal gender identity cannot be determined, they are to be taken to the Identification Department for verification.
3. The ASAP Officer shall notify the Intake Sergeant if the inmates legal gender identity is incongruent with the arrested agencies reported gender.
4. The Intake Sergeant shall notify the shift commander.
5. Inmates will be searched based on their legal gender identity.
6. At no time shall any search be conducted solely for the purpose of determining an inmate's biological sex or gender. Healthcare professionals will not be responsible to conduct any searches to determine an inmates gender.
7. Transgender and intersex inmates shall not be subject to more invasive searches.
8. Searches shall be conducted in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
9. The ACBOC does not conduct cross-gender strip searches or cross-gender visual body cavity searches.

D. Housing

The following processes shall take place to determine appropriate initial and long- term housing of a transgender or intersex inmate:

1. Initial housing decisions shall be based on:
 - a. Inmate's responses to the Booking Observation Questions (BOQ);
 - b. Consideration of the inmate's health and safety; and
 - c. Consideration for placing the inmate in a location that minimizes management and security problems.
 - d. The Intake Sergeant will house the transgender or intersex inmate according to their legal gender identity until a committee appointed by the warden can determine long term housing.

Please note that if responses to the BOQ suggests that Administrative Custody (AC) or Administrative Custody/Protective Custody (AC/PC) is warranted, or the inmate requests Protective Custody (PC), then that shall be the initial housing designation. The procedures outlined in policy #306

are to be followed for segregating new admissions. Furthermore, newly admitted/unclassified transgender or intersex inmates are to be single-celled and must be cleared for single-cell placement by a medical and mental health professional. Upon clearance, they may be placed on a classification unit. However, if the inmate is detoxing then they may be placed in the Medical Housing Unit (5B) if determined to be needed by healthcare personnel. Please note that transgender and intersex inmates are not to be moved from their initial housing location without authorization from the Administration.

E. Transgender/Intersex Housing Committee

1. The Warden shall appoint a committee to convene a housing meeting to determine long term housing for transgender and intersex inmates. This committee shall meet within 72 hours (excluding weekends and holidays) of the inmate being processed into the ACBOC. This committee will include representatives from the following departments: Administration, Medical, Mental Health, Classification and the PREA Compliance Manager.
2. The committee will determine whether to assign a transgender or intersex inmate to a male or female housing unit and in making other programming and security assignments. The ACBOC shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.
3. A transgender or intersex inmate own views with respect to his or her safety shall be given serious consideration. They will be given the opportunity to shower separately from other inmates.
4. To accomplish this, the committee will meet to discuss a recommended housing plan. The plan will be developed with consideration of an assessment completed by medical and mental health professionals, information obtained from the Booking Observation Questions, Classification process, PREA Assessment, and from an interview with the inmate. The written recommendation will be forwarded to the Warden for final approval.
5. The housing committee shall determine if the transgender or intersex inmate will be housed in the general population or in a protective custody unit of the gender consistent with their gender identity. The assignment

shall be justified in writing and stored in the inmate's classification file. A housing plan will be developed and maintained by the Transgender/Intersex Housing Committee.

6. If it is determined that a transgender or intersex inmate can be housed in the general population, the inmate shall be transferred to a unit that matches his/her classification level.
7. If it is determined that a transgender or intersex inmate requires protective custody (PC) by the Classification Department or by the inmate's request for PC status, he or she shall be placed in PC and his/her custody shall be reviewed by the Program Review Committee (PRC) every 30 days. The facility shall afford each such inmate a review to determine whether there is a continuing need for separation from general population.
8. A transgender or intersex inmate will be housed in administrative or protective custody when there is reason to believe the inmate presents a heightened risk to him/herself or others, or where the inmate fears he/she will be vulnerable to victimization in any other housing setting. This assignment shall be only for the period during which the heightened risk and/or fear exists. Transgender and intersex inmates in administrative segregation and protective custody shall have access to programs and services consistent with that status.
9. The Housing Committee will reassess placement and programming assignments for each transgender or intersex inmate at least twice a year to review any threats to safety experienced by the inmate.
10. Transgender and intersex inmates will be provided standard jail attire consistent with the gender of their housing assignment. Transgender or intersex inmates under hormone therapy with secondary sexual characteristics such as breasts shall be provided appropriate undergarments such as a bra when clinically indicated by appropriate health services personnel.
11. While incarcerated in the Allegheny County Bureau of Corrections, transgender and intersex inmates shall not be discriminated against in their participation in services, programs, or benefits and shall not be subjected to verbal or physical harassment or a hostile environment by personnel or inmates. Individuals who are found to engage in such abuse shall be subject to appropriate disciplinary action.

F. Complaints and Grievances

1. Any staff member who is notified of a complaint regarding employee misconduct towards or mistreatment of a transgender or intersex inmate shall treat it with the highest priority and immediately notify their supervisor.
2. Any supervisor notified of a complaint of physical abuse towards a transgender or intersex inmate shall immediately secure the inmate and determine, based on interviewing, if immediate medical attention is required.
3. The supervisor must formally document this incident and make notification through their chain-of-command.
4. All complaints made by or on behalf of transgender or intersex inmates shall be submitted to the Jail Administration and are to be tracked through the Warden's office.

Inmate Services

1. Transgender and intersex inmates shall have equal access to all available services to include mental health, medical, drug and alcohol education/treatment, re-entry services, etc.
2. Specialized services shall be developed based on individual needs.

Use of Screening Information/Confidentiality

1. A person's transgender or intersex status is considered confidential information. This information is strictly on a need-to-know basis.
2. Classification shall use this information to determine housing and bed assignments with the goal of keeping transgender and intersex inmates at high-risk to be victimized from those at high-risk to be abusive.
3. Classification and other Staff shall make individualized determinations on how to ensure the safety of every inmate.