



POLICY AND PROCEDURES

NUMBER: 1807

SUBJECT: LGBTQIA+ Inmates

ACA STANDARDS: None

DIRECTOR: *Raul Banasco*

EFFECTIVE DATE: 7/16

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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.

The St. Louis County Department of Justice Services (DJS) shall ensure that all inmates, including, lesbian, gay, bisexual, pansexual, transgender, genderqueer, queer, intersexed, agender, asexual, and ally community (LGBTQIA+) are identified, classified, and housed in a manner that best provides for a safety and security of the inmate and the facility until their lawful and appropriate release or transfer to another authority.

- a. The purpose of this policy is to establish operational practices that promote an environment in which all LGBTQIA+ inmates are physically and emotionally safe and treated fairly and respectfully.
- b. This policy applies to all facility personnel, including staff, contractors, and volunteers.
- c. DJS shall ensure that all existing and incoming personnel receive written copies of this policy and participate in training on the operational aspects of this policy relevant to their positions.
- d. DJS shall ensure that all inmates receive a statement of their rights and responsibilities under this policy, as well as a verbal explanation of the policy in a language they understand, during their orientation.

II. RESPONSIBILITIES

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

All St. Louis County Department of Justice Services' staff are responsible for the following procedures in order to meet Federal standards, regulations, guidelines, directives, or requirements that:

- Facilitate the elimination of discrimination against; and
- Address the appropriate classification, housing and treatment of; and
- Provide the specific safety, security and medical needs of lesbian, gay, bisexual, transgender, intersex, and non-conforming inmates in a respectful manner while maintaining the security, safety, and good order of all DJS facilities; and
- Establish sanction for any violation of this policy.

III. DEFINITIONS

Agendered: Person is internally ungendered.

Ally: Someone who confronts heterosexism, homophobia, biphobia, transphobia, heterosexual and genderstraight privilege in themselves and others; a concern for the well-being of lesbian, gay, bisexual, trans, and intersex people; and a belief that heterosexism, homophobia, biphobia and transphobia are social justice issues.

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

Bias: A personal, generalized preference for or against something that has the tendency to interfere with one's ability to be impartial or objective.

Cisgender: Describes people whose gender identity matches their sex assigned at birth.

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

Gay 1. Term used in some cultural settings to represent males who are attracted to males in a romantic, erotic and/or emotional sense. Not all men who engage in "homosexual behavior" identify as gay, and as such this label should be used with caution. 2. Term used to refer to the LGBTQIA+ community as a whole, or as an individual identity label for anyone who does not identify as heterosexual.

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

Gender Classification Committee: A committee responsible for assessing and making recommendations as to housing, medical and mental health needs for transgender/intersex individuals. The committee is comprised of Corrections Mental Health Personnel, Superintendent of Security and/or Superintendent of Operations, Justice Services Administrative Staff (i.e. Unit Manager) and Case Manager.

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

Genderqueer: A gender variant person whose gender identity is neither male nor female, is between or beyond genders, or is some combination of genders. Often includes a political agenda to challenge gender stereotypes and the gender binary system.

Gender Transition: A process by which transgender people align their anatomy (medical transition), identity documents (legal transition), or gender expression (social transition) with their gender identity.

Harassment: Unwanted verbal, physical, visual, or sexual conduct that creates an intimidating, hostile or offensive environment.

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 and/or secondary sexual characteristics determined as exclusively male, female, or combined male and female features. A person with an intersex is born with external genitalia, reproductive organs, sex chromosome patterns, and/or an endocrine system that does not fit typical definitions of male or female.

LGBTQIA+ A common abbreviation for Lesbian, Gay, Bisexual, Pansexual, Transgender, Genderqueer, Queer, Intersexed, Agender, Asexual, and Ally community.

Lesbian: Commonly refers to women typically attracted to other women.

Pansexual: A person who is sexually attracted to all or many gender expressions.

Pat-down search: Means a running of hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses a weapon or contraband.

Queer: An umbrella term that describes a person who does not identify as straight or cisgender. The term has negative connotations for some people, given its historical use as a pejorative term. Many people have reclaimed the term, often to expand upon limited sexual and gender-based categories.

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

Sex: One's 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.

Statement of Preference Form: A form indicating transgender or intersex person indicating preferred housing, preferred name and pronouns, and indicating search preference. (See Attachment "A").

Strip Search: A visual search in which the inmate is required to remove all of his/her clothing, to expose the genitalia, breasts, and other parts of the body; and may include a visual inspection of body cavities.

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

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. Identifying LGBTQIA +Inmates

When determining whether inmates are Lesbian, Gay, Bisexual, Pansexual, Transgender, Genderqueer, Queer, Intersexed, Agender, Asexual, and Ally community (LGBTIA+), the following should be taken into consideration:

- Inmate self-reports. If there is doubt or a question concerning the validity of the self-report the DJS officer shall consult a supervisor and if necessary, Corrections Medical Staff.
- Arresting/transporting agency has alerted the DJS staff to the inmate's LGBTQIA+ status.
- Inmate's past history, if known.
- Inmate's appearance or behavior does not match the gender marker on the inmates arresting/transportation paperwork or identification.

B. Initial Classification

1. If an inmate is identified as or identifies as Transgender/Intersex 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. Medical and mental health practitioners shall inform inmates of the practitioner's duty to report, and the limitation of confidentiality, at the initiation of service.
2. 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/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, 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.

- c. Medical staff will ensure the inmate is referred to mental health for assessment if needed for further mental health services.
2. During the course of the initial classification process, the Classification Specialist will ask inmates questions 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 1806 (PREA).
3. The classification specialist will forward inmate's name and IMN to the Superintendent of Security and the PREA Coordinator and will have the inmate fill out the "Statement of Preference". The inmate's preferences will be documented in IJMS.

- **Transgender/Intersex Statement of Preference**

During the Classification process the classification specialist will provide a statement of preference for Transgender/Intersex Inmates. This form records the transgender or intersex person(s) preferred housing, preferred name and pronouns, and indicates search preference (See Attachment "A").

4. All transgender/intersex inmates will be placed in a segregation unit of his/her preferred housing for no more than 72 hours after arrival while the members of the Transgender Committee assess the inmate for appropriate housing.
 - a. Classification of a transgender/intersex inmate will be on a case by case basis and at no time will identification of an inmate as transgender/intersex 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. Questions relating to an inmate's gender identity or gender expression shall only be asked when necessary for ensuring proper classification, housing, and medical treatment.
 - c. Questions relating to an inmate's gender identity or gender expression

shall only be asked to protect the inmate's confidentiality and human dignity and avoid subjecting the inmate to abuse, humiliation, ridicule or assaults.

C. Gender Classification Committee

1. The Director/designee shall establish the Committee for the purpose of reviewing placements, security concerns, and overseeing gender related accommodation needs. The Committee shall be comprised of the following:
 - a. Superintendent of Security and/or Major
 - b. Justice Services Administrative Staff (i.e. PREA Coordinator)
 - c. Corrections Medicine (Mental Health Personnel)
 - d. Case Manager (Classification Case manager or Housing Unit Case Manager)
2. The Gender Classification Committee will interview any inmate who identifies as transgender and convene a meeting within 72 hours of the inmate's arrival.
3. The Gender Classification Committee will make recommendations for those inmates identified as transgender/intersex to be housed in accordance with classification, security measures, and PREA Policy 1806.

Use of screening information

- a. The agency shall use information from the risk screening required by PREA standard 115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separated those inmates at high risk of sexually being sexually victimized from those at high risk of being sexually abusive.
- b. The agency shall make individualized determinations about how to ensure the safety of each inmate.
- c. In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency 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.
- d. Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

- e. LGBTQIA+ inmate's own views with respect to his or her own safety shall be given serious consideration.
- f. LGBTQIA + inmates shall be given the opportunity to shower separately from other inmates.
- g. The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

5. 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.

D. Housing Recommendations

- a. The Gender Classification Committee shall provide recommendations to the classification unit regarding all long-term housing and classification decisions. All final recommendations will be sent to the Director/designee for final approval
- b. Classification and placement of transgender/intersex inmates should not be determined solely based on the inmates' birth sex, identity documents, or physical anatomy. Classification and placement of transgender/intersex inmates should be to maximize the health and safety of the individual.
- c. Transgender/intersex inmates must be housed safely and in the least restrictive housing possible.
- d. Transgender/intersex inmates may submit a request to the Gender Classification Committee to have their housing assignment reevaluated.

E. Searches

1. The Classification Specialist will ensure the inmate fills out the "Statement of Preference" (Attachment A).

2. On the "Statement of Preference" (Attachment A), the inmate will declare if they prefer to be searched by a male officer or a female officer.

- Pat Searches

If a pat search is required, the officer performing the search should be of the same sex as identified by the inmate's transgender or intersex search preference.

- Strip Searches

When a strip search is required, the search will be conducted by an officer and overseen by a supervisor of the same sex that is listed by the inmate's transgender or intersex search preference

3. If an officer conducting a pat-down or strip search discovers that an inmate is a transgender/intersex with the opposite external genitalia, he/she shall immediately stop performing the search (unless doing so would compromise security) and notify his/her respective supervisor.
4. All pat and strip searches will be conducted in accordance to Policy #813 Inmate Searches.

F. General Information

1. Transgender/intersex inmates are authorized to wear and possess gender identified undergarments and may groom according to their gender identity.
2. LGBTQIA+ residents shall also be given the opportunity to shower separately from other residents.
3. Staff will address Transgender/Intersex inmates shall be addressed by last name or with a proper pronoun corresponding to the individual's chosen gender identity based on the information the transgender/intersex inmate provided on the "Statement of Preference" (Attachment A).
4. Staff will not bully or harass LGBTQIA+ inmates.
5. Staff will remain professional and respectful at all times. Communication must be professional and without comments that could be deemed harassment.
6. Staff will refrain from discussing a LGBTQIA+ inmate's status in front of other inmates.
7. Staff will not allow other inmates to bully or harass a LGBTQIA+ inmate and will report any incidents to the Housing Unit Supervisor immediately.

G. 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 **LGBTQIA+** community, including but not limited to:

Employee training (PREA Standard 115.31)

- (a) Its zero-tolerance policy for sexual abuse and sexual harassment;
- (b) How to fulfill their responsibilities under agency sexual abuse and sexual

harassment prevention, detection, reporting, and response policies and procedures;

- (c) Inmates' right to be free from sexual abuse and sexual harassment;
 - (d) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
 - (e) The dynamics of sexual abuse and sexual harassment in confinement;
 - (f) The common reactions of sexual abuse and sexual harassment victims;
 - (g) How to detect and respond to signs of threatened and actual sexual abuse;
 - (h) How to avoid inappropriate relationships with inmates;
 - (i) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
 - (j) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
2. All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and the agency shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.
 3. The agency shall document, through employee signature or electronic verification that employees understand the training they have received.

G. Grievances

1. Grievances received from Transgender/Intersex inmates concerning their housing assignment and/or their treatment by staff will be forwarded to the Gender Classification Committee for review.
2. Any staff that is found to engage in inmate abuse or does not follow the guidelines addressed in this department may be subject to appropriate disciplinary action.



Attachment "A"
St. Louis County Department of
Justice Services
Statement of Preference for Transgender/Intersex
Inmates

Inmate Name: _____

IMN: _____

Booking Date: _____

I identify as a transgender/intersex person and while in the custody of the St. Louis County Department of Justice Services, I prefer to be referred to as the following name:

I prefer to be housed with ___male ___female inmates.

I understand that my housing preference may not be honored if it will cause safety concerns and that by preferring to be housed with inmates of my birth assigned sex may cause restrictions on allowed items. _____ (initial here)

And that staff refer to me using the following pronouns:

_____ Male

_____ Female

I prefer to be strip searched by an officer of the below indicated gender. I understand that this preference will be respected unless the situation is an emergency.

_____ I have elected to and it is my preference and request to be searched by a female corrections officer.

_____ I have elected to and it is my preference and request to be searched by a male corrections officer.

Inmate Signature: _____ Date: _____

Witness Signature: _____ Title: _____