

CHAPTER: 800

Inmate Management

DEPARTMENT ORDER:

810 – Management of LGBTI Inmates

**OFFICE OF PRIMARY
RESPONSIBILITY:**

**OPS
HS**

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ACCESS

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Arizona Department of Corrections Rehabilitation and Reentry



Department Order Manual

A handwritten signature in black ink, appearing to be "David Shinn", written over a horizontal line.

David Shinn, Director

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PURPOSE

This Department Order establishes standards and procedures pertaining to the identification, classification, housing and services for inmates identified as lesbian, gay, bisexual, transgender or intersex (LGBTI). This Department Order complies with the Prison Rape Elimination Act (PREA) of 2003, 42 U.S.C.A. 15601 through 15609.

References to healthcare professionals (i.e., Medical Services and Mental Health Services) are referring to the Medical Services Contractor or their subcontractors unless otherwise stated.

APPLICABILITY

This Department Order applies to all Department and contract staff directly or indirectly involved in the supervision of and/or through service delivery to inmates identified as LGBTI.

PROCEDURES

1.0 LESBIAN, GAY, AND BISEXUAL (LGB) INMATES

- 1.1 The Prison Operations Reception Centers Intake staff (or other locations processing Release Violators) shall process all inmates in the usual manner.
 - 1.1.1 During the course of the intake process, all inmates shall be asked about sexual orientation, and the inmate's response shall be documented on the appropriate Arizona Correctional Information System (ACIS) screen.
 - 1.1.2 All inmates shall be screened for the risk of being sexually abused by other inmates or sexually abusive toward other inmates in accordance with Department Order #811, Individual Inmate Assessments and Reviews.
 - 1.1.3 Inmates identified as LGB shall be housed in accordance with Department Order #801, Inmate Classification.
 - 1.1.3.1 At no time will identification as LGB be the sole factor in determining placement.

2.0 TRANSGENDER AND INTERSEX INMATES

- 2.1 Inmates who identify as transgender or intersex shall be afforded:
 - 2.1.1 Medical Services, as needed. Services shall include the potential to prescribe hormones if determined medically necessary, but shall not include gender reassignment surgery.
 - 2.1.2 Mental Health Services, as needed.
- 2.2 The Prison Operations Reception Centers Intake staff (or other locations processing Release Violators) shall process all inmates in the usual manner.

- 2.2.1 During the course of the intake process, all inmates shall be asked about gender identity, and the inmate's response shall be documented on the appropriate ACIS screen. The name and Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR) number of any transgender or intersex inmate shall be submitted by the Intake staff to all members of the Transgender/Intersex Committee.
 - 2.2.1.1 No transgender or intersex inmates shall be moved until the Committee has completed their review and provided a recommendation.
- 2.2.2 All inmates shall be screened for the risk of being sexually abused by other inmates or sexually abusive toward other inmates in accordance with Department Order #811, Individual Inmate Assessments and Reviews.
- 2.2.3 Inmates identified as transgender or intersex shall be housed in accordance with Department Order #801, Inmate Classification.
 - 2.2.3.1 At no time will identification as transgender or intersex be the sole factor in determining placement.
- 2.2.4 Staff 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, by reviewing Medical Records, or, if necessary, learning that information 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 safe, secure and orderly operation of the institution.
- 2.3 Reception Centers (or other locations processing Release Violators) Medical Services staff shall:
 - 2.3.1 Complete a routine intake assessment and record any information offered by the inmate pertaining to the completion or then-current status of gender reassignment, to include:
 - 2.3.1.1 Breast implants or breast removal.
 - 2.3.1.2 Facial reconstruction.
 - 2.3.1.3 A current prescription for hormones.
 - 2.3.1.4 Opposite gender name change.
 - 2.3.1.5 A history of living as the opposite gender.
 - 2.3.2 Perform the routine physical examination and document genital configuration as consistent or inconsistent with the gender identified by the Prison Operations staff.
 - 2.3.2.1 In the event the inmate refuses a physical examination that would confirm the inmate's genital configuration, a Refusal to Submit to Treatment, Form 1101-4, shall be completed and documented in the inmate's Medical Record and the Contract Facility Health Administrator shall be notified.

- 2.5.4 Each inmate will be reviewed at least twice each year to review any threats to safety experienced by the inmate or any concerns with the inmate population.
- 2.6 Prison Operations staff who have custody of identified transgender or intersex inmates shall strip search the inmates in accordance with Department Order #708, Searches and shall refrain from discussing the inmates' status in front of other inmates.
- 2.7 Transgender and intersex inmates:
 - 2.7.1 Shall be offered the opportunity to shower privately.
 - 2.7.2 Are authorized to wear gender identified undergarments and may groom accordingly to their gender identity:
 - 2.7.2.1 Male to female gender identity inmates may include:
 - 2.7.2.1.1 Eyebrow shaping.
 - 2.7.2.1.2 Hair styles.
 - 2.7.2.1.3 Shaving.
 - 2.7.2.2 Female to male gender identity inmates shall comply with the facial hair requirements outlined in Department Order #704, Inmate Regulations.

3.0 STAFF TRAINING

- 3.1 All staff, either through the required Annual Training or at the Correctional Officers Training Academy (COTA) for the cadets, shall receive training specific to the LGBTI community, including:
 - 3.1.1 Sexual Harassment as it pertains to LGBTI.
 - 3.1.2 PREA as it pertains to LGBTI.
 - 3.1.3 Professionalism and respect for people with different backgrounds.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms

AUTHORITY

42 U.S.C.A. 15601 through 15609, Prison Rape Elimination Act of 2003, P.L. 108-79