

CHAPTER: 800

Inmate Management

DEPARTMENT ORDER:

810 – Management of LGBTI Inmates

**OFFICE OF PRIMARY
RESPONSIBILITY:**

**OPS
MS**

Effective Date:

April 1, 2022

Amendment:

N/A

Supersedes:

DO 810 (4/15/21)

Scheduled Review Date:

January 1, 2024

ACCESS

Contains Restricted Section(s)

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 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 Reception Centers shall process all inmates in the usual manner.

1.1.1 During the course of the intake process, all inmates shall be asked to voluntarily state sexual orientation, and the inmate's response shall be documented on the appropriate Arizona Correctional Information System (ACIS) screen. No discipline shall result from failure to respond or disclose.

1.1.1.1 All information regarding the gender status, and any matters pertaining to gender reclassification shall be held in strict confidence and made available for review exclusively to those with a need to know such information for the safe conduct of the institution and the inmate.

1.1.2 In accordance with Department Order #811, Individual Inmate Assessments and Reviews, all inmates shall be screened for the risk of being sexually abused by other inmates or sexually abusive toward other inmates.

1.1.3 In accordance with Department Order #801, Inmate Classification, all inmates will receive housing assignments to include inmates who self-identify as LGB.

1.1.3.1 At no time will identification as LGB be the sole factor in determining placement, including placement in administrative segregation or protective housing.

2.0 TRANSGENDER AND INTERSEX INMATES

2.1 Inmates who identify as transgender or intersex shall be afforded upon request:

2.1.1 Medical Services, as needed, including diagnosis and treatment for gender dysphoria. Services shall include the potential to prescribe treatments that are consistent with evidence-based standards, if determined medically necessary to treat gender dysphoria, and without regard to the extent or type of treatment prior to intake. When an inmate initiates a formal written request to the Committee Chair or designee regarding his/her treatment, this request will be addressed on a case-by-case basis by the Committee, which will determine the medically necessary services.

- 2.1.2 Mental Health Services, as determined medically necessary by the Committee.
- 2.2 Reception Centers shall process all inmates in the usual manner.
 - 2.2.1 During the course of the intake process, all inmates shall be asked to voluntarily state gender identity, and the inmate's response shall be documented on the appropriate Arizona Correctional Information System (ACIS) screen. No discipline shall result from failure to respond or disclose. 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 the Transgender/Intersex Committee.
 - 2.2.1.1 No transgender or intersex inmates shall be moved until the Committee has completed its review and made its housing determination as set forth in this Department Order.
 - 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 asked and afforded the opportunity to voluntarily provide the following information:
 - 2.2.3.1 The appropriate personal pronouns for their gender identity.
 - 2.2.3.2 Their own view of how they would be most safely housed, including female versus male housing.
 - 2.2.4 Inmates identified as transgender or intersex shall be housed in accordance with Department Order #801, Inmate Classification.
 - 2.2.4.1 At no time will identification as transgender or intersex be the sole factor in determining placement, including placement in administrative segregation or protective housing.
 - 2.2.5 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 voluntarily expressed by the inmate pertaining to gender transition, 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 or history of taking hormones.

- 2.3.1.4 Name and gender change.
- 2.3.1.5 A history of living as a gender different from that assigned at birth.
- 2.3.2 Perform the routine physical examination and document genital configuration.
 - 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.
 - 2.3.2.1.1 The Contract Facility Health Administrator shall refer the inmate name and ADCRR Number to the Transgender/ Intersex Committee for further direction.
- 2.3.3 Inmates should have access to bras and other appropriate undergarments and approved personal items consistent with their physical needs or gender identity, and may groom according to their gender identity, regardless of facility. Facial hair shall comply with requirements outlined in Department Order #704, Inmate Regulations.
- 2.3.4 Complete a request for medical records from any provider who can verify a prescription for hormone treatment.
- 2.4 Reception Centers (or other locations processing Release Violators) mental health staff shall:
 - 2.4.1 Complete a routine intake assessment and record any information offered by the inmate regarding any gender transition, including any medical treatment, or history of living as in the community in their affirmed gender.
 - 2.4.2 Ensure any inmate who identifies as transgender or intersex based on inmate information is referred to the psychologist or psychiatrist for further assessment of the need for mental health services.
- 2.5 Transgender/Intersex Committee
 - 2.5.1 The Assistant Director for Medical Services or designee shall establish and chair the Committee for the purpose of reviewing placements, security concerns, overseeing gender related accommodation needs, and overall health-related treatment plans of inmates identified as transgender or intersex. At a minimum, the Committee shall be comprised of the following:
 - 2.5.1.1 Clinical Director for Medical Services
 - 2.5.1.2 Clinical Director for Mental Health Services
 - 2.5.1.3 Assistant Director for Medical Services or designee
 - 2.5.1.4 Offender Services Bureau Administrator or Deputy Bureau Administrator
 - 2.5.1.5 Assistant Director for Prison Operations or Regional Operations Director
 - 2.5.1.6 General Counsel or Deputy General Counsel

- 2.5.2 The Committee Chair or designee shall interview any inmate who identifies as transgender or intersex, and convene a meeting within seven calendar days of the inmate's arrival.
- 2.5.3 The Committee shall:
 - 2.5.3.1 Determine for those inmates who are identified as transgender or intersex housing conducive to their needs.
 - 2.5.3.2 Consider the inmate's own views with respect to his or her safety when determining placement and programming assignments for inmates identified as transgender or intersex.
- 2.5.4 When an inmate initiates a formal written request to the Committee Chair or designee regarding his/her housing assignment, this request will be addressed on a case-by-case basis by the Committee, which will determine the appropriate housing assignment.
- 2.5.5 Each inmate will be reviewed at least twice each year to assess their individual institutional adjustment, or sooner if requested by the inmate or in the event of any alleged incident of victimization. This reassessment will include asking the inmate whether the inmate feels safe in his/her current housing assignment review any threats to safety experienced by the inmate and equal consideration will be afforded to any concerns expressed by the inmate population with consideration of PREA and pre-incarceration trauma experienced by vulnerable populations or any concerns with the inmate population.
- 2.6 Prison Operations staff who have custody of identified transgender or intersex inmates shall conduct strip searches of the inmates in accordance with Department Order #708, Searches and shall refrain from discussing the inmates' transgender status or physical characteristics in front of other inmates.
- 2.7 Transgender and intersex inmates:
 - 2.7.1 Shall be offered the opportunity to disrobe, shower, and dress with the same privacy and respect afforded to all inmates without compromise to security. Accommodations made shall not interfere with access to programs, privileges, education, and work opportunities to the extent possible.
 - 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 for the following:

- Bisexual
- Gay
- Gender Nonconforming
- Intersex
- Lesbian
- Transgender

AUTHORITY

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