



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON/REENTRY/FIELD
FACILITY/SPANISH MANUALS

REVISED DATE
8/17/23

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1 of 9

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DOC 490.700

POLICY

TITLE
**TRANSGENDER, INTERSEX, AND/OR NON-BINARY
INDIVIDUALS**

REVIEW/REVISION HISTORY:

Effective: 2/13/20
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SUMMARY OF REVISION/REVIEW:

Policy statement IV., Directive I.C., and I.D. - Adjusted language for clarification
II.A. - Added clarifying language

APPROVED:

Signature on file

CHERYL STRANGE, Secretary
Department of Corrections

8/16/23

Date Signed

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REFERENCES:

DOC 100.100 is hereby incorporated into this policy; [RCW 9A.44.160-170](#); [RCW 42.56](#); [RCW 72.09.225](#); DOC 100.500 Non-Discrimination for Individuals; DOC 320.255 Restrictive Housing; DOC 420.140 Housing and Cell/Room Assignment; DOC 420.310 Searches of Incarcerated Individuals; DOC 420.380 Drug/Alcohol Testing; DOC 420.390 Arrest and Search; DOC 440.050 State-Issued Items; DOC 880.100 Corrections Training and Development; [42 U.S.C. 1997](#); [Guidelines for Healthcare of Transgender Individuals](#); [Employee Manual for the Identification, Treatment, and Correctional Management of Transgender, Intersex, and Non-binary Individuals](#); [Washington DOC Health Plan](#)

POLICY:

- I. The Department has established procedures to ensure equitable treatment of transgender, intersex, and/or non-binary individuals when determining housing, classification, programming, and supervision.
- II. Drug testing will be completed per DOC 420.380 Drug/Alcohol Testing.
- III. Searches will be conducted per DOC 420.310 Searches of Incarcerated Individuals. Individuals under community supervision will be searched per DOC 420.390 Arrest and Search.
- IV. Gender-affirming basic state-issued items will be issued per DOC 440.050 State-Issued Items.

DIRECTIVE:

- I. Responsibilities
 - A. Appointing Authorities will ensure processes are in place for the management of transgender, intersex, and/or non-binary individuals.
 - B. All employees/contract staff/volunteers will address individuals by their preferred pronoun or their last name per DOC 100.500 Non-Discrimination for Individuals.
 - C. Incarcerated transgender, intersex, and/or non-binary individuals will receive medical/mental health care per the Washington DOC Health Plan and Guidelines for Healthcare of Transgender Individuals.
 - D. The Director of Prison Rape Elimination Act (PREA) Services will maintain a record in a secure imaging system of incarcerated individuals under the



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Department’s jurisdiction who identify as transgender and/or non-binary or are intersex.

- E. Employees/contract staff will refer to the Employee Manual for the Identification, Treatment, and Correctional Management of Transgender, Intersex, and Non-binary Individuals for detailed guidance for transgender, intersex, and/or non-binary individuals.

II. Disclosure of Information

- A. An individual’s sexual orientation, gender expression/transition status, intersex status, or gender identity will be maintained as confidential and will only be disclosed within the Department on a need-to-know basis and/or as voluntarily requested by the individual on DOC 02-420 Preferences Request.
- B. Employees/contract staff/volunteers that become aware of a new disclosure that an individual identifies as transgender and/or non-binary or is intersex will report the information to the Superintendent/Reentry Center Manager (RCM)/designee.
 - 1. If an individual discloses to a medical, mental health, and/or substance use disorder practitioner, consent will be obtained on DOC 14-172 Substance Abuse Recovery Unit Compound Release of Confidential Information before disclosure.
 - 2. The PREA Specialist will be notified of any new disclosures and will ensure DOC 02-420 Preferences Request is completed by the individual within 72 hours.
 - 3. Individuals will not be searched or physically examined for the sole purpose of determining the individual’s genital status.
 - a. If the individual’s genital status is unknown, it will be determined by health care providers during conversations with the individual and by reviewing medical records.
 - 1) If necessary, a health care provider will conduct a broader medical examination in private with the individual’s consent.
 - 4. The Superintendent/RCM may submit a gender-affirming housing request if there are any documented safety or security concerns with an individual’s current housing.

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- C. A confidential PREA hold will be entered in the individual's electronic file as soon as an individual identifies as transgender, intersex, or non-binary. This hold will remain in effect until the individual's release or their status as transgender, intersex, or non-binary has been revised.

III. Facility Multidisciplinary Team (MDT)

- A. Each Prison and Reentry Center will establish and maintain an MDT Review Committee. The committee will:
1. Ensure all individuals under Department jurisdiction have equal access to programs and services.
 2. Convene within 15 days if an individual discloses transgender, intersex, and/or non-binary identity at any time during incarceration and it has not been previously documented.
 3. Gather all associated documentation and review housing and programming assignments to make recommendations based on objective safety protocols and consideration of the individual's desired housing assignment.
 4. Ensure local management recommendations are submitted to Headquarters MDT within 15 business days.
- B. In Prisons:
1. The MDT will be chaired by the Associate Superintendent of Programs in a Level 3 or higher facility or the Correctional Program Manager in a Level 2 facility. The MDT will include, but not be limited to:
 - a. The Correctional Program Manager
 - b. The Captain
 - c. A medical practitioner/provider
 - d. A mental health practitioner/provider
 - e. PREA Specialist
 - f. The assigned case manager or, if unavailable, the applicable Correctional Unit Supervisor (CUS)
 2. Before the MDT meets, the following will meet with the individual in a location where confidentiality can be maintained to discuss the housing review and protocols and determine a recommendation based on the individual's needs (e.g., medical and mental health, programming):

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- a. The assigned case manager
- b. A medical provider
- c. A mental health provider

C. In Reentry Centers, the MDT will consist of the:

1. Assigned case manager
2. RCM
3. Reentry Center Administrator

D. The MDT will meet in person or virtually to discuss the case and determine its recommendation. The MDT's notes and decision will be documented on DOC 02-422 Transgender, Intersex, and Non-binary Housing Multi-Disciplinary Team.

E. The individual's own views about personal safety will be considered when making recommendations.

IV. Headquarters MDT

A. The Headquarters MDT will be chaired by a designated Deputy Assistant Secretary for Prisons and consist of the:

1. Appointing Authority/designee from the proposed receiving facility
2. Chief Medical Officer/designee
3. Director of Mental Health
4. Chief of Psychiatry
5. Senior Director of Comprehensive Case Management/designee
6. Director of Security and Emergency Management
7. Director of PREA Services
8. Others as identified on a case-by-case basis

B. The Headquarters MDT will:

1. Review and develop best practices for the care, custody, programing needs, and supervision of transgender, intersex, and non-binary individuals.
2. Meet as scheduled and deemed necessary by the MDT chair to review, determine, and approve housing placement, community supervision, and programming assignment recommendations. Prior to the meeting:
 - a. Each member will be prepared to discuss the best housing for the individual according to each member's findings.

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b. The Transgender Settlement Administrator will gather all relevant information (e.g., forms, individual's and/or third-party written statements) from the facility MDT for the Headquarters MDT to review and consider during the meeting.

3. Document decisions on DOC 02-422 Transgender, Intersex, and Non-binary Housing Multi-Disciplinary Team.

C. The designated Deputy Assistant Secretary for Prisons will forward all related documentation to the Deputy Secretary/designee for final decision within 15 business days, unless additional information is necessary.

1. Employees will attempt to arrange an out-of-state placement at a female facility when the determining reason for the denial of a gender-affirming housing request is due to a keep separate at the female facility.

V. Housing and Programming Reviews

A. Initial housing reviews will be completed, approved, and submitted within 15 business days of disclosure of the individual as transgender, intersex, or non-binary.

1. The facility MDT will document housing reviews and make a recommendation on DOC 02-384 Housing Protocol for Transgender, Intersex, and Non-binary Individuals, which will be forwarded with the signed DOC 02-420 Preferences Request and all related documentation to the Director of PREA Services and designated Deputy Assistant Secretary for Prisons.

a. For community violators who disclose, the receiving facility will conduct the review.

2. Local Facility Risk Management Team (FRMT) processes will be suspended until the housing review has been approved.

B. The designated Deputy Assistant Secretary for Prisons will review housing protocol recommendations with the Headquarters MDT to determine final recommendations and forward all related documentation to the Deputy Secretary/designee for review and approval.

1. If DOC 02-384 Housing Protocol for Transgender, Intersex, and Non-binary Individuals is approved by the Deputy Secretary/designee

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indicating transfer to another Prison/Reentry Center, the receiving facility will complete Part II of the form.

2. If placement within the facility has not been approved by the Deputy Secretary/designee before the individual arrives at the facility, the individual will be placed in optional housing (e.g., restrictive housing, inpatient unit) until the Deputy Secretary/designee makes a final housing decision.

- a. Placement in restrictive housing will be used as care and separation and not as a punitive measure. Placement will adhere to expectations in DOC 320.255 Restrictive Housing and be reviewed every 30 days by the PREA Compliance Manager.

- 1) Any exceptions will be evaluated on a case-by-case basis by the Mission Housing Administrator and the Gender Affirming Program Administrator, Gender Affirming Medical Specialist, and mental health team.

- C. The facility MDT will reassess housing and programming assignments at least every 6 months or as needed using DOC 02-385 Housing Review for Transgender, Intersex, and Non-binary Individuals for each individual who identifies as transgender and/or non-binary or is intersex.

1. Community Corrections employees will provide input regarding this information for community supervision violators.
2. Classification recommendations will be updated during the review.

3. Reviews will include an assessment to ensure there are no threats to the individual's safety.

VI. Preferences and Housing Placement Requests

- A. At any time, an individual may voluntarily submit DOC 02-420 Preferences Request to their case manager designating their preferred name, pronoun(s), gender to conduct searches/urinalysis, and gender identity, and to request gender-affirming state-issued garments and/or placement in gender-affirming housing.
- B. If an individual requests to be transferred to a gender-affirming facility, the case manager will make a referral for the facility cultural awareness course facilitated by a Gender Affirming Mental Health Specialist (GAMHS) and/or Gender

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Affirming Program Administrator (GAPA) and will include meetings with a mental health employee and an employee from the gender-affirming facility.

1. An employee will meet with the individual within 5 business days to review their request and enroll the individual in the next available course.
 2. The individual may directly kite the GAPA to request placement in the course.
- C. After successful completion of the course, the individual will complete the Gender-Affirming Housing Request section on DOC 02-420 Preferences Request.
- D. The Associate Superintendent/Correctional Program Manager will complete a review of risk factors on DOC 02-423 Gender-Affirming Housing Review and email to the Psychologist 4 or Psychology Associate in stand-alone Level 2 facility to initiate the Health Services review.
1. The completed form will be returned to the case manager within 14 days unless additional time is needed to complete necessary assessments (i.e., Static 99, PCL-R, HCR-20, or forensic assessment).
 2. The case manager will forward the form to the facility MDT within 5 days of receipt.
- E. The facility MDT will make a recommendation on DOC 02-384 Housing Protocol for Transgender, Intersex, and Non-binary Individuals, which will be forwarded with the completed DOC 02-420 Preferences Request and DOC 02-423 Gender-Affirming Housing Review to the designated Deputy Assistant Secretary for Prisons within 5 business days.
1. The Headquarters MDT will review all documentation and make a recommendation within 15 days to the Deputy Secretary who will make the final determination.
- F. If an individual's request for gender-affirming housing is denied, the individual may submit a subsequent request at the next classification review.
- G. Individuals placed in a gender-affirming facility may be transferred to another facility or returned to the originally assigned facility due to documented, objective safety and security concerns.

VII. Housing Appeals

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- A. Individuals may appeal housing decisions in writing to the following.
 - 1. Appropriate Deputy Assistant Secretary/designee for decisions made based on facility recommendations, or
 - 2. Secretary/designee for decisions made by the Headquarters MDT.
- B. Responses to appeals will be made within 15 business days.

VIII. Training

- A. Appointing Authorities or their designees will manage resources to ensure employees, contract staff, and volunteers receive all required training per DOC 880.100 Corrections Training and Development.
- B. The Training and Development Unit will consult with the Deputy Assistant Secretary for Women’s Prisons to develop or update annual training material regarding transgender, intersex, and/or non-binary individuals for all employees, contract staff, and volunteers. Additional training will be provided as appropriate.

DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Gender, Gender Expression, Gender Identity, Gender-Affirming, Intersex, Non-binary, Transgender. Other words/terms appearing in this policy may also be defined in the glossary.

ATTACHMENTS:

None

DOC FORMS:

- DOC 02-384 Housing Protocol for Transgender, Intersex, and Non-binary Individuals
- DOC 02-385 Housing Review for Transgender, Intersex, and Non-binary Individuals
- DOC 02-420 Preferences Request
- DOC 02-422 Transgender, Intersex, and Non-binary Housing Multi-Disciplinary Team
- DOC 02-423 Gender-Affirming Housing Review
- DOC 14-172 Substance Abuse Recovery Unit Compound Release of Confidential Information