

KERN COUNTY SHERIFF'S OFFICE

Detentions Bureau Policies and Procedures

TITLE: GENDER IDENTITY COMMITTEE

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EFFECTIVE:	REVIEWED:	REVISED:	UPDATED:
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APPROVED BY: Detentions Bureau Chief Deputy Cindy Cisneros

REFERENCE: Prison Rape Elimination Act of 2003 (PREA) 42 U.S.C. 15601 §115.15, §115.41, §115.42, §115.43

POLICY

The Kern County Sheriff's Office (KCSO) is committed to protecting all incarcerated people in its custody and recognizes that certain populations are more vulnerable to sexual abuse. The PREA standards provide transgender and intersex incarcerated people various protections that will assist our agency in the prevention of sexual abuse and sexual harassment.

The Detentions Bureau has developed a Gender Identity Committee (GIC) to specifically address issues that are unique to transgender and intersex individuals in KCSO custody.

The GIC will formally evaluate and make decisions for transgender and intersex incarcerated people for the purpose of determining housing, clothing, and programming. The GIC shall consist of:

- Section manager or designee of the facility where the incarcerated person is likely to be housed;
- Medical supervisor or direct subordinate;
- Mental health supervisor or direct subordinate;
- Population Management Manager or Population Management Supervisor; and
- PREA coordinator and/or PREA Compliance Deputy.

DEFINITIONS

Gender Identity: A person's internal or psychological sense of being male or female.

Transgender: A person whose gender identity is different from the person's assigned sex at birth.

Intersex: A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

DIRECTIVE #1: Access to incarcerated person programs

Transgender and intersex incarcerated people will have access to programs, privileges, education, or work opportunities, even if administratively separated, unless it affects the safety and security of the facility. If programming is denied, KCSO will document the opportunities that have been limited, the duration of the limitation and the reasons for such limitations.

DIRECTIVE #2: Medical treatment and Mental health care

Medical and mental health staff will identify or evaluate any ongoing care that may be specific to the incarcerated person's transgender or intersex identification, which may include but is not limited to, ongoing hormone treatment or additional mental health support services.

DIRECTIVE #3: Pat-down searches of transgender and intersex incarcerated people

As mandated by the PREA Standards, no staff member will conduct a search of a transgender or intersex incarcerated person solely for the purpose of determining genital status. If the incarcerated person's gender identity or genital status is unknown, it may be determined during conversations with the incarcerated person, by reviewing medical records, or if necessary, by obtaining such information as part of a broader private medical examination conducted by a medical practitioner.

During the GIC review, transgender or intersex incarcerated people will be provided the opportunity to express gender preference of staff that will conduct pat-down searches of their person. Such requests will be documented on a Gender Search Preference form (Attachment 'A')

- Completed Gender Search Preference forms will be scanned and e-mailed to Sheriff Compliance for archiving. The original form will be retained by the designated PREA Coordinator.

The GIC will notify security supervisors as to the gender of staff that will conduct pat down searches of a transgender or intersex incarcerated person via e-mail. Classification will enter the information as an appointment in the incarcerated person's JMS records as:

- GIC Male Search (Indicates male staff will conduct pat-down search);
- GIC Female Search (Indicates female staff will conduct pat-down search).

All security staff will receive training on how to conduct searches of transgender and intersex incarcerated people. These searches will be carried out professionally and respectfully and in the least intrusive manner possible that is consistent with KCSO policy and security needs.

DIRECTIVE #4: Body Scan searches of transgender and intersex incarcerated people

The GIC decision of which gender of staff will conduct pat-down searches shall also apply to all persons conducting or otherwise present in the monitor viewing area during a body scan machine search of transgender or intersex incarcerated people.

Procedure A: Screening and housing of transgender or intersex incarcerated people

Transgender and intersex incarcerated people are first screened and evaluated for potential vulnerability by intake and classification staff for initial housing placement and referred to the Gender Identity Committee (GIC) within 10 days of the incarcerated person's entry into the system.

The GIC will interview the incarcerated person and review the incarcerated person's records and assessments within seven days of receiving the referral from classification and deliver a final housing recommendation to classification. The GIC will determine the best housing available based on the totality of the information. In the event that the GIC cannot reach a consensus on a housing recommendation, the PREA section manager will make the final determination.

- The results of the GIC interview will be documented on a GIC Review Form (Attachment 'B'). Completed GIC Review forms will be scanned and e-mailed to the Compliance Section for archiving. The original form will be retained by the designated PREA Coordinator.

The PREA section manager will notify the Detentions Bureau Division Commander of all housing decisions determined by a GIC review.

When determining housing for transgender or intersex incarcerated people, The GIC will:

- Make a case-by-case decision whether to assign a transgender or intersex incarcerated person to a housing unit for male or female incarcerated people;

- Ensure the incarcerated person's health and safety and give serious consideration to the incarcerated person's views with respect to their own safety;
- Determine whether the placement would present management or security problems;
- Review requests for clothing and personal items that may include bras, undergarments, and commissary items that are gender specific.

Transgender and intersex incarcerated people will be given the opportunity to shower separately from other incarcerated people and the committee will decide on the protocol within the housing unit to ensure the incarcerated person's privacy when showering.

Transgender and intersex incarcerated people will not be placed in involuntary separated housing unless an assessment of all other alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the incarcerated person may be kept in involuntary separated housing for up to 24 hours until the assessment can be completed.

Procedure B: Committee review of incarcerated person's status

The GIC will:

- Reassess housing and programming assignments for each transgender or intersex incarcerated person at least twice each year to review any threats to safety experienced by the incarcerated person.

Revisit the incarcerated person's housing and classification whenever warranted due to any incidents of sexual abuse, or receipt of additional information that bears on the transgender or intersex incarcerated person's risk of victimization or abusiveness.

- Review any requests for appeals within a standard timeframe of 60 days from when the request was made.