

Guide for Transgender, Intersex, Non-binary Individuals in DOC Custody

Welcome to the Department of Corrections

DOC 100.500, Non-Discrimination for Individuals, prohibits discrimination, including harassment and retaliation, or unfair/illegal treatment of individuals under the Department's jurisdiction based on genetic information (e.g., national origin ancestry, race, color), religion/creed, age, gender, gender expression, marital status or status as a state registered domestic partner, pregnancy, sexual orientation, political views, immigration/citizenship status, veteran/military status, or presence or history of physical/mental/sensory disability in any activity or its operations.

You will have the ability to access educational, vocational, religious, and work programs or activities regardless of gender, race, age, and other factors. Additionally, you are entitled to non-discrimination based on sex that includes transgender status in any programming aspect, including program enrollment, participation, discharge, hiring, firing, pay, assignments, promotions, and any other term or condition of a program.

The DOC is committed to ensuring a safe and healthy environment for its incarcerated individuals and staff. This toolkit aims to provide incarcerated individuals with information to help guide them through DOC policies, procedures, processes, and other relevant information specific to the transgender population.

The toolkit uses the term transgender throughout to mean a person who does not identify with the sex they were assigned at birth. The term transgender can be used to describe individuals who place in the following ways:

- A woman whose sex assigned at birth was male (transgender woman)
- A man whose sex assigned at birth was female (transgender man)

This toolkit can also be utilized to assist those who identify as non-binary, gender-fluid, and gender-questioning:

- A person who does not identify as either a man or woman (gender non-binary)
- A person who identifies and expresses themselves as both a man and a woman (gender fluid)
- A person who is questioning their gender identity

Voluntarily Informing DOC of Your Gender Identity

DOC recognizes that it can be a difficult decision to inform others of your gender identity, especially in a prison setting. Therefore, DOC does not discipline any individual for refusing to disclose their gender identity.

During your initial PREA intake screening, you will have an opportunity to inform staff of your sexual orientation, gender expression/transition status, intersex status, or gender identity. In addition, at any other time during your incarceration, you can request a DOC 02-420 Preferences Request form from your classification counselor. Information you voluntarily provide on this form may include your gender identity, requests for access to gender-affirming clothing,

Guide for Transgender, Intersex, Non-binary Individuals in DOC Custody

pronoun, gender preference for searches, and any concerns related to safe housing. The form will only be disclosed on a need-to-know basis and/or as voluntarily requested by the individual. The information you provide on this form will only be shared on a need-to-know basis to staff tasked with duties that affect the transgender population and/or as voluntarily requested by you. This assists in ensuring your access to medically necessary treatment, safe housing placement, gender-affirming property, programming, and other DOC services.

Housing

Your safety is a priority. Staff will use your pronoun and legal name regardless of where you are housed. You will have access to gender-affirming property, medical and mental health care. You will not be prohibited from programming, events, or other services solely due to gender identity.

How does DOC determine where I will be housed?

DOC understands that you may have concerns regarding where you will be housed as a transgender person. You will work with your classification counselor to identify safe housing options that may include requests for gender-affirming housing.

DOC Policy 310.150, Reception, Initial Classification, and Custody Facility Plan, indicates that females will be received at the Washington Corrections Center for Women. Determinations on initial reception placement and housing placement are made based on the individual's sex assigned at birth. However, the policy also permits exceptions to initial placement, and there have been occasions where an individual has been directly housed at a gender-affirming facility.

A Multidisciplinary Team (MDT) will convene within 15 days if an individual discloses their transgender, intersex, and/or non-binary identity at any time during incarceration and it has not been previously documented. The MDT consists of medical, mental health, and custody staff, who 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. This includes ensuring all individuals have equal access to programming and services. Your housing is reviewed, at minimum, every six months to ensure safe housing and access to programming.

Can I request to change cells or be roomed with a specific individual in my housing unit?

Incarcerated individuals may request cell/ Bed Moves by completing DOC 21-595 Cell/Bed change form. See *DOC Policy 420.140*. Individuals may request one cell/bed move every six months unless the request is made due to security/safety concerns. *If you feel unsafe due to harassment, discrimination, or another security concern, these concerns need to be shared immediately with the appropriate staff, i.e., Classification counselor, CUS, Shift Lieutenant, or Transgender Housing Program Manager.*

During your six-month housing review, you can specifically request to share a cell with another incarcerated individual, including an LGBT+ incarcerated individual, if you have concerns over

Guide for Transgender, Intersex, Non-binary Individuals in DOC Custody

your safety or issues with your current cellmate. While your preference for a cellmate will be considered, many additional factors are considered for your safety when determining cellmates. This includes thoroughly reviewing PREA Risk Assessments to identify potential risks, as your safety is a priority.

What is the process for requesting a transfer to a gender-affirming facility?

DOC Policy 490.700 sets forth the procedure for the review of gender-affirming housing requests. Requests are reviewed on a case-by-case basis, and consider your views on safety. In addition, staff considers relevant security concerns such as your history of violent infractions, substantiated PREA claims, predatory behavior, and any other information which could affect the security of the gender-affirming facility. You can request a transfer to a gender-affirming facility through your Classification Counselor or directly kiosk the Transgender Housing Program Manager at the *Gender Services HQ* mailbox.

First, you will be assigned to the next available facility cultural awareness course, which is offered quarterly. A Gender-Affirming Mental Health Specialist or the Gender-Affirming Program Administrator facilitates this course. It is designed to provide you with life's realities (good and bad) in a gender-affirming facility. It will give you an opportunity to connect with mental health staff, custody staff, and possibly other transgender individuals at the gender-affirming facility. Upon completion of the course, you will then determine whether you would still like to be considered for transfer. Decisions not to move forward with a transfer request at that time will not negatively affect any future requests.

Second, you will complete and submit a request form (DOC 02-420 Preference Request) to your Classification Counselor. The Classification Counselor will then complete their review of risk factors (02-423) form and inform Psych 4 to initiate the Health Services review for placement in a gender-affirming prison form. Each of these documents will be completed and returned to the Classification Counselor within 14 days. However, this time frame may be extended if a Static99, PCL-R, or HCR-20 is needed, in which case it will be due 14 days following receipt of the outcomes of those evaluations.

Third, your facility MDT will convene to determine a recommendation to a gender-affirming facility on form 02-384, which will be completed within five (5) business days. If the current facility supports a recommendation to a gender-affirming facility, a cross-facility-based MDT (present facility staff and gender-affirming facility team) will be held to review all documentation and consider the balance of risk factors. A recommendation will be made to the Headquarters MDT about approving or denying your request.

Fourth, the Headquarters MDT will review the documentation and facility MDT recommendations and make a recommendation to the Deputy Secretary for a final decision within 15 days. The Headquarters MDT documentation will include your written statements and any other documents (including statements from third parties) that you want the Headquarters MDT to consider. The Deputy Secretary will review the recommendations and make a final determination. You will be notified through your classification counselor. An appeal can be sent

Guide for Transgender, Intersex, Non-binary Individuals in DOC Custody

to the Secretary of the Department of Corrections for the decision, but it must be received within 15 days from notification.

Safety is a priority. In making decisions, the committees review multiple records to determine whether placement in a gender-affirming facility will be safe for everyone. Determinations are not based on one specific record alone, as the committee considers all information before deciding. In addition, denials of gender-affirming housing requests are based on the request when it is submitted. It does not prevent you from making additional requests in the future. In some cases, the committees may even recommend submitting an additional request when you complete programming, are able to consistently remain infraction free, or display any other positive behavioral changes.

Property

You will have access to gender-affirming property such as gender-affirming clothing. This includes gender-affirming state-issued clothing such as bras, sports bras, underwear, binders, boxers, and pajamas. To receive these items, you will need to fill out form 02-420. Staff are then responsible for ensuring access to gender-affirming state issues items within 72 hours of the items' availability. Some of these items may need to be ordered, or you may need to be fitted to ensure you receive the appropriate size items. You can request a bra sizing instruction brochure from the staff that provides detailed instructions on how to self-perform measurements to determine appropriate bra sizes for male-to-female breast growth and sports bras for binding.

In addition to state-issued items, you will have access to gender-affirming property that can be purchased through approved vendors. This includes access to makeup, hygiene items, religious items, and other property that is available to the cisgender population. However, access to certain items may be restricted due to your custody level. Your medical and mental health staff will work with custody staff to ensure your access to gender-affirming property is not unnecessarily restricted.

You are permitted to wear gender-affirming property just as you would wear all property the facility allows. This includes during visits, programs, special events, Extended Family Visits, and while in your cell.

In addition to state-issued property and property that you or your family can purchase, you may have additional items issued by the Gender-Affirming Medical Specialist through a Health Services Report. These will likely include other necessary items for your gender-affirming treatment, such as prosthetic or post-surgical care devices. The facility will make accommodations to ensure your use of these items in a secure and safe setting, permitting as much privacy as possible.

Searches

While privacy is important for all, this must be balanced with recognized security practices. This is for the safety of incarcerated individuals as well as staff. As a transgender individual, you may have different privacy needs than some of your peers. DOC will work with you to balance addressing those needs with important security practices.

Guide for Transgender, Intersex, Non-binary Individuals in DOC Custody

Searches are not done for the purpose of harassment, intimidation, or punishment. All searches will be conducted professionally to reduce contraband and to reduce and control the amount of contraband. It is important to note that prison officers cannot search just to find out your gender. 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. All individuals and their personal effects are subject to search/visual inspection at the direction of staff. Refusing a search will result in disciplinary action. Pat and strip searches are conducted on an unscheduled basis, typically by custody staff; however, any DOC staff person may instruct you to stand for a search. Follow the staff member's instructions when directed to stand for a pat search or to be strip searched.

For the most part, you will be subject to be pat searched, strip-searched, and urinalysis in a manner similar to other individuals. The main difference between the transgender and non-binary population is how staff engage the individual on their preference for staff gender conducting these duties when appropriate and necessary for safety and security purposes. While there are some minor differences, basic processes remain the same.

When a search is necessary, DOC employees and staff will conduct searches in a sensitive, respectful, and least intrusive manner possible. You may request some accommodations such as the preference of gender of employees conducting pat down and strip searches and witnessing urine sample collection according to policy. Consideration will be given to your preference to sit or stand when providing a urine sample. These preferences will be recorded on your **02-420 Preferences Request** document you completed when you first disclosed. This form will be utilized to record the individual's preference of staff gender conducting searches. Searches then will be conducted in accordance with the stated preference unless circumstances do not allow for the preference to be implemented during a pat or strip search. DOC will make every effort to work with you to honor your request collaboratively; however, there may be situations when it may not be possible accommodate your request due to urgent circumstances that include but are not limited to unavailability of requested gender of staff at the time of the search. There may be alternative methods to meet the requirements of necessary searches, such as using a mouth swab test instead of urine collection. DOC can work with you to ensure that policies are followed while ensuring safety and respect for all individuals.

Your privacy, dignity, and safety are important to us. Every effort will be made to ensure your individual needs are met, and rights are respected, and the DOC's goal is to work with you.

Health Services

Medical and mental health services specific to gender-affirming treatment are provided through the Washington DOC Health Plan, Gender Dysphoria Protocol and GD-CRC, and Evaluation and Management of Hormonal Treatment of Gender Dysphoria/Transgender Identification Protocol.

- All transgender individuals will receive medical screening. You are welcome to share information about your sexual orientation, gender identity, sexual abuse, and other forms of trauma or victimization with your medical and/or mental health providers.

Guide for Transgender, Intersex, Non-binary Individuals in DOC Custody

- Confidential HIV and STI testing and care will be provided to all transgender patients.
- Gynecological, family planning information, obstetrical care, and routine primary preventive health care (e.g., mammograms, PAP smears) will be provided when clinically indicated, regardless of housing placement or gender identity. Health staff are aware that such care may be particularly physically and/or emotionally stressful for some transgender patients and will always show care and compassion surrounding such procedures.
- The presence of mental health concerns associated with or separate from gender dysphoria will be addressed through a mental health evaluation. You can request to meet with a mental health provider specializing in working with transgender people at any time. They are also trained to help you with other mental health needs.
- Any medications legally prescribed to you when you arrived at DOC will be continued until you can meet with a provider. This includes hormone treatment.

We know that transgender individuals experience high anxiety and distress in prison, which can lead to self-harm and self-injury. People engage in self-harm and self-injury for many reasons, and it is important not to make assumptions or judgments about why someone might self-harm. If you are having thoughts of self-harm or self-harming, you can go to any staff on the unit or in any area of the facility you may be located (CUS, Officer, Gender Affirming Mental Health Specialist, Counselor, work supervisor, etc.) you can also call a “mental health emergency.” If you are worried about someone else who is self-harming, you should speak to a custody staff member or your CUS. The prison can only help you if they know what is happening and how you feel. Family members can also call the prison and ask to speak to the Health Care Manager.

Frequently Asked Mental Health Questions

1. *Do I have to Participate in Mental Health?*
 - a. No, you do not have to participate in mental health. However, you will be required to meet with mental health staff to access gender-affirming services such as gender-affirming housing or gender-affirming treatment (i.e., gender-affirming surgery, hormone replacement therapy). As noted above, mental health staff are part of the MDT, which assist in determining gender-affirming housing requests. In addition, mental health assessments are the first step in obtaining gender-affirming medical and mental health treatment.
2. *What will my specialist help me with?*
 - a. Gender-Affirming Mental Health Specialists will create mental health treatment plans for all patients diagnosed with Gender Dysphoria/Incongruence and any patients involved in transgender care who wish to be involved in mental health. Such treatment plans will be prepared in consultation with the Gender-Affirming Medical Specialist(s). The treatment plan may also include any Gender-Affirming Mental Health Community Consultant recommendations. As part of treatment planning, Gender-Affirming Mental Health Specialists will refer patients out to the *Gender-Affirming Healthcare Navigator, the Gender Affirming Program*

Guide for Transgender, Intersex, Non-binary Individuals in DOC Custody

Manager, or the *Gender Housing Program Manager* for information related to items such as social transition, including legal name changes, gender marker changes, gender-affirming property, and gender-affirming clothing.

- b. Gender-Affirming Mental Health Specialists will provide mental health treatment based on your outlined treatment plan.

Gender-Affirming Care Navigator (GACN):

Washington DOC is committed to meeting your healthcare needs. As a transgender individual, that may mean several different things. Everyone has their pathway to being emotionally, physically, and spiritually healthy. The Gender Affirming Care Navigator (GACN) is available to ensure your specific care needs are met.

Your primary medical provider will be responsible for your general medical care. However, for needs specific to gender-affirming specialty care, such as hormones or gender-affirming surgery, the Gender Affirming Medical Specialist will be tasked with providing your care. The GACN will follow you through the care process and connect you with resources.

All transgender/non-binary/intersex patients will have the opportunity to meet with the GACN in their first couple of weeks with DOC. The GACN is there to answer any questions about your care and ensure you have all the correct and up-to-date information to make informed choices.

In addition, the GACN will assist you with any discharge planning before your release from custody. This includes ensuring access to a one-month supply of hormone replacement therapy, assisting with continuity of care planning (including postoperative care, follow-up care, and referrals for treatment services that were not completed at the time of your release), providing you with any medical equipment that was issued to you, and copies of any authorization letters or treatment records needed for your community providers.

4.4 Frequently Asked Healthcare Questions

1. *How do I request/find out about my gender-affirming-related appointments?*
 - Contact the GACN for all questions regarding scheduling.
2. *How do I get hormones/HRT?*
 - The decision to initiate or change hormone medication treatment while incarcerated is based on an individual assessment. This assessment will determine medical needs, risks, and benefits, analyze alternatives, and ensure you have the information you need to make an informed decision with your provider.
 - When you arrive at DOC, all your prescriptions will be continued until you can meet with a provider; this includes hormones.
 - Transgender patients who have not received hormone therapy before their arrival at DOC will be evaluated by the Gender Affirming Medical Specialist (GAMS) to determine their treatment needs.

Guide for Transgender, Intersex, Non-binary Individuals in DOC Custody

- If you took unprescribed hormones, decisions will be made on a case-by-case basis, with the continuation of hormones when safe and appropriate.
 - If previous hormone use cannot be verified, the DOC will work with you via the GACN and the GAMS to assess your needs.
3. *Do I need a Gender Dysphoria Diagnosis to get hormones?*
- DOC has elected to authorize the treatment of patients having verified Gender Dysphoria (GD) and/or Transgender (TG) identification with hormones when clinically indicated. Although a Gender Dysphoria diagnosis is not required to receive hormone replacement therapy. Other treatment is provided when medically necessary. This protocol describes the process of managing GD diagnosis assignment and/or confirmation of TG identification, the steps for obtaining authorization to treat these conditions, and the function of the GD Care Review Committee (CRC).
4. *How do I get gender-affirming surgery?*
- Evaluations to determine the medical necessity of gender-affirming surgical procedures will be performed on a case-by-case basis. If you would like to be considered for gender-affirming surgery, contact the GACN, who will ensure you can make informed decisions about your care. In most cases, there is an expectation that you have taken hormones for 12 months before surgery is considered.
 - The GACN will be able to provide you with information about surgical options. This is a great time to ask questions.
 - When you are ready to move forward, the GACN will consult with the Gender Affirming Medical Specialist for the next step. They will document whether you meet the medical necessity requirements for surgery in their professional opinion. You will then be referred for a surgical readiness evaluation with a community psychologist specializing in transgender care.
 - Once all those steps are completed, a referral to a surgeon will be made. Due to limited availability in the community, your initial surgical consult will not occur for twelve to eighteen months. This is dependent on the surgeon's availability. The Department continues to seek additional community surgical providers and makes all efforts to ensure they do not delay the process.
 - The Department will then follow up with the surgical consultation recommendations. Similarly, due to unavailability, an individual is not often scheduled for gender-affirming surgery for another twelve or more months after the surgical consultation. That time may be even longer, depending on the type of surgery chosen. For example, surgeries that require professional hair removal will not be scheduled until the hair removal is completed. Which is again another nine to eighteen months later.
 - Accessing the correct surgeon may require a temporary transfer, although usually brief; in some instances, it can be for a longer term. After surgery, you will usually be housed in the in-patient unit (IPU). Bear in mind that some surgeries require a

Guide for Transgender, Intersex, Non-binary Individuals in DOC Custody

two-week follow-up appointment, and some require a six-week follow-up appointment. The GACN and the DOC nurses will take every step to ensure you have a successful surgery, postoperative care, surgical follow-up, and medical housing after gender-affirming surgery. If you have questions, contact the Gender Affirming Program Administrator.

5. *What is considered medically necessary gender-affirming care?*
 - a. Medical necessity of any gender-affirming treatment or service described, including but not limited to;
 - i. hormone replacement therapy, surgery, permanent hair removal, and voice therapy will be determined by current HCA WA TransHealth and in the Washington Administrative Code, including WAC 182-500-0070.

WA Department of Correction does not require you to participate in gender-affirming medical or mental health care. You have the right to refuse examinations, treatments, and procedures in almost all instances. You are expected to be engaged in your mental health care. You have a right to confidential mental health care, except for some emergency care. You may authorize the release of your mental health information with the DOC Authorization for Disclosure of Health Information form 13-035.

However, when you consent to HRT, you are expected to attend lab testing appointments for hormone monitoring and attend all appointments with the GAMS to continue hormone treatment safely.

If you refuse treatment/services, you will be required to sign DOC 13-048 Refusal of Medical, Dental, Mental Health, and/or Surgical Treatment, and the form will be placed in the legal section of your offender health record.

Gender-Affirming Educational Materials

Some additional resources have been approved through gender-affirming care for educational and mental health purposes. Please kite your Gender Affirming Program Administrator to request additional LGBTQ+ materials not located within library services.

Legal Name Change

DOC 400.280, Legal Name Change, provides the process for managing legal name changes granted by a Court. The policy requires you to notify the Records Department of your intent in seeking a legal name change before and after receiving the Court's order. In addition, once the order is received, you have an obligation to submit a certified copy of the order to the facility Superintendent within five days.

Consistent with the Court's order, your legal name change information will be updated in the Department's records and become your "primary name" for all Department correspondence. This includes written or verbal communication with staff, call-out sheets, Department files, and your use of the United States mail. In addition, your ID card will be updated to reflect your

Guide for Transgender, Intersex, Non-binary Individuals in DOC Custody

current legal name. You will be responsible for providing any governmental agency, such as the Social Security Administration, with your change in legal name information.

If you would like information on how to legally change your name, information, and instructions are available in the law library to help you with this process. Assistance will also include facilitating your presence via telephone or video conference for any scheduled Court hearings related to your legal name change request.