





# TOOLKIT FOR TRANSGENDER INCARCERATED PERSONS



**Washington State Department of Corrections**



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## Purpose/Introduction

This toolkit has been developed in collaboration with WA DOC and aimed for use by incarcerated individuals who identify as transgender. The term *transgender* is used to describe individuals who identify in the following ways:

- A person who was born and has sex assigned at birth as male who lives and identifies as a woman (transgender woman)
- A person who was born and has sex assigned at birth as female who lives and identifies as a man (transgender man)
- 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

**Throughout this document, transgender is an umbrella term that refers to transgender, intersex, non-binary, and gender non-binary people unless explicitly stated otherwise.**

The purpose of this toolkit is to provide you with information, so you understand DOC processes during your incarceration as a transgender person. This toolkit includes information regarding:

- Healthcare
- Housing
- Property
- Legal
- Resources

This toolkit was developed as part of a Pacific Lutheran University (PLU) doctoral nursing project in collaboration with WA DOC. The information included in this toolkit was generated based on input provided by incarcerated transgender individuals who participated in this project. This project was partially funded by the Health Resources and Services Administration (HRSA) through the PLU Mini Grant Process.

## Key Terms & Definitions Per DOC Policy 470.900

**Chest Binder** means an undergarment that flattens the chest.

**Cisgender** means people who identify with their sex assigned at birth.

**Gaff** means a type of compression underwear designed to create a flat front area. The compression material can be helpful for hold a tuck in place for longer periods of time.

**Gender** means the socially constructed roles, behaviors, expressions and identities of girls, women, boys, men, and gender diverse people. Gender identity is not binary or static and exists along a continuum and can change over time. Gender includes a person's gender identity and gender expression.

**Gender Affirming Program Administrator (GAPA)** the GAPA will manage statewide implementation of the Gender Affirming care program. Identifying risk factors to include victimization of the TGD population. The GAPA is the specialist point of contact providing strategic oversight to senior managers to include balancing risk while promoting the safety of staff and TGD patients alike.

**Gender Affirming Clothing** means clothing that corresponds to or affirms one's gender.

**Gender Affirming Mental Health Community Contact (GAMHCC)** A GAMHCCs is a community expert in gender-affirming mental health care. They will provide case consultation and training to staff on gender-affirming mental health care through monthly clinical consultation groups and evaluate patients for surgeries as required by the HCA Transhealth Program and according to these Guidelines.

**Gender Affirming Mental Health Specialist (GAMHS)** means a licensed mental health care professional who has specialized training in Gender Affirming care that is also primarily available through telemedicine/virtual appointments for mental, social health needs and well-being while respectfully affirming their gender identity. Gender Affirming mental health care is highly individualized and may or may not involve a person seeking any one of several Gender Affirming interventions.

**Gender Affirming Medical Specialist (GAMS)** means licensed health care professional who has specialized training in Gender Affirming care that is also primarily available through telemedicine/virtual appointments. means any treatment that attends to transgender people's physical needs and well-being while respectfully affirming their gender identity. Gender Affirming medical health care is highly individualized and may or may not involve a person seeking any one

of several Gender Affirming interventions, including hormone therapy, surgery, hair removal, interventions for the modification of speech and communication, behavioral adaptations.

**Gender Dysphoria** means diagnoses under the ICD or the Diagnostic and Statistical Manual for Mental Disorders (DSM) that are associated with transgender status including any Gender Identity Disorder (such as dual-role transvestism or transsexualism), Gender Incongruence or Unspecified Endocrine Disorder.

**Gender Expression** means the ways in which a person manifests the gender-related traits of masculinity, femininity, both, or neither through appearance, behavior, dress, speech patterns, pronouns, name, preferences, and more.

**Gender Identity** means an individual's sense of being either male, female, both, or neither. This may be different from what is traditionally associated with an individual's assigned sex at birth.

**Gender Non-Binary** is a phrase used by the Department to describe a person whose gender identity or gender expression does not conform to socially defined male or female gender-norms.

**HCA Trans-Health Program** means the Washington Health Care Authority Apple Health Trans-Health Program. <https://www.hca.wa.gov/free-or-low-cost-health-care/i-need-medical-dental-or-vision-care/transhealth-program>

**Hormone Replacement Therapy (HRT)** means medications that allow for the acquisition of secondary sex characteristics more aligned with an individual's gender identity.

**HQ MDT** means the Department headquarters multi-disciplinary team. This team is responsible for reviewing and developing the best practices for the care, custody, and supervision of transgender people. The team is responsible for making housing placement decisions for transgender people in custody. If you have any questions or concerns regarding housing issues, please Kite the Housing and Clothing Manager.

**Intersex** is an umbrella term for variations in sex traits or reproductive anatomy that are not classified as typically male or female. Some intersex traits may never be identified, while others are identified at birth, during puberty, or later in life.

**IPL Device** means a handheld cosmetic device that emits a broad-spectrum, intense pulsed light ("IPL") that is used for hair removal. (This is not a medical device)



**Non-Binary** describes people who do not identify exclusively as a man or woman. Non-Binary is an umbrella term that describes a range of people who may identify as being without gender, having a fluctuating gender, and/or a having gender that is between or outside the categories of man and woman. People with non-binary gender identities may or may not use more specific terms to describe their genders, such as agender, genderqueer, gender fluid, two spirit, bi-gender, pan-gender, gender non-conforming, or gender variant.

**Pat-down Search** means running of the hands over the clothed body of a person in custody by an employee to determine whether the individual possesses contraband.

**PREA** means the Prison Rape Elimination Act of 2003 and implemented regulations.

**Sex Assigned at Birth** means the sex (male, female, intersex) assigned to a person at birth, generally based on biological attributes such as anatomy, chromosomes, and hormones.

**Sexual Orientation** means a person's identity in relation to the gender or genders to which they are sexually attracted.

**Sports Bra** means a bra designed to compress breasts and provide support during physical activity.

**Strip Search** means a search that permits a visual inspection of the person's breasts, buttocks, or genitalia.

**Support Bra** means a bra that encapsulates breasts without compression and is designed for routine wear. Such bras are also referred to as cup bras.

**Transgender** describes people whose gender identity is different from their sex assigned at birth. Throughout this document, transgender is an umbrella term that refers to transgender, intersex, non-binary, and gender non-nonbinary people unless explicitly stated otherwise.

**Transition** refers to the period during which TG individuals may change their physical, psycho-social and/or legal characteristics to the gender with which they identify.

## **Identifying as Transgender in Washington DOC**

Every person has an individual identity and belief of who they are as a person. Your sexual orientation, gender expression, transition status, and/or gender identity is something personal and will be maintained and disclosed to others on a need-to-know basis. This means that specific personal information related to your gender is not readily available or shared without specific reason that it is deemed necessary information.

Employees, contract staff, and volunteers that become aware of your gender status, if not already disclosed to DOC, including transgender, intersex, or non-binary will complete a confidential report to the Superintendent of your facility. This information will be kept confidential but is reported so that the DOC understands your preferred identity and what needs that you have that would not be known otherwise.

You will be asked to complete a form called a 02-420 Preferences Request. The form is meant as the means for you to inform DOC that you identify as transgender, or non-binary. The Preference Request form also gives you an opportunity to share your preferred name, pronouns, and if you would like this information to remain as confidential. You will also be asked if you prefer a same-gender staff to perform searches and urinalyses. DOC will make every effort to collaboratively work with you to honor your request, however, there may be situations when it may not be possible accommodate your request due to exigent circumstances at the time of search. Exigent circumstances include concerns related to loss of dangerous contraband and imminent threat to anyone's safety/security.

When you arrive at the DOC intake facility or after a transfer to a new location, you will be provided with a copy of a sexual assault support and information line brochure during your intake process.

## **Healthcare**

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

The GA care team will follow you through the care process and be your connection to your gender-affirming medical and mental healthcare needs.

All transgender/non-binary/intersex individuals in DOC care will be treated with fairness, dignity, and respect in a gender affirming environment.

### **Navigation and General services**

- All transgender/non-binary/intersex patients will have the opportunity to meet with the Patient Care Navigator (PCN) in their first couple of weeks with DOC. The PCN is there to provide you with this toolkit and point you in the right direction to contact a person that can answer any questions you may have about your care and to ensure that you have all the correct and up to date information to make informed choices.
- The Gender Affirming Program Administrator (GAPA) can provide transgender patients with patient education materials on gender dysphoria, hormonal, and supportive mental health treatments, transitioning, vocal therapy and gender affirmation. The GAMS is also available to discuss general gender affirming care issues or concerns.
  - To get in touch with the GAPA send kite.

### **Medical Care**

- All transgender individuals will be assigned a primary care provider for general care needs.
- Any medications that were legally prescribed to you when you arrived at DOC will be continued until you can meet with a provider. This includes hormone treatment.
- Confidential HIV and STI testing are available upon request.
- 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.

### **Gender Affirming Specialized Care**

- A Gender Affirming Medical Specialist (GAMS) is available for those seeking medical interventions specific to gender transition, such as hormones and/or surgery. See GA healthcare FAQ on next page for more details.
  - To get in touch with the GAMS send a kite.

### **Mental Health Care**

- The presence of mental health concerns, associated with or separate from gender dysphoria, will be addressed through a mental health evaluation. You can make a request to meet with a Gender Affirming Mental Health Specialist (GAMHS) who specializes in working with transgender people at any time. They are also trained to help you with other mental health needs. Send kite the Gender Affirming Mental Health Specialist (GAMHS) in your facility.

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.

PREA regulations apply to you and are there to keep you safe.

## **GA Healthcare FAQ**

### **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 need, risks and benefits, analysis of alternatives, and make sure 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. Please send a Kite to the GAMS to start this discuss HRT.
- If you took unprescribed hormones, decisions will be made on a case-by-case basis, with continuation of hormones when safe and appropriate.
- If previous hormone use cannot be verified, the DOC will work with you via the Patient Service Representative and the GAMS to assess needs.

### **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 GAMS or GAMHS by sending a kite for an appointment. They 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 GAMS will be able to provide you information about surgical options. This is a great time to ask questions.
- When you are ready to move forward the Patient Services Representative (PSR) will consult with the GAMS for the next step.
  - The GAMS will document whether you meet the medical necessity requirements for surgery in their professional opinion.
  - You will be referred for a surgical readiness evaluation with a community psychologist who specializes in transgender care.

- Once all those steps are completed a referral to a surgeon will be made. Currently, it takes 12-36 months for community and incarcerated individuals to get an initial appointment with a surgeon.
- From there your participation in the process is crucial, pre-surgical hair removal is a common step, ask your GAMS or GAPA about this next phase in your affirmation process.
  
- Accessing the correct surgeon may require a temporary transfer, although usually brief in some instances it can be for a longer term. You will usually be housed in the in-patient unit (IPU) after surgery. Bear in mind some surgeries require a two week follow up appointment, and some a six-week follow up appointment. The DOC Medical provider 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.

● **Note:** If you are seeking gender affirming surgery, the Washington State Health Care Authority (HCA) states: before making a name change, you should first obtain a name change through the Social Security Administration (SSA). If your name in the system does not match the name on file with SSA, an error will be generated, and this could affect your coverage and possibly delay your scheduled appointment or result in medical records displaying your dead name.

## **Property**

While you are in the custody of the Department of Corrections, you are allowed to maintain your appearance so that it is consistent with your identified gender. You will have access to some gender affirming personal items that include clothing, including undergarments. Also available are commissary purchased items that include personal hygiene items such as hair removal products and make up.

Allowable personal property includes items such as medical publication and resource material with information about transitioning, surgeries, biographies and memoirs, and other transgender specific documents. Some of this information may include pictures or drawings to improve your understanding of the information directed in these resources. An example of images and photography that may be in publications includes images depicting processes or results of medical transition or other medical processes. Please be aware that any misuse of these items will result in the items being taken away.

You are allowed to have access to property such as gender affirming clothing. Garments that you can request include bras, sports bras, women's underwear, gaffs, binders, boxers, and pajamas. Some of these items may need to be ordered or you may need to be fitted to ensure that you receive the appropriate items. You can request items by sending a kite to the Property Officer in the facility who can work with you to meet your state issued clothing needs.

Reducing body hair may be important to many people. You will be permitted to shave or remove hair from your body. Razors and IPL devices are available to you but there may be some restrictions. You may contact your HSM via a Kite to request these items and to get additional information regarding specific rules that apply to this topic.

## Housing

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 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.



## **Privacy and Searches**

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

During the event where 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 preference of gender of employees conducting pat down and strip searches and witnessing of collection of urine sample. You may also request for consideration to be permitted to sit or stand according to your personal preference when providing a urine sample. These preferences will be recorded on your DOC 02-420 Preferences Request document that you completed when you first disclosed. DOC will make every effort to collaboratively work with you to honor your request, however, there may be situations when it may not be possible accommodate your request due to exigent circumstances at the time of search. Exigent circumstances include concerns related to loss of dangerous contraband and imminent threat to anyone's safety/security. There may be alternative methods to meet the requirements of necessary searches such as using a mouth swab test instead of urine collection and DOC can work with you to ensure that policies are followed while ensuring safety and respect for all individuals.

Your privacy is important to us. DOC is committed to respecting every individual and their rights. In effort to address specific privacy needs for transgender persons, we are doing the following:

- Providing privacy screens for showering and toileting.
- Searches are not conducted for the purposes of identify your anatomy but only for security purposes.
- Post-surgical support.

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.

For issues/questions regarding Searches, kite

## Legal

You have some specific rights during your incarceration. Your status as a transgender individual does not take away your individual rights.

As discussed in the property section, you are allowed to wear Gender Affirming clothing and maintain your appearance in a manner that is aligned with your gender identity. Additionally, you are also allowed to participate in Gender Affirming roles and religious events, programs, and activities of your choosing.

It is understood that your identity and name are highly personal and important information to all individuals. The DOC will work to ensure that is documented to respect your wishes. Your classification counselor can help you with this process.

Medical or legal documentation of your sex designation is not required to change the gender designation on your Washington state license, Washington state birth certificate or Social Security record.

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

Disability accommodation requests will be processed per DOC 690.400 Individuals with Disabilities, such as gender dysphoria.

Sexual abuse, harassment, and discrimination of any form including disparaging comments, acts, gestures, and other configurations are not acceptable and will not be tolerated within the DOC. This includes but is not limited to intentional and repeated misgendering by using incorrect pronouns, names, or language. DOC is committed to creating a culture of respect for all persons. If you experience unwelcomed and inappropriate behaviors listed, there are various ways to report-Verbally to any staff, written notes or letters to staff, DOC 21-473 Kite, Hotline etc. Information regarding PREA and how to file a complaint is posted in each unit of DOC.

## Legal Name Change

DOC 400.280, Legal Name Change, provides the process for managing legal names 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 the Court's order is received. 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 will 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 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. Social Security Administration must be notified of your legal name change so that all medical reports will show your new name.

Please be aware that the *original* documents must be submitted to Social Security Administration, not copies. To change a name SSA must have the name change document (e.g., a court order name change or a marriage certificate, etc.). A valid proof of ID (DOC ID is not a valid ID per SSA). The ID document can be in either the old or the new name. Apple Health insurance will require the name change to be done both state and federally. If this does not happen it can delay authorizations for procedures/surgeries.

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

**Note:** If you are seeking gender affirming surgery, the Washington State Health Care Authority (HCA) states: before making a name change, you should first obtain a name change through the Social Security Administration (SSA). If your name in the system does not match the name on file with SSA, an error will be generated, and this could affect your coverage and possibly delay your scheduled appointment or result in medical records displaying your dead name.

## Community Organizations

Below is a list of organizations that may provide helpful information regarding transgender related concerns:

### **TGI Justice**

(415)-554-8491  
Email: [info@tgip.org](mailto:info@tgip.org)  
Mailing address:  
370 Turk St. #370  
San Francisco, CA 94102  
Physical address:  
1349 Mission St.  
San Francisco, CA 9410

### **Lavender Rights Project**

(206) 639-7955  
Tacoma Location:  
1004 Martin Luther King Jr. Way  
Tacoma, WA 98405  
Seattle Location:  
92 Lenora St. PMB 124  
Seattle, WA 98121

### **Black and Pink- Seattle chapter**

[Seattle@Blackandpink.org](mailto:Seattle@Blackandpink.org)  
Black and Pink National  
2406 Fowler Avenue Suite 316  
Omaha, NE 68111  
(531)-466-3346  
[admin@blackandpink.org](mailto:admin@blackandpink.org)

### **Ingersoll Gender Center**

[info@ingersollgendercenter.org](mailto:info@ingersollgendercenter.org)  
(206) 849-7859  
911 E Pike Street Suite 221  
Seattle, WA 98122

### **American Civil Liberties Union (ACLU) of Washington State**

[www.aclu-wa.org](http://www.aclu-wa.org)  
(206) 624-2184  
P.O. Box 2728  
Seattle, WA 98111-2728

### **Forge Forward**

(414) 559-2123  
PO Box 1272  
Milwaukee, WI 53201  
[www.forge-forward.org](http://www.forge-forward.org)

### **National Center for Transgender Equality**

[ncte@transequality.org](mailto:ncte@transequality.org)  
(202) 642-4542  
1032 15<sup>th</sup> St NW Suite 199  
Washington, DC 20005

### **Beyond These Walls**

[Beyond These Walls \(beyondthesewallslgbt.org\)](http://beyondthesewallslgbt.org)  
P.O. Box 13006,  
Portland OR 97213

### **PFLAG WENATCHEE / WENATCHEE VALLEY**

Wenatchee, WA 98801  
United States  
[wenatcheepflag@gmail.com](mailto:wenatcheepflag@gmail.com)

### **PFLAG OLYMPIA**

Olympia, WA 98508-2732  
(360) 866-0511  
[president@pflag-olympia.org](mailto:president@pflag-olympia.org)

### **PFLAG BELLEVUE / EASTSIDE**

1934 108th Ave NE  
Bellevue, Washington  
98004  
United States  
(425) 310-5390  
[info@pflagbellevue.org](mailto:info@pflagbellevue.org)