

CD12.105.000 TRANSGENDER INMATE BOOKING AND CLASSIFICATION:

CD12.105.010 POLICY: Transgender inmates shall be processed in accordance with normal booking procedures.

CD12.105.020 PURPOSE: Pursuant to the provisions of Chapter 6 of the Agency Manual, Harassment and the Discrimination, transgender inmates shall be treated respectfully and afforded the same privileges as any other inmate.

CD12.105.030 REFERENCE: OJS: K 01.00.00 – K 03.02.01

CD12.105.040 DEFINITION:

TRANSGENDER, TRANSSEXUAL, INTERSEX PERSON: A person whose sense of identity as a man or a woman is inconsistent their genitalia and other anatomic sexual characteristics, the person is significantly committed to the transitional process, and may also include a person that is pre-operative.

CD12.105.050 GENERAL:

CD12.105.051 Once a person is identified as potentially transgender, as defined above, the Intake Sergeant and the Intake Nurse shall be immediately notified.

CD12.105.052 Transgender inmates shall be processed in accordance with normal booking procedures except the inmate:

1. Shall be pat searched by a female Deputy;
2. Shall be housed in a single cell with a phone while on the reception floor unless their behavior dictates placement in a separation cell.

CD12.105.053 During the initial booking process, the Intake Nurse shall conduct a normal Entry Progress Report and determine anatomical gender. The Nurse shall also assess whether the inmate can present documentation, or provide a professional medical referral, to support their transgender status.

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CD12.105.054 The classification of transgender inmates, or inmates who are “intersex”, shall occur with the Classification Unit in partnership with Corrections Health.

1. A transgender or “intersex” inmate shall not be moved off the reception floor until a full classification process occurs, and appropriate housing is identified;
2. For the purposes of this section, “intersex” is defined as a person who has both, neither, or inconsistent anatomical male or female genitalia.

CD12.105.060 CLASSIFICATION CRITERIA

CD12.105.061 The Classification Unit shall apply criteria consistent with existing policies relative to:

1. Behavior (past or current behavior while in custody);
2. Charges (nature of charges related to risk of escape or need for protective custody);
3. Special needs (characteristics that potentially make the inmate vulnerable in normal inmate population, physical or psychological needs identified by Corrections Health).

CD12.105.070 MEDICAL CRITERIA:

CD12.105.071 Corrections Health shall identify appropriate housing options for the transgender inmate consistent with established medical protocol including:

1. A medical history evaluation;
2. A physical evaluation;
3. A psychological evaluation.

CD12.105.080 MEDICAL DOCUMENTATION:

CD12.105.081 Based on documentation and /or medical referral information, Corrections Health shall determine the inmate’s transgender status. The inmate’s transgender status shall consist of one of the following:

1. Confirmed: The transgender status is supported by legal and/or clinical documentation, regardless of sexual anatomy;
2. Ambiguous: The transgender status of the inmate, while asserted by the inmate, is not conclusively supported by legal and/or clinical documentation;
3. Unsubstantiated: The asserted transgender status of the inmate is not supported by legal or clinical documentation.

CD12.105.082 Once a status of an inmate is determined, Corrections Health shall consult with Corrections Administration, and the Classification Unit to develop a management plan for the inmate.

CD12.105.083 Inmates with a CONFIRMED status shall be managed consistent with their adopted gender, including pat searches, strip searches, and with an emphasis on protective housing and

transportation.

CD12.105.084 Inmates with a Confirmed Transgender Status shall be strip searched in accordance with existing policies and:

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1. Shall be searched by Deputies with the same adopted gender;

2. Shall be searched alone with two Deputies present.

CD12.105.085 Inmates with an AMBIGUOUS status shall be housed in protective custody and managed consistent with similarly situated inmates of their anatomical gender.

CD12.105.086 Inmates with an UNSUBSTANTIATED status may be housed in protective custody and managed consistent with similarly situated inmates of their anatomical gender.

CD12.105.087 Inmates with an Ambiguous or Unsubstantiated Transgender Status shall be strip searched in accordance with existing policies and:

1. Shall be searched by Deputies of the same anatomical gender;

2. Shall be searched alone with two Deputies present.

CD12.105.088 In the event a Deputy reasonably suspects a transgender inmate may possess contraband on their person that cannot be obtained through a pat search, the Deputy shall immediately contact their supervisor. Under this circumstance, the supervisor shall:

1. Determine reasonable suspicion exists to warrant a strip search;

2. Determine whether the inmate's transgender status has been identified as described in CD12.105.060, 070;

3. Follow the strip search guidelines set forth in CD12.105.083, when the inmate's status is determined;

4. Have two Deputies, of the same anatomical gender, strip search the inmate in the event of an emergency or when the inmate's status has not been determined;

5. Ensure an information report is submitted describing reasonable suspicion and the actions that were taken.

CD12.105.090 TRANSGENDER BOOK AND KEEPS:

CD12.105.091 Persons taken into custody pursuant to a judge's order "Book And Keep" at the Multnomah County Courthouse, identified as transgender as defined above, shall be processed as follows.

1. The Court Services Supervisor shall be notified;

2. The responding Deputy shall escort the person to the Court Services Office;

3. A Custody Report shall be completed pursuant to the judge's order;

4. A female Deputy shall pat search the person;

5. Any money or property founds on the person shall be recorded and bagged;

6. The 960 Enforcement Deputy shall hold the person in the detention cell in the Court Services Office pending transfer to MCDC Intake. In the event an Enforcement Deputy is unavailable, a Deputy from Transport or Court Services shall be assigned to transfer the person to MCDC Intake.

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