

Minnesota Department of Corrections

Policy:	202.045	Title: Evaluation and Placement of
Issue Date:	8/7/07	Transgender Offenders
Effective Date:	9/4/07	

AUTHORITY: Minn. Stat. §241.01

PURPOSE: To provide guidelines for evaluation and placement of offenders who claim to be undergoing transgender treatment, or are identified as transgender or gender-variant, and to assure offender safety and access to appropriate medical/mental health care.

APPLICABILITY: Adult facilities and health services

POLICY: The department will evaluate and place offenders who claim to be undergoing transgender or transsexual-related treatment, offenders who appear to be gender-variant, or offenders having other clinical conditions in which the gender assignment is unclear. The department will not provide surgical services for the advancement of sexual reassignment therapy. When indicated by appropriate health services staff, the department will provide gender-related mental health services and other medical or mental health therapy as necessary throughout the offender's incarceration.

DEFINITIONS:

Transgender – an umbrella term describing individuals, including but not limited to transsexuals, who live and/or identify themselves as a gender other than that assigned to them at birth.

Transsexual – transgender individuals who consistently express a desire to, and/or who undertake to, change their bodies through hormones and/or surgery.

Gender-variant – persons who are uncertain of their gender identification, or who do not identify as either male or female.

Transgender Committee (TC) – Health Services Director, department Medical Director, intake/security representative, Director of Behavioral Health, health services administrator from intake facility, department Director of Nursing, warden of the facility where the offender is currently housed, and any other department employee deemed necessary to make a decision.

PROCEDURE:

- A. After one of the criteria in section B is met, facility staff will determine placement of the offender until the assistant commissioner-adult facilities determines placement.
- B. The facility health services unit will complete a history and physical examination and, if applicable, a comprehensive psychological examination. If applicable, facility health services staff will have the offender sign a release of information to obtain medical/mental health records when an offender
 1. indicates a history of transgender or transsexual-related treatment; or
 2. identifies as, or is reported by staff to be gender-variant ; or
 3. has other clinical conditions in which gender assignment is unclear such as cross dressing or physical features characteristic of a gender different from that assigned at birth.
- C. An offender refusing to receive a complete history and physical examination and a psychological examination (if applicable) and/or refuses to sign a release of information for medical/psychological (if applicable) records will be placed in administrative segregation. The health services staff will seek a court order to obtain these records in the event the offender refuses to sign a release of information.

- D. The TC will meet and recommend placement and a treatment plan to the Assistant Commissioner – Facility Services within fifteen days of identifying criteria stated in section B. The TC may, at its discretion, consult with the offender and outside health care providers to assist in making its recommendations.
- E. The Assistant Commissioner – Facility Services will determine the placement of the offender within five days of receiving the Transgender and Placement and Treatment form and inform the warden to arrange for such placement.
- F. A facility may seek reconsideration of the placement for any reason. The warden will contact the Assistant Commissioner – Facility Services. If the Assistant Commissioner – Facility Services determines further evaluation is needed, he or she will contact the TC chair to assemble the committee for evaluation and recommendation.

REVIEW: Annually

REFERENCES: None

SUPERSESSSION: Policy 202.045, “Evaluation and Placement of Transgender Offenders,” 5/2/06.
All facility policies, memos, or other communications whether verbal, written or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

/s/
Erik Skon, Assistant Commissioner
Facility Services

Nanette M. Larson, Director
Health Services

Minnesota Department of Corrections

Division Directive: 202.105	Title: Multiple Occupancy Cell/Room
Issue Date: 7/1/08	Assignment
Effective Date: 8/5/08	

AUTHORITY: Minn. Stat. §§ 241.01, subd. 3a (b) and 243.53.

PURPOSE: To provide procedures for the assignment of offenders to multiple occupancy cells/rooms within a facility.

APPLICABILITY: All facilities housing adult offenders in multiple occupancy cells/rooms.

DIRECTIVE:

- A. All general population offenders at level 1-4 facilities are presumed eligible for assignment to multiple occupancy cells/rooms unless they have been assigned a single cell restriction consistent with this directive. Staff will assign offenders to multiple occupancy cells/rooms according to these procedures.
- B. Offenders must immediately notify staff of legitimate threats to their safety but will not be permitted to manipulate the cell/room assignment process.
- C. Prior to inter-facility transfer, facility staff will communicate to the receiving facility concerns relevant to cell/room assignment.

DEFINITIONS:

Single cell restriction - designation assigned to an offender who must not be placed in a multiple occupancy cell/room.

PROCEDURES:

- A. Single Cell Restriction
 1. *Mental health and medical restrictions:*
 - a) The facility psychological services director may assign a single cell restriction to an offender when a mental health condition precludes the offender's placement in a multiple occupancy cell/room at the facility. Such a mental health condition includes, but is not limited to, significant vulnerability or dangerousness to others.
 - b) The facility health services administrator may assign a single cell restriction to an offender when a medical condition precludes placement in a multiple occupancy cell/room at the facility.
 - c) Staff assigning the single cell restriction will ensure the information is entered in COMS, inform the offender of the restriction, and notify appropriate assignment supervisory/unit staff.
 - d) Mental health and health services administrators will review the single cell restriction prior to facility transfer and as needed due to changes in the offender's mental health or medical status.
 2. *Disciplinary or other documented history of sexually victimizing offenders/others:*
 - a) Offenders with a documented disciplinary history of sexually victimizing other offenders, or any other documented history of sexually victimizing in any facility setting, will not be assigned to multiple occupancy cells/rooms.
 - b) In addition to the requirements of Policy 500.600, "Offender Alleged Sexual Assault," reported or observed offender sexual victimization must be documented in an incident report and forwarded to the facility discipline unit.
 - c) Upon completion of the investigation and disciplinary process, the discipline unit supervisor will forward all documentation to the Associate Warden of Operations (AWO)/Assistant Superintendent or designee.

- d) Upon receipt of such documentation, the AWO / Assistant Superintendent or designee will convene a committee of programming and security staff to review the offender's status.
- e) If the committee concludes that the offender should not be assigned a multiple occupancy cell/room, the offender will be assigned a single cell restriction. The single cell restriction will be entered in COMS, the offender informed of the restriction, and appropriate supervisor/unit staff notified.
- f) The committee may review single cell restrictions assigned to offenders with a disciplinary history of sexually victimizing other offenders on an individualized basis
 - 1) if the offender's adjustment and/or treatment participation warrant a change in status
 - 2) to facilitate transfer to another facility for participation in sex offender treatment

B. Multiple Occupancy Cell/Room Assignment

1. *Intake and Reception Status*

- a) Offenders will be assigned to a cell/room with consideration of available information as to:
 - 1) offender reported incompatibility concerns
 - 2) input from mental health and health services staff
 - 3) observations of intake staff
 - 4) prior adjustment at DOC facilities
 - 5) adjustment at sending facility
- b) Intake staff will communicate cell/room assignment concerns to living unit staff where the offender is assigned.

2. *General population*

- a) Offenders with an active single cell restriction will not be placed in multiple occupancy cells/rooms.
- b) Offenders will be assigned to a cell/room with consideration of:
 - 1) living and assignment status
 - 2) information relevant to cell/room assignment received from facility staff (including, but not limited to, transfer coordinator, intake, security, discipline, OSI, mental health, health services, and case management)

3. *Offender-initiated cell/room assignment changes:*

- a) Offenders may request a change of cell/room assignment based on legitimate, verifiable security concerns.
- b) Offender requests will be received and reviewed by living unit staff consistent with Division Directive 202.120, "Offender Incompatibility" and Policy 301.085, "Administrative Segregation."

C. Transfer – Adult Male Facilities

- 1. Facility transfer coordinators will carefully review offenders with an active single cell restriction prior to transfer to Minnesota Correctional Facility-Rush City or level 1-3 facilities. (Facility transfer coordinators may create a subscription in COMS for "offenders with single cell restrictions" to assist in identifying offenders with single cell restrictions.) The sending and receiving facility transfer coordinators will ensure that the factors supporting the single cell restriction can be adequately and safely addressed at the receiving facility. This may or may not result in removing the offender's single cell restriction depending on the circumstances.
- 2. The sending facility transfer coordinator will communicate and address cell/room assignment concerns

to the receiving facility transfer coordinator prior to transfer. The receiving facility transfer coordinator will convey this information to intake staff and/or living unit staff.

REVIEW: Annually

REFERENCES: Division Directive 202.120, "Offender Incompatibility."
Division Directive 301.085, "Administrative Segregation."
Policy 202.100, "Classification System."
Division Directive 202.040, "Offender Intake Screening and Processing."
Division Directive 301.092, "Transfers – Adult Offenders."
Division Directive 202.110, "Status Overview and Summary – Adult Facilities."
Policy 202.045, "Evaluation and Placement of Transgender Offenders."
Policy 205.300, "Placement of Release Violators."
ACA Standards 4-4133, 3-JTS-2C-02-1.

SUPERSESSON: Division Directive 202.105, "Multiple Occupancy Cell/Room Assignment," 9/4/07.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

/s/

David R. Crist, Assistant Commissioner
Facility Services

Instructions

202.105ML, "Offender Room Assignment/Moves/Restrictions"
202.105STW, "Multiple Occupancy Cell Assignment"

Security Instructions

202.105SCL, "Intra-Facility Offender Movement and Cell Assignment"