



P A R T I C I P A N T G U I D E

Internet
Broadcast

March 29, 2017

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NATIONAL INSTITUTE OF CORRECTIONS MISSION

The National Institute of Corrections is a center of learning, innovation and leadership that shapes and advances effective correctional practice and public policy. NIC is fully committed to equal employment opportunity and to ensuring full representation of minorities, women, and disabled persons in the workforce. NIC recognizes the responsibility of every employer to have a workforce that is representative of this nation's diverse population. To this end, NIC urges agencies to provide the maximum feasible opportunity to employees to enhance their skills through on-the-job training, work-study programs, and other training measures so they may perform at their highest potential and advance in accordance with their abilities.

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PROGRAM SCHEDULE - MARCH 29, 2017

On-Air via Internet

9 am-12 pm Pacific Time, 10 am-1 pm Mountain Time, 11 am-2 pm Central Time,
12 pm-3 pm Eastern Time

NOTE: Arizona Standard Time 9am – 12pm

15 minute break at halfway point

PROGRAM CONTACT INFORMATION

Prior to Broadcast Day

1-800-995-6429, Follow prompts for "Academy Division"

See the live telecast at: <http://nicic.gov/ViewBroadcast>

Join the simultaneous online live chat discussion during the program at:

<http://nicic.gov/LiveChat>

Participate in the Live On-Air Discussion via:

Phone: 1-800-278-4315

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PROGRAM OBJECTIVES

- ✓ Address agencies' questions regarding issues, barriers, challenges and practices that affect transgender persons in custody.
- ✓ Illustrate areas of greatest liability for agencies regarding transgender persons in custody.
- ✓ Determine areas to address in agency policy and procedure.
- ✓ Explain steps agencies should take to ensure the safety and security of this population while in custody.

PARTICIPATE IN THE NATIONAL CONVERSATION

See the live telecast at: <http://nicic.gov/ViewBroadcast>

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PRESENTER BIOS



Julie Abbate has worked at the Civil Rights Division of the U.S. Department of Justice for 14 years. She is currently a Deputy Chief in the Special Litigation Section and is responsible for enforcing the Civil Rights of the Institutionalized Persons Act with a focus on women's prisons. Julie is a member of the Attorney General's Prison Rape Elimination Act Working Group, which reviewed the PREA Commission's recommended standards, conducted an extensive public comment period, and issued the National Standards to Prevent, Detect, and Respond to Prison Rape.



Lorie Brisbin is a Correctional Program Specialist in the Community Services Division of the National Institute of Corrections. She has been recognized as an authority in the area of sexual violence in correctional settings and has expertise in both offender and victim perspectives. Lorie is currently managing the LGBTI Offender Project and the Post-Conviction Victim Service Providers Initiative at NIC along with other programs and projects. She is committed to identifying and providing the best resources possible to staff working in underserved areas of corrections.



Hayley Gorenberg is the Deputy Legal Director and General Counsel for Lambda Legal, the oldest national legal organization working to achieve and defend the rights of lesbians, gay men, bisexuals, transgender people and people living with HIV. Hayley testified to the President's Task Force on 21st Century Policing and submitted testimony to the United Nations High Commissioner on Human Rights regarding the impact of the criminal justice system on LGBT people and those living with or affected by HIV. Hayley litigates, advocates, writes and speaks widely on cutting-edge issues, including the need to dismantle the school-to-prison pipeline, the rights of transgender people in custody, hate crimes and the laws that apply to them. Hayley was a founding co-chair of the American Bar Association's Civil Rights Litigation Committee, and has been appointed to the Advisory Council for the Program in Gender and Sexuality Studies at Princeton University.

PRESENTER BIOS



Wendy Williams, Ed.D. is the Deputy Commissioner of Women's Services for the Alabama Department of Corrections. Wendy has executive and operational oversight of the state correctional facilities housing women offenders in Alabama. She has nearly 30 years of experience as a criminal justice practitioner with extensive background working with both male and female incarcerated populations. In her current role, Wendy has the honor of working with a group of committed professionals to provide a safe, healthy, and respectful environment while preparing women offenders for successful reentry through gender-responsive programs and services.



Harper Jean Tobin serves as the Director of Policy for the National Center for Transgender Equality, working with federal, state, and local agencies on a wide range of policies affecting transgender people. She also chairs the board of HIPS, an organization which provides services and advocacy for those involved in sex work or drug use in Washington, DC. Harper Jean previously worked at the National Senior Citizens Law Center's Federal Rights Project. Harper Jean's writing on transgender equality and other issues has appeared in numerous publications. Tobin received degrees in law and social work from Case Western Reserve University in Cleveland and is an alumna of Oberlin College.

ACKNOWLEDGEMENTS

NIC wishes to acknowledge the following individuals and agencies for their special contributions to this program:

Professor Brenda V. Smith, American University, Washington College of Law for her valuable contributions to research and content development.

Whitney Washington, Law Student, American University, Washington College of Law Researcher on Incarcerated Transgender Individuals

Lillian Bales, J.D., Research Fellow, American University, Washington College of Law

Pennsylvania Department of Corrections

Denver Sheriff Department

CONTINUING EDUCATION UNITS

CEUs are available through Eastern Washington University.

1. Site Coordinator should print out the EWU registration form, program evaluation form and participant sign-in /sign-out sheet.

(CEU Forms are on the last pages of this Participant Guide.)

2. Participants sign-in, complete the CEU registration form, take part in teleconference, fill out the evaluation and sign out. Submission of sign-in /sign-out sheet is required by IAECT which approves CEUs.

3. At conclusion of the program, the site coordinator should mail all forms and a fee of \$22.00 payable to EWU for each participant who desires CEUs.

Mail Forms to:

Hitomi Martin, Continuing Education

Eastern Washington University

300 Senior Hall

Cheney, WA 99004-2442

Phone: 509-359-6143

NOTE: *Coordinators should only send in forms if there are participants who are applying for CEUs.*

4. Once EWU receives and processes the registration forms, each participant will receive via mail a CEU form which details course information and each participant's information.

Glossary

NIC Lesbian, Gay, Bisexual, Transgender, Intersex Initiative

Asexual: a person who is not romantically or sexually attracted to another person of any gender.

Bisexual: a person who is romantically or sexually attracted to both males and females.

Cross dresser: a person who wears clothing, jewelry, or makeup not traditionally associated with their anatomical sex, and who generally has no intention or desire to change their anatomical sex.

Gay: exclusively attracted to others of the same sex. Most commonly used to refer to men who are attracted to other men, but may also be used to refer to women who are attracted to other women (lesbians).

Gender: a socially constructed concept classifying behavior as either “masculine” or “feminine,” unrelated to one’s genitalia.

Gender conforming: when gender identity, gender expression and sex assigned at birth “match” according to social norms.

Gender dysphoria (formerly gender identity disorder): the formal diagnosis used by psychologists and physicians to describe persons who experience significant discontent with the sex they were assigned at birth and/or their gender roles associated with that sex.

Gender expression: a person’s external expression of their gender identity, including appearance, dress, mannerisms, speech, and social interactions.

Gender identity: distinct from sexual orientation and refers to a person’s internal, deeply felt sense of being male, female or something else.

Gender non-conforming: gender characteristics or behaviors that do not conform to those typically associated with a person’s biological sex.

Gender “norms”: the expectations associated with “masculine” or “feminine” conduct, based on how society commonly believes males and females should behave.

Gender variant behavior: conduct that is not normatively associated with an individual’s biological sex.

Heterosexual: sexual or romantic attraction to the opposite sex.

Glossary

NIC Lesbian, Gay, Bisexual, Transgender, Intersex Initiative

Homosexual: an increasing derogatory term with an historical negative context for sexual, emotional, or romantic attraction to persons of the same sex. Not recommended for use.

Intersex: an uncommon condition in which a person is born with external genitalia, internal reproductive organs, chromosome patterns, or an endocrine system that does not fit typical definitions of male or female.

Bisexual: a person who is romantically or sexually attracted to both males and females.

LGBTI: acronym for a group of sexual minorities including lesbian, gay, bisexual, transgender, and intersex individuals. Many variations of this acronym may be used depending on context.

Lesbian: commonly refers to women typically attracted to other women (the term “gay” may also be used to describe these individuals).

Queer: historically a negative, derogatory term, it has been reclaimed by some LGBTI individuals particularly among youth. Its use is not recommended, especially in a professional environment.

Questioning: an active process in which a person explores his or her own sexual orientation or gender identity and questions the cultural assumptions that they are heterosexual or gender conforming. LGBTQ or LGBTQI is often associated with adolescents and young adults.

Sex: the designation of a person as either male or female based on anatomical make-up, including genitalia, chromosomes, and reproductive system.

Sexual orientation: an enduring personal quality that inclines people to feel romantic or physical attraction to persons of the opposite sex or gender, the same sex or gender, or both.

SOGI: acronym for sexual orientation and gender identity.

Transgender: an umbrella term for persons whose gender identity differs from their assigned sex at birth. May be used interchangeably with “transsexual” depending on context.

Transgender girl/woman: a person whose birth sex was male but who understands herself to be female and desires to live her life as a female.

Glossary

NIC Lesbian, Gay, Bisexual, Transgender, Intersex Initiative

Transgender boy/man: a person whose birth sex was female but who understands himself to be male and desires to live his life as a male.

Transition: sometimes used to describe the process people go through to change their gender expression or physical appearance. May refer to everything from changing identity documents to medical intervention (e.g., hormones, surgery).

Transsexual: a person whose physical anatomy does not match his or her gender identity, and seeks medical treatment (sex reassignment surgery or hormones). May be used interchangeably with “transgender” depending on the context.

Transvestite: a person who mainly cross dresses for pleasure in appearance and sensation.

Two spirit: a term used by some Native Americans to identify LGBTI and gender variant persons within their community. Historically, in some cultural traditions, two spirit people were viewed as privileged and sacred.



SEGMENT 2

Why Focus on Transgender Persons in Custody? Why Now?

OBJECTIVES

- ✓ Describe how the focus on the transgender population in corrections has evolved.
- ✓ Understand basic concepts and demographics regarding the transgender population.

Why Focus on the Transgender Population?

- Research
- Everyday operational questions
- Institutional mission: safety, security, care
- PREA compliance
- Avoiding liability



VIDEO

National Focus on Transgender Issues

Which events in the timeline on transgender issues stand out to you? Why?

Timeline of Significant Events - Transgender Issues

1994

Supreme Court decides transgender inmate rape case - Farmer v. Brennan.

2003

Passage of the Prison Rape Elimination Act directing the Attorney General to promulgate national standards.

2006

Hawaii adopts first juvenile justice LGBT policy in court settlement.

2007

Seventh Circuit Court of Appeals strikes down state law prohibiting medication or surgery for transgender inmates.

2009

Hate Crimes Prevention Act addresses anti-transgender bias crimes.

2011

Journalist Janet Mock comes out in Marie Claire.

Proposed PREA Standards published in the Federal Register.

2012

DOJ PREA Standards adopted: Includes standards on intake, housing, searches, showering of transgender inmates.

2013

Violence Against Women Act prohibits discrimination against transgender people in victim services.

2014

Time Magazine Cover: "The Transgender Tipping Point".

Medicare removes exclusion of gender reassignment surgery.

"Transparent" sweeps TV awards.

2015

Olympic champion Caitlyn Jenner comes out.

Federal PREA data shows transgender inmates with highest rates of abuse.

2016

Ban lifted on military service by transgender people.

State and federal officials issue guidance to schools on transgender students.

2017

California inmate first to be provided surgical treatment for gender dysphoria.

Boy Scouts join Girl Scouts in welcoming transgender scouts.

National Geographic Cover: "The Gender Revolution".

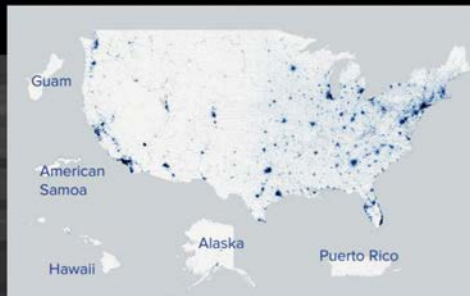
Who are Transgender People?



Distribution of 2015 U.S. Transgender Survey Respondents



Distribution of U.S. Population




Source: NCTE Report of the 2015 US Transgender Survey, Executive Summary



Drivers of Incarceration for Trans People

- Family rejection
- Hostile environments / bullying
- Disproportionate representation in juvenile justice
- Employment discrimination
- Homelessness
- Disproportionate involvement in sex work
- Diversion and reentry programs without trans-competency



Policies & Practices that Address Liability

Outcomes:

- Safer, more manageable institutions
- Preventing sexual abuse
- Improved outcomes for reentry
- Improved medical care
- Preventing litigation / liability

**VIDEO**

Message from Leadership - Proactive Approach

What messages from correctional leadership resonate most with you? Why?

Additional Resources

"About Transgender People" Resources - National Center for Transgender Equality

<http://www.transequality.org/about-transgender>

U.S. Transgender Survey

<http://www.ustranssurvey.org/report>

NCTE, Frequently Asked Questions about Transgender People

<http://www.transequality.org/issues/resources/frequently-asked-questions-about-transgender-people>

NCTE, Report of the 2015 US Transgender Survey, Executive Summary

<http://www.ustranssurvey.org/report>

NIC LGBTI Policy Review and Development Guide

<http://info.nicic.gov/lgbti/>



SEGMENT 3

Areas of Vulnerability & Liability

OBJECTIVES

- ✓ Provide correctional facilities an overview of the areas where legal liability may arise.
- ✓ Provide recommendations on legally sound solutions to issues that may arise in supervision and care of trans persons in custody.
- ✓ Forecast potential areas of liability not yet resolved in courts or through regulation.



VIDEO

Headlines: Transgender Inmates - Legal Issues

What legal challenges brought by transgender inmates raise concerns for your agency?

Legal Liability - Transgender Persons in Custody

Two Areas:

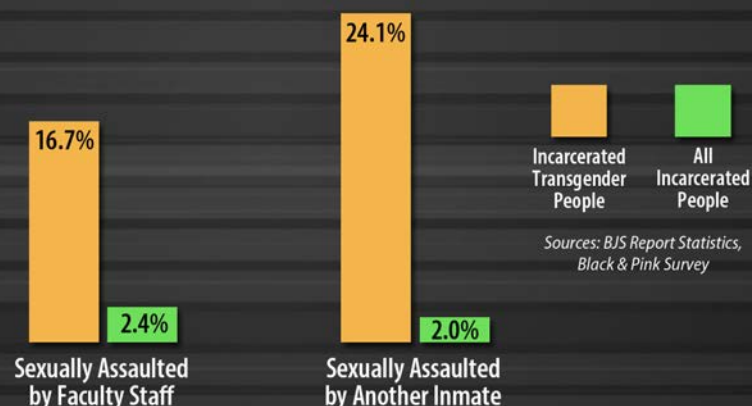
- Failure to protect
- Failure to provide adequate care

Transgender Victims of Violence

Outside Prisons and Jails:

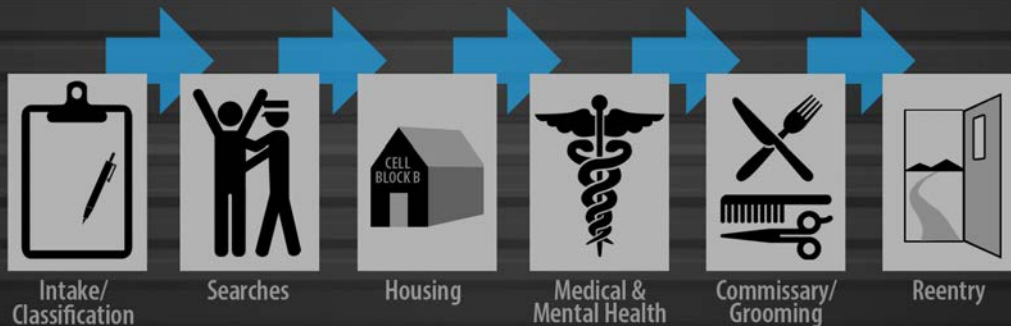
- The 2015 US Transgender Survey found that transgender people are among the most at-risk for being victims of violence.
- One in ten transgender Americans reported being the victim of a physical assault motivated by anti-transgender bias in the past year.
- Transgender persons are less likely to report violence to police. Same survey found 57% of respondents were uncomfortable seeking assistance from police.

Sexual Assaults of Incarcerated Transgender Individuals



Source: Bureau of Justice Statistics Survey, 2011-2012

Areas of Inmate Vulnerability & Agency Liability



Examples of Failure to Protect in Custody

- Placing a transgender inmate in a cell with an offender who has a history of violence
- Inadequate supervision
- Routine placement of transgender inmates in isolation or restrictive housing based on status
- Language which contributes to an environment of disrespect

Farmer v. Brennan, 511 US 831 (1994)

Issue:

- Do prisons have a legal obligation to protect transgender inmates from harm?
- Does knowledge of substantial risk for harm create liability?

Ruling / Outcomes:

- Prison has a legal obligation to protect inmates from a known substantial risk of harm.
- Failure to protect Dee Farmer, a transgender woman, from a substantial risk of sexual abuse was a violation of Eighth Amendment.
- Agency disregards risk by failing to take reasonable measures to abate risk to inmate safety.
- Deliberate indifference to a substantial risk of harm violates the Eighth Amendment.

Deliberate Indifference

Failure to protect from a known and substantial risk of harm.



Agency Liability for Injury to Inmates

Factors to be Considered:

1. Existence of adequate policies
2. Screening and classification tools for vulnerable prisoners
3. Current gender expression of the prisoner
4. Previous complaints of violence - or threats of violence - against the prisoner
5. Agency's history of assessing and responding to complaints
6. Other in incidents of violence in the institution
7. Presence of other prisoners known to be aggressors



Zollicoffer v. Livingston, 169 F. Supp. 3d 687 (S.D. Tex. 2016)

Issue:

Does a repeated failure to address sexual abuse of a transgender inmate constitute a violation of the Eighth Amendment?



Zollicoffer v. Livingston, 169 F. Supp. 3d 687 (S.D. Tex. 2016)

Ruling / Outcomes:

- Yes, the record shows not only multiple cases of sexual violence, but also a refusal of prison staff to address the violence adequately.
- The court held that the Plaintiff sufficiently stated a claim under § 1983 to overcome a 12(b)(6) motion to dismiss.
- The Court granted the Plaintiff injunctive relief to be kept out of general population.



8th Amendment & Standard of Decency Doctrine

“... the Amendment must draw its meaning from the evolving standards of decency that mark the progress of a maturing society.”

Trop v. Dulles, 356 U.S. 86, 101 (1958)



Beal v. Foster, 803 F3d 356 (7th Cir 2015)

Issue:


- Can verbal harassment constitute cruel and unusual punishment?
- Can outing a prisoner constitute cruel and unusual punishment?



Beal v. Foster, 803 F3d 356 (7th Cir 2015)

Ruling / Outcomes:


- Fleeting verbal harassment, which is too limited to have an impact on safety, does not constitute cruel and unusual punishment.
- Outing a prisoner can create a hostile environment, which can be considered cruel and unusual punishment, because it has an extended impact on the individual.



Brown v. Patuxent Institution, IGOa No.: 20141133 (Apr. 2015)

Issue:

Was the plaintiff entitled to remedy for her time at Patuxent where she experienced sexual abuse, was placed in administrative segregation based on her transgender status, and was strip-searched by officers of different genders for different parts of her body?



Brown v. Patuxent Institution, IGOa No.: 20141133 (Apr. 2015)

Findings:

- PREA is an applicable law regarding the treatment of transgender prisoners.
- The strip search involving the medical professional and officers of different genders for different parts of the body was “not ideal” for a “best practice” according to PREA – the facility must develop a better policy.
- The facility determined to house the Plaintiff in administrative segregation based on transgender status before she arrived at the facility. This was a PREA violation. There were PREA violations when guards watched the Plaintiff shower.


Brown v. Patuxent Institution, IGOa No.: 20141133 (Apr. 2015)

Remedy:

- Review the decision whether to take actions against sergeant.
- Patuxent must create comprehensive policies that align treatment of transgender prisoners with PREA standards.
- \$5,000 in damages for psychological harm.
- Plaintiff to receive diminution credits that she otherwise would have received.

Areas of Inmate Vulnerability & Agency Liability





Fields v. Smith, 653 F. 3d 550 (7th Cir. 2011)

Issue:

Does a law prohibiting treatment for transgender prisoners constitute a violation of the Eighth and Fourteenth Amendments?



Fields v. Smith, 653 F. 3d 550 (7th Cir. 2011)

Ruling / Outcomes:

- Yes, the negative physical and psychological effects of the failure to provide appropriate medical care to individuals diagnosed with gender dysphoria constitute a serious medical need, and failing to address that need violates the Eighth Amendment.
- Security is not a legitimate reason to block treatment for transgender prisoners.
- Failure to provide treatment is a violation of the Equal Protection clause of the Fourteenth Amendment because it is irrelevant to prisoners who do not receive treatment for gender dysphoria.

7th Circuit Findings - Hormone Treatment

- Hormone treatment is the standard of care, and when it is warranted, no other effective alternatives have been identified.
- Concerns about impacts on prison security were not provided any deference, as correctional systems have been able to provide care and address safety concerns.
- Ordering prospective relief in the form of hormone treatment was consistent with PRLA provisions.
- Cost concerns were not valid, especially given the costs of other medical / mental health treatments.

NOTE: 1st, 2nd, 4th and 9th Circuits agree with the 7th Circuit.

**VIDEO**

CA Court Cases - Norsworthy and Quine

What policy and practice questions on surgery requests do these cases raise?



Kosilek v. Spencer, 774 F. 3d 63 (1st Cir. 2014)

Issue:

May the DOC choose one medical treatment for gender dysphoria over an alternative without violating the constitution?



Kosilek v. Spencer, 774 F. 3d 63 (1st Cir. 2014)

Ruling / Outcomes:

- Gender dysphoria constitutes a serious medical need and as such requires treatment.
- Agency decision not to provide gender-affirming surgery while providing other treatments to transgender woman does not constitute a violation of the Eighth Amendment where the medical treatment that the DOC offered aligned with medical standards and afforded Ms. Kosilek with relief.
- Concerns about safety and security regarding Ms. Kosilek after surgery were reasonable.



Norsworthy v. Beard, 87 F. Supp. 3d 1164 (N.D. Cal. 2015)

Issue:

- Can gender-affirming surgery constitute a medical necessity under the Eighth Amendment?
- Does refusal to allow a legal name change constitute a violation of the Eighth Amendment?



Norsworthy v. Beard, 87 F. Supp. 3d 1164 (N.D. Cal. 2015)

Ruling / Outcomes:

- Transgender status qualifies as a suspect class under the Equal Protection Clause because transgender persons meet the indicia of a "suspect" or "quasi-suspect classification" identified by the Supreme Court.
- The District Court dismissed the plaintiff's name-change claim without leave to amend, as it was insufficiently pleaded.



De'Lonta v. Johnson, 708 F. 3d 520 (4th Cir. 2013)

Issue:

- Does urge to self-castrate constitute a serious medical need in light of the Eighth Amendment?
- Does knowledge of attempted self-castration and failure to provide appropriate care constitute deliberate indifference?



De'Lonta v. Johnson, 708 F. 3d 520 (4th Cir. 2013)

Ruling / Outcomes:

- Need for protection against gender dysphoria so severe that it led to attempts at self-castration constituted an objectively serious medical need under the 8th Amendment.
- Ms. De'Lonta's attempt at self-surgery was evidence that her gender dysphoria was a serious medical issue.
- Virginia DOC's knowledge of Ms. De'Lonta's repeated complaints of the urge to self-castrate even after hormone treatment and living as a woman for over a year constituted deliberate indifference to a serious medical need when VDOC refused to consider Ms. De'Lonta for gender affirming surgery.

Additional Resources

Sexual Victimization in Prisons and Jails Reported By Inmates, 2011-12 Update
(with supplement tables on transgender victims)
<https://www.bjs.gov/index.cfm?ty=pbdetail&iid=4654>

Diamond v. Owens, Statement of Interest of the United States
<https://www.justice.gov/file/387296/download>

Case Links

Farmer v. Brennan, 511 US 831 (1994)
<https://supreme.justia.com/cases/federal/us/511/825/case.html>

Zollicoffer v. Livingston, 169 F.Supp.3d 687 (S.D. Tex. 2016)
<http://www.leagle.com/decision/In%20Adv%20FDCO%20170103-000382/ZOLLICOFFER%20v.%20LIVINGSTON>

Beal v. Foster, 803 F3d 356 (7th Cir 2015)
<http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2015/D10-02/C:14-2489:J:Posner:aut:T:fnOp:N:1632825:S:0>

Fields v. Smith, 653 F.3d, 550 (7th Cir 2011)
<http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2011/D08-05/C:10-2339:J:Gottschall:aut:T:fnOp:N:745882:S:0>

Kosilek v. Spencer, 774 F.3d 63 (1st Cir. 2014)
<http://media.ca1.uscourts.gov/pdf.opinions/12-2194P2-01A.pdf>

Norsworthy v. Beard, 87 F. Supp. 3d 1164 (N.D. Cal 2015)
<http://www.leagle.com/decision/In%20Adv%20FDCO%20160101-000612/NORSWORTHY%20v.%20BEARD>

De'Lonta v. Johnson, 708 F.3d 520 (4th Cir 2013)
<http://www.ca4.uscourts.gov/Opinions/Published/117482.P.pdf>

Brown v. Patuxent Institution, MD Office of Administrative Hearings, IGO No.: 20141133
(Apr. 2015)
<https://freestate-justice.org/wp-content/uploads/2015/09/Brown-2015.08.17-Decision-of-Secretary-and-ALJ.pdf>



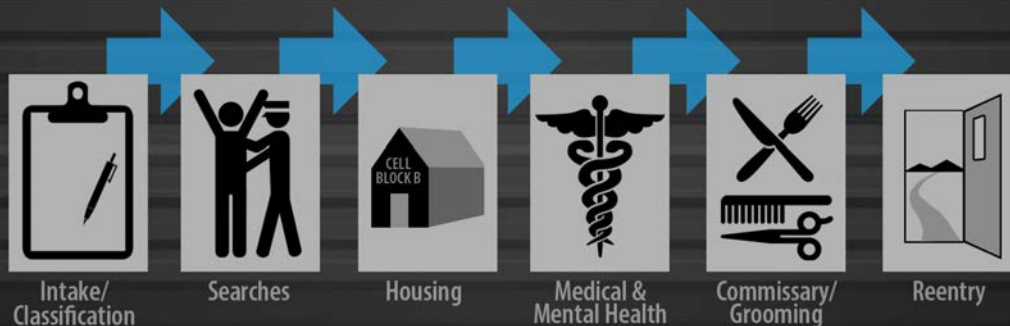
SEGMENT 4

Issues and Practices

OBJECTIVES

- ✓ Provide correctional facilities an overview of the day to day issues that may arise.
- ✓ Provide recommendations on legally sound solutions.


Practices to Address Inmate Vulnerability & Agency Liability





VIDEO Intake Practices

What aspects of these intake practices are most valuable and / or effective?



PREA Guidelines - Individualized Assessments at Intake

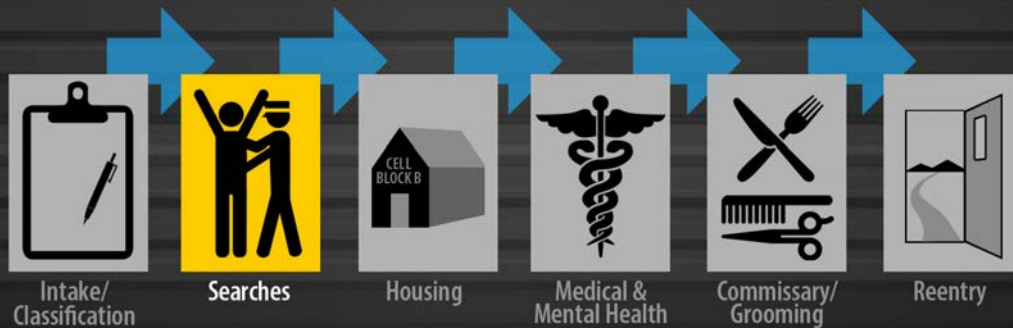
Factors to Consider:

- Current gender expression
- Social gender role in the community
- Offender's view of safest placement
- Inmate's security level
- Criminal and disciplinary history
- Medical and mental health needs / information
- Likelihood of perpetrating abuse

Facility- Specific Factors:

- Inmate populations
- Staffing patterns
- Physical layouts (types of cells and/or showers)

Practices to Address Inmate Vulnerability & Agency Liability




Recommendations for Searches

- Consistent with the inmate's gender identity
- Reflect awareness of inmate's trauma history
- Provide additional privacy for strip searches
- Avoid split search procedures (e.g. female staff search torso; male staff search lower body)

**VIDEO****PA DOC Process for Housing Decisions**

What do you find valuable or effective about the PA DOC process for making housing decisions for transgender inmates?



Respectful Communication & Interaction

- Transgender inmate's status should be shared only if inmate consents.
- Staff should not disclose inmate status – especially medical and mental health information.
- Pronoun use should be respectful.
- Harassing behavior should be prohibited.

**VIDEO****PREA Guidelines - Communication & Housing**

What are the key messages about PREA Guidelines in the areas of respectful communication and housing placements for transgender inmates?

PREA Standards of Note

115.15 Limits to cross-gender viewing and searches.

(e) The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

(f) The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

115.31 Employee training.

(a)(9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates

115.41 Screening for risk of victimization and abusiveness.

(a)(7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming

115.42 Use of screening information.

(c) In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

(d) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

(e) A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.

(f) Transgender and intersex inmates shall be given the opportunity to shower separately from

(g) The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates. ther inmates.

115.86 Sexual abuse incident reviews.

(a)(2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.



VIDEO PA DOC Property Regulations

What questions / reactions do you have regarding the PA DOC property regulations for transgender inmates?

SEGMENT 4

**VIDEO**


CA DOC Policies on Hormone Therapy and Surgery

What questions / reactions do you have regarding the CA DOC policies on hormone therapy and surgery requests by transgender inmates?

**VIDEO**

Mental Health Needs of Transgender Inmates


What are the policy and practice implications of the mental health needs of transgender inmates?



Individual Psychotherapy for Transgender Inmates

Goals may include:

- Helping the inmate live more comfortably within a gender identity and to deal effectively with non-gender issues
- Emphasizing the need to set realistic life goals related to daily living, work, and relationships, including family of origin
- Seeking to define and address issues which may have undermined a stable lifestyle, such as substance abuse and/or criminality
- Addressing any co-occurring mental health issues



Effective Treatment Plan for Transgender Inmates

Should address:

- Mood disorders
- Substance abuse disorders
- Personality disorders
- Anxiety disorders
- Potential for suicidal actions or self-harm
- Self-surgery



Additional Resources

National PREA Resource Center—Frequently Asked Questions

<https://www.prearesourcecenter.org/frequently-asked-questions>

Guidelines for Review of Requests for Sex Reassignment Surgery (SRS) (California)

[http://www.cphcs.ca.gov/docs/careguides/Guidelines%20for%20Review%20of%20Requests%20for%20Sex%20Reassignment%20Surgery%20\(SRS\).pdf](http://www.cphcs.ca.gov/docs/careguides/Guidelines%20for%20Review%20of%20Requests%20for%20Sex%20Reassignment%20Surgery%20(SRS).pdf)

Medical Management of Transgender Inmates - Federal Bureau of Prisons Clinical Guidance

https://www.bop.gov/resources/pdfs/trans_guide_dec_2016.pdf

Guidelines for the Primary and Gender-Affirming Care of Transgender and Gender Nonbinary People—
UCSF Center of Excellence for Transgender Health

<http://transhealth.ucsf.edu/protocols>

World Professional Association for Transgender Health, Standards of Care (SOC) for the Health of Transsexual, Transgender, and Gender Nonconforming People (7th Edition)

http://www.wpath.org/site_page.cfm?pk_association_webpage_menu=1351&pk_association_webpage=4655

Pennsylvania DOC (2016). Policy No. DC-ADM 008: Prison Rape Elimination Act (PREA)

(See section 9, Working with Transgender Inmates)

<http://www.cor.pa.gov/About%20Us/Documents/DOC%20Policies/008%20Prison%20Rape%20Elimination%20Act.pdf>



SEGMENT 5

Steps to Protect the Transgender Population in Custody


OBJECTIVES

✓ Provide guidance and suggestions for dealing with:

- Housing
- Medical care
- Searches

Multi-Disciplinary Team Approach





LGBTI Community Resources

- National Center for Transgender Equality
<https://transequality.org>
- Transgender Law Center
<https://transgenderlawcenter.org/>
- Equality Federation
<http://www.equalityfederation.org/>
- CenterLink: The Community of LGBT Centers
<http://www.lgbtcenters.org/>

SEGMENT 5



“Absolutes” for Managing Transgender Inmates

Housing and Classification:

- Do not make housing decisions based solely on genital status.
- Do not use “transgender-only” or “T/G only” housing.
- Do not house anyone in any form of restrictive housing based solely on their identity.

Medical Care:

- No “freeze frame.”
- No treatments absolutely ruled out.
- Medical decisions should be driven by medical needs and medical standards of care.

Searches:

- No searches to determine genital status.
- Pat searches: Female staff can pat search all inmates.
- Do not have different staff search above and below the waist.

**VIDEO****PA DOC Transgender Support Group**

What aspects of the PA DOC Transgender Support Group would your organization find beneficial?

**VIDEO****Normalizing Practices, Avoiding Exceptionalizing**

What is your reaction to the comments on normalizing practices related to the custody and care of transgender inmates?

Additional Resources

Keeping Vulnerable Populations Safe under PREA: Alternative Strategies to the Use of Segregation in Prisons and Jails:

https://www.prearesourcecenter.org/sites/default/files/library/keepingvulnerablepopulationssafeunder-preaapril2015_0.pdf

Guidance in Cross-Gender and Transgender Pat Searches:

<https://www.prearesourcecenter.org/file/3328/guidance-cross-gender-and-transgender-pat-searches>

Lesbian, Gay, Bisexual and Transgender Youth in the Juvenile Justice System

<http://www.aecf.org/m/resourcedoc/AECF-lesbiangaybisexualandtransgenderyouthinjj-2015.pdf>



SEGMENT 6

Next Steps / Resources

OBJECTIVES

- ✓ Provide resources.
- ✓ Discuss potential courses of action.

NIC LGBTI Policy Review and Development



<http://info.nicic.gov/lgbti>



[illegible]

L.00171 Adult under Custodial Supervision		
Following are questions to ask regarding an agency's transportation policy:		
Transportation Policy Checklist	YES	NO
Does the agency have a transportation policy for employees, inmates, visitors, public volunteers?		
Does the agency policy require all L.00171 inmates, and visitors?		
Does the agency policy prohibit inmates' or visitors' vehicles or changing an inmate's or visitor's vehicle or changing an inmate's or visitor's arrival information without the inmate's or visitor's approval?		
Does the agency policy allow staff duty to provide safe and healthy transport conditions for all individuals who are treated with respect and dignity?		
Does the agency policy allow staff responsibility for protecting the civil rights of L.00171 inmates or visitors while in custody, and ensuring their physical and emotional well-being and safety in facilities?		
Does the agency policy define the elements of incident response to include: notification, documentation, and abuse?		
Does the agency policy provide training and documentation for the medical, dental, and psychological challenges confronting L.00171 inmates or visitors?		
Does the agency policy address the collection and analysis of data regarding the medical and psychological care of inmates or its continuity?		
Does the agency use the collected data and analysis to make decisions?		
Does the agency policy require rapid access to care whenever an inmate's or visitor's programming for L.00171 inmates or visitors is interrupted or interrupted?		
Does the agency policy provide ongoing training for behavioral health staff, the policy that contains ongoing crisis for inmates or visitors?		

Non-Credit Professional Course Registration

Office of Continuing Education - Extended Campus



300 Senior Hall
Cheney, WA 99004-2442
Phone: (509) 359-7380 1-800-351-9959
FAX: (509) 359-2220
continuinged.ewu.edu

Today's Date: _____ Quarter: _____

Last Name First Name Middle Name Previous Name

Mailing Address City State Zip Code

Email Address (Mandatory to sign into CANVAS) Daytime Phone Number Home Phone Number

EWU Student ID Number Date of Birth (Required)

Do you have any Special Needs? (Please specify): _____

Gender ☐ Male ☐ Female Are you a resident of Washington? ☐ Yes ☐ No

Have you previously earned credit through EWU? ☐ Yes ☐ No If yes, when? Quarter Year

Are you of Spanish/Hispanic origin? (Check all that apply)

- ☐ No, not of Spanish/Hispanic (999) ☐ Yes, Cuban (709)
☐ Yes, Chicano/Chicana (705) ☐ Yes, Puerto Rican (727)
☐ Yes, Mexican/Mexican American (722) ☐ Yes, other Spanish/Hispanic: _____
☐ Other Race (Specify): _____
(Specify one group, for example Columbian, etc)

- ☐ Bachelors Degree
☐ Graduate
☐ Completed Doctoral Program
☐ Non-Credit/Prof. Dev.
☐ Post-Baccalaureate
☐ Other(Please Specify): _____

Required: What race do you consider yourself? (Check all that apply)

- ☐ White/Caucasian (800) ☐ Black/African American (870) ☐ Chinese (605)
☐ Eskimo (935) ☐ Aleut (941) ☐ American Indian (597) Name of Principal or enrolled tribe:
☐ Korean (612) ☐ Filipino (608) ☐ Vietnamese (619)
☐ Asian Indian (600) ☐ Guamanian (660) ☐ Samoan (655)
☐ Hawaiian (653) ☐ Japanese (611) ☐ Other Asian or Pacific Islander: _____

Course Information:

☐ PDU ☒ CEU ☐ CE ☐ Clock Hours

Event Date(s): (.3 CEU) March 29, 2017 \$22.00

Course Title: Transgender Persons In Custody

Location: NIC Broadcast: Live Internet Broadcast

Payment Information

- ☐ Check (payable to EWU)
☐ Money Order

Mail Registration and Tuition:

Eastern Washington University
 Office of Continuing Education
 300 Senior Hall, Cheney, WA 99004-2442
Or fax: 509.359.2220

Eligible taxpayers may claim a tax credit on EWU courses. For more detailed information, please refer to IRS Publication 3064.

"Notice 97-60 Education Tax Incentive." For purposes of the new Hope and Lifelong Learning tax credits. Federal Law (Section 6109 of the Internal Revenue Code) requires the University to obtain your Social Security Number. Thank you for your cooperation.

Eastern Washington University
Continuing Education
NIC Live Broadcast / Internet Broadcast
Course Title: Transgender Persons in Custody: The Legal Landscape
Sign-In & Sign out Sheet
March 29, 2017

<i>PRINTED NAME</i>	<i>SIGNATURE / SIGN IN</i>	<i>POSITION</i>	<i>SIGNATURE / SIGN OUT</i>
1.			
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***Eastern Washington University
Continuing Education
Workshop Summary***

Workshop: NIC Live Broadcast / Transgender Persons in Custody: The Legal Landscape
Date(s): March 29, 2017
Location: NIC Live Broadcast
Facilitator: National Institute of Corrections: Leslie LeMaster

Your feedback is important. It is the basis of our continuous improvement to ensure that programs meet or exceed your expectations. Thank you for taking the time to complete this evaluation.

Response Code

5-Excellent

4-Good

3-Adequate

2-Poor

1-Desire changes

Instructor Effectiveness

Knowledge of subject	5	4	3	2	1
Ability to teach according to the student's level	5	4	3	2	1
Organization of class meeting	5	4	3	2	1
Ability to answer questions	5	4	3	2	1
Ability to encourage participation	5	4	3	2	1

Course Information

Course objectives met my expectations	5	4	3	2	1
Material contributed to learning	5	4	3	2	1

Facilities and General

Comfort of classroom for learning	5	4	3	2	1
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Overall

Overall, I rate the learning experience	5	4	3	2	1
I would recommend this course to others (Please circle your response)	Yes		No		

Comments:

Suggestions for improvement: