

GA-06.09, "Care and Custody of Transgender Inmates and Inmates Diagnosed with Gender Dysphoria"

SCDC POLICY

Change 1 to GA-06.09: Relevant Forms, 2.1, 2.2, 2.3, 2.5, 4.1

NUMBER: GA-06.09

TITLE: CARE AND CUSTODY OF TRANSGENDER INMATES AND INMATES DIAGNOSED WITH GENDER DYSPHORIA

ISSUE DATE: September 12, 2017

RESPONSIBLE AUTHORITY: OFFICE OF LEGAL AND COMPLIANCE

OPERATIONS MANUAL: GENERAL ADMINISTRATION

SUPERSEDES: NEW POLICY

RELEVANT SCDC FORMS/SUPPLIES: M-207

CALEA STANDARDS:

ACA/CAC STANDARDS:

STATE/FEDERAL STATUTES:

PURPOSE: To establish guidelines for identification, medically necessary treatment, and management of transgender inmates and inmates diagnosed with gender dysphoria during their incarceration period within the South Carolina Department of Corrections (SCDC) and to ensure safety and security for all inmates and staff.

POLICY STATEMENT: The Agency is committed to providing medically necessary care to inmates throughout their incarceration period and to maintaining secure institutions in which all inmates can serve their sentences safely. Services provided by Agency medical staff will be in keeping with generally accepted medical standards of the community and will be the most reasonable level of service available for the diagnosis, symptoms, and of diagnosed medical conditions. `

TABLE OF CONTENTS

1. DIAGNOSIS OR IDENTIFICATION, MANAGEMENT, AND TREATMENT OF TRANSGENDER INMATES AND INMATES WITH GENDER DYSPHORIA
2. THE MULTIDISCIPLINARY MANAGEMENT AND TREATMENT TEAM
3. HOUSING OF TRANSGENDER INMATES AND INMATES DIAGNOSED WITH GENDER DYSPHORIA
4. SEARCHES OF TRANSGENDER INMATES AND INMATES DIAGNOSED WITH GENDER DYSPHORIA
5. DEFINITIONS

1. DIAGNOSIS OR IDENTIFICATION, MANAGEMENT, AND TREATMENT OF TRANSGENDER INMATES AND INMATES WITH GENDER DYSPHORIA:

1.1. Diagnosis or Identification:

- Inmates will be referred to the Multidisciplinary Management and Treatment Team and will receive medical and mental health evaluations and treatment as appropriate, housing assignments, and be searched in accordance with this policy if SCDC has knowledge that they identify as transgender or have been diagnosed with gender dysphoria. This knowledge can be received from all relevant sources including but not limited to the entity sending the inmate to SCDC, records received regarding the inmate, and self-identification by the inmate.
- Individualized medical and mental health evaluations for gender dysphoria will be made by appropriately licensed and qualified medical professionals at the South Carolina Department of Corrections or by referral to or in consultation with licensed, qualified medical community-based professionals.
- Upon receipt of information that an inmate identifies as transgender or has gender dysphoria, the inmate will be referred to the Behavioral and Mental Health Director and the Prison Rape Elimination Act Coordinator. An initial evaluation of the inmate will be conducted by medical and mental health staff.

2. THE MULTIDISCIPLINARY MANAGEMENT AND TREATMENT TEAM:

2.1. The Multidisciplinary Management and Treatment Team will, on a case-by-case basis, create individualized management accommodation plans that will provide for all medically necessary treatment, including personal adjustment and housing needs and search preferences, where deemed medically necessary. These individualized accommodation plans will be documented on SCDC Form M-207, "Multidisciplinary Accommodation Plan." (Changes in RED amended by Change 1, dated May 21, 2018).

2.2. The Multidisciplinary Management and Treatment Team will be made up of the following:

- Division Director for Behavioral/Mental Health & Substance Abuse Services;

- Assistant Deputy Director of Nursing;

- Chief Medical Doctor;

- Deputy Director for Health Services or designee;

- Chief Psychiatrist or designee;

- Primary care clinician(s) assigned to work with the offender, where appropriate

- Prison Rape Elimination Act Coordinator

- Deputy Director for Operations or designee;

- Deputy Director of Chief Legal and Compliance Officer or designee; and

- Division Director of Classification and Inmate Records or designee;

2.3. The Prison Rape Elimination Act Coordinator will, with the assistance of the Chief Legal and Compliance Officer, oversee compliance with the individualized management accommodation plans created by the Multidisciplinary Management and Treatment Team.

2.4. The inmate will be asked to identify and sign an authorization for the release of information for all pertinent outside records including medical and mental health records, if any exist. The inmate will also provide blood work, if deemed necessary, and participate in a full physical examination by a clinician.

2.4.1 The inmate's refusal to provide requisite releases, or to comply with requests necessary to conduct an assessment or to provide treatment may delay or disrupt assessment and treatment but will not preclude access to mental health services.

2.5. All individualized management/accommodation plans will be created in accordance with the accepted medical standards of care and will address medical, mental health, and personal adjustment needs.

3. HOUSING OF TRANSGENDER INMATES AND INMATES DIAGNOSED WITH GENDER DYSPHORIA

3.1. In deciding whether to house transgender inmates and inmates with gender dysphoria in a facility for male or female inmates, and in making other housing decisions (bathroom and shower access) and programming assignments, the Multidisciplinary Management and Treatment Team will consult with the Division of Operations as well as Central Classifications to create a plan with a reasonable outcome for the inmate and institution as a whole. Safety concerns will be taken into account.

3.2. The following factors, along with 3.1 above, must be given serious consideration in making housing and placement decisions:

- The inmate's views with respect to safety;

- The inmate's expressed gender identity;

- The inmate's current gender expression;

- The inmate's vulnerability to victimization;

- The likelihood that the inmate will perpetrate abuse;

- Facility considerations such as staffing patterns, physical layout, and inmate population;

- Length of sentence.

4. SEARCHES OF TRANSGENDER INMATES AND INMATES DIAGNOSED WITH GENDER DYSPHORIA

4.1. Transgender inmates and inmates with gender dysphoria will be allowed to indicate in writing which gender they feel most comfortable being searched by to include frisk (pat) searches and strip searches. This preference will be recorded in the inmate's individualized management accommodation plan and classification screen as well as intake documentation if the preference is expressed at that time. Absent exigent circumstances, this preference will be accommodated when possible, considering employee, security, and safety concerns and consistent of the Prison Rape Elimination Act. (Changes in RED amended by Change 1, dated May 21, 2018).

5. DEFINITIONS:

Gender Dysphoria: the range of diagnostic criteria referenced in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-V).

Transgender: a person whose gender identity is different from the person's sex at birth.

SIGNATURE ON FILE

—
s/Bryan P. Stirling, Director

—
Date of Signature

ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF POLICY DEVELOPMENT.