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Multnomah County Special Order

This news item is a copy of the special order regarding the treatment toward transgender persons within the county facilities.

CORRECTIONS FACILITIES DIVISION SPECIAL ORDER

00-18

June 06, 2000

- SUBJECT:** TRANSGENDER INMATE BOOKING AND CLASSIFICATION
- EFFECTIVE:** Immediately
- CANCEL:** When Incorporated into the Corrections Division Operational Manual
- POLICY:** Transgender inmates shall be processed in accordance with normal booking procedures.
- PURPOSE:** Pursuant to the provisions of Chapter 6 of the Agency Manual, Harassment and Discrimination, transgender inmates shall be treated respectfully and afforded the same privileges as any other inmate.
- DEFINITIONS:** A transgender or transsexual person is defined as a person whose sense of identity as a man or a woman is inconsistent with their genitalia and other anatomic sexual characteristics, the person is significantly committed to the transitional process, and may also include a person who is pre-operative.

1. On occasion, transgender persons are arrested and processed into custody. In accordance with Local, State and Federal law, the following process shall be used to facilitate the appropriate treatment and classification of the inmate.
2. Once a person is identified as potentially transgender, as defined above, the Intake Sergeant and the Intake Nurse shall be immediately notified.
3. Transgender inmates shall be processed in accordance with normal booking procedures except the inmate:
 1. Shall be pat searched by a female deputy; and
 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.
4. During the initial booking process, the Intake Nurse shall conduct a normal Entry Progress Report and determine anatomical gender. The nurse will also assess whether the inmate can present documentation, or provide a professional medical referral, to support their transgender status.
5. The classification of transgender inmates, or inmates who are “intersex”, shall occur with the Classification Unit in partnership with Corrections Health. A transgender or intersex inmate shall not be moved off the Reception Floor until a full classification process occurs, as described in sections VI – XIV, and appropriate housing is identified. For the purposes of this section, “intersex” is defined as a person who has both, neither, or inconsistent anatomical male or female genitalia.
6. 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); and
 3. Special needs (characteristics which potentially make the inmate vulnerable in normal inmate population, physical or psychological needs as identified by Corrections Health).
7. 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; and
 3. A psychological evaluation.
8. Based on documentation and/or medical referral information, Corrections Health shall determine the inmate’s transgender status. The inmate’s transgender status will consist of one of the following:
 1. Confirmed – The transgender status of the inmate 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.
9. Once a status of an inmate is determine, Corrections Health will consult with Corrections Administration, and the Classification Unit to develop a management plan for the inmate.
10. Inmates with a CONFIRMED status shall be managed consistent with their adopted gender including pat searches, and strip searches, with emphasis on protective housing and transportation.

11. Inmates with a Confirmed Transgender Status shall be strip searched in accordance with existing policies and:
 1. Will be searched by deputies of the same adopted gender; and
 2. Will be searched alone with two deputies present.
12. Inmates with an AMBIGUOUS status shall be housed in protective custody and managed consistent with similarly situated inmates of their anatomical gender.
13. Inmates with an UNSUBSTANTIATED status may be housed in protective custody and managed consistent with similarly situated inmates of their anatomical gender.
14. Inmates with a Ambiguous or Unsubstantiated Transgender Status shall be strip searched in accordance with existing policies and:
 1. Will be searched by deputies of the same anatomical gender; and
 2. Will be searched alone with two deputies present.
15. 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 non-routine strip search;
 2. Determine whether the inmate's transgender status has been identified as described in section VIII above;
 3. Follow the strip search guidelines set forth in sections X – XIV above 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 the reasonable suspicion and the actions that were taken.
16. BOOK AND KEEPS - Persons taken into custody pursuant to a Judges order (Book and Keep) at the Multnomah County Courthouse, who are 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 Service 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 found on the person shall be recorded and bagged;
 6. The person shall be held in the detention cell in the Court Services office pending transfer to MCDC Intake by the 960 Enforcement Deputy; or, 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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All Corrections Units
