


STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) Policy	PAGE <u>1</u> OF <u>4</u> . NUMBER: 79-ISA-05
RULE/CODE REFERENCE:	SUPERSEDES: 79-ISA-05 dated 11/05/14
RELATED ACA STANDARDS:	EFFECTIVE DATE: July 13, 2015
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to provide guidelines for the evaluation and placement of inmates who are identified as lesbian, gay, bisexual, transgender and intersex individuals.

III. APPLICABILITY

This policy applies to all persons employed by the Ohio Department of Rehabilitation and Correction, independence contractors providing a service to the Department, inmates, and volunteers.

IV. DEFINITIONS

Bisexual – A person who is romantically or sexually attracted to more than one gender or sexual category.

Gay – A term that commonly refers to men typically attracted to other men.

Gender Nonconforming – A term that means a person whose appearance or manner does not conform to traditional societal gender expectations.

Intersex – A person who has a sexual or reproductive anatomy or chromosomal pattern that does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development. An example would be an individual born with characteristics of both sexes.

LGBTI – An acronym for a group of sexual minorities including lesbian, gay, bisexual, transgender, and intersex individuals.

Lesbian – Commonly refers to women typically attracted to other women.

PREA Accommodation Strategy Team (PAST) – A team, consisting of the Institution Operational Compliance Manager, Unit Management Chief, medical and mental health staff, and other staff as necessary, established to complete a PREA Accommodation Strategy in accordance with Department Policy 79-ISA-04, PREA Risk Assessments and Accommodation Strategies, for all transgender and intersex inmates. The team shall be chaired by the Operational Compliance Manager.

Transgender – A term that means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth. For example, a transgender woman (an individual who is anatomically male but self-identifies as female) may have breasts or more feminine features due to hormone therapy or plastic surgery.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to be sensitive to the unique issues of individuals identified as LGBTI and to evaluate and place those individuals in a manner that is safe and consistent with the agency’s mission, values, and security guidelines.

VI. PROCEDURES

A. Staff Training and Awareness

1. All new employees shall receive familiarity training related to the LGBTI population during New Employee Orientation (NEO) training at the Corrections Training Academy as mandated in Department Policy 39-TRN-10, Employee Orientation.
2. Each institution shall include LGBTI population awareness training during the sexual misconduct training held annually during staff in-service as mandated in Department Policy 39-TRN-02, In-Service Training.
3. All volunteers and contractors who have contact with inmates shall also be familiar with their responsibilities regarding the LGBTI population in accordance with Department Policies 39-TRN-12, Contractor Orientation, and 71-SOC-01, Recruitment, Training and Supervision of Volunteers.

B. Respect and Confidentiality Responsibilities

1. Staff members are expected to treat all inmates with respect; however, as with all inmates staff shall be mindful ensuring the use of respectful words and avoidance of demeaning language including common slurs.
2. Although acknowledging an inmate’s sexual orientation or gender identity must be known for purposes of making placement and other decisions, staff must recognize the

sensitive nature of the topic and possible repercussion for the inmates should the information become general knowledge among staff and the inmate populations.

3. Staff shall only share information regarding an inmate's sexual orientation or gender identity for purposes of risk assessment, classification and housing placement, medical and mental health care, programming placement, and any other reason that could affect the safety and security of the inmate.

C. Screening and Initial Placement

1. All inmates shall be screened for the risk of being sexually abused by other inmates or sexually abusive toward other inmates in accordance with Department Policy 79-ISA-04, PREA Risk Assessments and Accommodation Strategies.
2. In addition to the criteria in Department Policies 53-CLS-01, Inmate Security Classifications Levels 1 through 4; 53-CLS-04, Level 5 Classification; and 52-RCP-07, Reception Center Housing Assignments staff shall consider on a case-by-case basis whether the housing assignment for a transgender or intersex inmate would ensure the inmate's health and safety and whether the placement would present management or security problems. The transgender or intersex inmate's own views shall be given serious consideration during the classification process and shall be documented. The PREA Accommodation Strategy Team (PAST), consisting of the Operational Compliance Manager, Unit Management Chief, medical and mental health staff, and other staff as necessary shall complete a PREA Accommodation Strategy in accordance with Department Policy 79-ISA-04, PREA Risk Assessments and Accommodation Strategies, for all transgender and intersex inmates. The team shall be chaired by the Operational Compliance Manager.
3. LGBTI inmates shall not be placed in dedicated facilities, units, or wings solely on the basis of such identification unless placement in a dedicated facility, unit, or wing has been established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

D. Programming

In addition to the criteria in Department Policy 02-REN-01, Prison Reentry Assessment and Planning, staff completing the PREA Accommodation Strategy shall consider whether placement in certain programs would present management or security problems.

E. Reassessment (Special Screening)

It is the responsibility of the PREA Accommodation Strategy Team, to reassess (special screening) all transgender and intersex inmates housed at their facility at least every six months regarding their placement and programming assignments using the PREA Assessment Strategy. Specific attention shall be given to any threats to safety experienced by the inmate. This reassessment shall be documented in the PREA Risk Assessment System using the procedures set forth in Department Policy 79-ISA-04, PREA Risk Assessments and Accommodation Strategies.

F. Privacy

1. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.
2. Staff shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the genital status is unknown it may be determined through conversations with the inmate or by reviewing medical records. If staff members are unable to determine the inmate's genital status, the inmate shall be referred to medical for a broader medical examination conducted in private by a medical practitioner.
3. In accordance with Department Policy 79-ISA-01, Prison Rape Elimination, all security staff shall be trained on how to conduct searches of transgender and intersex inmates. Searches shall be done in a professional and respectful manner using the least intrusive means while maintaining consistency with security needs.