



SUBJECT: LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (L.G.B.T. I)	POLICY #: 413
CALEA STANDARDS REFERENCE(S):	NO. OF PAGES: 11

I. PURPOSE:

This Order provides guidelines for the Harris County Sheriff’s Office (HCSO) to follow in order to meet federal statutes and regulations, American Correctional Association (ACA) Standards, National Commission on Correctional Health Care (NCCHC) standards, Prison Rape Elimination Act (PREA), and other Texas standards, statutes, regulations, guidelines, directives, or requirements that:

- A. Facilitate the elimination of discrimination against; and
- B. Address the appropriate classification, housing and treatment of; and
- C. Provide for the specific safety, security and medical needs of Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) inmates in a humane and respectful manner while maintaining the safety, security and good order of all HCSO facilities; and
- D. Establish sanctions for any violation of this policy.

II. POLICY:

It is the policy of the HCSO to treat all persons, whether in custody or not, in a respectful, courteous and professional manner while maintaining safety and security. Discrimination or harassment of any kind based on sexual orientation or gender identity is strictly prohibited. (See HCSO Policy #303 – Conduct Prohibited, I., C, 13)

III. DEFINITIONS:

- A. **Bisexual / Bi:** Sexually and emotionally attracted to both sexes/genders.
- B. **Gay** men who are sexually and emotionally attracted to men.
- C. **Gender Classification Committee:** A committee established by the HCSO comprised of the Chief Deputy over Detentions or his/her designee, the Medical Director of the Jail or his/her designee, a licensed Mental Health Practitioner, and a certified Gender Classification Specialist.



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- D. **Gender Classification Specialist:** An employee of the HCSO who has been specially trained and then certified by the Gender Classification Committee as qualified to conduct interviews with an inmate/detainee to discuss gender issues.
- E. **Intersex:** A person who is born with genitalia and/or secondary sex characteristics determined as neither exclusively male, female, or combined male and female features. A person with an intersex condition is born with sex chromosomes, external genitalia, or an internal reproductive system that is not considered “standard” for either male or female.
- F. **LGBTI:** An acronym that refers to lesbian, gay, bisexual, transgender and intersex individuals.
- G. **LGBTI Liaison:** A designated HCSO employee who shall provide a liaison between the LGBTI community and LGBTI related issues within the HCSO.
- H. **Lesbian:** Women who are sexually and emotionally attracted to women.
- I. **Pat-down search:** Means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses a weapon or contraband.
- J. **Safe Zone Project:** Promotes a positive relationship of solidarity between HCSO employees and the LGBTI community. HCSO Staff will wear an obvious identifier (ex: uniform PIN) on their person for easy identification within the LGBTI community. The “safe zone” will ensure an atmosphere of a community of respect and safety.
- K. **Strip search:** Means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person’s breasts, buttocks, or genitalia.
- L. **Transgender:** 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.



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IV. PROCEDURE:

A. Employee conduct

1. The HCSO has zero tolerance for any staff sexual misconduct or sexual harassment directed towards LGBTI inmates or detainees. Any substantiated claim of sexual conduct, sexual contact or sexual harassment by a staff member towards an inmate or detainee may result in termination of the staff member’s employment, referral for criminal charges, civil penalties, or other punitive actions as deemed appropriate.
2. Staff will address LGBTI persons by their chosen name (including corresponding pronouns) or as “Inmate **last name**.” A notation of the proper name and pronoun shall be made on each transgender inmate’s classification record, armband and transfer card. At all times staff will use the proper pronoun corresponding to the individual’s gender identity.
3. HCSO will have zero tolerance for derogatory terms used towards members of the LGBTI community including LGBTI inmates. The use of derogatory terms towards LGBTI persons is a violation of this policy and Department Manual Policy #303 (1)(C)(13).
4. Questions relating to an individual’s anatomy and/or surgical status shall only be asked by Gender Classification Specialists or authorized medical personnel as necessary for ensuring proper medical treatment.

B. Notification

1. If known, the transporting/arresting agency shall notify IPC staff as to a prisoner’s LGBTI status.
2. A transgender status of an inmate will be confirmed by a Gender Classification Specialist. All HCSO entities involved in the processing of prisoners shall ensure that whichever person/division they hand off an LGBTI inmate to is advised of that status for the protection of the prisoner.



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3. HCSO divisions shall be required to notify areas that come in contact with the identified prisoner of his/her LGBTI status.
4. All notifications shall be done in a respectful, professional and confidential manner.

C. Identification

1. The following shall be used as identifiers:
 - a. Prisoner’s appearance or behavior – it shall be an identification indicator if a prisoner’s appearance or behavior does not match the name or gender marker on the prisoner’s arresting/transportation paperwork or identification.
 - b. Prisoner self-reporting.
 - c. Prior booking records.
 - d. Any questioning done by personnel shall be conducted in a private and respectful manner.
2. Due to their vulnerability, prisoners identified as transgender shall be expedited from time of arrest to classification.

D. Searches

1. All strip searches shall be conducted and documented according to Department Manual Policy #507 (H).
2. All strip searches shall be conducted per PREA Standard 115.15. No cross gender strip searches will be permitted.
3. At no time shall any search be conducted solely for the purpose of determining an inmate or detainee’s biological sex or gender. Any questions regarding an inmate’s gender shall be referred to a Gender Classification Specialist.
4. LGBTI individuals shall not be subject to more invasive searches than non-LGBTI individuals. Additional searches require supervisor approval.
5. If a pat-down search is required and a prisoner has been identified as transgender, the prisoner shall be asked to indicate their preference as to the gender of the officer that



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will perform the pat-down search. A cross gender search preference form shall be made available and signed by the inmate if they wish to have a pat-down cross gender search. This request will be honored, unless exigent circumstances dictate the need for an immediate pat-down search by available personnel as determined by a supervisor.

Nothing in this policy is meant to restrict a standard Terry v. Ohio, 392 U.S. 1 (1968), pat-down search conducted at the time of arrest for the Deputy's safety.

6. In all other instances, searches shall be conducted by persons of the same gender as the prisoner.
7. Requests to remove appearance related items such as prosthetics, clothing that conveys gender identity, wigs and cosmetics shall be consistent with the requirements for the removal of similar items for non-LGBTI individuals.
8. All cross-gender pat-down searches shall be documented on an approved cross-gender search form or in the offense report if conducted at the time of arrest for the Deputy's safety.
9. Searches shall be conducted in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

E. Intake Screening

1. Supervisors assigned to the Inmate Processing Center will be certified as Gender Classification Specialists. They shall supervise and manage the intake screening process so that it complies with this policy.
2. The receiving deputy will notify the Gender Classification Specialist sergeant on duty in the Inmate Processing Center when an LGBTI inmate is received. The sergeant will be responsible for the initial determination of vulnerability of the prisoner and shall notify a Gender Classification Specialist in Classification of the prisoner's status.



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3. LGBTI prisoners may not be placed in segregated housing against their will due to the sole purpose of their sexual orientation.

(See Classification Manual for procedures on reassessment periods)

4. Specially trained Gender Classification Specialists shall assist in the process upon which the Classification Division will base their housing decisions. The mere identification of an inmate as LGBTI is insufficient to warrant an assumption of enhanced risk that the inmate will be sexually abusive.
5. Due to their vulnerability, transgender prisoners shall be expedited through the entire booking process until classification has determined housing, in accordance with PREA standards. The sergeant on duty in the Inmate Processing Center will be responsible for expediting the LGBTI prisoner to Classification.
6. All inmates, within 72 hours of arrival at a HCSO detention facility, shall be assessed for their risk of being sexually abused by or sexually abusive towards other inmates in compliance with PREA standards.
7. If an indication of need arises, a Gender Classification Specialist shall conduct a screening interview in a private and respectful manner. The Gender Classification Specialist will only ask questions related to sexual orientation, gender identity or gender expression for the purpose of making intake, housing and classification assignments. If necessary the inmate will be referred to HCSO Medical for screening.

An inmate/detainee shall be referred to a Gender Classification Specialist, at any time during his/her custody in a Harris County detention facility when any of the following occurs:

- a. Self-Reporting - An inmate indicates that they are LGBTI upon arrest, at the Inmate Processing Center (IPC), or anytime during their custody.



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- b. Observation - An inmate's gender identity, appearance, overt expression, or behavior differs from their apparent birth sex or genitalia.
 - c. Complaint - An issue has been raised that focuses on an enhanced risk of an inmate being sexually abused or sexually abusive during their custody in a Harris County detention facility based on LGBTI identity.
 - d. Error - It is discovered that a gender designation made by the HCSO differs from a gender designation that has previously been made by any public entity, government agency or law enforcement agency.
- 8. Screening assessments of all inmates, including LGBTI inmates, shall be respectfully conducted using department approved screening instruments.
 - 9. Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to screening questions.

F. Gender Classification Committee

The Gender Classification Committee has the final authority in all matters related to the classification of LGBTI inmates.

- 1. Additional Responsibilities
 - a. Gender Classification Specialist certification and assistance
 - b. Housing assignment arbitration
 - c. Required reporting
- 2. Mandatory Review Meetings
 - a. Placement of transgender inmates
 - b. Gender Classification Specialist Weekly Documentation Review
 - c. Inmate Housing Appeals
 - d. 30 day Reviews



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3. Monitoring and Reassessment - the housing and well-being of LGBTI inmates shall be monitored and reassessed when needed by the Gender Classification Committee. The Committee will document and maintain records of all such monitoring and any reassessment deemed necessary.

G. Reassessment

1. The Gender Classification Committee shall reassess all LGBTI inmates within 30 days from the inmate’s arrival at the facility. The Gender Classification Committee will reassess the inmate’s risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.
2. An LGBTI inmate’s risk level shall immediately be reassessed due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate’s risk of sexual victimization or abusiveness.
3. Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to screening questions.

H. Complaints and Grievances

1. Any staff member who is notified of a complaint regarding employee misconduct towards or mistreatment of an LGBTI individual shall treat it with the highest priority and immediately notify their supervisor.
2. Any supervisor notified of a complaint of abuse towards an LGBTI individual shall immediately secure the inmate and determine, based on the inmate’s outcry, if immediate medical attention is needed.
3. The supervisor shall formally document the incident and make notification through their chain of command, and to the HCSO-OIG.
4. All complaints and grievances made by or on behalf of LGBTI detainees/inmates shall be tracked.



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5. The OIG will be notified and they shall determine the necessary investigation to be conducted.
6. A third party reporting avenue shall be provided by the HCSO for LGBTI related complaints.

I. Inmate Services

LGBTI inmates shall have equal access to all available services to include mental health services, counseling, and support groups. Specialized LGBTI services shall be developed based on identified needs.

J. Use of Screening Information / Confidentiality

1. A person's LGBTI status is considered confidential information. This information, including electronic records, shall have strict dissemination controls. HCSO shall keep LGBTI screening information confidential except as necessary to conform to required protocols.
2. The HCSO shall implement appropriate controls on the dissemination within the facility and to the media in response to questions asked in order to ensure that sensitive information is not exploited to the inmate's detriment by staff, other inmates or the media. Any media request and/or media notification must first be screened and approved for dissemination by HCSO-PIO or HCSO media department prior to any release.
3. Classification shall use the information from the risk screening to determine housing, bed, work, education, and program assignments with the goal of keeping separate LGBTI inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
4. Classification shall make individualized determinations on how to ensure the safety of each inmate.
5. In deciding whether to assign a transgender inmate to a facility for male or female inmates, and in making other housing and programming assignments, Classification shall consider on a case-by-case basis whether a placement



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would ensure the inmate’s health and safety, and whether the placement would present management or security problems.

6. The policy and procedure for and record of placements for transgender inmates shall be reassessed at least twice each year to review any threats to safety experienced by the inmate(s). Classification will record and keep these findings for permanent review and referrals for future training.
7. An LGBTI inmate’s own views with respect to his or her own safety shall be given significant consideration and recorded on their inmate record.
8. Classification shall strive not to place LGBTI inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is necessary for their safety, or 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.

K. LGBTI Liaison(s)

1. The Sheriff will appoint a LGBTI Advisory Committee and LGBTI Liaison(s). Liaison(s) shall be visible to the public and the point people for all complaints from the community and external agencies. Contact information will be available publicly via the Internet.
2. Each division in the HCSO shall have a designated LGBTI Liaison.

V. EMPLOYEE TRAINING

The HCSO Academy shall develop LGBTI related training that all HCSO employees, volunteers, and contractors shall attend.

A. Training Content

1. The mission and core values of HCSO as they relate to the LGBTI population;



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2. Basic information about the LGBTI population.
3. HCSO zero tolerance policy for sexual abuse, sexual harassment, the failure to report incidents of sexual abuse, sexual contact, or sexual harassment of inmate to inmate, or staff and inmates and the available sanctions for violations of this policy;
4. All LGBTI-related policies;
 - a. How to identify violations of policy
 - b. How to respond to violations of policy
 - c. How policies are enforced
5. Professional boundaries and avoidance of inappropriate relationships;
6. How to communicate effectively and professionally with LGBTI inmates in a respectful and non-discriminatory manner;
7. Confidentiality responsibilities;
8. Legal responsibilities;
9. Detection, response and prevention of sexual abuse, sexual misconduct and victimization of LGBTI inmates by other inmates; and
10. Resources available to LGBTI persons.

B. Refresher Training

The Academy shall provide each employee with refresher training every two years to ensure that all employees know HCSO's current LGBTI policies and procedures.

All allegations of a violation of this policy shall be formally investigated.

Revision:

This policy has been revised on the below listed dates:

November 13, 2013