

	<b>MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES</b>	
	<b>Subject</b>  <b>TRANSGENDER AND INTERSEX INTERACTIONS</b>	<b>Policy Number</b> <b>GJ-37</b> <b>Effective Date</b> <b>01-19-22</b>
<b>Related Information</b> CP-11, <i>Anti-Retaliation</i> DF-1, <i>Inmate Classification</i> DI-1, <i>Inmate Housing Categories</i> DO-1, <i>Intake Process</i> DP-1, <i>Inmate Programs</i> EA-3, <i>Non-Traffic Contact</i> GJ-3, <i>Search and Seizure</i> GJ-28, <i>Prison Rape Elimination Act (PREA)</i> <i>Rules and Regulations for Inmates</i>	<b>Supersedes</b>  <p style="text-align: center;">GJ-37 (10-21-19)</p>	

**PURPOSE**

The purpose of this Office Policy is to provide employees guidance and procedures in order to deliver appropriate, respectful, and unbiased service during their interactions with transgender, intersex, or gender-nonconforming individuals. Interactions shall include, but are not limited to, traffic stops; responding to requests for calls for service; performing searches; arrests; booking; inmate housing; and inmate classification. The Office shall have zero tolerance for any employee’s misconduct or harassment directed toward a transgender, intersex, or gender-nonconforming identifying individual.

Although this Office Policy refers to employees throughout, this Office Policy also applies with equal force to all volunteers. Volunteers include, but are not limited to, reserve deputies and posse members.

**POLICY**

It is the policy of the Office to ensure there is no discrimination or harassment of any kind based on an individual’s actual or perceived gender. The Office affirms its commitment to provide fair and impartial treatment to transgender, intersex, or gender-nonconforming individuals, whom Office employees come in contact with.

**DEFINITIONS**

**Cisgender:** Denoting or relating to a person whose sense of personal identity and gender corresponds with their physical anatomy.

**Detention Housing Plan:** A plan that describes the recommendations by the PREA Housing Committee (PHC) for each transgender and intersex individual in the Office’s custody with regard to: housing; clothing; commissary; showering; grooming; recreation; programming; escort; transportation; searches; and other relevant matters.

**Employee:** A person currently employed by the Office in a classified, unclassified, contract, or temporary status.

**Gender Expression:** External manifestations of gender; frequently expressed through one's name, pronouns, clothing, haircut, behavior, voice, or body characteristics.

**Gender Identity:** An individual's internal, deeply held sense of gender. Unlike gender expression, gender identity is not visible to others. Examples of gender identities include gender non-conforming; transgender; transgender man; transgender woman; man, and woman.

**Gender Non-Conforming:** A person whose appearance or manner does not conform to traditional societal gender expectations.

**Intersex:** A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit definitions of male or female.

**LGBTQI:** An acronym that refers to Lesbian, Gay, Bisexual, Transgender, Questioning, or Intersex individuals.

**Non-Binary:** Denoting or relating to a gender or sexual identity that is not defined in terms of traditional binary oppositions such as male and female.

**PREA Compliance Manager:** The representative of the Office with the authority to coordinate the efforts to comply with the PREA standards at a jail facility, district, or division.

**PREA Housing Committee (PHC):** An Office committee that gathers and assesses information to develop Detention Housing Plans for transgender and intersex inmates. The committee also reviews an inmate's history for any identifiable predatory behavior or potential for same and houses the inmate appropriately based on that review. The committee consists of detention, classification, and mental health staff.

**Questioning:** The process of exploring one's own gender identity, gender expression, and/or sexual orientation.

**Search:** An inspection, examination, or viewing of persons, places, property, items, or area in which a person has a reasonable expectation of privacy, for the purpose of obtaining information or evidence.

**Strip Search:** A visual scan of the prisoner's or inmate's skin after all clothing has been removed. An inmate's ears, nose, hair, mouth, and throat may be visually checked during this search.

**Transgender:** A term for people whose gender identity, expression, or behavior is different from those associated with their assigned sex at birth. Transgender is a broad term and is appropriate for anyone to use. "Trans" is shorthand for "transgender."

**Transgender Man:** A term for a transgender individual who currently identifies as a man.

**Transgender Woman:** A term for a transgender individual who currently identifies as a woman.

## **PROCEDURES**

### **1. Calls for Service:**

- A. Employees shall treat all individuals to include transgender, intersex, or gender-nonconforming individuals with respect and dignity. Calls for service or complaints generated by transgender, intersex, or gender-nonconforming individuals shall be reported and investigated in a manner consistent with all Office Policies.
- B. Employees shall not consider an individual's gender identity to establish reasonable suspicion that the individual is or has engaged in a criminal act.

### **2. Searches:**

- A. Employees shall not stop, detain, or search an individual in whole, or in part, for the purposes of determining that individual's gender.
  - B. Employees shall follow all search procedures as specified in Office Policies to include, but not limited to, DO-1, *Intake Process*, EA-3, *Non-Traffic Contact*, GJ-3, *Search and Seizure*, GJ-28, *Prison Rape Elimination Act (PREA)*, and this Office Policy, when conducting a search of a transgender, intersex, or gender-nonconforming individuals' person.
  - C. Whenever possible, a search of a transgender, intersex, or gender-nonconforming individuals' person should be conducted by an employee of the gender requested by the individual.
3. **Intake/Booking Process:** Upon acceptance to Office custody, individuals who either self-identify as transgender, intersex, or gender-nonconforming, or have an appearance that does not match the gender on their current identification or previous records with the Office shall be processed as follows:
- A. Treat all individuals to include transgender, intersex, or gender-nonconforming individuals with respect and dignity;
  - B. Hold the individual in the safest manner possible, which may include temporarily placing the individual in a holding tank away from general population inmates, until the individual is processed and screened by a classification specialist; and
  - C. Notify the on-duty Intake, Transfer, and Release (ITR) shift supervisor when the individual is temporarily held away from general population inmates.
  - D. Employees shall not search a transgender, intersex, or gender-nonconforming individual for the sole purpose of determining the individual's genital status. If during the booking process the individual's genital status is unknown, it may be determined during conversations with the individual, or by having Correctional Health Services (CHS) personnel review medical records for clarification, or if necessary, by learning that information as part of a broader medical examination conducted in private by CHS personnel.
4. **Inmate Housing:** Individuals identified as transgender, intersex, or gender-nonconforming shall be housed in accordance with Office Policies, DF-1, *Inmate Classification* and DI-1, *Inmate Housing Categories*.
- A. Individuals that identify as transgender, intersex, or gender-nonconforming shall be interviewed by the PREA Housing Committee (PHC), within three working days, and a Detention Housing Plan shall be developed.
  - B. All decisions determining where transgender, intersex, or gender-nonconforming individuals will be housed, must be made on a case-by-case basis by the PHC. Transgender, intersex, or gender-nonconforming individuals must be assessed individually to determine whether they should be housed with women or men. Classification and placement of transgender, intersex, or gender-nonconforming individuals shall not be determined solely based on the individual's sex at birth, identity documents, or physical anatomy. A transgender, intersex, or gender-nonconforming individual's gender identity and personal safety should also be considered when determining their housing location.
5. **Inmate Services:** Transgender, intersex, and gender non-conforming inmates shall have access to all available services and programs, as specified in Office Policy DP-1, *Inmate Programs*, unless otherwise determined by the PHC.

6. **Reporting Incidents:** All incidents of sexual abuse, sexual harassment, voyeurism, or retaliation by Office personnel or inmates for making such a report shall be reported and investigated.
  - A. Reporting by Inmates: The *Rules and Regulations for Inmates* shall provide the options and steps by which an inmate may report any sexual abuse, sexual harassment, voyeurism, or retaliation.
  - B. Reporting by Volunteers and Contractors: Volunteers and contractors who become aware of an incident of sexual abuse, sexual harassment, voyeurism, or retaliation against an inmate, are required to notify an employee, as soon as practical.
  - C. Reporting by Employees: Any employee, who is made aware of an allegation of sexual abuse, sexual harassment, voyeurism, or retaliation, shall take immediate action to protect all parties involved and notify the facility's on-duty supervisor. The employee shall document the notification in SHIELD to include the supervisor's name, serial number, and when the notification was made. The notified supervisor shall ensure that the procedures outlined in Office Policy GJ-28, *Prison Rape Elimination Act (PREA)*, are followed.
  - D. Reporting by Others: Third parties, including other inmates, staff members, family members, attorneys, and outside advocates, may report sexual abuse, sexual harassment, voyeurism and retaliation by calling the Office, the Silent Witness line at 480-WITNESS (948-6377), or through the Office Website [www.mcso.org](http://www.mcso.org).
  - E. Division commanders shall ensure that anyone who reports sexual abuse, sexual harassment, voyeurism, or cooperates with investigations of these allegations, are free from retaliation. Retaliating against any person who reports or investigates alleged misconduct shall be considered serious misconduct and shall result in disciplinary action, up to and including dismissal from employment, as specified in Office Policy CP-11, *Anti-Retaliation*.
7. **Random PREA Interviews:** In an effort to prevent and detect any form of sexual abuse and sexual harassment inside Office jail facilities, PREA Compliance Managers are required to conduct at least one random inmate PREA interview per month, as specified in Office Policy GJ-28, *Prison Rape Elimination Act (PREA)*.