


# MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT

VOLUME: 18	DSOP: 18-017	YEAR: 2023	VERSION: 1
SUBJECT:	LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX INMATES		

	EFFECTIVE DATE: April 3, 2023
	SUPERSEDES: December 27, 2021
	MODIFICATIONS: All Pages
	ANNUAL REVIEW:

## I. POLICY

It is the policy of the Miami-Dade Corrections and Rehabilitation (MDCR) Department to establish procedures to identify, protect, and provide a safe environment that is free from discrimination and harassment for inmates (to include arrestees), regardless of their sexual orientation; gender identity; gender expression; transgender, intersex, or non-binary status. MDCR staff shall communicate and interact with all lesbian, gay, bisexual, transgender, intersex (LGBTI), and gender non-conforming inmates professionally with fairness, dignity, and respect.

## II. DEFINITIONS

Arrestees, Assigned Sex, Bisexual, Cross-Gender Searches, Direct Supervision, Exigent Circumstance, Gay, Gender Dysphoria, Gender Expression, Gender, Gender Identity, Gender Non-Conforming, Genitals, Heterosexual, Inmates, Intersex, Lesbian, LGBTI, Need-to-Know Basis, Nonbinary, Physical Sight Check, Prison Rape Elimination Act, Serious Consideration, Sexual Harassment, Sexual Orientation, Transgender, Transgender Committee, Vulnerable Inmates, World Professional Association for Transgender Health (WPATH)

## III. PRISON RAPE ELIMINATION ACT STANDARDS (PREA)

MDCR has zero tolerance for discrimination and mistreatment against inmates based on their sexual orientation, intersex traits, transgender status, or gender identity. All staff shall be responsible for protecting the rights of inmates, to include those who are LGBTI and gender non-conforming. MDCR has designated a PREA Compliance Manager (PCM) at each facility to work with the Department PREA Coordinator to ensure compliance with PREA standards. Staff who commits any violations of this policy shall be subject to disciplinary action, in accordance with DSOP 6-013 "Employee Counseling and Discipline Procedures". The following guidelines have been established for the fair treatment and rights of LGBTI or gender non-conforming inmates:

### A. COMMUNICATION

Staff, volunteers, and contractors shall communicate respectfully and professionally with LGBTI or gender non-conforming inmates and ensure the following:

1. Refer to the inmate by last name, (i.e., Inmate Doe) or by using their requested pronoun, i.e., Mr./Ms., him/her, they/them;
2. Protect the inmate's human dignity;
3. Do not subject the inmate to abuse, humiliation, ridicule, or assaults;
4. Ask questions in a discreet manner, where others without a need to know cannot overhear, so that the questioning does not threaten the safety and welfare of the inmate;
5. Avoid using language that is considered demeaning or disrespectful;

# MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT

VOLUME: 18	DSOP: 18-017	YEAR: 2023	VERSION: 1
SUBJECT:	LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX INMATES		

6. Avoid asking questions relating to the inmate's assigned sex at birth; transgender status; sex-based physical traits; genitals; surgical history; gender identity or gender expression, unless it is necessary to ensure proper classification, housing, programming, and medical treatment;
7. Keep all information related to the LGBTI inmate's gender identity or sexual orientation confidential from others, except for staff on a need-to-know basis, e.g., to Inmate Medical Provider (IMP) during medical appointment;
8. Report an inmate's concern regarding any risk of physical violence or sexual battery/abuse/harassment because of their assigned sex at birth, gender identity, gender expression, transgender status, intersex status, or sexual orientation to the chain of command and the PCM.

## B. GENDER IDENTIFICATION DURING INTAKE

MDCR or Corrections Health Services (CHS) staff shall not examine an inmate's genitals for the sole purpose of determining the inmate's gender status. The following shall be adhered to when an inmate's gender identity is unknown and the information is necessary to ensure proper processing and classification:

1. Staff shall respectfully ask the inmate their gender identity;
2. If the inmate is transgender or intersex, staff shall ask the inmate if they prefer to be searched by a male or female officer:
  - a. Obtain an [MDCR Inmate/Witness Statement](#) from the inmate to document their request for the preferred gender of sworn staff to conduct the search, and
  - b. Attach and forward a copy of the MDCR Inmate/Witness Statement and initial notification email to the MDCR Transgender Committee advising that the transgender or intersex inmate is in MDCR custody. Refer to section XII of this DSOP entitled "Transgender Committee" for additional information.
3. If the inmate refuses to disclose their gender identity:
  - a. MDCR staff shall refer the inmate to the CHS Screening Nurse, if refusal occurred during the Intake Process. (The inmate shall be referred to the IMP, if refusal occurred after the Intake Process);
  - b. The Screening Nurse or IMP will:
    - 1) Determine the gender status of the inmate, based on their verbal assessment of the inmate and a review of available medical records;
    - 2) Provide a medical addendum documenting the gender status of the inmate to the MDCR staff writing the [MDCR Incident Report](#).
  - c. MDCR staff shall:
    - 1) Obtain the CHS Medical Addendum from Screening Nurse/IMP and a completed MDCR Inmate/Witness Statement from the inmate documenting their request for the preferred gender of MDCR sworn staff they want to perform the search,
    - 2) Ensure the sworn staff assigned to conduct the search is the inmate's preferred gender, as specified by the Screening Nurse/IMP or as requested by the inmate,



# MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT

<b>VOLUME: 18</b>	<b>DSOP: 18-017</b>	<b>YEAR: 2023</b>	<b>VERSION: 1</b>
<b>SUBJECT:</b>	<b>LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX INMATES</b>		

- 3) Document the information on an MDCR Incident Report and ensure the MDCR Inmate/Witness Statement and CHS Medical Addendum are attached. Refer to DSOP 11-003 "Incident Reporting Procedures" for additional information.
4. Inmates shall not be the subject of disciplinary action for any refusal or nondisclosure regarding their gender identity, sexual orientation, intersex condition, disability status, or history of prior sexual victimization.

NOTE: After the Intake process, transgender and intersex inmates shall be searched based on their identified gender (according to their request or as determined by the IMP, if the inmate refused), which is maintained in the Inmate Profile System (IPS).

## **IV. FRISK AND STRIP SEARCH PROCEDURES FOR TRANSGENDER AND INTERSEX INMATES DURING AND AFTER INTAKE**

- A. When conducting a frisk or strip search of an inmate who is transgender or intersex, sworn staff shall adhere to the following:
  1. Never conduct a frisk or strip search as a form of harassment;
  2. Never conduct a frisk or strip search for the purpose of determining the inmate's gender status:
    - a. Posters advising inmates of their right not be searched for the sole purpose of determining their gender, and their right to report any alleged violation of this directive shall be posted in designated areas of MDCR,
    - b. Area Supervisors shall investigate and document on an MDCR Incident Report all inmate allegations related to such incidents;
  3. Ask the inmate if they prefer to be searched by a male or female officer and comply with their request, unless an exigent circumstance dictate otherwise. (Refer to DSOP 11-022 "Frisk and Strip Search Procedures" for additional information);
  4. Conduct the frisk search in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs;
  5. Conduct the strip search in a professional, respectful, and discreet manner separate from other inmates to provide privacy.
- B. During the intake process, inmates who were arrested for traffic, regulatory or misdemeanor offenses (except in a case that is violent in nature, involves a weapon or a controlled substance) shall not be strip-searched without probable cause. Sworn staff shall ensure the following when an inmate has to be strip-searched for probable cause:
  1. Obtain approval from the Area Supervisor;
  2. Complete an MDCR Incident Report documenting:
    - a. The probable cause for the search,
    - b. Any contraband found, and

# MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT

VOLUME: 18	DSOP: 18-017	YEAR: 2023	VERSION: 1
SUBJECT:	LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX INMATES		

- c. The disposition of the contraband, in accordance with DSOP 11-045 "Contraband Detection Procedures"; and
  3. Ensure inmates who are not being strip-searched are taken to the designated change-out area to change in privacy.
- C. Sworn staff shall adhere to the following safety and privacy measures for transgender or intersex inmates when conducting cross-gender searches:
  1. Ask the inmate their gender identity;
  2. Comply with the inmate's request to be strip searched by a male or female sworn staff, absent an exigent circumstance;
  3. Adhere to the following for strip searches:
    - a. Notify the Area Supervisor prior to conducting the search,
    - b. Obtain an Inmate/Witness Statement form from the inmate documenting the inmate's request,
    - c. Document the search on a [Strip Search Authorization Log](#), and indicate their gender when completing the Strip Search Authorization Log.
    - d. Complete and submit an MDCR Incident Report (Code I35) with attachments (e.g., MDCR Inmate/Witness Statement, Strip Search Authorization Log, CHS Medical Addendum) to the Shift Commander prior to the end of shift, in accordance with DSOP 11-003 "Incident Report Procedures".
- D. If in the course of a frisk or strip search an inmate discloses or the sworn staff conducting the search suspects/discovers that the inmate is transgender or intersex, the sworn staff shall:
  1. Pause the search and notify the Area Supervisor;
  2. Advise the inmate to dress or cover their body (if the discovery is made during a strip search);
  3. Respectfully ask the inmate their gender identity;
  4. Ask the inmate if they prefer to be searched by a male or female sworn staff;
  5. Obtain a completed MDCR Inmate/Witness Statement form from the inmate to document their requested preference;
  6. Conduct the search based on the inmate's preference.
- E. Transgender or intersex inmates/patients shall have an opportunity to express their preference to be body scanned by a male or female sworn staff.

Refer to DSOP 11-022 "Frisk and Strip Search Procedures" for additional information, to include proper documentation of all frisk and strip searches.

## V. CLASSIFICATION AND HOUSING

### A. INMATE RISK ASSESSMENT PRIOR TO HOUSING ASSIGNMENT

# MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT

<b>VOLUME: 18</b>	<b>DSOP: 18-017</b>	<b>YEAR: 2023</b>	<b>VERSION: 1</b>
<b>SUBJECT:</b>	<b>LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX INMATES</b>		

1. For the purposes of gender separation during the intake process, whenever possible, transgender and intersex inmates shall be seated with women or men based on what is most consistent with their gender identity, as long as the placement does not jeopardize the health and safety of the inmate, other inmates in the area, or the security, internal order, and management of jail operations.
2. Prior to a transgender and intersex inmate's placement in temporary and/or permanent housing, the IRB Classification Supervisor shall make assessments and considerations based on:
  - a. The Intake risk screening,
  - b. MDCR custodial and CHS clinical factors and policies, and
  - c. PREA standards.
3. The following shall be reviewed during the screening:
  - a. QMS Alerts indicating vulnerability;
  - b. Institutional history regarding prior bookings and institutional behavior/restrictive housing assignments;
  - c. Physical stature;
  - d. Age;
  - e. Any known gang affiliation;
  - f. Offense severity;
  - g. Demeanor (Individual expresses fear or concern for his/her safety and/or exhibits aggressive, belligerent behaviors).
4. Staff shall give serious consideration to the inmate's own views with respect to their safety prior to placing an inmate in a holding area consistent with their gender identity.
5. Transgender and Intersex inmates must be provided the opportunity to use the toilet separately from other inmates.

## **B. GENERAL CLASSIFICATION RULES**

1. All inmates shall be assessed during the booking process and upon transfer to another facility. The assessment shall be used to determine:
  - a. Their risk of becoming a victim of and/or committing sexual battery/abuse/harassment toward other inmates, in accordance with IP-001 "Inmate Sexual Battery/Abuse/Harassment Prevention and Response".
  - b. The inmate's permanent classification and housing assignment, such as general population, medical housing, mental health housing, single occupancy cell, etc.
2. MDCR shall make individualized determinations on how to ensure the safety of each inmate and whether placement would present management, security, or a disruption to the internal order.



# MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT

<b>VOLUME: 18</b>	<b>DSOP: 18-017</b>	<b>YEAR: 2023</b>	<b>VERSION: 1</b>
<b>SUBJECT:</b>	<b>LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX INMATES</b>		

3. Transgender and intersex inmates shall be classified on a case-by-case basis into housing that does not jeopardize their health and safety, the health and safety of others, or the security, internal order and management of jail operations.
4. LGBTI inmates shall not be placed in housing locations solely on the basis of such identification or status, unless such placement is in a dedicated facility or housing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.
5. MDCR staff shall use information from the risk screening to determine housing, work, education, and program assignments with the goal of keeping inmates who are at high-risk of being sexually victimized separate from those at high-risk of being sexually abusive.
6. Transgender and intersex inmates may be housed in:
  - a. A direct supervision setting for general population, or
  - b. Administrative segregation (protective custody).

Note: Inmates at high risk of being sexually victimized may request to be placed in custodial segregation (administrative/protective) based on their expressed or implied concerns for their safety.
7. MDCR shall make individualized determinations on how to ensure the safety of each inmate and whether placement would present management, internal order, or security issues.
8. Inmates may not be disciplined for refusing to answer or for not disclosing complete information in response to questions related to sexual orientation, intersex condition, disability status, or history of prior sexual victimization and abusiveness.
9. A transgender or intersex inmate's own view with respect to their own safety shall be given consideration.

## C. CLASSIFICATION INTAKE ASSESSMENT

The IRB Classification Supervisor shall make assessments and considerations based on clinical and custodial factors to determine temporary and/or permanent housing assignments for transgender and intersex inmates. Factors shall be based upon PREA standards and CHS policies.

1. The IRB Classification Supervisor shall obtain and review:
  - a. The inmate's:
    - 1) Gender identity,
    - 2) Current gender expression, including whether the inmate is or is perceived to be LGBTI or gender non-conforming,
    - 3) Classification level, based on their security threat level,
    - 4) Personal background information, criminal and disciplinary history,
    - 5) Jail card, for court-ordered conditions,

# MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT

<b>VOLUME: 18</b>	<b>DSOP: 18-017</b>	<b>YEAR: 2023</b>	<b>VERSION: 1</b>
<b>SUBJECT:</b>	<b>LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX INMATES</b>		

- 6) Vulnerability to sexual victimization or abuse (e.g., if they were previously victims of sexual abuse or their likelihood to perpetrate sexual abuse);
- b. The inmate's own views with respect to their safety.
2. IRB Classification staff shall ensure:
  - a. Transgender and intersex inmates are referred to or have met with the medical/mental health staff prior to placement into a permanent housing assignment to ensure medical treatment and mental health services are provided by IMP/QMHP staff;
  - b. Each inmate is provided an Inmate Handbook that contains departmental information, e.g., rules, regulations, and procedures for accessing available programs and services;
  - c. During the classification orientation, each inmate is educated on:
    - 1) PREA awareness, to include their right to request to be searched by a male or female sworn staff member, if they are transgender or intersex;
    - 2) Their rights to be free from both sexual abuse/harassment and retaliation for reporting such incidents.
  - d. Inmates are classified and housed based on the intake assessments conducted by the IRB staff and recommendations made by the IRB Classification Supervisor.
  - e. The Shift Supervisor/Commander shall provide the segregated housing locations when the IRB Classification Supervisor recommends custodial segregation (administrative-protective custody) for a transgender or intersex inmate.
  - f. Inmates who report a history of sexual victimization shall be referred to the QMHP who must see the inmate within 14 days of the referral;
  - g. Related documents are maintained in a confidential manner (e.g., not written on the inmate's yellow classification card) and are updated in the IPS; and
  - h. IRB Intake staff completes an MDCR Incident Report; and
  - i. A copy of the MDCR Incident Report and all other related documents shall be forwarded to the assigned facility PCM for review.

## **D. PREA REASSESSMENTS**

PREA reassessments shall be conducted 30 days after each inmate's initial booking date and whenever the inmate is relocated to another facility utilizing the PREA Reassessment After Intake/Facility Transfer form. PREA Compliance Managers shall forward incident reports for all inmates that have completed the 30-day PREA reassessment to the Classification Lieutenant or designee.

## **E. GENERAL POPULATION (DIRECT SUPERVISION) HOUSING CRITERIA**

1. Transgender and intersex inmates shall not be assigned to non-direct supervision housing locations, if the inmate:

# MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT

<b>VOLUME: 18</b>	<b>DSOP: 18-017</b>	<b>YEAR: 2023</b>	<b>VERSION: 1</b>
<b>SUBJECT:</b>	<b>LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX INMATES</b>		

- a. Is physically a male or female, yet displays gender expressions associated with the opposite gender (e.g., cosmetics, clothing, speech, or physical build); or
  - b. Had medical surgery (e.g., breast augmentation, genital augmentation), or displays other physical enhancement that may affirm their expressed gender identity.
2. Transgender and Intersex inmates shall be housed in a general population direct supervision setting in the following facilities:
  - a. Turner Guilford Knight Correctional Center;
  - b. Metro West Detention Center;
  - c. Pre-Trial Detention Center (XC1only); or
  - d. Boot Camp Program (cadets, only).
3. An inmate may be removed from general population housing if such placement results in disruptive behavior and/or presents a safety concern or disrupts the internal order of the facility.

## **F. SEGREGATED HOUSING**

1. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless:
  - a. There are no alternative means of separation from likely abusers;
  - b. The inmate has history of vulnerability to victimization, including sexual battery/assault or sexual harassment;
  - c. The inmate has history of sexual battery/assault behavior consistent with potential of being a sexual perpetrator;
  - d. The inmate's presence in general population poses a threat to self, staff, inmates, or disrupts the internal order or operation of the facility;
  - e. An immediate custodial segregation assessment cannot be conducted by the facility's Safety Cell Coordinator, the inmate may be temporarily held in involuntary segregated housing for less than 24 hours pending the completion of an assessment.
2. If the segregation housing review determines that involuntary segregated housing is the only means of separation from likely victimization, the Area Supervisor shall:
  - a. Ensure the inmate is referred to the IMP for a face-to-face assessment prior to placement in custodial segregation to determine whether there are acute medical or mental health contraindications, e.g., acute neurological changes, acute respiratory distress, acute cardiac symptoms (e.g., chest pain), severe acute physical trauma, psychotic behavior, and suicidal/self-harm behavior;
  - b. Ensure the CHS Pre-Segregation Addendum Form from the IMP is collected upon completion of the inmate's screening if the IMP determines there is no contraindication to segregation;
  - c. Authorize temporary protective custody for the inmate in accordance with IMP's assessment.



## MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT

<b>VOLUME: 18</b>	<b>DSOP: 18-017</b>	<b>YEAR: 2023</b>	<b>VERSION: 1</b>
<b>SUBJECT:</b>	<b>LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX INMATES</b>		

3. MDCR staff completing the Incident Report shall:
  - a. Document the basis of concern for the inmate's safety,
  - b. The reason no alternative means of separation can be arranged;
  - c. Collect an attach the CHS Pre-Segregation Addendum Form completed by the IMP;
  - d. Ensure the incident report is submitted to the Shift Commander and a copy of the completed incident report package is transported with the inmate to the protective custody confinement housing location.

Note: Inmates at high risk of being sexually victimized may request to be placed in custodial segregation (administrative/protective) based on their expressed or implied concerns for their safety.

4. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:
  - a. The opportunities that have been limited;
  - b. The duration of the limitation; and
  - c. The reasons for such limitations or alternatives.
5. The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 14 days for Level IV inmates with Serious Mental Illness (SMI) and 30 days for non-SMI inmates.
6. All inmates shall have the right to appeal their classification in accordance with DSOP 19-005 "Objective Jail Classification".

Refer to DSOP 12-002 "Inmates in Custodial Segregation (Administrative, Protective Custody, and Disciplinary)" and DSOP 12-010 "Segregation of Inmates with Serious Mental Illness" and DSOP 19-005 "Objective Jail Classification" for additional information.

### **VI. CLASSIFICATION REVIEW**

The purpose of a classification review is to update and review an individual's previous custody assessment. A reassessment does not necessarily change the custody level or housing assignment. It primarily functions to monitor the individual's adjustment and to bring attention to problems that may have arisen.

- A. IRB staff shall use the mitigating or aggravating tree every 90 days since last custody assessment or when prompted with new information or change in one or more of the following:
  1. Change in medical condition or behavioral health;
  2. Juvenile inmate has reached 18 years of age (at 12:00 a.m., on the birthdate);
  3. Juvenile inmate has been sentenced/convicted as an adult;
  4. New information or change in one of the mitigating or aggravating decision tree factors;

# MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT

<b>VOLUME: 18</b>	<b>DSOP: 18-017</b>	<b>YEAR: 2023</b>	<b>VERSION: 1</b>
<b>SUBJECT:</b>	<b>LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX INMATES</b>		

5. Charge, Detainer or Legal Status Change;
  6. Classification appeal;
  7. Mass inmate movement; e.g., racial imbalance, overcrowding, safety breach, etc., on direction from the IRB Classification Unit Supervisor;
- B. Upon notification of an inmate being reclassified to a new location the Unit Manager/Floor Officer will generate an MDCR Incident Report and submit the Incident Report package to the Shift Commander prior to the end of the shift;

## **VII. CROSS-GENDER VIEWING**

- A. Staff shall announce their presence prior to entering areas designated for housing inmates of the opposite gender.
- B. All inmates shall have the opportunity to shower, perform bodily functions, and change clothes without being viewed by the opposite gender, except in exigent circumstances (e.g., emergency response) or when such viewing is incidental to a routine cell check.
- C. Transgender and intersex inmates shall have the opportunity to shower separately from other inmates, and whenever possible, shall have the opportunity to perform bodily functions, and change clothes separately from other inmates.

## **VIII. ACCESS TO HEALTHCARE SERVICES**

- A. LGBTI inmates shall have access to the same medical, dental, and mental healthcare services as other inmates.
- B. All staff shall adhere to the Health Insurance Portability and Accountability Act (HIPAA) and applicable legal requirements to maintain the inmate's privacy. Inmates shall be afforded an opportunity to have healthcare issues addressed and receive medical assessments, evaluations, and examinations in a private setting in accordance with DSOP 14-001 "Inmate Healthcare Services".
- C. Medical care for Transgender and Intersex inmates diagnosed with gender dysphoria shall be based on an individualized medical examination by the IMP that determines what medical and/or mental health care is necessary while in MDCR's custody.
- D. CHS staff shall assess, authorize, and provide transgender and intersex inmates with medical devices, and medications, as required for inmate's health and wellbeing as prescribed by an IMP/QMP.

## **IX. HYGIENE, PROPERTY, PROGRAMS, AND PRIVILEGES**

- A. Transgender and Intersex inmates shall not be prohibited from participating in programs, attending religious ceremonies, or receiving privileges based on their gender identity.
- B. Transgender and intersex inmates will be authorized to purchase commissary items and possess clothing and undergarments consistent with their gender identity (including compression undergarments) that do not pose a security threat to the facility. To the extent feasible, such items shall be made available for purchase through the Commissary.

## MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT

<b>VOLUME: 18</b>	<b>DSOP: 18-017</b>	<b>YEAR: 2023</b>	<b>VERSION: 1</b>
<b>SUBJECT:</b>	<b>LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX INMATES</b>		

- C. Improper use of these items, medical devices, or excessive/unauthorized use of medications, will result in the items being deemed contraband, may be removed from the inmate's possession, and the inmate may be subject to the disciplinary process.
1. Improper use includes, but is not limited to:
    - a. Self-Harm;
    - b. Harm others;
    - c. Concealing contraband;
    - d. As a gang identifier;
    - e. Lending/give to another inmate;
    - f. Damaging jail property or equipment; and/or
    - g. Other acts deemed a threat to the safety, disrupts internal order or security of the facility.
  2. Inmates who have had medically prescribed items confiscated for non-compliance, will be referred to the IMP for an assessment to determine if the item shall remain in the inmate's possession or replaced with alternative access (under direct medical supervision, if medically necessary).
- D. Staff assigned to housing areas shall ensure that transgender and intersex inmates are provided the opportunity to shave, shower, and maintain hygienic items consistent with the inmate's gender expression in accordance with DSOP 13-002 "Inmate Hygiene".
- E. Staff shall document the time and event transgender and intersex inmates are provided an opportunity to shower separately from other inmates, receive hygiene items, and participate in programs in the area's Red Log Book and the Watch Tour Manager System or Physical Sight Check Sheet (if applicable).
- F. Staff shall not withhold or deny toiletry items or authorized clothing to inmates based on their gender identity.
- G. Staff shall allow transgender or intersex inmates to use grooming standards consistent with their gender expression or gender identity.
- H. Transgender and intersex inmates shall be afforded the opportunity to participate in all available programs and services consistent with their classification; these programs and services shall not conflict with the security and orderly operation of the facility.
- I. All Inmates shall be released with the clothing they were booked with (if available) and permitted to change, except when:
1. The clothing is soiled or damaged;
  2. Stored offsite; or
  3. Exposes breasts, genitalia, or buttocks.

When the inmate cannot be released with the clothing they were booked with (if their own undergarments are unavailable), the inmate will be provided with a MDCR standard pair of shorts, a white T-shirt, and undergarments consistent with their gender identity.



# MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT

<b>VOLUME: 18</b>	<b>DSOP: 18-017</b>	<b>YEAR: 2023</b>	<b>VERSION: 1</b>
<b>SUBJECT:</b>	<b>LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX INMATES</b>		

- J. Inmates' personal clothing shall be returned to them in accordance with DSOP 18-016 "Inmate Personal Property, Uniforms, Linen and Bedding".

## **X. TRANSPORTATION**

Transgender and intersex inmates shall be transported in a vehicle equipped with a separate compartment (split-cage) that prohibits physical contact with other inmates when sworn staff cannot maintain direct observation of the inmate during transport. Refer to DSOP 11-027 "Vehicle Transportation of Inmates" for additional information.

## **XI. PREA COMPLAINTS/INVESTIGATIONS**

MDCR shall investigate all reports/complaints of sexual abuse and sexual harassment and refer all criminal investigations of sexual abuse. Refer to Interagency Policy IP-001 "Inmate Sexual Battery/Abuse/Harassment Prevention and Response" for additional information.

## **XII. TRANSGENDER COMMITTEE**

### **A. The Transgender Committee (TC) shall:**

1. Be responsible for ensuring transgender inmates are provided safe environments and permanent housing assignments while they are in MDCR custody.
2. Meet within 72 hours of any transgender inmate's booking into MDCR custody to determine if the inmate's current housing assignment will ensure the inmate's safety and not disrupt the orderly management of the housing area. The TC Chairperson shall generate an MDCR Incident Report (Code I32) documenting the TC meeting and findings.
3. Consist of the:
  - a. IRB Classification Lieutenant (TC Chairperson);
  - b. IMP and/or Director of Mental Health Services designees;
  - c. PCM assigned to each facility; and
  - d. PREA Coordinator.

### **B. The PCM of the inmate's housing assignment shall review the transgender inmate's intake documentation (i.e., MDCR Incident Reports, Inmate/Witness Statement, Medical Addendum, etc.,) and meet with each transgender inmate upon their transfer to the facility prior to meeting with the TC.**

### **C. The TC shall convene a minimum of 2 times per year to review transgender inmates housing assignments, access to programs, privileges, education, work opportunities, and any threats to safety experienced by the inmate, for transgender inmates in MDCR custody. in accordance with PREA Standard 115.42(d).**

### **D. The TC Chairperson shall:**

1. Ensure at least 1 member(s) of the TC is a Certified Transgender Professional; and
2. Have TC members pursue transgender standards of care through the World Professional Association for Transgender Health (WPATH) certification or comparable training related to transgender health and safety.

# MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT

<b>VOLUME: 18</b>	<b>DSOP: 18-017</b>	<b>YEAR: 2023</b>	<b>VERSION: 1</b>
<b>SUBJECT:</b>	<b>LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX INMATES</b>		

## **XIII. TRAINING**

The MDCR Training Bureau shall ensure that sworn staff are trained in MDCR's, PREA-Zero Tolerance policy for sexual abuse and sexual harassment, searches of transgender and intersex inmates, cross-gender viewing and frisk/strip searches, effective and professional communication with transgender or intersex inmates and Culture awareness, confidentiality and disclosure guidelines, and staff interactions with transgender or intersex inmates.

## **XIV. CROSS REFERENCES**

DSOP 11-003 "Incident Report Procedures"

DSOP 11-020 "Physical Sight and Facility Check Procedures"

DSOP 11-022 "Frisk and Strip Search Procedures"

DSOP 11-027 "Vehicle Transportation of Inmates"

DSOP 12-002 "Inmates In Custodial Segregation (Administrative, Protective Custody, and Disciplinary)"

DSOP 13-002 "Inmate Hygiene"

DSOP 14-001 "Inmate Health Care Services"

DSOP 18-016 "Inmate Personal Property, Uniforms, Linen and Bedding"

DSOP 19-005 "Objective Jail Classification"

IP-001 "Inmate Sexual Battery/Abuse/Harassment Prevention and Response"

## **XV. RELATED REFERENCES**

Corrections Health Services Code #033, Section: Inmate Care and Treatment Subject: "Intake and Receiving Screening" "Transgender Treatment" - Effective Date June 2015

Corrections Health Services Code #040, Section: Inmate Care and Treatment Subject: "Transgender Treatment" - Effective Date May 2014

Farmer v. Brennan, Warden 511 U.S. 825 (1994)

Greene v. Bowles, 361 F.3d 290 (6th Cir. 2004)

National Institute of Corrections (NIC) "LGBTI Policy Review and Development Guide: Lesbian, Gay, Bisexual, Transgender, and Intersex Persons in Custodial Settings," 2<sup>nd</sup> Edition

National PREA Resource Center, PREA Standards, and Policy Development Guidelines for Lesbian, Gay, Bisexual, Transgender, and Intersex Inmates - December 18, 2012

National PREA Resource Center Bureau of Justice Assistance, U.S. Department of Justice; Guidance in Cross-Gender and Transgender Pat Searches - February 2015.

# MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT

<b>VOLUME: 18</b>	<b>DSOP: 18-017</b>	<b>YEAR: 2023</b>	<b>VERSION: 1</b>
<b>SUBJECT:</b>	<b>LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX INMATES</b>		

## **XVI. STANDARDS**

PREA	115.11(a-c), 115.15(a-f), 115.31(a1-10) (b-d), 115.41(a-i), 115.42 (a-g), 115.43(a-b)
ACA	4-ALDF-2A-22, 4-ALDF-2A-30, 4-ALDF-2A-32, 4-ALDF-2A-34, 4-ALDF-2A-38, 4-ALDF-2A-44, 4-ALDF-2A-45, 4-ALDF-2A-46, 4-ALDF-2A-49, 4-ALDF-2A-52, ALDF-2A-66
FCAC	9.09M, 14.02M, 14.03M, 14.05M, 14.06M, 15.03M, 15.05, 15.12M, 16.13, 16.14, 18.01, 18.02M, 20.01, 20.02, 20.03
FMJS	1.2, 1.4 (a-d), 1.15, 1.27, 2.9 (a-d), 13.13 (a-d), 19.1(a)
NCCHC	J-A-01, J-B-04, J-D-02

## **XVII. REVOCATION**

Any language in a Departmental Standard Operating Procedure, Procedural Directive, Standard Operating Procedure, Post Order, lesson plan, curriculum, form and/or written correspondence that conflicts with this policy is hereby revoked.

### **FORMS/SUPPORTING DOCUMENTS**

[MDCR Incident Report](#)

[MDCR Inmate/Witness Statement](#)

[Strip Search Authorization Log](#)

[Victim and/or Predator Screening Instrument](#)



# **DEFINITIONS**

## **DSOP 18-017 "Transgender Inmates"**

### **Arrestees**

Individuals who have been arrested by local police departments, but not accepted into MDCR's custody.

### **Assigned Sex**

The classification of an infant as a girl or a boy, usually based solely on external genitalia, that occurs when they are born. This is generally the sex that is originally recorded on an infant's birth certificate.

### **Bisexual**

A person who is attracted to, and may form intimate relationships with, people of more than one gender.

### **Cross-Gender Searches**

A search performed by staff who is the opposite gender of the inmate.

### **Direct Supervision**

A method or manner of supervising an inmate(s) to ensure he/she is always within sight and normal sound of an officer to include frequent monitoring and unscheduled observation.

### **Exigent Circumstances**

Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

### **Gay**

An adjective for a person who is primarily or exclusively attracted to, and may form intimate relationships with, people of their same gender.

### **Gender Dysphoria**

A condition many transgender people experience characterized by distress associated with the difference between one's assigned or perceived sex or external physical sex characteristics and one's gender identity; treatment for gender dysphoria is sometimes referred to as "gender-affirming" "sex reassignment" or "gender transition" treatment.

### **Gender Expression**

A person's outward expression of their gender identity through their hair style, clothing, behavior, speech, name, or pronouns.

### **Gender or Gender Identity**

A person's innate, deeply felt psychological identification as a man, woman or some other gender, which may or may not correspond to the sex assigned to them at birth (e.g., the sex listed on their birth certificate).

# **DEFINITIONS**

## **DSOP 18-017 "Transgender Inmates"**

### **Gender Non-Conforming**

An adjective describing a person whose gender expression is outside of sex-based societal assumptions about how they should look or behave. For example, a woman who dresses and cuts her hair in a manner that is stereotypically associated with men could be described as gender non-conforming.

### **Heterosexual**

A person who is primarily or exclusively attracted to, and may form intimate relationships with, people of a different gender.

### **Inmates**

Any individual currently incarcerated or detained in MDCR custody.

### **Intersex**

A general term used to describe people who are born with variations in chromosomes, genitals, hormone production or response, or reproductive organs that do not align with typical definitions of male or female.

### **Lesbian**

A woman who is primarily or exclusively attracted to, and may form intimate relationships with, other women.

### **LGBTI**

Acronyms for lesbian, gay, bisexual, transgender, and intersex individuals.

### **Need to Know Basis**

When the information is relevant and necessary in the ordinary performance of that employee's or contractor's official duties.

### **Nonbinary**

An adjective describing a person whose gender identity does not conform to the binary ("one or the other") categories of male or female. This person may self-identify as "nonbinary" or may use other language for their identity.

### **Objective Jail Classification System**

A continuous process that begins with admission and continues throughout the inmate's incarceration, it is used to assess inmates by using current charges, criminal history, institutional history, and behavioral patterns to house inmates in a safe and secure manner.

### **Physical Sight Check**

Visual assessments conducted by staff at irregular intervals that do not exceed 10, 15, or 30 minutes, depending on the inmate's classification. These checks are conducted to ensure inmates are safe and secure.

## **DEFINITIONS**

### **DSOP 18-017 "Transgender Inmates"**

#### **Prison Rape Elimination Act (PREA)**

A federal law enacted by Congress in 2003 to address the problem of sexual abuse of persons in the custody of United States correctional agencies. A major component of PREA is adopting national standards to detect, prevent, reduce, and punish in custody rape incidents.

#### **Serious Consideration**

A term used to respect transgender or intersex inmates' views regarding their safety during the intake and housing assessment process.

#### **Sexual Harassment**

Repeated or unwelcome sexual advances, request for sexual favors, or verbal comments including demeaning references to gender, gender identity, gender expression, or sexual orientation, gestures, or actions of a derogatory or offensive sexual nature by volunteers, staff, or another inmate.

#### **Sexual Orientation**

A term used to refer to a person's emotional, romantic, and sexual attraction to people of the same sex, a different sex, or more than one sex, or their lack of such attraction to other people. Examples of sexual orientations include gay, lesbian, heterosexual, bisexual, and asexual.

#### **Transgender**

A person whose gender identity is different from the person's assigned sex at birth. For example, a person who was assigned male at birth but is female may describe herself as a "transgender woman," "trans woman," "transgender person," or "woman." As used in this policy, the term "transgender" includes nonbinary people.

#### **Transgender Committee**

A committee composed of interdisciplinary team members from MDCR Intake and Release Bureau Classification Lieutenant, CHS Inmate Medical Provider and/or Director of Mental Health Services designees, Facility PREA Compliance Manager, and the PREA Coordinator.

#### **Vulnerable Inmates**

Inmates at risk of sexual victimization (e.g., lesbian, gay, bisexual, transgender, intersex (LGBTI), or gender nonconforming inmates; inmates with a mental, physical, or developmental disability; inmates at risk due to their physical build or age; inmates with nonviolent offenses; or inmates who have previously experienced sexual victimization.

#### **World Professional Association for Transgender Health**

The World Professional Association for Transgender Health (WPATH), formerly known as the Harry Benjamin International Gender Dysphoria Association (HBIGDA), a 501(c)(3) non-profit, interdisciplinary professional and educational organization devoted to transgender health. WPATH certification is a credential issued by WPATH's Global Education Institute to healthcare providers who meet certain requirements.



**Date:** February 24, 2023

**To:** All Personnel

**From:** James Reyes, Director  
Miami-Dade Corrections and Rehabilitation Department

**Subject:** Procedural Directive: Revisions to DSOP 11-022 "Frisk and Strip Search Procedures," DSOP 18-017 "Lesbian, Gay, Bisexual, Transgender and Intersex Inmates," IP-001 "Inmate Sexual Battery/Abuse/Harassment Prevention and Response," and DSOP 11-045 "Contraband Detection and Disposal Procedures" – Full Body Scanner Searches

---

Effective immediately, the following shall be adhered to regarding Full Body Scanner searches. Absent exigent circumstances:

1. Male inmates/patients shall be scanned by sworn male staff;
2. Female inmates/patients shall be scanned by sworn female staff;
3. Transgender or intersex inmates/patients shall have an opportunity to express their preference to be body scanned by a male or female sworn staff.

Any language in a Departmental Standard Operating Procedures, Procedural Directive, Standard Operating Procedure, Post Order, lesson plan, curriculum, form, and/or written correspondence that conflicts with this policy is hereby revoked.

**D23-003**

# Memorandum



**Date:** March 3, 2023

**To:** All Personnel

**From:** James Reyes, Director  
Corrections and Rehabilitation Department

**Subject:** Procedural Directive: Revisions to DSOP 11-022 "Eink and Strip Search Procedures," DSOP 11-045 "Contraband Detection and Disposal Procedures", DSOP 18-017 "Lesbian, Gay, Bisexual, Transgender and Intersex Inmates," IP-001 "Inmate Sexual Battery Abuse/Harassment Prevention and Response," – Revised Strip Search Authorization Log Procedures

Effective immediately, the following shall be adhered to when completing the revised Miami-Dade Corrections and Rehabilitation Department (MDCR) Strip Search Authorization Log.

The MDCR Strip Search Authorization Log has been revised to include the gender of the sworn staff who conducted the strip search.

**A. Documentation and Authorization when conducting a strip search:**

**1. Documentation**

Sworn staff shall indicate their name and gender when completing the MDCR Strip Search Authorization Log.

**2. Authorizing Supervisor**

Authorizing supervisors shall ensure the name and gender of the sworn staff is documented prior to signing the Strip Search Authorization Log.

Any language in a Departmental Standard Operating Procedure, Procedural Directive, Standard Operating Procedure, Post Order, lesson plan, curriculum, form, and/or written correspondence that conflicts with this policy is hereby revoked.

**FORMS AND SUPPORTING DOCUMENTS**

Strip Search Authorization Log – Revised

