



## PRISON LAW OFFICE

General Delivery, San Quentin, CA 94964  
Telephone (510) 280-2621 • Fax (510) 280-2704  
www.prisonlaw.com

**Director:**  
Donald Specter

**Managing Attorney:**  
Sara Norman

**Staff Attorneys:**  
Rana Anabtawi  
Steven Fama  
Alison Hardy  
Sophie Hart  
Corene Kendrick  
Rita Lomio  
Margot Mendelson  
Thomas Nosewicz  
Shira Tevah  
Camille Woods  
Lynn Wu

### Your Responsibility When Using the Information Provided Below:

*When putting this together, we did our best to give you useful and accurate information because we know that prisoners often have trouble getting legal information, and we cannot give specific advice to all prisoners. Laws and policies change often and can be looked at in different ways. We do not always have the resources to make changes to this material as soon as laws or policies change. If you use this pamphlet, it is your responsibility to make sure that the law or policy has not changed. Most of the materials you need should be available in your institution's law library.*

## LGBTQ RESOURCES Updated January 2019

Dear Sir or Madam:

Thank you for contacting our office. This letter contains information on organizations and attorneys that may be able to help people experiencing issues related to their sexual orientation and identity. Inclusion on this list does not constitute an endorsement by the Prison Law Office. We cannot guarantee that these organizations will be able to help. We also are enclosing a copy of Department Order 810, "Management of LGBTI Inmates." We hope this information is helpful to you.

### **Equality Arizona**

P.O. Box 25044  
Phoenix, AZ 85002-5044  
(480) 401-2372  
eqaz@equalityarizona.org

### **Abby Louise Jensen,**

**General Counsel**  
Southern Arizona Gender  
Alliance  
P.O. Box 41863  
Tucson, AZ 85717  
(520) 477-7096

### **Dianne Post, Attorney**

National Lawyers Guild of  
Central Arizona  
P.O. Box 3436  
Phoenix, AZ 85030  
postdlpost@aol.com

### **Chase Strangio, Attorney**

ACLU LGBT & AIDS  
Project  
125 Broad Street, 18th Floor  
New York NY 10004  
(212) 549-2500

### **Steve Benedetto, Attorney**

The People's Law Firm PLC  
1 E Washington St Ste 500  
Phoenix, AZ 85004

### **Darrell Hill, Attorney**

American Civil Liberties  
Union of Arizona  
P.O. Box 17148  
Phoenix, AZ 85011

Thank you again for writing to us. We wish you the best.

Sincerely,

Prison Law Office

Encl.: Department Order 810: "Management of LGBTI Inmates"

#### Board of Directors

Penelope Cooper, President • Michele WalkinHawk, Vice President • Marshall Krause, Treasurer  
Harlan Grossman • Christiane Hipps • Margaret Johns • Cesar Lagleva  
Laura Magnani • Michael Marcum • Ruth Morgan • Seth Morris

**CHAPTER: 800**

**Inmate Management**

**DEPARTMENT ORDER:**

**810 – Management of LGBTI Inmates**

**OFFICE OF PRIMARY  
RESPONSIBILITY:**

**OPS  
HS**

**Effective Date:**

**November 26, 2015**

**Amendment:**

**October 22, 2016**

**Supersedes:**

**N/A**

**Scheduled Review Date:**

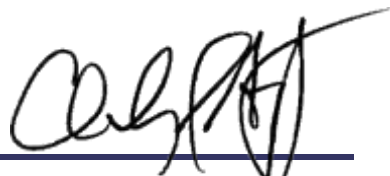
**TBD**

**ACCESS**

☐ **Contains Restricted Section(s)**

# **Arizona Department of Corrections**

## **Department Order Manual**

  
\_\_\_\_\_  
Charles L. Ryan, Director

## **TABLE OF CONTENTS**

<b>PURPOSE .....</b>	<b>1</b>
<b>APPLICABILITY .....</b>	<b>1</b>
<b>PROCEDURES .....</b>	<b>1</b>
<b>1.0    LESBIAN, GAY, AND BISEXUAL (LGB) INMATES .....</b>	<b>1</b>
<b>2.0    TRANSGENDER AND INTERSEX INMATES .....</b>	<b>1</b>
<b>3.0    STAFF TRAINING .....</b>	<b>4</b>
<b>DEFINITIONS/GLOSSARY .....</b>	<b>4</b>
<b>AUTHORITY .....</b>	<b>4</b>

## **PURPOSE** *[Revision – October 22, 2016]*

This Department Order establishes standards and procedures pertaining to the identification, classification, housing and services for inmates identified as lesbian, gay, bisexual, transgender or intersex (LGBTI). This Department Order complies with the Prison Rape Elimination Act (PREA) of 2003, 42 U.S.C.A. 15601 through 15609.

References to health care professional (i.e., Health Services (medical), Mental Health Services, and Dental Services) are referring to the Health Services Contractor or their sub-contractors unless otherwise stated.

## **APPLICABILITY**

This Department Order applies to all Department and contract staff directly or indirectly involved in the supervision of and/or through service delivery to inmates identified as LGBTI.

## **PROCEDURES**

### **1.0 LESBIAN, GAY, AND BISEXUAL (LGB) INMATES**

- 1.1 The Prison Operations Reception Centers Intake staff (or other locations processing Violators) shall process all inmates in the usual manner.
  - 1.1.1 During the course of the intake process, all inmates shall be asked about sexual orientation, and the inmate's response shall be documented on the appropriate Adult Information Management System (AIMS) screen.
  - 1.1.2 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 Order #811, Individual Inmate Assessments and Reviews.
  - 1.1.3 Inmates identified as LGB shall be housed in accordance with Department Order #801, Inmate Classification.
    - 1.1.3.1 At no time will identification as LGB be the sole factor in determining placement.

### **2.0 TRANSGENDER AND INTERSEX INMATES**

- 2.1 Inmates who identify as transgender or intersex shall be afforded: *[Revision – October 22, 2016: Sections 2.1 thru 2.1.2]*
  - 2.1.1 Health Services, as needed. Services shall include the potential to prescribe hormones if determined medically necessary, but shall not include gender reassignment surgery.
  - 2.1.2 Mental Health Services, as needed.
- 2.2 The Prison Operations Reception Centers Intake staff (or other locations processing Violators) shall process all inmates in the usual manner.

- 2.2.1 During the course of the intake process, all inmates shall be asked about gender identity, and the inmate's response shall be documented on the appropriate AIMS screen. The name and Arizona Department of Corrections (ADC) number of any transgender or intersex inmate shall be forwarded by the intake staff to all members of the Transgender/Intersex Committee. ***[Revision – October 22, 2016: Sections 2.2.1 and 2.2.1.1]***
  - 2.2.1.1 All transgender or intersex inmates shall not be moved until the Committee has completed their review and provided a recommendation.
- 2.2.2 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 Order #811, Individual Inmate Assessments and Reviews.
- 2.2.3 Inmates identified as transgender or intersex shall be housed in accordance with Department Order #801, Inmate Classification. ***[Revision – October 22, 2016: Sections 2.2.3 and 2.2.3.1]***
  - 2.2.3.1 At no time will identification as transgender or intersex be the sole factor in determining placement.
- 2.2.4 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 inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing Medical Records, or, if necessary, learning that information as part of a broader medical examination conducted in private by a medical practitioner. This provision does not prohibit or otherwise affect searches of inmates to ensure the safe, secure and orderly operation of the institution.
- 2.3 The Health Services staff at the Reception Centers (or other locations processing Violators) shall:
  - 2.3.1 Complete a routine intake assessment and record any information offered by the inmate pertaining to the completion or then-current status of gender reassignment, to include:
    - 2.3.1.1 Breast implants or breast removal.
    - 2.3.1.2 Facial reconstruction.
    - 2.3.1.3 A current prescription for hormones.
    - 2.3.1.4 Opposite gender name change.
    - 2.3.1.5 A history of living as the opposite gender.
  - 2.3.2 Perform the routine physical examination and document genital configuration as consistent or inconsistent with the gender identified by the Prison Operations staff.

- 2.3.2.1 In the event the inmate refuses a physical examination that would confirm the inmate's genital configuration, a Refusal to Submit to Treatment, Form 1101-4, shall be completed and documented in the inmate's Medical Record and the Contract Facility Health Administrator shall be notified. ***[Revision – October 22, 2016: Sections 2.3.2.1 and 2.3.2.1.1]***
- 2.3.2.1.1 The Contract Facility Health Administrator shall refer the inmate name and ADC Number to the Transgender/Intersex Committee for further direction.
- 2.3.3 When medically indicated, provide a medical order for bras when inmates with breasts are to be housed on male units. ***[Revision – October 22, 2016]***
- 2.3.4 Complete a request for medical records from any provider who can verify a prescription for hormone treatment for gender reassignment. ***[Revision – October 22, 2016]***
- 2.4 The mental health staff at the Reception Centers (or other locations processing Violators) shall:
  - 2.4.1 Complete a routine intake assessment and record any information offered by the inmate that he or she has completed or is in the process of completing gender reassignment, has an opposite gender name change or has a history of living as the opposite gender.
  - 2.4.2 Ensure any inmate who identifies as transgender or intersex based on inmate information is referred to the psychologist or psychiatrist for further assessment of the need for mental health services.
- 2.5 Transgender/Intersex Committee
  - 2.5.1 The Health Services Monitoring Bureau Medical Director shall establish and chair the Committee for the purpose of reviewing placements, security concerns, overseeing gender related accommodation needs, and overall health-related treatment plans of inmates identified as transgender or intersex. At a minimum, the Committee shall be comprised of the following:
    - 2.5.1.1 Health Services Monitoring Bureau Medical Director
    - 2.5.1.2 Health Services Monitoring Bureau Mental Health Director
    - 2.5.1.3 Offender Services Bureau Administrator or Deputy Bureau Administrator
    - 2.5.1.4 Division Director for Prison Operations or Regional Operations Director
    - 2.5.1.5 General Counsel or Deputy General Counsel
  - 2.5.2 The Committee Chair or designee shall interview any inmate who identifies as transgender or intersex, and convene a meeting within seven calendar days of the inmate's arrival.

- 2.5.3 The Committee will make recommendations for those inmates who are identified as transgender or intersex to be housed in units conducive to their needs. The Committee will consider the inmate's own views with respect to his or her safety when determining placement and programming assignments for inmates identified as transgender or intersex.
- 2.5.4 Each inmate will be reviewed at least twice each year to review any threats to safety experienced by the inmate or any concerns with the inmate population.
- 2.6 Prison Operations staff that have custody of identified transgender or intersex inmates shall strip search the inmates in accordance with Department Order #708, Searches and shall refrain from discussing the inmates' status in front of other inmates.
- 2.7 Transgender and intersex inmates:
  - 2.7.1 Shall be offered the opportunity to shower privately.
  - 2.7.2 Are authorized to wear gender identified undergarments and may groom accordingly to their gender identity:
    - 2.7.2.1 Male to female gender identity, may include:
      - 2.7.2.1.1 Eyebrow shaping.
      - 2.7.2.1.2 Hair styles.
      - 2.7.2.1.3 Shaving.
    - 2.7.2.2 Female to male gender identity, shall comply with the facial hair requirements outlined in Department Order #704, Inmate Regulations.

### **3.0 STAFF TRAINING**

- 3.1 All staff, either through the required annual training or at the Correctional Officers Training Academy (COTA) for the cadets, shall receive training specific to the LGBTI community, including:
  - 3.1.1 Sexual Harassment as it pertains to LGBTI.
  - 3.1.2 PREA as it pertains to LGBTI.
  - 3.1.3 Professionalism and respect for people with different backgrounds.

## **DEFINITIONS/GLOSSARY**

Refer to the Glossary of Terms

## **AUTHORITY**

42 U.S.C.A. 15601 through 15609, Prison Rape Elimination Act of 2003, P.L. 108-79