

Transgender Resource Guide

AN AID FOR PEOPLE IN THE CUSTODY OF THE FEDERAL BUREAU OF PRISONS

Federal Bureau of Prisons

REENTRY SERVICES DIVISION | WOMEN AND SPECIAL POPULATIONS BRANCH

Introduction

It is the policy of the Federal Bureau of Prisons (BOP) to provide gender affirming care and support to transgender people in its custody through individualized treatment, management, and/or accommodations, as appropriate. This care is intended to support the health and well-being of transgender people while in custody and to enhance opportunities for success upon reentry. Care is multidisciplinary in nature and many departments work together to make sure care is coordinated. Thus, this guide explains available services and resources.

It is also important to protect the sexual safety of vulnerable populations, including transgender individuals, in prison. This guide provides information about the BOP's Zero Tolerance Policy for sexually abusive behavior and information about what transgender individuals should do if they feel threatened or experience abusive behavior.

Finally, BOP believes hearing from transgender individuals about their needs and concerns is an important way to make sure they receive appropriate care. Therefore, this guide not only provides information, but also provides numerous ways for transgender individuals in custody to make their needs known at the local, regional, and national level.

Definitions

Discussing individual needs and concerns can be difficult. Having shared language can make it easier to understand each other and problem solve. Below are definitions of common terms used to discuss gender identity. For some terms, additional information is provided about how they apply to individuals in BOP custody.



Policy Overview

BOP practices are dictated by policy. The policies discussed below define BOP's practices relevant to the care of transgender individuals. These policies are available to individuals in custody through TRULINCS, the inmate computer system. They are available to individuals in the public through bop.gov.

Transgender Offender Manual (PS 5200.08). This is BOP's primary policy on care and management of transgender individuals. It provides staff with guidance to address the unique needs of transgender individuals. It covers staff responsibilities, accommodations for transgender individuals, the transition process in BOP, and how staff are expected to create a supportive environment for transgender people in custody.



In addition, this policy describes the Transgender Executive Council (TEC), led by the Women and Special Populations Branch. This body considers transgender or intersex inmates' health and safety concerns on a case-by-case basis when making initial facility designations and redesignations. The BOP also uses this group of experts to make decisions about gender affirming designations and gender confirmation surgery.

Sexually Abusive Behavior Prevention and Intervention Program (PS 5324.12). This policy describes the BOP's Zero Tolerance Policy for sexually abusive behavior and requirements of the Prison Rape Elimination Act (PREA). It also requires all staff to complete training concerning pat searches of and communication skills with transgender inmates.

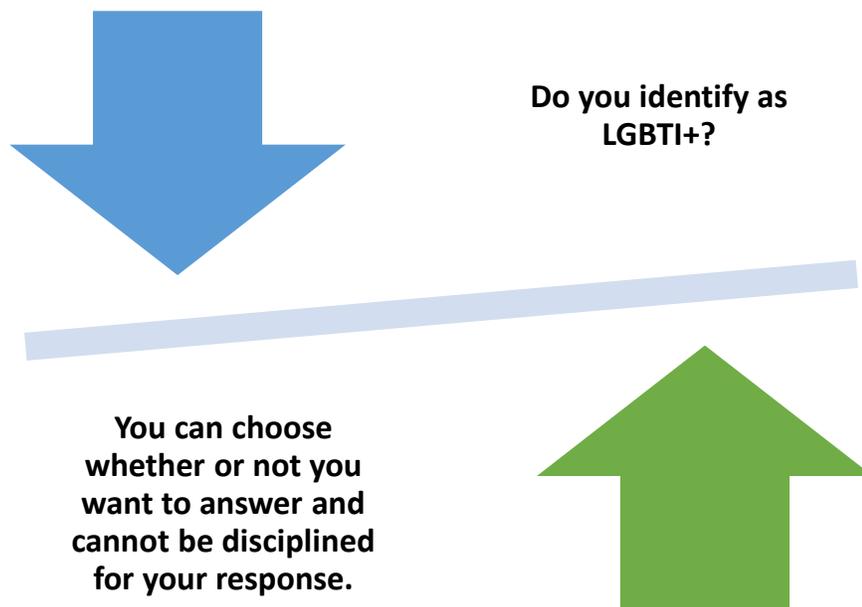


Treatment and Care of Inmates with Mental Illness (PS 5310.16). Although many individuals who identify as transgender do not have gender dysphoria or specific mental health needs, some do. This policy outlines mental health care for people in the custody of the BOP.



Intake Screening

All persons in BOP custody go through an initial intake process that involves talking with many departments such as Unit Team, Psychology Services, Education, and Health Services. BOP policy ensures all incoming individuals are assessed at intake for risk of being sexually assaulted and that this is part of the decision about their placement. Individuals will be asked whether they identify as LGBTI.



Additionally, staff cannot search or physically examine an individual who identifies as transgender or intersex solely to determine an individual's genital status. If a person's genital status is unknown, it may be determined during conversations with the individual, by reviewing medical records, or, if necessary, as part of a broad medical examination. This provision does not limit searches to ensure the safe and orderly running of the institution.

Individuals new to custody are encouraged to be honest and direct with staff about their concerns so that their needs and safety are considered in decisions about housing and programs.

Treatment and Services

There are a variety of treatments and supportive services available to meet transgender individuals' needs. Individuals in custody have the right to make decisions about their care in collaboration with mental health and medical providers and BOP is required to provide support and necessary treatment options.

Not all persons who identify as transgender have a diagnosis of gender dysphoria. BOP does not require a diagnosis of gender dysphoria to receive treatment and services. Assessments may be used to help create a treatment plan. You can request an assessment through Psychology Services staff.

Transgender individuals may work with staff to identify useful treatments to support their individual transition. A description of treatment options and the departments responsible for them are described below:



Some facilities have Special Population Coordinators. These staff members are responsible for delivering programs developed specifically for transgender individuals and should be contacted regarding specific programs. If an institution does not have a Special Populations Program Coordinator, the Warden will have another staff member provide services for transgender people.

Multi-Disciplinary Approach

The needs of transgender persons in BOP will be met by staff from a variety of departments.



Executive Staff. Wardens are responsible for the management of all programming and services and ensuring the institution is a safe place for transgender individuals. The Associate Warden of Programs is the point of contact for transgender issues in an institution. The Executive Staff approves (or forwards for review as appropriate) requests for search exceptions, accommodations, gender affirming placements and gender affirming surgery.

Psychology Services. Psychologists assist individuals in being recognized as transgender by providing them with a consent form and entering information into the BOP database. They provide mental health and supportive services to help transgender individuals including contact with individuals after reporting a PREA concern.

Health Services. Medical staff provides psychiatric and medical care for transgender individuals including hormone therapy. Requests for hormone therapy can be made to Health Services or Psychology Services.

Unit Team. Your Unit Team reviews all housing placements and conducts inmate program reviews to determine specific needs and appropriate programming to meet these needs. Housing and job assignments are made to promote wellbeing and sexual safety.

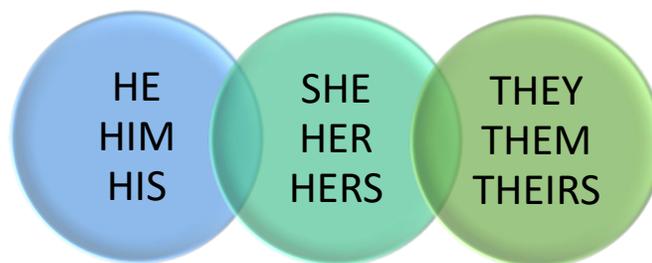
Correctional Services. Officers ensure searches and search accommodations are conducted appropriately and follow policy. They maintain oversight of institution safety and security such as managing protective custody needs.

Trust Fund. These staff oversee the issuing of gender affirming clothing and undergarments in institutions and ensure commissaries are stocked with gender affirming items as outlined in the transgender commissary list. They also manage special purchases for gender affirming items when approved by the Warden.

Pronouns, Names, Identification, and Resources

Staff interacting with transgender people in custody, must use the authorized gender-neutral communication (e.g., by the legal last name or “Inmate” last name) or the pronouns associated with the individual’s identified gender. Inmates who identify as transgender have the responsibility of stating their preferred pronouns to staff and other inmates.

Deliberate and repeated mis-gendering of an individual who identifies as transgender is not permitted. Individuals may utilize the Administrative Remedy process if this occurs. Inmates may also contact OIG or OIA directly to report staff engaging in a pattern of mis-gendering.

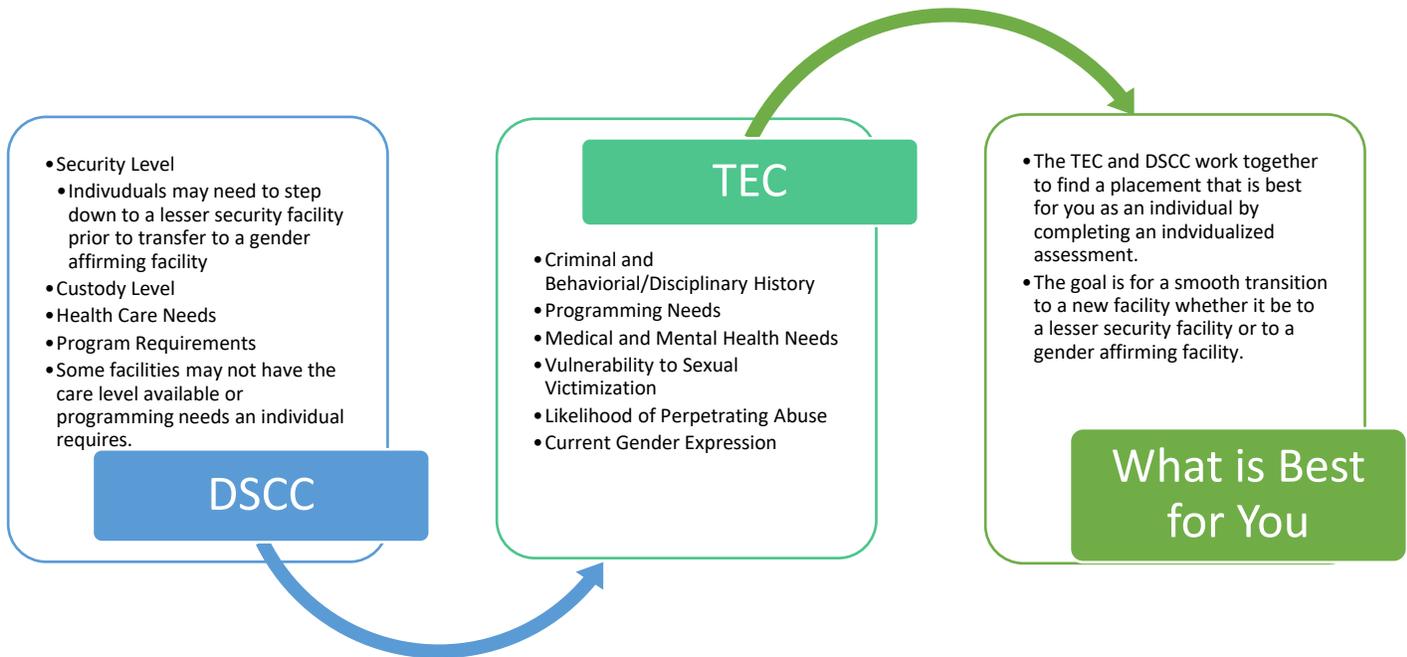


Proper identification is important for all returning citizens and may be even more important for individuals who transitioned in prison. Upon arrival to the BOP, individuals are issued an identification (ID) card to use within the prison. BOP staff make every effort to help returning citizens obtain release documents, (e.g., social security cards, birth certificates, and/or state ID/driver's license), prior to transfer or release to the community. When release documents cannot be obtained, individuals may transfer or release with a BOP ID card that can be used for employment eligibility. Staff also make sure a current photo is taken for release purposes.

Each institution also has a community resource database and reentry resource library to assist returning citizens. The community resource database contains information on community services and supportive agencies available to assist transgender individuals as they engage in the reentry process. The reentry resource library contains documents and information related to transgender specific topics such as the transition process, communicating with others to meet individual needs and obtaining health care in the community.

Initial Designations and Transfers

One accommodation that may be available is transfer to a gender-affirming facility. Transfer designations are made at the BOP's Designation and Sentence Computation Center (DSCC). The TEC works with the DSCC to review all initial designations of individuals who identify as transgender.



The TEC considers the wellbeing of all individuals while exploring appropriate options available to assist transgender people. An individualized assessment is completed on each person reviewed by the TEC.

Housing and Program Assignments

At each program review meeting, typically conducted in the first 30 days and then at least every six months thereafter, unit management staff discuss current housing, work, and program assignments with individuals in custody. In the case of transgender individuals, this is done with a special focus on sexual safety. Transgender individuals should share concerns, programming needs, and questions about transitioning in prison during these program review meeting. Regarding housing assignments, all BOP facilities are regularly audited internally and externally for PREA compliance. Transgender individuals are provided the opportunity to shower privately.

Clothing and Commissary Items

Every attempt is made to allow individuals who identify as transgender to dress as their identified gender, regardless of the facility in which they are housed. This is done to increase gender comfort. This accommodation allows transgender individuals housed in an opposite sex facility the same options that are available to individuals housed in facilities consistent with their identified gender. Transgender individuals can request clothing items consistent with their gender identity from staff at their institution and will be provided to them at no charge.

BOP also has a standardized Transgender Commissary List to ensure basic items are available to transgender individuals, regardless of the institution in which they are housed. These items are required to be available for purchase to all transgender individuals at all BOP facilities.

Standardized Transgender Commissary List***

Commissary Items	Transgender Male to Female* Items	Transgender Female to Male* Items
Blush	x	
Body Wash (Women's**)	x	X
Claw Hair Clip	x	
Cotton Balls	x	
Deodorant (Women's**)	x	X
Ethnic Hair Shampoo	x	
Eye Shadow	x	
Foam Hair Rollers	x	
Foundation (variety of skin colors)	x	
Hair Pick	x	
Hair Rubber Bands (small)	x	
Hair Spray (non-aerosol)	x	
Lip Gloss	x	
Lotion (Women's**)	x	X
Underwear (Women's**)	x	X
Q-tips	x	
Razor (Women's**)	x	X
Shoes (Women's**)	x	X
Socks (Women's**)	x	X
Sports Bra	x	
Watch (Women's**)	x	X

*Documented transgender status.

**Females transitioning to male shall have access to equivalent male items.

***As of July 2022.

Pat Searches

In the BOP, individuals living in female institutions are typically only pat searched by female staff. Transgender women in male institutions may feel more comfortable being pat searched by female staff, as well. Therefore, transgender women residing in male institutions may request “female only” pat searches. There is no practice of “male only” pat searches for transgender men residing in female institutions.



To be given a pat search accommodation, a transgender woman in a male institution may request “female only” pat searches from the Warden in writing to be pat searched by female staff. Requests are ordinarily approved by the Warden unless there is a history of hiding contraband or inappropriate sexual behavior. Transgender women may request denials be reviewed by the TEC through the Administrative Remedy process.

As stated in BOP policy, in emergency circumstances, any staff member may conduct a pat search of any individual in BOP custody.

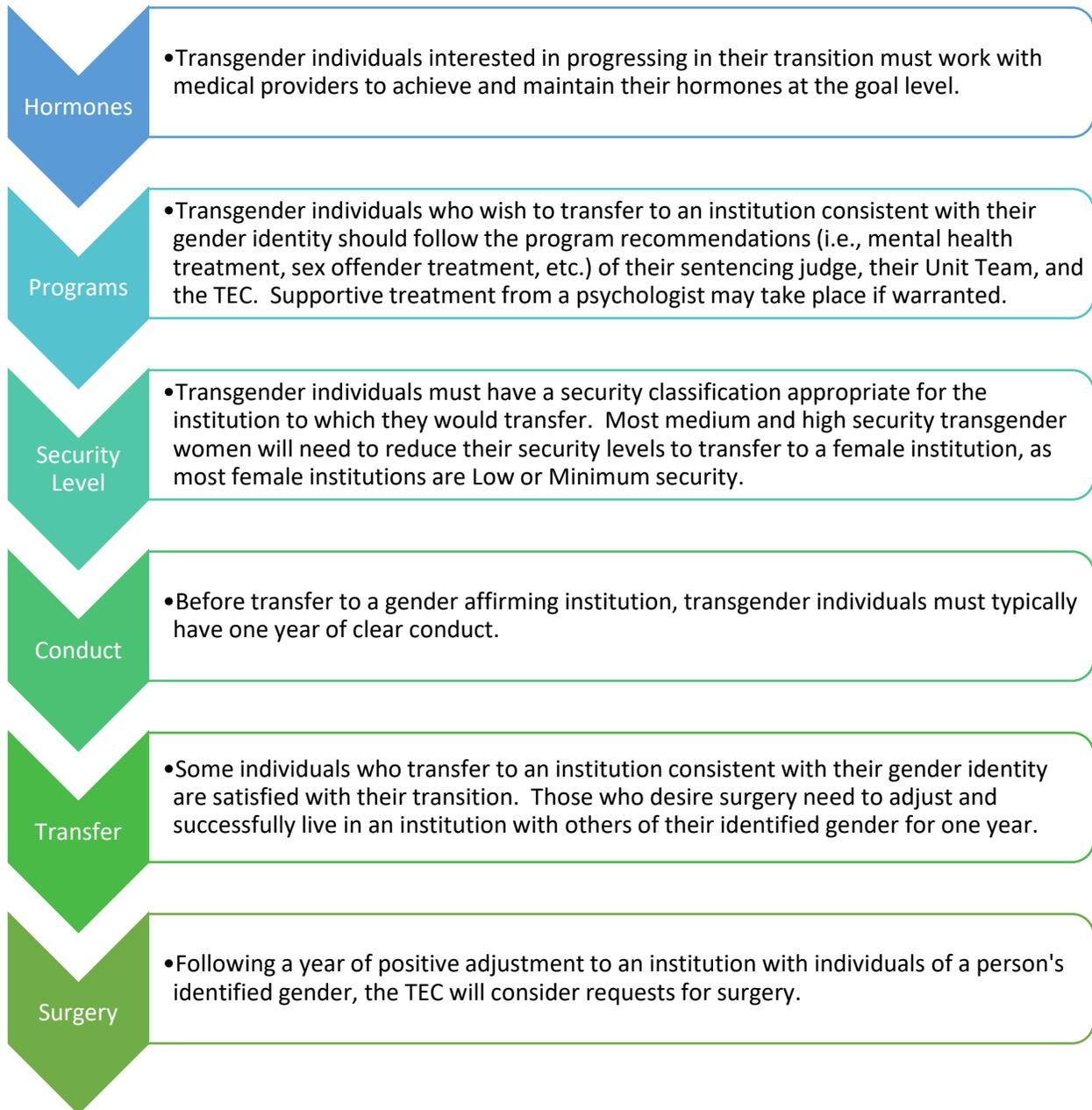
Visual Searches

To maintain safety, visual searches are routinely conducted. Ordinarily, these searches are conducted by male staff in male institutions and female staff in female institutions. When conducting a visual search of a transgender individual as much privacy as possible is offered.

Transgender individuals can request an exception to be visually searched by a staff member of their identified gender. Body scanning is recommended, when possible.

Gender Affirming Transfers and Surgery

Not all transgender individuals will want to be transferred to an institution consistent with their gender identity or have a surgical intervention. For those who do wish to request transfer and/or surgery, the following steps are often followed. As noted, every person is different, so this is just one frequent example.



Requests for gender affirming transfers and surgery should be made in writing to the Associate Warden who will prepare a memorandum to the TEC. The TEC is the only group in the BOP who can approve this sort of request for further action.

Feedback and Collaboration

It is the responsibility of BOP to ensure transgender individuals in custody receive appropriate services and are free from sexual abuse. There are many ways transgender individuals can raise concerns and/or make requests:

- **Unit Team.** Every individual in BOP custody is assigned to a Unit Team. The Unit Team is the group charged with case management and problem solving. It is the responsibility of the Unit Team to assist with concerns and address issues
- **Mainline.** Lunch is the main meal at all BOP institutions. Typically, the Warden, members of the Executive Staff, and Department Heads are present to discuss concerns and talk about issues.
- **PREA Issues.** BOP has a Zero Tolerance policy for sexually abusive behavior. Everyone deserves to feel safe. Individuals in BOP custody have many options to report sexual abuse. Information on these options is posted throughout institutions. Individuals can make a report to any staff member, file an administrative remedy, email the DOJ Sexual Abuse Reporting Mailbox through TRULINCS or send a letter to the Office of the Inspector General.
- **Administrative Remedies.** Administrative remedies are formal complaints by which people in custody can report concerns about staff or the treatment they receive.
- **Annual Transgender Survey.** This survey, specifically for transgender individuals, collects information on perceptions about safety, care, and treatment in the BOP.
- **TEC Email Box.** This email box is available through TRULINCS and permits direct correspondence with the TEC: Transgender Executive Council

Summary

The BOP provides gender affirming services to transgender individuals. BOP strives to carry out this responsibility with care and professionalism. BOP staff receive special training in meeting the needs of transgender people in custody. These staff are committed to providing programming and care in a safe and supportive environment.

Transgender Executive Council
Women and Special Populations Branch
Federal Bureau of Prisons
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Inmate Email: Transgender Executive Council

