

DALLAS COUNTY SHERIFF=S DEPARTMENT

GENERAL ORDERS

Revised:	Effective Date: 2018	Number: Chapter 11.2
Subject INTERACTING WITH TRANSGENDER/ INTERSEX/ GENDER NONCONFORMING INDIVIDUALS		

Purpose- All Dallas County Sheriff's Department personnel will treat all persons, regardless of race, religion, color, sex, national origin, sexual orientation, gender identity or expression, age, or disability, with the courtesy and dignity which is inherently due every person as a human being. Department members will act, speak, and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude in all contacts with the public. Personnel will not exhibit any bias, prejudice, or discriminate against any individual or group, including the transgender/ intersex/ gender nonconforming community.

Policy- It is the policy of Dallas County to receive, evaluate, house and provide secure, safe and humane custody of all persons, including transgender/ intersex/ gender nonconforming inmates, who are lawfully committed or held for confinement by the Dallas County Sheriff's Department until their lawful and appropriate release or transfer to another authority.

All citizens of this county are guaranteed protection against unlawful arrest and unreasonable search or seizure. It is the policy of Dallas County to treat all citizens with courtesy and professionalism on all stops and contacts.

All employees of Dallas County are entitled to a workplace free of unlawful harassment by management, co-workers, and vendors. Transgender/Intersex/Gender Nonconforming individuals will be treated with dignity and respect and will not be discriminated against. It is the responsibility of all employees to preserve a workplace free of unlawful harassment.

I. Definitions

Gender-	The social construct used to classify a person as a man, woman, both or neither. Gender encompasses all relational aspects of social identity, psychological identity, and human behavior.
Gender Expression-	The collection of ways one conveys gender identity to others, including appearance, behavior, dress, speech, and mannerisms. Gender expression may be the same as or different from the gender one was assigned at birth. Regardless of gender identity, people can exhibit a range of gender expressions.
Gender Identity-	Gender identity is an individual's internal, personal sense of his/her own gender, which is communicated to others by his/her gender expression, appearance, identity or behavior, regardless of the individual's birth-assigned gender.
Gender Nonconforming-	Individuals who display traits that are not stereotypically associated with their birth-assigned gender. Gender nonconforming individuals may identify as male, female, transgender, trans, androgynous, agender, and other gender descriptors.

Intersex-	An individual who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
"Pat" or "Frisk" Search-	A search of a person's clothes, including the frisking of his/her body, the examination of his/her pockets and any hand-carried items (i.e. purses, books, papers, etc.). shoes and head covering. Frisking is defined as running the hands rapidly over the body in an attempt to locate a hidden item in or under the clothing.
PREA-	The purpose of the Prison Rape Elimination Act of 2003 is to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape.
Probable Cause-	The existence of facts and circumstances which would lead a person of reasonable intelligence and prudence to believe that a crime has been committed.
Reasonable Suspicion-	A reasonable belief, based either upon a Deputy's personal observations or upon reliably reported or communicated information, that a person has committed, is committing, or is about to commit a crime.
Sex-	The physical anatomy and underlying chromosomal and hormonal biology that determines whether someone is male, female, or intersex.
Strip Search-	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.
Transgender-	A person whose gender identity (i.e., internal sense of feeling male, female, or another gender) is different from the person's assigned gender at birth.
Transition-	A term many transgender persons use to refer to a process of disassociating with one's birth-assigned gender. Transition includes some or all of the following: Making personal, legal and medical adjustments; telling one's family, friends, and/or co-workers; changing one's name and/or sex on legal documents; undergoing hormone therapy; and possibly (though not always) undergoing one or more forms of surgery.

II. Guidelines for Field Operations

- A. All enforcement actions such as traffic stops, field contacts, searches and seizures, and asset seizure and forfeiture efforts by Deputy Sheriffs will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution and statutory authority. Dallas County Sheriff's Department personnel will:
1. Respectfully treat transgender/ intersex/ gender nonconforming individuals in a manner appropriate to the individual's gender expression.
 2. Use pronouns as requested by the individual (e.g., "she, her, hers, ma'am, Ms., etc.") for an individual who self-identifies as a female ; ("he, him, his, sir, Mr., etc.") for an individual

who self-identifies as a male.

3. When requested, address the individual by a name based on his/her gender identity rather than that which is on his/her government-issued identification.

B. Dallas County Sheriff's Department employees WILL NOT:

1. Stop, detain, frisk, or search any person in whole or in part for the purpose of determining that person's gender or in order to call attention to the person's gender expression.
2. Use language that a reasonable person would consider demeaning or derogatory, in particular, language aimed at a person's actual or perceived gender identity or expression or sexual orientation.
3. Consider a person's gender identification as reasonable suspicion or *prima facie* evidence that the individual is or has engaged in a crime, including prostitution.
4. Disclose an individual's transgender/intersex/gender nonconforming identity to other arrestees, members of the public, or non-department members, absent a proper law enforcement purpose.
5. Subject transgender/ intersex/ gender nonconforming persons to more invasive search or frisk procedures than non-transgender persons.

Note: When a pat down search or frisk for weapons is necessary for officer safety, it may be conducted by an officer of either gender.

6. If a transgender/intersex/gender nonconforming individual is arrested, the following search procedure for weapons and/or contraband will be followed:
 - a. If the transgender/ intersex/ gender nonconforming arrestee identifies herself as a woman, a female deputy will be requested to come to the location to conduct the search.
 - b. If a female deputy is not available, the arresting deputy will request a female officer from the Intake Division to meet them in the Sallyport to conduct a search.

C. Documenting transgender/ intersex/ gender nonconforming individuals:

1. Employees will document the individual's legal name and legal gender on all legal documents to include citations, offense and/or accident reports, affidavits, and booking paperwork. The legal gender may not necessarily match the gender assigned at birth.
2. If a transgender/intersex/gender nonconforming person uses a chosen name different from their legal name, the chosen name should be documented in the AKA or alias section on citations, offense reports, and booking paperwork.
3. If a transgender/intersex/gender nonconforming person identifies as a gender different from their legal gender, their self-affirmed gender should be documented in the AKA or alias section on citations, offense reports, and booking paperwork.
4. In circumstances where there is doubt as to the legal name or gender of an individual, employees will defer to what is documented on identification issued to the individual by the State of Texas or any other government issued form of identification such as passport or driver's license.

D. Intake Procedures for the Arresting Deputy Sheriff

1. The Dallas County Sheriff's Department Deputy Sheriff making the arrest will notify the intake staff officer of the arrestee's transgender/intersex/gender nonconforming status and gender identity.
2. The Deputy Sheriff will notify the intake officer in a discreet and respectful manner.

III. Guidelines for Central Intake Personnel

- A. Central Intake personnel will conduct a pat search and medical screening questionnaire on ALL individuals who are booked-in to Lew Sterrett.

1. For the safety and security of the department, all prisoners will be pat searched at the book-in desk by male and female officers and female prisoners will be pat searched in a separate area by female officers.
2. If Central Intake personnel are notified the arrested person is transgender, intersex, or gender nonconforming, a female officer will conduct the pat search.
3. Transgender/ intersex/ gender nonconforming individuals will not be subject to a more invasive pat search.
4. Detention personnel **WILL NOT** conduct a strip search on an individual to determine the gender or sex. Strip searches are only conducted upon written request from an officer who possesses reasonable suspicion of contraband being in the possession of an inmate/prisoner processing into Central Intake. No inmate/prisoner will be strip searched by Dallas Sheriff's Department employees without a strip search request form or court order. The form or the court order must be reviewed by the on-duty supervisor in Central Intake prior to the search being conducted.
5. If a strip search is conducted due to reasonable suspicion of contraband, transgender/ intersex/ gender nonconforming individuals will be able to elect to be strip searched by a male or female officer. The "Search Preference and Preferred Gender Form" will be completed. This form will be signed by the individual and will be attached to the arrestee's file/buffcard. The on-duty supervisor must be present during the search.

- B. Once ALL prisoners have been processed and searched, they will be interviewed by the medical staff to address any medical problems, medical history, medication/prescriptions and/or psychological needs.

1. If the medical staff is made aware the individual is transgender, intersex, or gender nonconforming, the medical staff will stamp the book-in sheet with Medical Assessment Program, "MAP". This is to ensure the transgender/ intersex/ gender nonconforming individual will meet with a medical provider before he/she is assigned a housing location and to ensure he/she receives the necessary emotional care, medication, and medical care during incarceration.

- C. All prisoners are placed in the open seating area in Central Intake unless:

1. The prisoner is High Profile,

2. The medical/and or detention personnel determine the prisoner is High Risk,
 3. The prisoner is Suicidal,
 4. The prisoner is an Escape Risk,
 5. The prisoner is disruptive and/or combative, or
 6. The prisoner feels his/her safety is in jeopardy.
- D. Central Intake will identify an alternate seating area for the security, safety, or medical concerns for any transgender/intersex/gender nonconforming prisoner.
- E. ALL inmates shall be assessed for their risk of being sexually abused by or sexually abusive towards other inmates in compliance with PREA standards.

IV. Guidelines for Change Out Process

Once the inmate is taken to another area, the transferring officer will notify the floor officer and the on-duty supervisor in a discreet and respectful manner, a transgender/intersex/gender nonconforming inmate has been brought to the floor.

- A. ALL inmates are placed in holdovers during the change out and classification process. If an inmate is concerned for their personal safety for any reason, he/she will be placed in a single occupancy holdover.
- B. Personnel will have the inmate complete a "Search Preference and Preferred Gender Form". This form allows the transgender/ intersex/ gender conforming inmate to state if he/she wishes to be searched by a male or female officer, or both during the change out process or a strip search only. The form will be attached to the file/buffcard.
- C. Once the form is complete, two officers will conduct the change out process. The on-duty supervisor must be present during the change out process.
 1. Transgender/ intersex/ gender nonconforming inmates will be issued the clothing based on the sex listed on his/her classification. The inmate may receive additional clothing (i.e., bras, sanitary items) after the medical assessment. These items may be either consistent with their gender identity or necessary due to body parts present regardless of the legal gender or gender identity indicated on the Search Preference and Preferred Gender Form.
 2. Transgender/ intersex/ gender nonconforming inmates will be treated with dignity and respect and allowed to be treated as his/her gender identity.
 3. The transgender/ intersex/ gender nonconforming inmate will be the only one changed out in the change out area. No other inmates or officers will be allowed to be in the dress out room.
 4. If the transgender/ intersex/ gender conforming inmate is being combative, uncooperative, or disruptive, he/she will be treated in the same manner as any other combative inmate.
- D. It is understandable if the individual did not feel comfortable to advising the medical staff or the officers, or assumed the medical staff or the officers had knowledge of his/her transgender/intersex/gender nonconforming status. If an officer observes primary sexual characteristics inconsistent with the individual's legal gender or other

indications that the individual may be transgender/intersex/gender nonconforming, the officer will stop the process immediately and step out and notify the supervisor in a discreet and professional manner. The individual will be asked to complete a Search Preference and Preferred Gender Form and the change out process will resume..

- E. Employees will not embarrass, ridicule or harass transgender/ intersex/ gender nonconforming inmates.
- F. Once the inmate has been changed into jail clothing, he/she will receive a copy of the "Search Preference and Preferred Gender Form." A transgender, intersex, or gender nonconforming inmate has the right to submit a written request to the Transgender Review Board if he/she has any concerns or complaints. (Section VIII of this chapter refers to the Transgender Review Board). The instructions for submitting a written request to the Transgender Review Board will be listed on the "Search Preference and Preferred Gender Form."

V. Procedures for Housing Classification

- A. Once a transgender, intersex, or gender nonconforming individual completes all of the book-in and change out process, he/she will be escorted to the Medical Assessment Program to determine medical, psychological, or medication needs.
- B. Classification will determine the best housing assignment after the Medical Assessment is complete.
- C. Classification will place the transgender/ intersex/ gender nonconforming individual in the best housing assignment based on the following:
 - 1. The individuals gender identity and his/her sense of where he/she will be most safe, and
 - 2. Recommendations from the medical staff, and
 - 3. Severity of Current Offenses/Convictions, and
 - 4. Serious Offense History, and
 - 5. Escape History, and
 - 6. Prior Felony Convictions, and
 - 7. Alcohol and/or Drug Abuse, and
 - 8. Stability Factors.
- D. The transgender/ intersex/ gender nonconforming inmate will be issued the same clothing as the other inmates assigned to his/her tank or pod. If applicable, the inmate will be changed out into the appropriate clothing prior to being transferred to his/her permanent housing location. (Refer to Section IV, C, 1.)

VI. Procedures for the Medical Staff and Mental Health Staff

- A. The medical and mental health staff will act according to the Dallas County medical policy and procedures for ALL prisoners incarcerated in Dallas County.

VII. Procedures for Housing

- A. Transgender/intersex/gender nonconforming individuals will be treated with respect and dignity during their incarceration. The classification specialist will select the best housing area for the transgender inmate, and detention personnel will not refuse to accept an inmate.
 1. Detention personnel will not discriminate against transgender/ intersex/ gender nonconforming inmates.
 2. Detention personnel will address transgender/ intersex/ gender nonconforming inmates using preferred pronouns as indicated on the "Search Preference and Preferred Gender Form".
 3. Detention personnel will not announce to the other inmates that the inmate is transgender.
 4. Transgender/ intersex/ gender nonconforming individuals will not be pat searched, frisk searched or strip searched for the sole purpose of determining their genital status.
 5. ALL inmates are pat searched/frisk searched when they are taken out of the tank or pod for any reason. The search is for officer safety and to ensure the inmate does not have any contraband.
 6. Transgender/ intersex/ gender nonconforming inmates assigned to male housing locations will be searched by male and female officers assigned to the area.
 7. Transgender/ intersex/ gender nonconforming inmates assigned to female housing locations will be searched by female officers assigned to the area.
 8. Detention personnel will notify their supervisor immediately if the transgender/ intersex/ gender nonconforming inmate is being harassed or threatened by the other inmates, staff, vendors, contractors, or volunteers. Detention personnel will immediately remove the transgender inmate from his/her assigned unit and escort the inmate to a temporary holding cell until he/she can be re-assigned.
 9. If the transgender/ intersex/ gender nonconforming inmate is a victim of harassment, sexual assault, or threats, the policies set forth in the Dallas County Sheriff's Department General Orders, Chapter 11.1 will be followed under the Prison Rape Elimination Act. General Orders, Chapter 11.1 covers how to report the offense and how to contact outside resources. All inmates are given an Inmate Handbook that explains how to report any abuse.
 10. Transgender/ intersex/ gender nonconforming inmates will not be denied access to recreation, commissary, inmate programs, and/or religious programs unless he/she has been disciplined administratively for failing to obey jail rules.

VIII. Transgender Review Board

A transgender/ intersex/ gender nonconforming inmate may submit a written request to the transgender/ intersex/ gender nonconforming review board addressing any concerns, complaints, or requests for another housing location during his/her incarceration. Inmates were given instructions on how to request their concerns on his/her "Search Preference and

Preferred Gender Form". The inmate must state if they want a representative from the Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) community present in the meeting.

A. The review board will consist of the following:

1. Assistant Chief of Detention Special Services Bureau, the Assistant Chief of the Inmate Housing Bureau, or the Assistant Chief of the Technical Services Bureau,
 2. Captain assigned to the Release Division,
 3. Captain assigned to the Intake Division,
 4. PREA Coordinator,
 5. Legal Advisor,
 6. Member of the Parkland medical and/or mental leadership team.
 7. If possible, a representative from the LGBTQI community. As with all outside visitors to the jail, the representative must have authorization to enter the secure access of Lew Sterrett and will be escorted at all times. In accordance with procedures for visitors, the representative will not have access to any equipment or records housed within the department.
- B. The review board will discuss the inmate's concerns and attempt to resolve any issues and find the best suitable location or solution.
- C. The review board will notify the inmate of their decision in writing.
- D. The review board will notify the supervisor assigned to the Classification Unit if there are any changes to the housing location. The inmate will be transferred to another location within a reasonable amount of time.
- E. The Transgender Review Board will notify the Strategic Planning and Research Unit if there needs to be any changes to the current policy.

IX. Training

- A. The Dallas County Sheriff's Department training academy will ensure that the curriculum of all currently existing classes and any newly developed classes are compliant with this policy.
- B. The Division Commander or Manager will ensure that all affected personnel are made aware of this policy.
- C. The Strategic Planning and Research Unit will ensure the policy is reviewed for compliance with all federal, state and local laws and standards, prior to issuing the Dallas County Sheriff's Department General Orders in January of each year.
- D. All supervisors will ensure that the provisions of this policy are being followed.

X. Transgender/ Intersex/ Gender Nonconforming employees, vendors, or volunteers

- A. It is the policy of Dallas County and the Dallas County Sheriff's Department to

provide all employees a work environment that is free from any form of unlawful harassment, any hostile work environment based on unlawful harassment, or any retaliatory action against an employee who reports unlawful harassment. (Further information is contained in the Dallas County Sheriff's Department Civil Service Rule 3.02 and the Dallas Sheriff's Department General Orders, Chapter 3.5, Harassment).

1. Any employee who violates this policy is subject to disciplinary action, up to and including termination. (Further information is contained in the Dallas Sheriff's Code of Conduct, Section 4.06, Harassment).
- B. Management and all employees will use pronouns as requested by the transgender/ intersex/ gender nonconforming employee, vendor, or volunteer (e.g., "she, her, hers, ma'am, Ms., etc.") for an individual who self-identifies as a female or ("he, him, his, sir, Mr., etc.") for an individual who self-identifies as a male).
- C. Transgender/ intersex/ gender nonconforming employees will not be discriminated against if they submit a lateral transfer request. He/she will not be asked questions regarding their gender identity during interviews for a specialized assignment.
- D. Transgender/ intersex/ gender nonconforming employees must follow the uniform regulations set forth in the Dallas County Sheriff's Department General Orders regarding uniform and general appearance and as applicable to the gender with which they identify, regardless of whether they have legally changed their gender or not.
- E. Transgender/ intersex/ gender nonconforming employees will not be denied access to public or employee restrooms and locker rooms that are in accord with their self-identified gender.