

COOK COUNTY, ILLINOIS INTERAGENCY DIRECTIVE		ISSUANCE DATE	EFFECTIVE DATE	NO.
		07 MAR 11	21 MAR 11	64.5.43.0
SUBJECT	DISTRIBUTION	RESCINDS		
MANAGEMENT OF INMATES WITH GENDER IDENTITY DISORDER		G		
RELATED DIRECTIVES		AMENDS		

I. PURPOSE

This Interagency Directive establishes guidelines and procedures for housing, clothing, commissary, showering, grooming, recreation, programming, escort, transportation, searches and other matters involving the custody and the safety and security of inmates with gender identity disorder.

II. POLICY

It is the policy of the Cook County Department of Corrections (CCDOC) to provide a safe and secure environment for all inmates who identify themselves as transgender or who are identified by Cermak Health Services of Cook County (Cermak) as having gender identity disorder, and to uphold the respect and dignity of these, and all, inmates at the CCDOC. This policy is a component of the CCDOC Prison Rape Elimination (PREA) Policy and thereby requires zero tolerance for discrimination on the basis of sexual orientation, including verbal or physical harassment or abuse of transgender inmates by other inmates or by CCDOC employees.

III. AUTHORITY

- A. United States Constitution, Eighth Amendment
- B. United States Constitution, Fourteenth Amendment
- C. Illinois Human Rights Act, 775 ILCS 5/1-102
- D. Prison Rape Elimination Act (PREA) of 2003
- E. Title 20, Section 701.70 Administrative Code, Classification and Separation
- F. American Psychiatric Association Diagnostic and Statistical Manual, Fourth edition
- G. Health Insurance Portability and Accountability Act (HIPAA) of 1996

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IV. AMERICAN CORRECTIONAL ASSOCIATION REFERENCE

4-ALDF-2A-25, 29, 30, 31, 32, 34

4-ALDF-6B-02

V. DEFINITIONS

- A. Accommodation Plan – A plan constructed by the Gender Identity Committee for an individual inmate with gender identity disorder that shall include instructions regarding issues including, but not limited to housing, clothing, showering, grooming, recreation, programming, escort, transportation, and searches.
- B. Gender Identity or Gender-Related Identity – Gender identity is a person’s internal sense of being male or female. It is not necessarily based on the individual’s anatomical sex at birth or on the individual’s sexual orientation. An individual’s gender identity is the result of genetics and environmental influences. It may be manifested in appearance, behavior, or other aspects of the person’s life.
- C. Gender Identity Disorder (also termed transsexualism) – Gender Identity Disorder is a specific mental disorder, in which a person evidences all of the diagnostic criteria for this condition, as listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV):
 - 1. Strong and persistent desire to be a member of the opposite sex;
 - 2. Persistent discomfort with his/her sex or sense of inappropriateness in the gender role of that sex;
 - 3. Clinically significant distress or impairment in social, occupational, or other important areas of functioning;
 - 4. Absence of evidence for intersex.
- D. Intersex (also termed Disorder of Sexual Development or DSD and also, in the past, hermaphroditism) - Intersex is a congenital condition in which development of chromosomal, gonadal, or anatomical sex is atypical. Gender identity disorder and intersex are separate and distinct clinical entities. However, some individuals with gender identity disorder may incorrectly represent themselves as intersex and vice versa.
- E. Sexual Orientation – Sexual orientation is a pattern of sexual attraction to males, females, both, or neither. Sexual orientation and gender identity are separate and distinct concepts.

- F. Transgender person – A transgender person is an individual whose gender identity and outward gender expression differ from the physical characteristics of his/her birth gender. A person can be transgender without meeting the criteria and definition of gender identity disorder.

VI. PROCEDURE

A. Identification of Inmates with Gender Identity Disorder

If during the initial screening process, an inmate's gender identity is in question via verbal or written notification from the inmate or the arresting police agency, or upon reasonable suspicion that the inmate has gender identity disorder or is a transgender person; the following procedures are followed prior to the housing assignment:

1. The inmate shall be separated and secured in a designated area from the general population.
2. The classification officer shall notify his/her supervisor.
3. The classification officer or his/her supervisor shall present the inmate to Cermak for evaluation by health staff.
4. Cermak health staff shall proceed according to Cermak's policy and procedures (Cermak Policy G-02.9) for clinical verification of gender identity, genital anatomy, and the status of any hormonal and/or surgical interventions that may be underway as part of a gender transition.
5. In any case where the inmate's gender identity and genital anatomy are clinically verified to be different than that reported by the arresting police agency, the CCDOC shall notify the arresting police authority of any misidentification of the individual immediately after the clinical verification.

B. Gender Identity Committee

1. The purpose of the Gender Identity Committee shall be to consider the case of each inmate who is clinically verified as having gender identity disorder and to recommend appropriate accommodations that shall be made for the inmate with regard to housing, clothing, commissary, showering, grooming, recreation, programming, escort, transportation, searches and other matters. The Committee shall be composed of a medical representative and a mental health representative, appointed by the Cermak Chief Medical Officer, together with a member of the CCDOC executive staff, appointed by executive director, the Sheriff's

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Medical Advocate/designee, and the Superintendent of Classification/designee.

2. If members of the committee do not agree regarding recommendations to be made for a particular inmate, the opinion of the majority shall be the deciding opinion.
 3. The Committee shall retain summary notes of each meeting to document persons attending the meeting and conclusions that have been reached. One copy of these notes shall be maintained by the Committee and one copy shall be placed in the inmate's classification file in accordance with (HIPAA) regulations.
 4. If and when persons are brought to the attention of the Gender Identity Committee who do not meet clinical criteria for gender identity disorder, the Committee shall proceed as follows:
 - a. In the case of other clinical disorders relating to gender identity, such as intersex, the Committee may opt to formulate recommendations for an Accommodation Plan.
 - b. In the case of non-clinical conditions relating to gender identity and/or sexual orientation, such as homosexuality, the Committee recognizes it has the same obligation to maintain the safety and security of the inmates as it does all inmates at CCDOC. Accommodations of such persons, if any, shall be under the sole purview of CCDOC and its existing classification system.
 5. In the event that the clinical definition and criteria for gender identity disorder are changed by the American Psychiatric Association in its Diagnostic and Statistical Manual of Mental Disorders, the Gender Identity Committee shall recommend appropriate changes to this Interagency Directive.
- C. Accommodation Plan for an Inmate with Gender Identity Disorder
1. The Gender Identity Committee shall meet within 72 hours of the clinical verification that an inmate meets clinical criteria for the diagnosis of gender identity disorder. In preparation for this meeting, the Sheriff's Medical Advocate shall meet with the inmate to solicit his/her preferences and requests with regard to housing, clothing, commissary, showering, grooming, recreation, programming, escort, transportation, searches and other matters. The inmate's preferences and requests shall be considered but are not determinative.

2. At the meeting of the Gender Identity Committee, Cermak's representatives shall present clinical information pertinent to the Committee's charge. The Sheriff's Medical Advocate shall present the inmate's stated preferences and requests with regard to the Accommodation Plan. At the Committee's discretion, this meeting may also include direct conversations with the inmate and/or with treating clinicians.
3. The Gender Identity Committee shall then construct an Accommodation Plan for each individual inmate with gender identity disorder based on the physical and psychological findings on examination of that individual, and based on safety and security issues relating both to that individual inmate and to the inmate population at the CCDOC.
4. The Accommodation Plan constructed by the Gender Identity Committee for the individual inmate with gender identity disorder shall include instructions regarding issues including, but not limited to, housing, clothing, showering, grooming, recreation, programming, escort, transportation, and searches.
5. In its deliberations, the Gender Identity Committee must ensure that the dignity and respect of the inmate with gender identity disorder are always taken into consideration.
6. The Gender Identity Committee shall notify the Assistant Executive Director (or, outside of regular duty hours, the administrative duty officer) in writing of its recommendations. The Assistant Executive Director (or, outside of regular duty hours, the administrative duty officer) shall in turn notify appropriate personnel at CCDOC. Cermak's representatives on the Gender Identity Committee shall notify appropriate personnel at Cermak.
7. The Gender Identity Committee shall meet to review the Accommodation Plan as needed and at intervals of not more than every 3 months. More frequent meetings may be mandated by individual inmate medical concerns, inmate request, or any other concerns related to Accommodation Plans. In preparation for this meeting, the Sheriff's Medical Advocate shall meet with the inmate to solicit his/her preferences and requests with regard to housing, clothing, commissary, showering, grooming, recreation, programming, escort, transportation, searches and other matters. The Sheriff's Medical Advocate shall then present to the Committee a summary of the inmate's expressed satisfaction regarding the Accommodation Plan that has been in place. Cermak's representatives shall then present any follow-up clinical information pertinent to the Committee's charge. At the Committee's

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discretion, this meeting may also include direct conversations with the inmate and/or with treating clinicians.

D. CCDOC Procedures For Following Recommendations of the Gender Identity Committee

1. The Assistant Executive Director (or, outside of regular duty hours, the administrative duty officer) shall notify the superintendent of the division where the inmate is to be housed of the recommendations made by the Gender Identity Committee and the superintendent in turn shall notify line staff.
2. CCDOC personnel shall follow the recommendations outlined in the inmate's individual Accommodation Plan written by the Gender Identity Committee for the housing, clothing, commissary, showering, grooming, recreation, programming, escort, transportation, searches, and other matters involving the custody and the safety and security of inmates with gender identity disorder.
3. If a CCDOC employee identifies a safety or security risk posed by the Accommodation Plan recommended by the Gender Identity Committee, he or she must inform the Gender Identity Committee directly, or must notify his/her supervisor, and that supervisor must notify the Gender Identity Committee, that the Accommodation Plan poses a safety or security risk. The Gender Identity Committee shall review the case, and shall make adjustments to the Accommodation Plan, if necessary. In the case of an immediate threat to the safety or security of the inmate the CCDOC employee or supervisor should notify the Assistant Executive Director or designee for approval to make temporary change to Accommodation Plan. The Gender Identity Committee must approve a permanent change to the Accommodation Plan.
4. An inmate with gender identity disorder shall be called by his/her last name, consistent with CCDOC policy regarding inmates in general.
5. An inmate with gender identity disorder shall be allowed to possess those hygiene and personal items that may be purchased through commissary that are consistent with the recommendations of the Gender Identity Committee.
6. To the extent that strip and pat-down searches are permitted for security purposes, said searches of an inmate with gender identity disorder shall only be made by correctional officers of the gender recommended by the Gender Identity Committee.

7. An inmate with gender identity disorder shall be housed in Protective Custody or Administrative Segregation only when there is reason to believe the inmate presents a heightened risk to self or others, or if there is an immediate risk of harm to the inmate by other inmates. This placement shall be for such limited periods of time during which the heightened security risk exists.
8. While in Protective Custody or Administrative Segregation, an inmate with gender identity disorder shall not be deprived of access to educational, vocational or other program services available to other inmates in special housing.

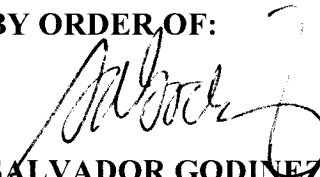
E. Gender Identity Disorder Training

The CCSO Training Institute staff shall provide training to officers and supervisory staff in gender identity disorder sensitivity and the role of the Gender Identity Committee in formulating Accommodation Plans. All officers must successfully complete and be certified in the prescribed course administered by the CCSO Training Institute.

VII. APPLICABILITY

This order is applicable to all Cook County Department of Corrections and Cermak Health Services of Cook County employees and is for strict compliance.

BY ORDER OF:



**SALVADOR GODINEZ
EXECUTIVE DIRECTOR
COOK COUNTY DEPARTMENT OF
CORRECTIONS**



**MICHAEL PUISIS
CHIEF OPERATING OFFICER
CERMAK HEALTH SERVICES OF
COOK COUNTY**