

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 500.70.26	Page 1 of 8
	Original Effective Date: 05/29/24	New Effective Date: 05/29/24
	Supersedes:	Dated:
	Administrator's Approval: Sarah Cooper, Administrator – 04/30/24	
	Required Posting or Restricted:	
<input checked="" type="checkbox"/> PIOC <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 500 Health Services		
Subject: Review for Housing Consistent with Gender Identity		

POLICY

The Division of Adult Institutions shall ensure equitable treatment of individuals who identify as transgender or who have an intersex condition when determining housing, classification, and programming by providing an opportunity, on a case by case basis, for gender aligned housing placement.

REFERENCES

Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (Text Revision), (DSM-5-TR) – American Psychiatric Association (2022).

Standards of Care Version 8 – World Professional Association for Transgender Health (2022)

Executive Directive 72 – Sexual Abuse and Sexual Harassment in Confinement (PREA) Prison Rape Elimination Act (PREA), Final Rule, May 2012

DAI Policy 300.00.78 – Name of PIOC and Changes to Name

DAI Policy 303.00.04 – Disciplinary Guidelines

DAI Policy 306.00.51 – Single Occupancy Cell Placement

DAI Policy 306.17.01 – PIOC Drug Testing

DAI Policy 306.17.02 – Searches of PIOC

DAI Policy 309.20.03 – PIOC Personal Property and Clothing

DAI Policy 500.70.27 – Transgender Management and Care

DEFINITIONS, ACRONYMS AND FORMS

BOCM – Bureau of Offender Classification and Movement

DAI – Division of Adult Institutions

DOC – Department of Corrections

DOC 3035B – Psychological Services Request

DOC-3793 – Transgender Housing Evaluation

DOC-3793A - Transgender Housing PSU Evaluation

Gender Dysphoria (GD) – Discomfort or distress caused by a marked difference between an individual's expressed/experienced gender and assigned gender. A DSM-5-TR diagnosis of Gender Dysphoria requires that the condition is present for at least six

DAI Policy #: 500.70.26	New Effective Date: 05/29/24	Page 2 of 8
Chapter: 500 Health Services		
Subject: Review for Housing Consistent with Gender Identity		

months and causes clinically significant distress or impairment in social, occupational, or other important areas of functioning.

DOC-3802 - Pat Search Preference Request

Hormonal Therapy – A physical intervention that masculinizes or feminizes the body by administration of hormones, such as testosterone or estrogen, with the purpose of reducing gender dysphoria and minimizing the risk for depression, anxiety or impairments in functioning.

Health Services Unit (HSU) Staff – Staff classified as HSU Manager, Psychiatrist, Physician, Physician Assistant, Advanced Practice Nurse Practitioner, Pharmacist, Dentist, Nurse Practitioner, Optometrist, Registered Nurse, Licensed Practical Nurse, Physical Therapist or any other clinical classification that is directly supervised by Health Services.

Intersex - A condition where sexual or reproductive anatomy or chromosomal pattern does not conform to typical definitions of male or female.

HSU – Health Services Unit

PIOC – Persons in our care

PREA – Prison Rape Elimination Act

Psychological Services Unit (PSU) Staff – Employees classified as Psychologist Supervisor, Psychologist-Licensed, Psychological Associate, Psychological Services Assistant, Clinical Social Worker, or any other clinical classification that is directly supervised by Psychological Services.

Sex – Sex assigned at birth, consistent with genital anatomy.

SPN - Special Placement Needs

STG – Security Threat Group

Transgender – A person whose transient or permanent gender identity (i.e. internal sense of feeling male or female) is different from the person's assigned sex at birth. A transgender individual may or may not qualify for a clinical diagnosis of Gender Dysphoria depending on the level of distress or impairment this causes.

Transgender Committee – An advisory committee formed by the DAI Administrator to advise on issues related to transgender policies, including health care, accommodations and property, with membership outlined in DAI Policy 500.70.27.

DAI Policy #: 500.70.26	New Effective Date: 05/29/24	Page 3 of 8
Chapter: 500 Health Services		
Subject: Review for Housing Consistent with Gender Identity		

Transgender Housing Committee – An advisory committee formed by the DAI Administrator to advise on issues related to Transgender Housing and placement of transgender PIOC, especially for requests to be housed in a facility consistent with gender identity. Membership is listed in Section III.A.

Transgender Female – A person who was assigned male at birth but identifies as female

Transgender Male – A person who was assigned female at birth but identifies as male

WRC – Wisconsin Resource Center

WWRC – Wisconsin Women’s Resource Center

PROCEDURE

I. PSU Review

- A. PIOC shall submit a DOC-3035B to the PSU Supervisor/designee to be considered for placement at a DOC facility consistent with their gender identity.
- B. The PSU Supervisor/designee of the potential sending site shall complete DOC-3793A to determine whether PIOC meet all of the following criteria:
 1. A cross-gender identity has been clearly and consistently established for at least two years. Evidence may include disclosures during PSU clinical contacts, interactions with staff or peers, use of accommodations such as undergarments and showering or changes in appearance such as hairstyle, makeup and clothing.
 2. At least one year of hormone treatment, unless medically contraindicated.
 3. At least one year has passed since reception at initial receiving site.
 4. Anticipated time to release is at least one year.
 5. Successful completion of any assigned sex offender treatment need.
- C. PSU Supervisor/designee of the sending site shall determine whether the PIOC meets all the above criteria on DOC-3793A.
 1. If yes, the PSU Supervisor/designee shall forward the document to the Deputy Warden/Designee, who shall arrange for a Facility Review as described in Section II.
 2. If no, the PSU Supervisor/designee shall forward the DOC-3793A to the Mental Health Director, noting in the comments section the reasons PIOC do not meet eligibility requirements.
 3. If the determination is unclear, the PSU Supervisor/designee may consult with either the Mental Health Director or the Facility Review Committee until a determination is made.

II. Facility Review

DAI Policy #: 500.70.26	New Effective Date: 05/29/24	Page 4 of 8
Chapter: 500 Health Services		
Subject: Review for Housing Consistent with Gender Identity		

- A. The Facility Review Committee at the sending site shall consist of the following members:
1. Warden and/or Deputy Warden
 2. Security Director
 3. PSU Supervisor/designee
 4. Health Services Manager/designee
 5. Housing Unit Supervisor
 6. Other disciplines as determined by the Warden
- B. Upon receiving the DOC-3793A from the PSU Supervisor/designee, the Facility Review Committee shall complete the DOC-3793 using the guidelines and benchmarks listed within the form. The guidelines include:
1. A cross-gender identity has been clearly established for at least two years.
 2. There have been significant steps towards a cross-gender transition. In most cases this would include at least one year of hormone treatment.
 3. Length of incarceration in a DOC facility has been sufficient to determine overall adjustment, in most cases at least one year. Successful previous placement in a DOC facility consistent with gender identity, or consistent and verified lived experience in the role of the desired gender while in the community, may accelerate this time frame.
 4. Anticipated time to release is at least one year.
 5. Institutional adjustment at correctional facilities has been positive, considering conduct reports and other documented information. Offenses against Bodily Security and offenses against Institutional Security shall be considered closely. The individual has not demonstrated a pattern of poor boundaries or interpersonal skills that have led to climate issues or negative effects on peers.
 6. Criminal history, especially sex offenses or assaultive history, does not indicate a significant current risk to individuals at the receiving site, considering length of time that has elapsed and treatment outcomes.
 7. Treatment and program needs can be met at the facility of transfer and PIOC is not currently refusing to enroll in or complete identified primary program and treatment needs.
 8. Mental health has been stable for at least one year.
 9. PIOC has demonstrated appropriate engagement with staff from various disciplines.
 10. PIOC has realistic expectations of the conditions of confinement at the receiving facility and is able to work with PSU staff to anticipate possible challenges.
 11. If STG affiliations or SPN concerns are present, they would not have a significant impact on security or operations at the receiving facility.
- C. Items for the committee to consider shall include: classification reports, parole reviews, medical classification, relevant mental health records, conduct reports, incident reports, primary program status, PSIs, revocation summaries and any institution investigations.

DAI Policy #: 500.70.26	New Effective Date: 05/29/24	Page 5 of 8
Chapter: 500 Health Services		
Subject: Review for Housing Consistent with Gender Identity		

- D. Upon completion, the facility shall submit the DOC-3793 and DOC-3793A to the Mental Health Director/designee for review.
- E. The Mental Health Director/designee shall review the DOC-3793 and DOC-3793A and send to the Warden/designee at the proposed receiving site for review. Staff at the proposed receiving site may conduct follow-up discussion with the sending site as needed. The Warden/designee at the proposed receiving site shall document relevant input on the DOC-3793 and return to the Mental Health Director.

III. Transgender Housing Committee

- A. Membership includes:
 - 1. DAI Assistant Administrator
 - 2. Mental Health Director
 - 3. DAI Security Chief
 - 4. PREA Director
 - 5. Warden or designee from potential receiving site
- B. The Transgender Housing Committee shall review both the completed DOC-3793 and DOC-3793A.
 - 1. The Transgender Housing Committee shall make a recommendation to the DAI Administrator and Secretary regarding approval or denial of the transfer request.
 - 2. If denied, the Committee shall recommend a time frame for when PIOC can next reapply if appropriate.
 - 3. The Secretary shall approve or deny the Committee's recommendations.
 - 4. If the transfer request is approved, the BOCM Director/designee shall be notified to initiate the classification action and coordinate transfer.
- C. Transgender Housing Committee Member Roles:
 - 1. May preside at the meetings to exercise guidance or direction.
 - 2. Shall have advisory powers only.
- D. The Committee does not have any collective responsibilities, authority, power or duties vested in the body as a whole, distinct from those of individual members.
- E. A representative from the Office of Legal Counsel may attend meetings to provide legal advice.
- F. For intersex PIOC, the DAI Administrator may make housing determinations after consultation with appropriate medical, psychological and facility staff, independent of the formal process described in this policy.

IV. Operations at a Receiving Facility Consistent with Gender Identity

DAI Policy #: 500.70.26	New Effective Date: 05/29/24	Page 6 of 8
Chapter: 500 Health Services		
Subject: Review for Housing Consistent with Gender Identity		

- A. If a transgender male, transgender female or intersex PIOC is placed at a facility consistent with gender identity, the following shall apply:
 - 1. Initial placement shall be in a single cell and reviewed on a case by case basis.
 - 2. Initial showering shall be separate from other PIOC and reviewed on a case by case basis.
 - 3. Pat searches, strip searches, urinalysis testing and transportation searches shall be conducted as outlined in DAI Policy 500.70.27, DAI 306.17.01 and DAI Policy 306.17.02.
 - B. For off-site transports, at least one transport staff member shall be appropriate gender for any needed searches or to supervise PIOC in a medical exam room, subject to the availability of such staff.
- V. Removal from Receiving Facility Consistent with Gender Identity**
- A. The Warden/designee of a receiving facility may request the Transgender Housing Committee review PIOC for possible removal from a facility consistent with gender identity. The Transgender Housing Committee may reconsider facility placement under the following circumstances:
 - 1. Poor adjustment.
 - 2. A pattern of poor boundaries or interpersonal skills that leads to climate issues or is detrimental to the psychological or physical health of peers.
 - 3. PIOC request to return to their prior facility.
 - 4. Facility placement is detrimental to the psychological health of PIOC, leading to risk of harm to self or others.
 - B. The Transgender Housing Committee shall forward a recommendation to the Secretary's Office and the DAI Administrator.
- VI. WRC/WWRC Transfer**
- A. PSU staff shall complete a referral in the Health Care Record to initiate a referral to WRC.
 - B. DOC and WRC staff shall mutually agree on acceptance of WRC referrals, with advance planning in the areas of treatment needs, treatment goals and likely length of stay.
 - C. WRC placement shall, in general, be consistent with the gender of the sending site (female sites to WWRC and male sites to WRC). Exceptions may be made for clinical reasons on a case-by-case basis.
 - D. At least one transport staff shall be the same sex as PIOC.
 - E. If conduct issues arise, WRC staff shall consult with staff at the sending facility to determine whether WRC placement continues to be appropriate.

DAI Policy #: 500.70.26	New Effective Date: 05/29/24	Page 7 of 8
Chapter: 500 Health Services		
Subject: Review for Housing Consistent with Gender Identity		

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Wisconsin Women's Correctional System		
Original Effective Date:	DAI Policy Number: 500.70.26	Page 8 of 8
New Effective Date:	Supersedes Number: N/A	Dated:
Chapter: 500 Health Services		
Subject: Review for Housing Consistent with Gender Identity		
Will Implement <input type="checkbox"/> As written <input checked="" type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES

DEFINITIONS, ACRONYMS, AND FORMS

FACILITY PROCEDURE

II.

- A.
 - 1.
 - a.
- B.
- C.

III.

- A.
- B.
- C.