

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 500.70.27	Page 1 of 12
	Original Effective Date: 12/19/11	New Effective Date: 05/29/24
	Supersedes: 500.70.27	Dated: 04/04/22
	Administrator's Approval: Sarah Cooper, Administrator – 4/30/24	
	Required Posting or Restricted:	
<input checked="" type="checkbox"/> PIOC <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 500 Health Services		
Subject: Transgender Management and Care		

POLICY

The Division of Adult Institutions shall ensure equitable treatment of individuals who identify as transgender or who have an intersex condition.

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 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 500.70.26 – Review for Housing Consistent with Gender Identity

DEFINITIONS, ACRONYMS AND FORMS

BHS – Bureau of Health Services

BOCM – Bureau of Offender Classification and Movement

Cis-gender – A person whose gender identity matches the sex assigned to them at birth.

DAI – Division of Adult Institutions

DCC – Division of Community Corrections

DOC – Department of Corrections

DOC-2466 – Incident Report

DOC-3474 – Psychologist Minimum Security Placement Recommendation

DOC-3802 – Pat Search Preference Request

DAI Policy #: 500.70.27	New Effective Date: 05/29/24	Page 2 of 12
Chapter: 500 Health Services		
Subject: Transgender Management and Care		

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

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.

HCR – Healthcare Record

HSU – Health Services Unit

OCS – Offender Classification Specialist

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.

Reassignment Female - A person who is post-operative Male-to-Female.

Reassignment Male - A person who is post-operative Female-to-Male.

RH – Restrictive Housing

Sex – Sex assigned at birth

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

DAI Policy #: 500.70.27	New Effective Date: 05/29/24	Page 3 of 12
Chapter: 500 Health Services		
Subject: Transgender Management and Care		

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. Membership is listed in Section VII.

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

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 and roles are described in DAI 500.70.26.

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

WICS – Wisconsin Integrated Corrections System

WPATH – World Professional Association for Transgender Health

PROCEDURE

I. Identification

A. Transgender and Intersex PIOC

1. May self-identify as transgender or intersex at intake or at any other time during an incarceration.
2. If PIOC notify staff of transgender or intersex status, staff shall notify the PSU supervisor of the status.
3. The PSU Supervisor/designee shall enter the appropriate designation into the WICS Special Handling Summary and notify facility BOCM staff of the transgender or intersex status. Options include:
 - a. Transgender Female
 - b. Transgender Male
 - c. Reassignment Female
 - d. Reassignment Male

B. PIOC with Gender Dysphoria

1. PSU staff, psychiatry staff or a GD consultant may assign a clinical diagnosis of Gender Dysphoria, based upon DSM-5-TR criteria.
2. Clinical and medical staff shall document the Gender Dysphoria diagnosis in the appropriate sections of PIOC HCR.

II. Accommodations for Transgender and Intersex PIOC

- #### **A. Transgender and intersex PIOC may wear undergarments corresponding to the desired gender. These may be state-issued or ordered from an approved catalog and are subject to the following conditions:**

DAI Policy #: 500.70.27	New Effective Date: 05/29/24	Page 4 of 12
Chapter: 500 Health Services		
Subject: Transgender Management and Care		

1. The PSU Supervisor/designee has determined the undergarments are clinically appropriate and are not contraindicated. Contraindications may include, but are not limited to:
 - a. Evidence the transgender identification is for secondary purposes and does not reflect an accurate condition.
 - b. Use of undergarments may be counter-therapeutic or increase risk of recidivism when offense-related dynamics are considered.
 2. Undergarments are in quantities consistent with allowed property as described in DAI Policy 309.20.03.
 3. Undergarments are not visible to others when leaving the cell and are not worn in a manner that is disruptive, provocative or inappropriately sized.
- B. Transgender and intersex PIOC with physical characteristics of the desired gender shall be required to wear clothing appropriate to those physical characteristics. For example, PIOC with breast development will be required to wear a bra/support garment and shirt when outside of the cell.
- C. Make-up shall be allowed for all PIOC regardless of gender status or facility, consistent with what is allowed at female facilities and consistent with intended use.
- D. Transgender and intersex PIOC who are indigent may submit a written request to the Health Services Unit for a chemical depilatory product for hair removal.
1. Requests or visits for this purpose shall not result in PIOC being charged a co-pay.
 2. Upon verification PIOC is indigent, HSU shall provide such products in reasonable amounts and for personal use only.
- E. Showering
1. Transgender and intersex PIOC shall be given the opportunity to shower separately from other PIOC. Separation may be accomplished by providing separate shower stalls or different times for showers.
 2. PIOC taking cross-gender hormones or with secondary sex characteristics of the desired gender (e.g., biological males with breast development) shall shower separately from PIOC who are not transgender or intersex. Security, PSU or HSU staff may make this determination.
 3. For any PIOC who showers separately, PSU staff shall enter a "Shower Separately" designation into the WICS Special Handling module.
- F. Names
1. As per DAI policy 300.00.78, the name contained on the first Judgment of Conviction (JOC) that imposes a prison sentence used to admit a PIOC to DAI establishes PIOC name, unless one of the following occurs:
 - a. Amended to the JOC indicated in F.1.

DAI Policy #: 500.70.27	New Effective Date: 05/29/24	Page 5 of 12
Chapter: 500 Health Services		
Subject: Transgender Management and Care		

b. Court ordered name change in which the Court orders DAI to change all records.

2. PIOC may use preferred titles (Ms., Miss, Mrs. or Mr.) and/or preferred first/middle names in correspondence, provided the legal first and last name and DOC number are provided next to the preferred names/titles and are clear and legible.

G. Forms of Address

1. When a transgender or intersex PIOC requests staff use an alternate form of address, staff shall, at minimum, use gender-neutral forms of address (e.g. "Smith" or "Jones").
2. When a transgender or intersex PIOC requests, staff may, at their discretion, use preferred singular pronouns (he/she, him/her) or preferred titles (Mr./Ms./Miss).
3. HSU and PSU staff shall use preferred singular pronouns (he/she, him/her) or preferred titles (Mr./Ms./Miss) in health care documentation as requested by PIOC.

H. Pat Searches

1. Transgender and intersex PIOC may submit DOC-3035B to PSU staff to request the gender of the staff member conducting pat searches.
2. After receipt of the request, PSU staff shall:
 - a. Complete the top (PSU) portion of DOC-3802 and forward to the Security Director/designee.
 - b. Write a Case Management note in the Healthcare Record to indicate the DOC-3802 was initiated.
3. The Security Director/designee shall complete the security portion of DOC-3802 and decide whether to approve or deny the request, based upon the following guidelines:
 - a. A cross-gender identity is present and there are no significant concerns about its validity.
 - b. The request is consistent with the safety, treatment and rehabilitative needs of the PIOC.
 - c. Institutional adjustment (i.e., sexual conduct, aggression, or assault) does not indicate a significant risk to staff.
 - d. Criminal history prior to incarceration does not indicate a significant risk to staff.
4. Communication and Documentation
 - a. The Security Director/designee shall communicate the outcome (approval or denial) to PSU staff and the facility's PREA Compliance Manager.
 - b. PSU staff shall discuss the outcome (approval or denial) with the requesting PIOC.

DAI Policy #: 500.70.27	New Effective Date: 05/29/24	Page 6 of 12
Chapter: 500 Health Services		
Subject: Transgender Management and Care		

- c. A designated facility staff member shall enter the approval or denial in the security portion of WICS Special Handling and upload the DOC-3802 to the Inmate Record/Scanned Documents section of WICS.
 5. Once approved, gender preferences for pat searches shall be subject to the availability of such staff. If the preferred gender is not available for a pat search, staff shall document the circumstances on a DOC-2466.
 6. The Security Director/designee may modify gender preference approvals should circumstances change. The reason for change shall be documented in the security portion of WICS Special Handling.
 7. Time frames
 - a. PIOC may submit a request to modify a gender preference at intervals of no less than every six months.
 - b. PIOC may re-request a pat search preference after six months if a previous request is denied.
 8. Identification Card
 - a. Once a preference is approved, a designated staff member shall issue a white label indicating the staff gender search preference.
 - b. The white label shall be placed on the back side of PIOC identification card at the top of the card between the lanyard holes.
 - c. PIOC shall display the white label on the identification card to staff members when asked to submit to a pat search.
- I. Strip Searches/Searches during transportation shall be conducted:
 1. Consistent with DAI Policy 306.17.02.
 2. By a staff member who is of the same sex consistent with the classification of the facility PIOC is housed.
- J. Urine Specimens for Drug Testing
 1. PIOC shall be allowed to urinate into a cup sitting down, as long as the urine stream can be visually observed by a staff member.
 2. Observation of PIOC while providing the sample shall be conducted by a staff member who is of the same sex consistent with the classification of where the PIOC is housed.
- K. Shaving or Hair Removal in RH

Facilities shall provide opportunities in RH to shave or apply approved hair removal products at least twice per week unless contraindicated by security concerns.

III. **Approved Sites**

- A. Transgender PIOC shall be placed at a facility that has an available option for single/double cells. The following facilities are excluded from receiving transgender PIOC.
 1. Prairie du Chien Correctional Institution.
 2. Gordon Correctional Center.

DAI Policy #: 500.70.27	New Effective Date: 05/29/24	Page 7 of 12
Chapter: 500 Health Services		
Subject: Transgender Management and Care		

3. McNaughton Correctional Center.
 4. Chippewa Valley Correctional Treatment Facility.
 5. Flambeau Correctional Center.
 6. St. Croix Correctional Center.
 7. Sturtevant Transitional Facility
- B. PIOC who first self-identify as transgender or intersex while placed at one of these sites shall be evaluated on a case-by-case basis for continued placement.

IV. Placement Review

- A. Facility and housing assignments shall be made on a case-by case basis, considering PIOC health and safety as well as potential programming, management and security concerns. PIOC own views regarding safety shall be given careful consideration.
- B. Placement and programming assignments shall be reassessed at a minimum of every six months in a reclassification hearing and shall include a review of any threats to safety experienced by PIOC.
1. The assigned OCS shall document in the WICS current offense description box: DAI Policy 500.70.27 applies to the management of this PIOC with the requirement for classification review every six months.
 2. In the reclassification pre-hearing, the assigned social worker/treatment specialist shall inquire about PIOC perception of safety in housing and programming assignments and document the response in the Reclassification Report (if response reflects significant safety risk, notify security supervisor).
- C. When recommending transfer of a transgender or intersex PIOC, BOCM and/or the classification committee shall recommend a single approved transgender or intersex site. Temporary sites may be used for transportation purposes.
- D. Placement may occur at any approved site for transgender and intersex PIOC. For placements at minimum-security sites or correctional centers, PSU staff shall document on DOC-3474 whether PIOC require a single cell.
- E. BOCM shall advise PSU staff at their site of a scheduled transfer prior to the transfer.
- F. PSU staff from a sending site shall notify PSU staff at the receiving site prior to the transfer of a transgender or intersex PIOC. PSU staff at the receiving site shall make notifications to appropriate staff within their own facility including Security Director, Deputy Warden and Warden/Superintendent.

DAI Policy #: 500.70.27	New Effective Date: 05/29/24	Page 8 of 12
Chapter: 500 Health Services		
Subject: Transgender Management and Care		

- G. Transgender PIOC who have completed vaginoplasty or phalloplasty shall be placed in a facility consistent with the surgical procedure. Designated staff shall ensure PIOC reassignment is updated in WICS under Special Handling.
- H. Transgender PIOC who are pre-operative (have not completed vaginoplasty or phalloplasty) may request placement in a facility consistent with gender identity as described in DAI 500.70.26.
- I. PIOC who are pre-operative and who are placed at a facility consistent with gender identity per 500.70.26 shall be reviewed by the Transgender Committee to make recommendations about the gender of staff members who conduct strip searches, witness UA samples and are present during off-site transportation.
- J. For the purposes of facility placement, self-inflicted changes to genital anatomy do not constitute gender affirmation surgery and do not qualify PIOC for placement in a different facility.
- K. A transgender or intersex PIOC shall not be placed in RH on the basis of their gender identity.

V. Medical and Psychological Treatment for Gender Dysphoria (GD)

- A. Not all transgender PIOC will need medical or psychological care that pertains to gender issues. PIOC who require this care will generally have a clinical diagnosis of GD.
- B. Patients diagnosed with GD shall have access to clinically appropriate treatment options that may include:
 - 1. Psychological treatment that addresses ambivalence and/or dysphoria regarding gender and assists in better adjustment to incarceration.
 - 2. Appropriate psychiatric care.
 - 3. Hormonal or surgical treatment, in the circumstances described below.
 - 4. Other treatment determined to be medically necessary.
- C. Established Hormone Treatment
 - 1. A patient who is receiving hormonal medication at the time of DAI intake may be continued on hormonal medication, provided the following conditions are met:
 - a. The hormones represent an established treatment that has been prescribed under the supervision of a qualified physician.
 - b. The patient cooperates with DOC staff in obtaining written records or other necessary confirmation of his or her previous treatment.
 - c. DOC health care staff determine the hormones are medically necessary and not contraindicated for any reason.
 - 2. Hormonal therapy shall be managed by a DOC physician and/or medical consultant.

DAI Policy #: 500.70.27	New Effective Date: 05/29/24	Page 9 of 12
Chapter: 500 Health Services		
Subject: Transgender Management and Care		

3. If a patient chooses to discontinue hormonal medications while incarcerated and then wishes to restart hormonal medications, the Mental Health Director shall evaluate the request, review the request with the Transgender Medical Consultant as needed and make a determination.

D. New Hormonal or Surgical Treatment

1. Health care staff who receive an initial request from a patient for hormonal therapy or surgical procedures shall forward the request to the PSU Supervisor.
2. The PSU Supervisor shall assign a member of the PSU staff to conduct an initial evaluation to help determine whether a GD diagnosis is appropriate and whether a more specialized evaluation is needed. The initial evaluation shall include:
 - a. A summary of mental health history in the community.
 - b. A summary of mental health history within the DOC, including emotional and behavioral stability and treatment adherence.
 - c. The patient's report of GD issues and what type of transition services are being requested.
 - d. A description of prior medical or mental health treatment records related to GD, when present.
 - e. Observations of housing unit staff, when relevant.
 - f. Current mental status.
 - g. Current diagnoses. Comment on any significant differences from psychiatry diagnoses. A diagnosis of Gender Dysphoria may be assigned, not assigned or deferred.
3. The patient shall cooperate with DOC staff in obtaining written records or other necessary confirmation of previous treatment, when available.
4. The PSU staff member shall submit their report to the Mental Health Director, who shall review the PSU report and determine whether further review and/or evaluation from an outside consultant is needed to assist with determining the most appropriate and necessary treatment to meet the patient's needs.
5. If an outside consultant is utilized, the consultant shall forward a written report with recommendations to the Mental Health Director for review.
6. The Mental Health Director may review the consultant's recommendations for hormonal or surgical treatment with treating PSU or medical staff, the Medical Director or Transgender Committee for further input.
7. Recommendations from outside consultants are not binding on the DOC; the Bureau of Health Services has the authority and responsibility to determine what constitutes a patient's necessary medical care.
8. If new information becomes available that would significantly affect an earlier recommendation (e.g. prior treatment records become available), the Mental Health Director may request a new evaluation or reconsider prior treatment decisions.
9. For surgical interventions:

DAI Policy #: 500.70.27	New Effective Date: 05/29/24	Page 10 of 12
Chapter: 500 Health Services		
Subject: Transgender Management and Care		

- a. Eligible, medically necessary procedures may include genital and chest surgeries.
- b. If the outside consultant supports moving ahead with a proposed procedure, they shall write the conclusions of the report in a format consistent with a Letter of Readiness as described in WPATH standards, or in a format as recommended or required by local surgical clinics that specialize in the procedure.
- c. The Mental Health Director shall arrange for a second outside consultant to evaluate for a second Letter of Readiness if two letters are required by local surgical clinics that specialize in the requested procedure.
- d. Wait times for scheduling surgical consultations and procedures at community clinics are outside the control of the DOC. Incarcerated patients are placed in the same scheduling queues as individuals residing in the community. If proposed procedures are scheduled past an individual's release date, the DOC will assist in transition planning to the extent possible.

VI. Release Planning

For PIOC who will be on community supervision upon release, PSU staff shall inform PIOC agent of the PIOC transgender status 60 days prior to release and make recommendations regarding appropriate conditions of supervision in the community.

VII. Transgender Committee

- A. Membership includes BHS Director, Medical Director, Mental Health Director, GD Medical Consultant, Psychology Director, Psychiatry Director, DCC Psychology Manager, PREA Director, Nursing Director, DAI Security Chief, Warden or Deputy Warden and others as deemed appropriate.
- B. Members may preside at the meetings to exercise guidance or direction regarding transgender practices and policies, including health care, accommodations and property. The committee and any presiding member shall have advisory powers only.
- C. The committee does not have any collective responsibilities, authority, power and duties vested in the body as a whole, distinct from the individual members.
- D. A representative from the Office of Legal Counsel may attend meetings to provide legal advice.

DAI Policy #: 500.70.27	New Effective Date: 05/29/24	Page 11 of 12
Chapter: 500 Health Services		
Subject: Transgender Management and Care		

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number:	Page 12 of 12
New Effective Date: 00/00/00	Supersedes Number:	Dated:
Chapter: 500 Health Services		
Subject: Transgender Management and Care		
Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES

DEFINITIONS, ACRONYMS, AND FORMS

FACILITY PROCEDURE

I.

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

II.

- A.
- B.
- C.