
 <p>State of Connecticut Department of Correction</p> <p>ADMINISTRATIVE DIRECTIVE</p>	Directive Number 8.17	Effective Date 02/13/18	Page 1 of 6
	Supersedes New Directive		
Approved By  Commissioner Scott Semple	Title Gender Non-Conforming		

1. Policy. The Connecticut Department of Correction shall identify, diagnose, treat and manage inmates who identify as gender non-conforming, and/or who have an intersex condition. The Department of Correction will manage these populations in a manner consistent with accountability, safety and security, in a safe, humane, correctional environment, sensitive to their unique adjustment issues and consistent with the Department's core values, vision, and mission.

2. Authority and Reference.

- a. Connecticut General Statutes, Sections 18-81cc, 46a-51, 46a-58 46a-71.
- b. 42 U.S.C.156.01 et.seq. Prison Rape Elimination Act of 2003.
- c. Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (DSM-V).
- d. Administrative Directives 2.2, Sexual Harassment; 2.7, Training and Staff Development; 2.17, Employee Conduct; 6.12, Inmate Sexual Abuse/ Sexual Harassment Prevention and Intervention Policy; 6.7, Searches Conducted in Correctional Facilities; 8.1, Scope of Health Services; 8.5, Mental Health Services; 8.9, Health Services Review; 9.3, Inmate Admissions, Transfers and Discharges 9.4, Restrictive Status; 9.7, Offender Management; and 9.9, Protective Management.

3. Definitions and Acronyms. For the purposes stated herein, the following definitions and acronyms apply:

- a. Cisgender: an adjective used to describe a person whose gender identity and gender expression align with sex assigned at birth.
- b. DSM-V: Diagnostic and Statistical Manual of Mental Disorders, 5th edition. This manual is used by mental health professionals to diagnose mental disorders.
- c. Gender: A socially constructed concept classifying behavior as either "masculine" or "feminine," unrelated to one's external genitalia.
- d. Gender Dysphoria: A DSM-V diagnosis defined as marked incongruence between one's experienced and/or expressed gender and biological gender.
- e. Gender identity: A person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity, or not being asserted for an improper purpose.
- f. Gender non-conforming (GNC): Gender identity and/or expression that does not conform to those typically associated with a person's biological sex.
- g. Gender Non-Conforming Management Plan (GNCMP): Management plan approved by the Commissioner and/or designee based on recommendations of the Gender Non-Conforming Review Committee, addressing the unique management needs of an individual identifying as gender non-conforming, and/ or having an intersex condition.
- h. Gender Non-Conforming Review Committee(GNCRC): A multi-disciplinary team appointed by the Commissioner of Correction and/or designee tasked with providing consultative assessment and review of all treatment plans and custody related management of inmates identifying as gender non-conforming and/or who have intersex conditions.
- i. Gender Non-Conforming Supervision Group (GNCSG): A multi-disciplinary group that provides supervision to persons providing direct care and/or custodial management

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for inmates identifying as gender non-conforming and/or persons with an intersex condition.

- j. Intersex: A person who's sexual or reproductive anatomy or chromosomal pattern does not fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as Disorders of Sex Development.
 - k. Transgender: A person whose gender identity (i.e., internal sense of feeling male or female) is different than the person's assigned sex at birth.
 - i. Transgender female: A person whose birth sex was male but who understands herself to be, and desires to live her life, as a female.
 - ii. Transgender male: A person whose birth sex was female but who understands himself to be, and desires to live his life, as a male.
4. Intake Screening. Upon intake to the CTDOC, an inmate who identifies as or is known to identify as gender non-conforming, or having an intersex condition will be assessed for placement. This initial assessment, by custody, will be based on the safety and security of the inmate, inmate population and staff at the respective facility. If this assessment can be completed prior to entry into the DOC as a new intake, the sending agency can transport the inmate to the appropriate facility. In the intake facility receives an inmate believed to be intersex or gender non-conforming without forewarning from the Judicial Marshalls, other Law Enforcement Agency, or other sources, the receiving facility shall accept the inmate and the Unit Administrator will notify the appropriate District Administrator and a CN 81701, Referral for Gender Assessment will be initiated by the custody staff completing the PREA screen or the staff person to whom the inmate discloses as being gender non-conforming or as having an intersex condition and submitted to the unit supervisor for completion. The unit supervisor shall complete the referral form and submit to the Unit Administrator. The Unit Administrator shall forward within seventy-two hours of receipt to the CTDOC Chief Mental Health Officer or designee.
- a. Upon receipt of the inmate at the designated DOC facility, the inmate will be secured in a cell with no other inmates until processed by custody and assessed by medical in accordance with Administrative Directive 9.3, Admission, Transfers and Discharges, and Administrative Directive 8.1, Scope of Health Services. The inmate shall not be medically or physically examined for the sole purpose of identifying the inmate's gender. In the event the inmate's status this has not been previously determined by the sending agency for appropriate housing/facility, the inmate will be housed separately based on classification needs, safety and security, and other risk needs until the Gender Non-Conforming Review Committee (GNCRC) is consulted.
 - i. During orientation phase, or until the appropriate facility has been determined, the current facility housing the inmate shall:
 1. In accordance with Administrative Directive 9.3, Inmate Admission, Transfers and Discharges house inmate separately (while assessments are occurring), allowing for inmate to participate in any orientation, recreation, and out of cell time with the rest of the population in accordance with the rules of that unit.
 2. Afford the inmate the opportunity to shower separately from other inmates.
 3. Determine the preferred gender of the officer who will conduct pat and/or strip searches.
 - a. In making this determination, the facility shall take into account the inmate's gender preference, facility needs, and safety and security.
 - i. This preference will be considered during routine non-emergency pat/strip searches. In the event of an emergent situation, safety and security of the inmate, the inmate population and the facility will take priority.
 4. Determine programming and housing assignments based on the facility's PREA Compliance Manager's recommendations.

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- a. Upon completion of the Gender Dysphoria Assessment or for other custodial reasons, programming and housing assignments may change.
 - ii. Staff are to maintain the privacy and confidentiality of inmates identifying as gender non-conforming and/or having an intersex condition, to the fullest extent possible while also ensuring the safety and security of the facility. Only that information which is needed for staff to perform their specified job duties will be shared.
 - 1. Inmates will not be discriminated against due to their gender identity and/or intersex condition and will be afforded the same treatment and protection as any cisgender inmate.
 - a. In accordance with Administrative Directive 2.2, Sexual Harassment and Administrative Directive 2.17, Employee Conduct, there is a zero tolerance for any form of harassment by any staff, vendor, visitor or inmate. Any substantiated incidences of harassment may result in disciplinary action.
5. Identification and Diagnosis of Inmates with Gender Dysphoria and/or Intersex related conditions. Upon admission to the CTDOC, or at any other time during an inmate's incarceration, if the inmate either self-identifies as being gender non-conforming or is referred as possibly having Gender Dysphoria, a CN 81701, Gender Non-Conforming Referral Form shall be initiated by the staff person whom the inmate discloses such information or by any staff member that wants an inmate evaluated for Gender Dysphoria. The initiated CN 81701, Gender-Conforming Referral Form shall be submitted to the unit supervisor for completion. Once the unit supervisor completes the CN 81701, Gender Non-Conforming Referral Form, the referral shall forward the completed form to the Unit Administrator. The Unit Administrator shall forward within seventy-two hours of receipt to the CTDOC Chief Mental Health Officer or designee.
- a. Upon intake, if the inmate who self identifies as being gender non-conforming, reports that they had been receiving current gender affirming care in the community, confirmation of such treatment and/or medications be obtained in accordance to Administrative Directive 8.1, Scope of Health Services. The intake clinician will seek the inmate's authorization for the appropriate Release of Information (ROI) to obtain relevant medical records from outside medical providers.
 - i. If the inmate refuses to authorize a Release of Information for current treatment providers, the individual will be educated that the provision of the inmate's current treatment may be changed or discontinued following a complete medical assessment by a licensed physician or APRN (including lab work and any other diagnostic assessment suggested by the provider).
 - ii. If the inmate reports taking non prescribed gender affirming hormones prior to incarceration, a referral will be made to have the contracted health care provider's licensed physician or APRN evaluate the inmate within 3 business days.
 - b. Upon receipt of the CN 81701, Gender Non-Conforming Referral Form, the CTDOC Chief Mental Health Officer or designee shall schedule a face to face interview with the inmate. The interview shall occur within ten (10) business days from the receipt of the CN 81701, Gender Non-conforming Referral Form. The purpose of the interview is to assess and determine if the inmate meets the criteria outlined in the DSM-V for a diagnosis of Gender Dysphoria.
 - c. All inmates who meet the DSM V criteria for Gender Dysphoria will be referred to a licensed physician or APRN and facility psychologist for an evaluation to discuss possible medical and psychological interventions. All medical and mental health services, relating to gender non-conforming care, provided by the healthcare employee shall be in accordance with Administrative Directives 8.1 Scope of Health Services and 8.5 Mental Health Services.
 - i. In the event the inmate is seeking gender affirming hormone care, and has a medical contraindication(s) that prevents gender affirming hormone care, the inmate will be informed by the medical provider the reason for the

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contraindication(s) and the CTDOC Chief of Mental Health Officer or designee shall be notified and provided with the identifying contraindication and all supporting data.

- d. If the identified inmate does not meet DSM-V criteria for a diagnosis for Gender Dysphoria following the initial interview, a qualified mental health clinician within the CTDOC Health and Addiction Services Unit who was not involved in the initial interview of the inmate, will conduct a secondary interview within five (5) business days of the initial interview.
 - i. If the interviewers cannot agree on the diagnosis, the inmate will be given a provisional diagnosis of Gender Dysphoria, which will be reviewed within six (6) months for diagnostic clarification.
 1. If an inmate disagrees with the diagnosis that was determined by the CTDOC Chief Mental Health Officer or designee, then the inmate will have the opportunity to file a Health Services Administrative Remedy form in accordance with Administrative Directive 8.9, Health Services Review.

6. Gender Non-Conforming Review Committee (GNCRC) The Gender Non-Conforming Review Committee (GNCRC) is a multi-disciplinary group that shall provide recommendations regarding custodial management as it relates to inmates identifying as gender non-conforming and/or who have an intersex condition.

- a. The GNCRC will be chaired by a designated member of the Health Services Unit as directed by the Chief Operating Officer. The chair shall identify committee members as appropriate to include CTDOC staff, healthcare staff and any other subject matter experts deemed appropriate.
 - i. Member participation will vary and depend on the individualized needs of the inmate for whom the management plan is being developed.
- b. Following completion of a Gender Dysphoria Assessment, the GNCRC will communicate develop CN 81702, the Gender Non-Conforming Management Plan (GNCMP) within 14 business days and will submit to the Commissioner and/or designee, for review.
- c. The CN 81702, Gender Non-Conforming Management Plan-Executive Review will be kept in the inmate master file and health record and will only be distributed to individuals who need to know the information contained therein.
- d. GNCRC will meet, at a minimum, bi annually to review all existing GNCMP(s).
- e. GNCRC will review this directive annually, to ensure it supports current community standards.

7. Gender Non-Conforming Supervision Group (GNCSG). The Gender Non-Conforming Supervision Group (GNCSG) shall be composed of identified members of the GNCRC who will provide oversight and direction for the staff who provide direct care to inmates identifying as gender non-conforming and/or having intersex conditions. The GNCSG will meet at a minimum quarterly to discuss any and all related care or custodial management issues.

- a. Each Unit Administrator Regional Chief Operating Officer shall ensure that a staff member who provides direct care or custody oversight of an inmate identifying as gender non-conforming and/or having an intersex condition are present at each meeting to discuss individualized care.

8. Administrative Review and Override of the GNCRC Recommendations. For each GNCMP provided by the GNCRC, a final Administrative Review will be completed within Fourteen (14) business days of the GNCRC recommendation.

- a. Once the Commissioner and/or designee makes the final determination and approves the CN 81702, Gender Non-Conforming Management Plan-Executive Review, the Commissioner and/ or designee, shall send the approved GNCMP to the GNCRC, the facility specific Unit Administrator and the respective District Administrator to develop an implementation plan and the Unit Administrator or designee shall have the inmate sign the CN 81703, Gender Non-Conforming Management Plan.
 - i. If the Commissioner and/or designee reviews the GNCRC's recommendations and denies the proposed recommendations, either by any line item or in its entirety, the Commissioner or designee shall direct the CTDOC Chief Mental

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Health Officer and/or the GNCRC to recommend an alternative management plan within ten (10) business days.

1. Once an alternative plan is established, the GNCRC shall complete the review process identified in section (6) of this directive until a full GNCMP plan is approved.
 - b. A copy of the approved CN 81703, Gender Non-Conforming Management Plan shall be given to the inmate, kept in the inmate's master file and kept in the inmate's Health Record.
9. Inmate Classification. Any inmate who has a CN 81701, Gender Non-conforming Referral Form completed shall have a mental health evaluation completed within 3 days of that form submission to assess the inmate's current mental health needs score. Upon completion of the Gender Dysphoria Assessment, the MH level will be reevaluated and changed if clinically indicated.
- a. Once a GNCMP is approved, a special management field of the inmate's RT50 screen shall identify the existence of a GNCMP.
10. Transfers.
- a. Inter-facility transfers. Any and all inter-facility transfers shall be in accordance with Administrative Directive 9.3, Inmate Admissions, Transfers and Discharges. Whenever possible, prior to an inter-facility transfer occurring, the GNCRC shall be notified via email by population management for the purpose of providing consultation with the receiving facility to ensure the GNCMP can be executed at the receiving facility.
 - b. Planned Community transfers. The GNCRC may be notified via email by either the Community Release Unit (CRU) or Parole and Community Services (PCS) staff for the purpose of providing consultation for any and all planned community transfers, including inmates under active parole supervision.
11. Restrictive Status, Code of Penal Discipline and Protective Management.
- a. All inmates shall abide by Administrative Directives 9.4, Restrictive Status; 9.5, Code of Penal Discipline; and 9.9, Protective Management; however no inmate shall be subjected to the provisions of these directives based solely on being diagnosed as having Gender Dysphoria, identifying as gender non-conforming or having an intersex condition.
12. Commissary Items. Upon entry into any facility, any inmate may order commissary from the commissary list for that identified facility. Once the diagnosis of Gender Dysphoria is made, any alternate commissary will be identified as part of the inmates GNCMP. All approved commissary items/ property will be in accordance with Administrative Directive 6.10, Inmate property.
13. Discharge Planning. Any and all discharge planning will be in accordance with Administrative Directive, 9.3 Admissions, Transfers and Discharges. The GNCRC will be available for consultation if requested.
14. Training. Within two years from the effective date of this directive, direct contact employees shall be trained in providing gender responsive care for the gender non-conforming person.
- a. Pre-Service Training. A gender responsive curriculum shall be part of the training program for all new Department employees with direct inmate contact in accordance with Administrative Directive 2.7, Training and Staff Development.
 - b. In-Service Training. Direct contact employees shall be required to participate in training at the interval determined by the Director of the Maloney Center for Training and Staff Development (MCTSD) and, when appropriate, by the training division of the DOC contracted healthcare provider in consultation with MCTSD.

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15. Forms and Attachments. The following forms are applicable to this Administrative Directive and shall be utilized for their intended function.

- a. CN 81701. Gender Non-Conforming Referral Form.
- b. CN 81702. Gender Non-Conforming Management Plan-Executive Review.
- c. CN 81703. Gender Non-Conforming Management Plan.

16. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner.