

Transgender/Gender Diverse Inmates

Guiding principles for working with
Transgender/Gender diverse inmates in BC.

The purpose of this document is to provide information for staff to reference to ensure services provided to transgender/gender diverse inmates are consistent with BC Corrections Policy and the international standards of care as outline by the World Professional Association for Transgender Health (WPATH)

Transgender/Gender Diverse Inmates

Guiding principles for working with Transgender/Gender Diverse inmates in BC.

Definitions/Terminology

The terminology used to communicate is very important to create a respectful culture for all involved. The exact terms used at any point by an individual are much less important than upholding the principles of safety, dignity and respect.

It is important to remember that people in custody who fall within the scope of this policy may describe their gender identities and experiences in very diverse ways. This may be because they may be uncomfortable or unfamiliar with certain terms, or because they may be influenced by their beliefs about what explanation may get them the most acceptance within prison.

In this document, unless otherwise specified, the term **Trans** is used as an umbrella term meant to include all gender identities other than cisgender (see below for a definition of cisgender).

Sex refers to a person's status as male, female, or intersex based on biological and physiological characteristics. Sexes

Adult Custody Policy – 4.10

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BC Corrections recently updated policy related to transgender inmates.

The adult custody policy now more clearly incorporates the principles of administrative fairness as they relate to placement considerations for transgender inmates.

Sec 4.10.3 of the policy outlines the search protocol to be employed for transgender inmates.

In addition, sec 4.10.8 of the policy outlines specific parameters around shared accommodation as it relates to housing transgender inmates.



are usually assigned at birth based on simple visual inspection of the genitals of a new-born baby.

Gender refers to a person's status as a man or boy, woman or girl, transgender person, non-binary person, and may also include Two-Spirit persons (definition in this section). Genders are usually assigned at birth on the assumption that males will be boys and that females will be girls.

Gender identity refers to a person's deeply felt intrinsic sense of their own gender.

Gender expression refers to how a person enacts gender in their everyday life. There are many reasons why a person may not feel that it is safe to express their gender identity in certain circumstances. Thus, a person's gender expression may, or may not, be a good representation of their gender identity.

Social gender is the gender in which a person lives their everyday life. A person's social gender may, or may not, express their gender identity. Similarly, it may, or may not, match what would typically be expected on the basis of their sex or gender assigned at birth.

Cisgender refers to people whose current sex and gender identities match the ones they were assigned at birth.

The gender binary refers to the idea that there are only two genders, men and women, and the expectation that everyone has to be one or the other.

Non-binary gender identities are adopted by people who reject the idea of the gender binary. They may identify as partially a man and partially a woman, or identify as sometimes a man and sometimes a woman, or identify as some gender other than a man or a woman, or as not having a gender at all. They most commonly use the pronouns they/them/their instead of he/him/his or she/her/hers. Some non-binary people consider themselves to be trans or transgender; some do not because they consider transgender to be part of the gender binary. The shorthand NB is sometimes used as a descriptor for non-binary.

Two-Spirit is an English-language term adopted by North American Indigenous peoples to communicate a broad range of identities used in Indigenous communities. Each Indigenous language has its own specific terms and nuanced cultural meanings. Two-Spirit can encompass any kind of gender identity or sexual orientation other than cisgender and heterosexual. Some



people identify only as Two-Spirit. Some people identify as Two-Spirit and also lesbian, or gay, or bisexual, or transgender, or non-binary. Only Indigenous people should call themselves Two-Spirit.

Gender nonconformity refers to the extent to which a person's gender identity or gender expression differs from what is typically expected for people assigned a particular sex or gender at birth.

Transgender or **Trans** are umbrella terms used to describe people whose gender identities and/or gender expressions are not what is typically expected for the sex and gender to which they were assigned at birth. It should always be used as an adjective (as in "trans people") and never as a noun (do not call people "transgenders") and never as a verb (do not say that someone transgendered).

Gender dysphoria is a medical diagnosis. It describes distress, unhappiness and discomfort experienced by someone when their physical body and the gender they were assigned at birth does not match their gender identity.

Transition refers to procedures that people use to change from living as the gender they were assigned at birth to living as a gender that better matches their gender identity. People may transition only socially by using methods such as changing their name, clothing and accessories, hair styles, and/or the ways that they move and speak. Prosthetics, hair-pieces/wigs, and/or chest-binders may also be used. Transitioning may also involve using hormones and/or surgeries to alter a person's physical body.

Transfeminine refers to anyone who was assigned male at birth and does not identify as a man. Transfeminine people may identify as trans women, as non-binary, or as Two-Spirit.

Transgender Women or Trans Women are individuals who were assigned male at birth but who have gender identities as women. They may, or may not, have undergone any transition.

MTF or Male-to-Female are older terms that are falling out of use.

Crossdressers are people who usually identify as heterosexual men and who dress as women on a part-time basis. When crossdressing is accompanied by sexual arousal, a medical diagnosis that is sometimes applied is **Autogynephilia**. Many crossdressers identify as transfeminine and/or non-binary. An older and mostly abandoned term for the phenomenon is **Transvestite**. A small proportion of crossdressers undertake transition later in life.



Transmasculine refers to anyone who was assigned female at birth and does not identify as a woman. Transmasculine people may identify as trans men, as non-binary, or as Two-Spirit.

Transgender Men or Trans Men are individuals who were assigned female at birth but who have gender identities as men. They may, or may not, have undergone any transition.

FTM or Female-to-Male are older terms that are falling out of use.

Transsexual is an older term that refers to people who move, or wish to move, from one side of the gender binary to the other. Transsexual people most often seek to change their bodies through medical interventions including hormones and surgeries. The term is often preferred by many people who have undergone comprehensive medical transitions.

Tranny is an older term for trans people and is considered derogatory today when used by cisgender people.

Overview:

BC Corrections consistently endeavors to ensure that every staff member, volunteer and inmate is treated with dignity and respect. In 2015, Ontario became the first Canadian province to create and implement policies related to the needs of transgender inmates. Shortly afterwards, in British Columbia, BC Corrections created and implement similar policies. Most recently, BC Corrections published a revised version of sec 4.10 *Transgender Inmates, Adult Custody Policy*, in September 2018. The purpose of this policy is to ensure that trans-inmates receive respect, support and fairness while in custody at provincial correctional centres. This policy will be subject to periodic reviews to assess effectiveness and inform revisions that are consistent with a progression in trans-care services.

This guide has been created to augment the policy with recommended best practices as informed by academic articles, international transgender advocacy organizations, and human rights commissions. The principles outlined in this guide are suggested best practices that support the specific health and safety needs of the transgender population incarcerated in a provincial correctional centre.

Overall policy and practices concerning transgender and gender diverse inmates will be overseen by the deputy provincial director of BC Corrections' Adult Custody Division, and the Medical Director of Correctional health Services. An analyst from the headquarters division will assist in facilitation of training, consultation, and support to front line staff. As noted in the placement portion of this guide and as outlined in sec 4.10.4 *Transgender Inmates, Adult Custody Policy*, all decisions related



to the placement of transgender inmates who have requested a placement review are made by the multi-disciplinary committee. This committee is made up of correctional and health professionals. Decisions are communicated to inmates according to sec 4.10.4 *Transgender Inmates, Adult Custody Policy*. Transgender inmates will have the same classification and placement options and the same access to services and programs as all other inmates in the custody of BC Corrections.

Establishing Gender Identity

BC Corrections acknowledges the individual's right to self-identify as transgender. Transgender inmates are to be managed according to their self-identified gender in all stages of incarceration to provide non-discriminatory, safe and secure management. This includes the use of pronouns and naming conventions as informed by the inmate.

Inmates should be managed according to the gender with which they identify at the time of their incarceration regardless of how they identified their gender in previous periods of incarceration, or prior to incarceration.

It is recognized that a transgender inmate may change their identity during a period of incarceration. This may be attributed to the inmate not self-identifying as transgender upon intake because of fear that they may be subjected to physical harm or ridicule from other inmates or staff, or from previous negative experiences.

Staff will not physically examine a transgender inmate for the sole purpose of determining the inmate's genital status. Gender identification may be determined during conversations with the inmate or by speaking with health care services.

Confidentiality

Information about a transgender inmate's gender identity is highly sensitive information with potentially serious safety and security consequences. Steps are taken to maximize the privacy and confidentiality of any information related to an inmate's gender identity.

Information about an inmate's gender identity should only be shared with those directly involved with the inmate's care, and only when relevant. Staff should never reveal information about an inmate's gender reassignment to other inmates without the permission of the transgender inmate concerned.

Inmates have the right to know what information about their gender identity is shared with sub-contractors and other agencies. Information should only be shared according to the allowable provisions with the *Freedom of Information and Protection of Privacy Act (FOIPPA)*.

Any questions or concerns regarding the interpretation of FOIPPA can be directed to the Privacy and High Risk Notification Analyst at BC Corrections headquarters.

Assessments

Standardized risk assessments are completed for all inmates as per Adult Custody policy. It is acknowledged that transgender inmates may be at an increased vulnerability to be victimized by other inmates and as such appropriate considerations should be made during the initial placement process.

As per sec. 4.10.4 *Transgender Inmates: Adult Custody Policy*, case managers meet within 5 days of any specific placement request made by a transgender inmate to discuss preliminary placement plans. An admission questionnaire has been created to assist case management officers when making interim placement decisions related to a transgender inmate (See Appendix).

An assessment of all available housing options should be completed for transgender inmates. Housing in voluntary segregation is considered when it has been determined there are no other options available. Segregation should not be exclusively relied on to ensure safety of vulnerable transgender inmates.

Searches

Transgender inmates are provided the opportunity to state their preferred gender of the correctional staff responsible for conducting searches. This applies to pat frisk and strip searches. If a split search as defined in section 4.10.3 ACP is elected, the inmate is to be provided the opportunity to choose which body parts are to be searched by whom.

Except in emergencies or when operationally impossible, searches of transgender inmates are to be conducted by officers of the gender chosen by the inmate.

Individualized search protocols for transgender inmates should be discussed during private consultation with the inmate and correctional supervisor. During this private consultation the inmate should be sensitively asked about any gender expression personal items such as prosthetics (pant stuffer, gaff), wigs or chest-binders so the officer may inform the inmate of the expectation that the item will be have to be removed during the search process. The officer may also choose at this point to advise the inmate that the identified item will also be searched to ensure it has not been tampered with. Items are to be returned to the inmate unless there are safety and security concerns noted.

Any physical variation due to gender transitioning that is encountered during a search should be responded to in a similar professional and respectful manner as would be done with a physical variation encountered due to a disability.

Case Management

When inmates identify themselves as transgender or gender diverse, case management officers ensure the inmate is made aware of sec. 4.10 of *Adult Custody Policy* and the provisions within as they apply to the inmate. The inmate is invited to participate in identifying their needs that fall outside of the scope of the current policy. Correctional staff attempt to assist the inmate in meeting any identified needs without jeopardizing the safety and security of other inmates, staff and the centre overall.

Center based case managers should be identified to the inmate upon intake. Periodic dialogue should occur between the inmate and the case managers to assist with identifying programming and release planning needs. Correctional Health Services should be invited to provide input relating to the case management needs of the inmate.

Monthly case conferences occur with the multi-disciplinary committee for each identified transgender inmate. Correctional case managers and Correctional Health Services staff are invited to participate in the monthly case conference calls and should contact the deputy warden responsible for offender management to participate. The case manager may choose to invite the inmate to participate in the monthly case conference calls specific to that individual.

Monthly case conference calls are used to discuss case management issues relevant to the identified inmate and occur with the intention of increasing responsiveness to the needs of this population. Information discussed during case conference calls is confidential and is only disclosed according to the *Freedom of Information and Protection of Privacy Act*.

Services

Transgender inmates are provided with the same access to services and programs as other inmates.

Sec. 4.10.6 of *Adult Custody Policy* outlines permitted effects for transgender inmates. Transgender inmates are permitted access to institutional underclothing consistent with the gender they wish to express and are permitted to order canteen items that support their gender expression unless there are safety and security reasons as determined by the warden.

Personal items may be requested to express gender. Individuals are permitted to retain these items, both in the correctional centre and upon release or transport between centres, unless there are safety and security reasons as determined by the warden.

When health reasons are identified as the basis for the request for personal items, correctional staff consult Correctional Health Services.

Transgender inmates will be given access to shower and toilet facilities separate from cis-gender inmates for safety and privacy purposes.

Health Management

Custody centres have a responsibility to ensure the physical and mental health and well-being of all inmates in their custody. The following principles are influenced by the National Commission on Correctional Health Care and guide correctional health professionals in addressing the needs of transgender patients:

- Since transgender/gender diverse individuals are common targets for violence, health care staff should work with custody staff to ensure that appropriate safety measures are taken.
- Medical screening should include inquiries about an individual's gender identity, and sexual activity;
- Confidential HIV and STI testing and care should be provided to all patients;
- Gynecological and obstetrical care should be provided when indicated;
- The management of medical transgender care should follow accepted World Professional Association for Transgender Health standards of care developed by professionals with expertise in transgender health. Determination of treatment necessary for transgender patients should be on a case-by-case basis.
- Transgender patients should have access to professionals with expertise in transgender care to help determine appropriate management and provide training on gender-related care;
- Medical treatment should be made available to all transgender patients as needed regardless if the inmate was receiving treatment prior to admission;
- Transition and/or maintenance treatment should not be restricted or limited;
- Mental health evaluations that assess an array of mental health issues, including those related to gender identity should be provided;
- Counselling should be provided to patients who are experiencing or have experienced sexual trauma;
- Medical staff should ensure that canteen items consistent with an individual's gender identity are available;
- Transgender patients who received hormone therapy, with or without a prescription, prior to incarceration should have that therapy continued without interruption pending evaluation by a specialist. Hormone therapy should not be discontinued suddenly as this will likely cause depression and anxiety.
- Transgender patients who have not received hormone therapy prior to incarceration should be evaluated by a health care provider qualified in the area of gender-related health care to determine their treatment needs;
- When determined to be medically necessary for a particular patient, hormone therapy should be initiated and regular laboratory monitoring should be conducted according to community medical standards;
- Treatment for genital self-harm or for complications arising from self-treatment should be provided when medically necessary;
- Transgender patients should have access to services that assist in addressing self-acceptance.



- Transgender patients should be provided with patient education materials on treatments and transitioning.
- Transgender patients receiving hormone therapy should receive a sufficient supply upon release to last until a community provider assumes care. Referrals should be made to community-based organizations with sensitive and inclusive services for transgender people.

All questions or concerns regarding the medical needs of transgender inmates should be directed to the Correctional Health Services manager.

Placement/Housing

Transgender inmates are to be placed in a correctional centre on a case-by-case basis with consideration of individual factors such as their self-identified gender, housing preference, nature of current offence, criminal history, risk of victimization, and custodial history.

As per sec. 4.10.4 of *Adult Custody Policy*, a transgender inmate may be accommodated by a transfer to a different institution or they may be accommodated within the institution where they are admitted if appropriate services and accommodation can be provided. Each transgender inmate should be involved in the decision-making process about their placement and housing. Transgender inmates' own views on their safety should be given consideration.

When a transgender inmate submits a request for transfer, an individualized assessment is required to determine appropriate placement. The request is to be forwarded to the deputy warden of offender management and the multi-disciplinary committee for review. The provincial director of adult custody, the director of mental health services and Correctional Health Services are informed of the request.

The multi-disciplinary committee will review the request and communicate a decision in writing to the inmate within 30 days or sooner.

Sec. 4.10.8 of *Adult Custody Policy* notes that a transgender inmate who is housed according to their sex assigned at birth is not required to share a cell with a cisgender inmate.

A trans woman who has not undergone gender affirmation surgery and is housed in a female institution, will not share a cell with a cisgender female, unless the warden, or designate, has assessed that a shared cell is sufficiently safe and provides sufficient privacy for both the transgender and cisgender inmate.

A trans man who has not undergone gender affirmation surgery and is housed in a male institution, will not share a cell with another cisgender inmate, unless the warden, or designate, has assessed that a shared cell is sufficiently safe and provides sufficient privacy for both the transgender and cisgender inmate.

If a transmasculine inmate in a male institution is living as a man without gender affirmation surgery and requests to be placed in a female institution due concerns about sexual assault risk, then he should



be kept out of association of other inmates until such time a case conference occurs with the case manager, deputy warden and director of mental health.

Whenever possible trans inmates should be integrated into the general population and not isolated based on gender unless there are overriding health and safety concern that cannot be resolved.

Concerns related to the placement of trans inmates should be immediately communicated to the warden or designate.

Training

Transgender policy is supported by training and education of staff and, where appropriate, inmates. Content related to gender identity and gender expression will be incorporated into foundational training programs, and will be periodically reviewed and updated.

As new or updated policy documents, communications, and inmate programs are implemented, they will reflect gender-inclusive language rather than binary language.

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9.17. Transgender Inmates (revised: Nov-15)

9.17.1. Introduction

1. A transgender inmate – an individual whose gender identity or gender expression is different from the gender associated with their birth-assigned gender – may be identified through behaviour, outward appearance or information from an external source. A transgender individual may also self-identify. Self-identification is the primary consideration in identifying a transgender individual.
2. A transgender individual may not self-identify out of fear of physical harm or ridicule or previous negative experiences. An individual may identify differently than they did during previous admissions.
3. Decisions regarding classification, case management and programming are made on a case-by-case basis with input from multiple sources of information. The individual is consulted and invited to participate in the process. If the decision does not correspond with the individual's preference they are advised of the rationale.

9.17.2. New admissions

1. All admissions of transgender individuals are reported to the provincial director, medical director and director, mental health services.
2. Correctional centre staff review and confirm the holding documents. Refer to section 3.2.1.
3. Correctional centre staff verify the individual's preferred name and gender pronoun (by asking them) and ensure that this information is reflected in CORNET and the warrant file.
4. Correctional staff explain the strip and frisk search processes, including any search of prosthetics, and the options available. This is done privately.
5. Steps are taken to maximize privacy and confidentiality of any information related to the individual's gender identity or history. Any conversations and consultations amongst staff occur privately.

9.17.3. Searches

Transgender individuals are given the opportunity to choose who performs any frisk or strip search, according to the following criteria:

1. They may choose to be searched by a male or female correctional officer or both (a "split search").
2. If a split search is elected, the inmate is provided the choice of which body parts are searched by whom.

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3. The choice of strip and frisk search option(s) made by the transgender inmate are to be documented in detail.

9.17.4. Placement

1. Transgender inmates are placed in a correctional centre according to their self-identified gender or housing preference, unless there are overriding health and/or safety concerns which cannot be resolved. Those concerns are clearly articulated to the inmate. Consultation occurs with the medical director and/or the director, mental health services.
2. The inmate is involved in the decision-making process. It is recognized that not all transgender inmates want to be housed according to their self-identified gender.

9.17.5. Case management

1. Case managers share information regarding gender with staff at other correctional centres, community corrections offices, and Correctional Service of Canada only as relevant and necessary.
2. The sharing of information is done in as private and confidential a manner as possible, balancing respect for the individual's privacy and the need for staff to have access to information, as required.

9.17.6. Effects

1. Transgender inmates may require personal items to express their gender. Individuals are permitted to retain these items, both in the correctional centre and upon release or transport between centres, unless there are safety reasons as determined by the warden. Where health reasons are identified, consultation is with the medical director and/or the director, mental health services.
2. Transgender inmates are provided with their preferred institutional clothing and underclothing while in custody and for court appearances and release.
3. Transgender inmates are permitted to order canteen items according to their gender.

9.17.7. Integration

Whenever possible and subject to the inmate's preference, transgender inmates are integrated into the general population and not isolated because of their gender unless there are overriding health and safety concerns present which cannot be resolved. If the inmate is separately confined, it is for as short a time period as possible. The inmate is given as many social and programming opportunities as possible when separately confined.

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9.17.8. Shared accommodation

Transgender inmates who are housed according to their birth-assigned gender are not required to share a cell with another inmate.

9.17.9. Shower and toilet access

Transgender inmates are offered individual and private access to the shower and toilet for safety and privacy purposes.

9.17.10. Identification

Inmates are referred to by their preferred name(s) and gender pronoun verbally and in all written documents, except in the rare cases that an inmate's legal name is required for identification purposes.

9.17.11. Training

The policy is supported by training and education for staff, and if appropriate, inmates. Content related to gender identity and gender expression is incorporated into foundational training programs. Persons who self-identify as transgender are consulted as part of the training development strategy.

9.17.12. Transfers

1. Correctional staff ensure that an individual is transferred, as soon as possible, if the current centre cannot accommodate his/her self-identified gender or housing preference.
2. If a transfer cannot be completed, the reason is documented in CORNET and the provincial director is advised.

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*The Adult Custody Division recognizes that the transgender population is diverse, and knowledge of correctional best practice is evolving. The transgender policy will be updated as this knowledge expands in order to keep the policy relevant, current and responsive. This policy is in effect as of **September 5th, 2018**.*

9.17. Transgender Inmates (revised: Sept - 18)

9.17.1. Introduction

1. A transgender inmate – an individual whose gender identity is different from the sex assigned at birth - may self-identify or be identified through behavior, outward appearance or information from an external source.
2. A transgender individual may choose to not self-identify. An individual may identify differently than they did during previous admissions.

9.17.2. Overview

1. When an inmate identifies as transgender during the classification process, correctional centre staff verify the individual's preferred first name(s) (which may be different than their legal name) and gender pronoun (by asking them) and ensure that this information is reflected in CORNET client log and the warrant file.

9.17.3. Searches

1. Transgender individuals are searched in accordance with section 1.15 *Searches* of Adult Custody Policy.
2. Correctional staff explain, in private, the strip and frisk search processes, including any search of prosthetics, and the options available.
3. Transgender individuals are given the opportunity to indicate a preference of the gender of the staff who performs any frisk or strip search, according to the following criteria:
 - They may indicate a preference to be searched by a male or female correctional officer or both (a “split search”);
 - If a split search is elected, the inmate is provided their preference of which

body parts are searched by whom;

- The preference of strip and frisk search option(s) made by the transgender inmate are to be documented in detail in the CORNET client log and the inmate is advised they may change the gender preference of the staff member conducting the search at any time;
- The gender preference of the staff member conducting the search is confirmed with the inmate prior to any strip search.

9.17.4. Placement

1. Transgender inmates' self-identification is a factor to be considered in placement. Placement decisions require consultation with a multi-disciplinary team and input from the inmate. A transgender inmate may be accommodated by a transfer to a different institution, or they may be accommodated within the institution where they are currently housed if appropriate services and accommodation can be provided.
2. When a transfer is requested, an individualized assessment is required to determine appropriate placement. The individualized assessment involves consultation with a multi-disciplinary team which includes medical personnel from Correctional Health Services, the deputy wardens responsible for placement and classification at both the holding institution and the possible receiving institution, and may include representatives from BC Corrections' headquarters and other correctional staff.
3. The provincial director of adult custody, director of mental health services and Correctional Health Services will be informed of requests from transgender individuals for a transfer to another centre or internal reclassification to accommodate their gender identity.
4. When a transgender inmate requests a specific placement to accommodate their self-identified gender, centre-based case managers will meet within 5 business days of the placement request to discuss a preliminary placement plan based on available information.
5. Following the preliminary placement plan, centre-based case managers refer the placement request to the multi-disciplinary team. When considering placing an inmate whose birth gender is male in a female institution or female unit, assessment of safety and security implications of such a transfer on the individual as well as on the entire inmate population and staff is required. The multi-disciplinary team will consider all relevant behaviour and gender expression in their review of the request.
6. Decisions regarding placement are based on the following process:
 - When an inmate submits a written request for transfer to another institution on the basis of being transgender, the correctional centre advises the B.C. Corrections Analyst, policy and programs.

- The deputy warden of the institution holding the inmate, acknowledges receipt of the request in writing and requests a meeting with the inmate. The purpose of this meeting is for the deputy warden to explain to the inmate the process for considering transfer requests and to invite the inmate to provide any information they wish to be considered before reaching a decision.
- The multi-disciplinary team meets to discuss and consider the inmate's application and will consider all information provided from the inmate and others, including case management information, past relevant information relating to the inmate's previous stay(s) in custody and any other factors that may be relevant to the transfer request such as behavior in and out of custody.
- The decision and the reasons for that decision are detailed in writing and provided to the inmate within 30 days of the request under signature of the deputy warden. If additional time is required to fully consider the request, a decision is made within 60 business days, the inmate is notified of the delay and the reason for delay is clearly detailed in the Client Log. In addition, the B.C. Corrections Analyst, policy and programs at headquarters is informed.
- The decision letter is provided to the inmate, attached to the CORNET client log, and sent to the B.C. Corrections Analyst.
- If a transfer is approved, correctional staff ensure the individual is transferred as soon as is operationally possible. If, for any reason the transfer is delayed, the provincial director is advised.
- If an inmate is not satisfied with the decision, the inmate may submit a complaint to the warden in accordance with section 37 of the *Correction Act Regulation*.
- The inmate has the opportunity to provide further information and specifically respond to any articulated concerns outlined in the decision letter. The deputy warden may request a meeting with the inmate to discuss the complaint and will document all information provided by the inmate in the CORNET client log.

9.17.5. Case management

1. Case managers share information regarding an inmate's gender identity or gender expression with staff at other correctional centres, community corrections offices, and Correctional Service of Canada only as relevant and necessary.
2. The sharing of information regarding an inmate's gender identity or gender expression must be done in as private and confidential a manner as possible, balancing respect for the individual's privacy and the need for staff to have access to information, as required.
3. Decisions regarding case management and programming are set out in section 4 *Adult*

9.17.6. Effects

1. Transgender inmates may request personal items to express their gender. Individuals are permitted to retain these items, both in the correctional centre and upon release or transport between centres, unless there are safety and security reasons as determined by the warden. When health reasons are identified as the basis of the request for personal items, correctional staff consult the director, mental health services and/or Correctional Health Services.
2. If requested, transgender inmates are provided with institutional underclothing consistent with the gender they wish to express.
3. Subject to overriding safety and security concerns, transgender inmates are permitted to order canteen items that support their gender expression (e.g. make up, hair elastics).

9.17.7. Integration

1. Whenever possible, transgender inmates are integrated into the inmate population unless there are overriding health and/or safety concerns present which cannot be resolved.
2. When there are overriding health and/or safety concerns which cannot be resolved, and no other alternative placement is appropriate, the inmate may be separately confined for as short a time period as possible, pursuant to section 17, 18 or 19 of the *Correction Act Regulation*. The inmate is given as many social and programming opportunities as possible when separately confined.

9.17.8. Shared accommodation

1. Transgender inmates who are housed according to their birth-assigned gender are not required to share a cell with another inmate.
2. An inmate whose birth gender is male and is housed as a transgender in a female institution will not share a cell with another female inmate.
3. An inmate whose birth gender is female but has not undergone sex-reassignment surgery and is housed in a male institution, is not required to share a cell with another inmate.
4. Transgender inmates who have undergone sex-reassignment surgery are not required to share a cell with another inmate.

9.17.9. Shower and toilet access

Transgender inmates are offered individual and private access to the shower and toilet for safety and privacy purposes.

9.17.10. Identification

Inmates are referred to in person and in all written documents by their preferred first name(s) and gender pronoun except in the rare case when an inmate's legal name is required for identification purposes.

9.17.11. Training

This policy is supported by ongoing training and education for staff and, if deemed appropriate, inmates. Content related to gender identity and gender expression is incorporated into foundational training programs.

4.10. Transgender Inmates (revised: June-19)

The Adult Custody Division recognizes that the transgender population is diverse, and knowledge of correctional best practice is evolving. The transgender policy will be updated as this knowledge expands in order to keep the policy relevant, current and responsive.

4.10.1. Introduction

1. A transgender inmate is an individual whose gender identity or expression is different from the sex assigned at birth. A transgender individual may choose to not self-identify. An individual may identify differently than they did during previous admissions or may change how they identify during incarceration.
2. A terminology of gender related terms can be found in the *Transgender/Gender Diverse Inmates Guide*.

4.10.2. Intake

1. When an inmate identifies as transgender during the classification process, correctional centre staff identify the individual's preferred name (which may be different than their legal given name) and preferred gender pronoun (by asking them) and ensure this information is reflected in the CORNET client log and the physical file.
2. If an inmate self identifies or is identified through behaviour, outward appearance or an external source, staff may reference the *Transgender Admission Questionnaire* form to gather information specific to the needs of the inmate.

4.10.3. Searches

1. Inmates who identify as transgender are searched in accordance with *section 1.15*.
2. Correctional staff explain, in private, the strip and frisk search processes, including any search of prosthetics (see *section 1.15.11*), and the options available.
3. Transgender individuals are given the opportunity to indicate a preference of the gender of the staff who performs any frisk or strip search, according to the following criteria:
 - They may indicate a preference to be searched by a male or female correctional officer or both (a "split search");
 - If a split search is elected, the inmate is provided their preference of which body parts are searched by whom;
 - The preference of strip and frisk search option(s) made by the transgender inmate are documented in detail in the CORNET Client Log, and the inmate is advised they may change the gender preference of the staff member conducting the search at any time;

- The gender preference of the staff member conducting the search is confirmed with the inmate prior to any strip search.

4. When correctional staff of the preferred gender are not available to conduct the search, a search may be conducted by staff of the non-preferred gender, with the approval of the warden or designate, to ensure the safety and security of the correctional centre.

5. When a search is conducted by staff of the non-preferred gender, details of the search are logged in CORNET.

4.10.4. Placement

1. A transgender inmate may be accommodated by a transfer to a different correctional centre, or they may be accommodated within the institution where they are currently housed if appropriate services and accommodation can be provided. Placement decisions require consultation with a multi-disciplinary team and input from the inmate.

2. When a transfer is requested, an individualized assessment is required to determine appropriate placement. The individualized assessment involves consultation with a multi-disciplinary team which includes medical personnel from Correctional Health Services, the deputy wardens responsible for placement and classification at the holding centre and the possible receiving centre, and may include representatives from BC Corrections headquarters and other correctional staff.

3. The provincial director, director of mental health services, and Correctional Health Services are informed of requests from transgender individuals for a transfer to another centre or internal reclassification to accommodate their gender identity.

4. When a transgender inmate requests a specific placement to accommodate their self-identified gender, centre-based case managers meet within five business days of the placement request to discuss a preliminary placement plan based on available information.

5. Following the preliminary placement plan, centre-based case managers refer the placement request to the multi-disciplinary team. When considering placing an inmate whose sex assigned at birth is male in a female institution or female unit, assessment of safety and security implications of such a transfer on the individual as well as on the entire inmate population and staff is required.

6. The multi-disciplinary team will consider gender expression and all relevant behaviour during review of the placement request.

7. Decisions regarding placement are based on the following process:

- When an inmate submits a written request for transfer to another institution on the basis of their gender identity, the correctional centre advises the analyst, policy and programs;

- The deputy warden of the centre holding the inmate acknowledges receipt of the request in writing and requests a meeting with the inmate. The purpose of this meeting is for the deputy warden to

explain to the inmate the process for considering transfer requests and to invite the inmate to provide any information they wish to be considered during the decision-making process;

- The multi-disciplinary team meets to discuss and consider the inmate's application and will consider all information provided from the inmate and others, including case management information, past relevant information relating to the inmate's previous stay(s) in custody, and any other factors that may be relevant to the transfer request such as behavior in and out of custody;
- The decision and the reasons for the decision are detailed in writing and provided to the inmate within 30 days of the request under signature of the deputy warden. If additional time is required to fully consider the request, a decision is made within 60 business days, the inmate is notified of the delay, and the reason for delay is clearly detailed in the CORNET Client Log.
- The decision letter is provided to the inmate, attached to the CORNET Client Log.
- If a transfer is approved, correctional staff ensure the individual is transferred as soon as is operationally possible. If the transfer is delayed for any reason, the provincial director is advised;
- The inmate has the opportunity to provide further information and specifically respond to any articulated concerns outlined in the decision letter. The deputy warden may request a meeting with the inmate to discuss the complaint and will document all information provided by the inmate in the CORNET Client Log; and
- If an inmate is not satisfied with the decision, the inmate may submit a complaint to the warden in accordance with section 37 of the *Correction Act Regulation*.

4.10.5. Case management

1. Case managers share information regarding an inmate's gender identity or gender expression with staff at other correctional centres, community corrections offices, and Correctional Service of Canada only as relevant and necessary.
2. Sharing of information regarding an inmate's gender identity or gender expression must be done in as private and confidential a manner as possible, balancing respect for the individual's privacy and the need for staff to have access to information, as required.
3. Decisions regarding case management and programming are set out in *section 4*.

4.10.6. Effects

1. Transgender inmates may request personal items to express their gender. Individuals are permitted to retain these items, both in the correctional centre and upon release or transport between centres, unless there are safety and security reasons as determined by the warden. When health reasons are identified as the basis of the request for personal items, correctional staff consult the director, mental health services and/or Correctional Health Services.
2. If requested, transgender inmates are provided with institutional underclothing consistent with their gender identity.
3. Subject to overriding safety and security concerns, transgender inmates are permitted to order canteen items that support their gender identity (e.g. make up, hair elastics).

4.10.7. Integration

1. Whenever possible, transgender inmates are integrated into the inmate population unless there are overriding health and/or safety concerns present which cannot be resolved.
2. When there are overriding health and/or safety concerns which cannot be resolved, and no other alternative placement is appropriate, the inmate may be separately confined for as short a time period as possible, pursuant to section 17, 18 or 19 of the *Correction Act Regulation*. The inmate is given as many social and programming opportunities as possible when separately confined.

4.10.8. Shared accommodation

1. Transgender inmates who are housed according to their sex assigned at birth are not required to share a cell with another inmate.
2. For safety and privacy reasons, a transgender inmate whose sex assigned at birth is male, but has not undergone gender affirmation surgery and is housed in a female institution, will not share a cell with another inmate whose sex assigned at birth is female, unless the warden, or designate, has assessed that a shared cell is sufficiently safe and provides sufficient privacy for both the transgender and cisgender inmate.
3. For safety and privacy reasons, a transgender inmate whose sex assigned at birth is female, but has not undergone gender affirmation surgery and is housed in a male institution, will not share a cell with another inmate whose sex assigned at birth is male, unless the warden, or designate, has assessed that a shared cell is sufficiently safe and provides sufficient privacy for both the transgender and cisgender inmate.
4. Transgender inmates who have undergone gender affirmation surgery are not required to share a cell with another inmate.

4.10.9. Shower and toilet access

Transgender inmates are offered individual and private access to the shower and toilet for safety and privacy purposes.

4.10.10. Identification

Inmates are referred to in person and in all written documents by their preferred name(s) and gender pronoun except in the rare case when an inmate's legal name is required for identification purposes.

4.10.11. Training

This policy is supported by ongoing training and education for staff and, if deemed appropriate, inmates. Content related to gender identity and gender expression is incorporated into foundational training programs