



Youth Detention Facility OPERATIONS ORDER

Transgender and Intersex Youth – Title XV 1352.5

Purpose and Scope

The Sacramento County Youth Detention Facility (YDF) is dedicated to ensuring respectful and equitable treatment of all transgender and intersex youth, by creating a safe environment for all youth, and ensuring all youth have equal access to all available services, care and treatment.

Affected Personnel

All Sworn Personnel-YDF

Authority

Title 15 – 1352.5

Effective Date

March 1, 2019

I. Definitions

Transgender: A youth whose gender identity different from the youth's assigned sex at birth.

- A. A transgender girl (Male to Female or MTF) is someone whose birth sex was male but who understands herself to be female.
- B. A transgender boy (Female to male or FTM) is someone whose birth sex was female but who understands himself to be male.

Intersex: A person who's sexual or reproductive anatomy or chromosomal pattern does not fit typical definitions of male or female.

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II. Guidelines

- A. Staff shall respect every youth's gender identity, and regardless of the youth's legal name, shall refer to a youth by last name and preferred gender pronoun. Staff may prohibit the use of gang or slang names or names that otherwise compromise facility operation as determined by a Supervisor, and shall document any decisions made on this basis.
- B. Staff shall permit youth to dress and present themselves in a manner consistent with their gender identity, and shall provide the youth with the facility's undergarments consistent with their gender identity.
- C. Facility Administrators shall ensure transgender and intersex youth have access to medical and behavioral health providers qualified to provide care and treatment to transgender and intersex youth.
- D. Staff shall make every effort to ensure the safety and privacy of transgender and intersex youth when the youth are utilizing the bathroom, shower, or dressing, and undressing.

III. Housing

- A. Probation staff shall make an individualized assessment during the admission process (see Admission Policy) and complete the Identity Preference Form for each youth at the time of classification, when considering housing unit placement. Transgender youth may be identified during admission based on:
 - 1. A youth's statements;
 - 2. A youth's request to be called by a name that is not traditionally associated with his or her birth sex.
 - 3. Any statements in arrest reports indicating the youth may be transgender or intersex.
- B. Staff may not automatically house a youth according to the youth's external anatomy, and shall document the reasons for any decision to house youth in a unit that does not match the youth's gender identity.
- C. Staff shall consider the youth's preferences, as well as any recommendations from the youth's health or behavioral health provider.
- D. The safety and well-being of all the youth shall be the primary concern when staff is deciding where to place the transgender/intersex youth within the housing unit.

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- E. Staff shall consider the youth's background, age, developmental status, sophistication, social skills, charges, behavioral history and the factors that might influence the youth's adjustment and contribute to an overall safe and successful experience for the youth, as well as all other youth in the unit.
- F. Housing decisions for transgender and intersex youth shall be based on the youth's individualized needs and should prioritize the youth's emotional and physical safety while considering the youth's perception of where the youth will be most secure. Housing determination will be documented in the JPIP under the classification comments section, and will include the date and justification.
- G. Placement and program assignment of transgender or intersex youth will be assessed on a monthly basis or as needed.
- H. Staff shall not consider a youth's sexual orientation or gender identity as a reason to isolate or withhold program options; however, staff may consider the youth's past and present behavior (i.e.: past or present sexual advances, sexually acting out).
- I. All transgender and intersex youth shall be provided a single room in order to ensure their privacy and safety.
- J. All youth will be provided access to private showers.
- K. Private accommodations shall not prevent transgender and intersex youth from participating in YDF program.

IV. Searches

- A. All searches will be conducted in a professional and respectful manner by staff. Searches shall, to the extent possible, be performed in a way that preserves the privacy and dignity of the person being searched.
 - 1. Youth shall not be physically searched for the purpose of determining the youth's anatomical sex.
 - 2. In situations where the genital status of a youth is unknown, staff will attempt to determine the genital status through conversations with the youth or through a review conducted by medical personnel of medical records.
 - 3. Staff will conduct searches based on biological sex except under exigent circumstances, when performed by a medical professional, or if a transgender or intersex youth makes a request for a preferred gender staff to conduct the search. Whenever feasible, YDF will respect the youth's preference regarding the gender of the staff who conducts any search of the youth.

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- a. Upon intake, the Identification Preference Form will be filled out for all youth. If a transgender or intersex youth makes a request that either a male or female staff member be present or conduct the search (patdown and/or strip search), the request will be forwarded to the on-duty supervisor to consider alternate arrangements in conducting the search consistent with maintaining safety and security. Prior to authorizing the search, the on-duty supervisor must meet directly with the youth and ensure the youth understands the stated preferred gender staff will be performing the search. The request, resolution with rationalization for the decision, and outcome including who ultimately conducted the search, will be documented in the youth's file, the Juvenile Probation Information Program (JPIP) and the YDF Strip Search Authorization Application, if applicable.
- b. When conducting a strip search on a transgender or intersex youth:
 1. Two (2) staff members shall be present, a preferred gender staff and second staff who will be of the opposite biological sex from the preferred gender staff.
 2. The supervisor authorizing the strip search will brief the two staff members prior to the search to ensure each staff understands their role.
 3. The preferred gender staff will conduct the search while the second staff remains within hearing, but out of view of the youth (absent exigent circumstances).
 4. For safety and security purposes, the secondary staff shall be in a position to view searcher so as to offer aid if necessary.
 5. Immediately following the strip search, the supervisor will debrief with the staff involved to determine if the process was completed without issue.
- c. When conducting a patdown search on a transgender or intersex youth:
 1. Two staff shall be present for the search. The staff with the preferred gender of the youth conducts the search while the second staff remains present and observes.

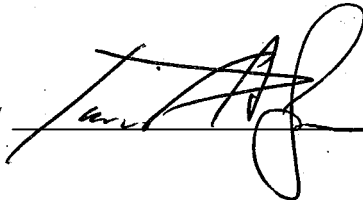
Attachments

Identity Preference Form

Ensuring Fairness and Respect for the LGBTQI

Amends/Replaces Previous Order

Authorized By _____



Date _____

5/2019

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