

**GENERAL DISTRIBUTION**

**WEST VIRGINIA  
DIVISION OF CORRECTIONS  
& REHABILITATION**

**NUMBER: 411.00**

**EFFECTIVE DATE: 02 December 2024**

**SUBJECT: TRANSGENDER INMATES  
AND RESIDENTS**

# **POLICY DIRECTIVE**

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**PURPOSE:**

To provide guidance to staff in dealing with the unique issues that arise when working with transgender and gender diverse adult inmates and juvenile residents.

**REFERENCE:**

Standards of Care for the Health of Transgender and Gender Diverse People, Version 8; National Commission on Correctional Health Care (NCCHC) Position Statement: Transgender and Gender Diverse Health Care in Correctional Settings; NCCHC §Y-F-011; ACA Expected Practices 5-ACI-4B-34 and 5-ALDF-2F-27; and US Department of Justice's Prison Rape Elimination Act (PREA) standards.

**RESPONSIBILITY:**

No additional written instructions on this subject are required.

**CANCELLATION:**

Any previous written instruction on the subject, including DCR Policy Directive 411.00, dated 01 February 2020.

**APPLICABILITY:**

All facilities and work units within the Division of Corrections and Rehabilitation (DCR). This Policy is available for general distribution and is to be made available for inmate/resident review upon the effective date.

**DEFINITIONS:**

**Gender Diverse:** A term used to describe people with gender identities and/or expressions that are different from social and cultural expectations attributed to their sex assigned at

birth. This may include, among many other culturally diverse identities, people who identify as nonbinary, gender expansive, gender nonconforming, and others who do not identify as cisgender (non-transgender).

**Gender Dysphoria:** A state of distress and discomfort that may be experienced because a person's gender identity differs from that which is physically and/or socially attributed to their sex assigned at birth; a diagnostic term in the Diagnostic and Statistical Manual Version 5 (DSM-5) from the American Psychiatric Association.

**Gender Expression:** Includes a person's mannerisms, clothing, hairstyle, and choice of activities.

**Gender Identity:** A person's sense of their own gender, which is communicated to others by their gender expression.

**Transgender:** A term used to describe people whose gender identities and/or gender expressions are not what is typically expected for the sex to which they were assigned at birth.

## **POLICY:**

- I. An individual's gender identity is an internal identification and experience. The Division of Corrections and Rehabilitation (DCR) strives to ensure transgender, and gender diverse adult inmates and juvenile residents can access programs and services that meet their needs as appropriate and prepare them to return to the community.
- II. Adult inmates and juvenile residents may self-identify as transgender upon intake or at any time during incarceration. When an inmate/resident notifies staff of transgender status, the staff member shall notify the Shift Commander, who shall ensure the status is entered in the Offender Information System (OIS). Adult facilities may also include notification to the Director of Classification who shall be responsible for entering the status in OIS.
  - A. The Shift Commander (or Director of Classification when so designated) shall notify the Facility PREA Compliance Manager (PCM).
  - B. As soon as practicable, the PCM will meet with the offender to complete the *Transgender Preference Form* (attachment to the PREA Manual). The intent of this form is to create an open dialogue between the PCM and the inmate/resident. Completed forms will be maintained confidentially by the PCM and may be provided to the Transgender Committee if requested.
- III. Facility and housing assignments of transgender and gender diverse inmates/residents shall be made on a case-by-case basis giving consideration to the inmate's/resident's health and safety as well as potential programming, management and security concerns. An inmate's/resident's own views regarding safety shall be given careful consideration.

- A. Facility and housing assignments shall be reassessed at a minimum of every six (6) months to review any management or security concerns.
  - B. Placement may occur at any DCR facility, in general population, and in most cases a single cell is not necessary.
  - C. Transgender inmates/residents shall not be placed in Restrictive Housing based on their gender identity alone, nor shall all transgender inmates/residents be housed together in housing units or facilities in an attempt to keep separate from other inmates/residents.
- IV. Accommodations for transgender inmates/residents will be made as appropriate.
- A. Inmates/residents may request property items through the commissary or other allowable method from the desired gender's approved items.
    - 1. Undergarments of the preferred gender are provided on the condition that they are not visible to others or worn in a manner that is disruptive.
      - a. Inmates/residents that have been issued female undergarments (e.g., brassieres and panties) are not permitted to have their shirts off at any time. Even if they are not wearing a brassiere, once they have been issued a brassiere, they are required to follow this directive. Inmates/residents choosing not to follow this directive will be required to relinquish these undergarments.
      - b. Inmates/residents are required to be fully dressed when entering and exiting the shower area and are not permitted to be in the bathrooms, cells/rooms, or common areas only in undergarments.
      - c. Once granted undergarments from the preferred gender, facility leadership will determine what undergarments the inmate or resident can retain based on security and operational issues.
    - 2. Cosmetics may be purchased from the Commissary and used in the intended manner. Any misuse (including trading, selling, or loaning) or attempt to compromise security will result in the cosmetics being removed from the inmate's/resident's property indefinitely.
    - 3. Personal hygiene/healthcare items will only be approved if medically necessary.
    - 4. Other requests will be considered by the Superintendent/designee on a case-by-case basis, with safety and security issues being a determining factor.
    - 5. Items approved during the same incarceration but at another DCR facility will be permitted at all facilities the inmate/resident is housed unless safety and security concerns dictate otherwise.

- B. Transgender inmates/residents shall be given the opportunity to shower separately from other inmates/residents when individual shower stalls are not available.
  - C. Respectful communication should be adhered to in manner of address.
    - 1. Facilities should encourage staff to use gender-neutral forms of address (e.g., Inmate Smith, Resident Smith or Smith) for all inmates/residents.
    - 2. Inmates/residents may use preferred titles of Ms., Miss, Mrs. or Mr. in correspondence, provided the legal first and last names and OIS number are correct.
  - D. Pat down searches and strip searches shall occur according to the current agency policy.
  - E. Superintendents shall not restrict hair length or facial hair of any inmate/resident unless there is a demonstrated security or hygiene purpose.
- V. Medical and mental health care for transgender and gender diverse inmates/residents will be provided by contractual providers as appropriate.
- A. Inmates/residents who request mental health care for gender dysphoria or other gender-related adjustment issues will have access to clinically appropriate treatment. Not all transgender and gender diverse people experience gender dysphoria.
  - B. An inmate/resident who is receiving hormonal medication at the time of DCR intake may be continued on hormonal medication, provided the following conditions are met:
    - 1. The hormones represent an established treatment that has been prescribed under the supervision of a qualified physician.
    - 2. The inmate/resident cooperates in obtaining written records or other necessary confirmation of his or her previous treatment.
    - 3. The agency's contractual medical provider will determine if the hormones are medically necessary and not contraindicated for any reason.
  - C. Hormonal therapy shall be managed by the agency's contractual medical provider.
  - D. If an inmate/resident chooses to discontinue hormonal medications while incarcerated and then wishes to restart hormonal medications, the agency's contractual medical provider shall make a determination.
  - E. Staff who receive an inmate/resident request for initial or new hormonal or surgical treatment shall forward the request to the Health Services Administrator (HSA).
- VI. A Transgender Committee formed by the DCR Director of Correctional Healthcare shall serve as an agency-level multi-disciplinary advisory committee and include representatives

from Security Services, Offender Services and PREA Compliance; directors from contractual medical and mental health providers; and facility representatives such as Superintendent, Chief of Security, PREA Compliance Manager, Health Services Administrator, Psychologist, and others as deemed appropriate. General Counsel may be included when legal advice is needed.

- A. This Committee shall convene as necessary, but at least quarterly.
- B. They shall address issues pertaining to transgender inmates/residents and provide guidance and direction to staff and agency leadership on transgender issues.
- C. They may consult with community-based providers who specialize in medically necessary treatment.

ATTACHMENT(S): None.

APPROVED SIGNATURE:  12/2/2024  
William K. Marshall III, Commissioner Date