

GEORGIA DEPARTMENT OF CORRECTIONS  
**Standard Operating Procedures**

**Policy Name:** Classification and Management of Transgender and Intersex Offenders

**Policy Number:** 220.09

**Effective Date:** 07/26/2019

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**Authority:**  
Commissioner

**Originating Division:**  
Facilities Division

**Access Listing:**  
Level I: All Access

**I. Introduction and Summary:**

The purpose of this policy is to provide guidance and direction for the classification and management of offenders identified as transgender and intersex. Furthermore, this policy was established to ensure compliance with requirements of the Prison Rape Elimination Act (PREA).

**II. Authority:**

A. O.C.G.A. § 16-6-5.1;

B. 28 CFR Part 115, Prison Rape Elimination Act (PREA) Prisons and Jails Standards;

C. Georgia Department of Corrections (GDC) Standard Operating Procedures (SOPs): 107.04 Risk and Needs Assessment, 206.01 Offender Personal Property, 208.06 Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program, 209.01 Offender Discipline, 220.02 Security Classification, 220.03 Classification Committee, 220.05 Diagnostic Reception, Orientation, and Processing, 222.10 Security Procedures During Transport of Offenders, 226.01 Searches, Security Inspections, and Use of Permanent Logs, 226.02 Entry Security Procedures, 507.02.02 Confidentiality of Health Record and Release of Information 507.04.21 Health Assessment and Medical Diagnostics, 507.04.25 Health Screening Offender Transfers 507.04.58 Special Needs Treatment Planning, 507.04.68 Management and Treatment of Offenders Diagnosed with Gender Dysphoria, and 508.04.19 Receiving Screening, 508.14 Mental Health Reception Screen; and

D. ACA Standards: 4-4181, 4-4278, 4-4403, and 4-4281.

**III. Definitions:**

A. **Classification Committee** - A multi-disciplinary facility-based committee responsible for making bed, program, education, and work assignments considering the known information about each offender as described in SOPs 220.02 and 220.03.

B. **Gender Dysphoria** - A mental health disorder characterized by clinically significant distress and impairment in social, occupational, or other important areas

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of functioning secondary to a marked incongruence between an individual's experienced/expressed gender and assigned gender. Not all transgender offenders have a diagnosis of gender dysphoria and a diagnosis of gender dysphoria is not required for an individual to be provided services.

- C. **Gender Identity** - Distinct from sexual orientation and refers to a person's internal sense of being male, female, or neither.
- D. **Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- E. **Medical or Mental Health Practitioner** - A health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice.
- F. **Prison Rape Elimination Act (PREA)** - A federal law to address sexual violence in prisons, jails, and other correctional facilities. Under PREA, the National Prison Rape Elimination Commission was created with the responsibility for establishing standards for the prevention, detection, response, and monitoring of sexual abuse and sexual harassment within correctional systems.
- G. **PREA Coordinator** - A GDC employee responsible for the statewide oversight of PREA standards, compliance with standards, training, data collection, and inspection.
- H. **PREA Compliance Manager** - A GDC employee designated at each GDC facility who is responsible to coordinate the facility's efforts to comply with the PREA policy and the federal PREA standards.
- I. **Sex** - One's anatomical make-up, including external genitalia, chromosomes, and reproductive system.
- J. **Statewide Classification Committee (SCC)** - A committee responsible for making case-by-case decisions about whether a transgender or intersex offender will be housed in a male or female facility. This committee is composed of

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statewide directors from Medical, Mental Health, Facilities Operations, PREA Coordinator’s Office, Legal, and any other GDC staff designated by the Commissioner and deemed necessary to decide on offender placement.

- K. **Transgender/Intersex Offender List (TIOL):** A SCRIBE-based list that tracks all transgender and intersex offenders.
- L. **Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth.
- M. **Transgender Female** - A person born biologically male who identifies as, and sees herself as, a female.
- N. **Transgender Male** - A person born biologically female who identifies as, and sees himself as, a male.

**IV. Policy and Applicable Procedures:**

- A. Diagnostics:
  - 1. An offender will initially be assigned to a diagnostics and classification facility by Offender Administration, appropriate to the assigned gender indicated in the Georgia Crime Information Center (GCIC);
  - 2. When any offender arrives to a diagnostic facility staff must do the following prior to strip searches and showering:
    - a. Staff shall make the following notification statement to all offenders in a group, or to an individual offender if only one is present, “You are about to be strip searched. Before we do this, let us know if you have anything on you or about you we need to know before the search. This can be possession of items you should not have or are not sure you should have, or it could be a physical disability or other physical issue. If you need to declare anything to us before you are strip searched, raise your hand;”
    - b. If an offender raises his or her hand, the staff shall pull that offender aside and privately ask the offender what the facility should know;

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- c. The intent of this practice is to give the offender the opportunity to privately talk to a staff member if they choose to disclose they are transgender or intersex;
  - d. If the offender indicates he or she is transgender or intersex, staff must ensure he or she is allowed to shower separately; and
  - e. Strip searches and pat searches must be completed in accordance with section J of this policy.
3. GDC will screen all offenders within twenty-four (24) hours by using the PREA Sexual Victim/Sexual Aggressor Classification Screening Instrument in SCRIBE;
  4. A Mental Health Reception Screen form will be completed by a mental health counselor or behavior specialist in accordance with SOP 508.14 Mental Health Reception Screen;
  5. This screen will assess for potential mental health problems and gender identity, including transgender or intersex;
  6. If the mental health counselor or behavior specialist notes gender identity issues, the offender will be referred for further evaluation in accordance with SOP 508.14;
  7. Transgender offenders shall be notified that if they want hygiene or undergarment items that are not stored in diagnostics that they will receive what all other offenders receive and may receive those gender-specific property needs upon being housed in their permanent facility;
  8. Diagnostics staff will assist in gaining information about safe housing for transgender and intersex offenders by doing the following:
    - a. Staff will conduct a classification interview for each offender to explore:
      - i. Medical and mental health issues;

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- ii. Public and institutional risk factors;
  - iii. Educational;
  - iv. Vocational;
  - v. Drug or alcohol involvement;
  - vi. Work history;
  - vi. The PREA Sexual Victim/Sexual Aggressor Classification Screening;
  - vii. Any other areas pertinent to the needs and facility placement of the offender; and
  - viii. This information shall be used to complete the Personal Data Sheet on all offenders.
- b. Each area will be discussed in depth to develop the Classification Profile;
  - c. Specific recommendations will be made by the interviewer, relating to:
    - i. The offender's needs;
    - ii. Possible program assignments; and
    - iii. Housing placement.
  - d. If it is known that the offender is transgender or intersex on the sexual safety risk screening, then the diagnostics staff will complete the facility section of Attachment 1, Statewide Classification Committee (SCC) Referral Form and submit it to their Classification Committee for approval;
9. Once the Classification Committee is notified of the offender's status, the Chairperson must ensure the following is completed:

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- a. The Classification Chairperson will review and forward the approved Statewide Classification Committee Referral Form to the PREA Unit via [prea.report@gdc.ga.gov](mailto:prea.report@gdc.ga.gov);
  - b. The Chairperson must enter the appropriate profile on the Transgender and Intersex Offender List (TIOL) in SCRIBE, which will include all intersex and transgender offenders in GDC custody;
  - c. The Classification Committee will determine, on a case-by-case basis, the most appropriate classification assignments for each transgender offender;
  - d. Transgender offenders must never be placed in dedicated units or housed only with other transgender offenders; and
  - e. The offenders' own views with respect to their safety should be given serious consideration.
10. The GDC PREA Unit will:
- a. Ensure that the facility has entered the correct profile on the TIOL;
  - b. Arrange a private meeting with the offender in person, via video or telephone call within ten 10 business days of receiving the Statewide Classification Committee Referral Form; and
  - c. During the private meeting, the PREA Unit designee will complete the Transgender Questionnaire portion of the SCC Referral Form and make a recommendation to the remaining SCC Committee Members for review.
- B. Non-Diagnostic Offender Procedure:
1. When any offender arrives to a facility, intake staff must do the following prior to strip searches and showering:
    - a. Staff shall make the following notification statement to all offenders in a group, or to an individual offender if only one is present, "You are about to be strip searched. Before we do this, let us know if you have anything

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on you or about you we need to know before the search. This can be possession of items you should not have or are not sure you should have, or it could be a physical disability or other physical issue. If you need to declare anything to us before you are strip searched, raise your hand;”

- b. If an offender raises his or her hand, the staff shall pull that offender aside and privately ask the offender what information they need to declare;
  - c. The intent of this practice is to give the offender the opportunity to privately talk to a staff member if they choose to disclose they are transgender or intersex;
  - d. If an offender indicates he or she is transgender or intersex, staff must ensure he or she is allowed to shower separately; and
  - e. Strip searches and pat searches must be completed in accordance with section J of this policy.
2. If at any time the offender discloses that he or she is transgender or intersex, the Warden must be notified immediately;
  3. The Warden shall immediately advise the Regional Director or female services director;
  4. The Regional Director or Female Services Director shall notify:
    - a. The Director of Facilities;
    - b. The Statewide Medical Director;
    - c. Statewide Mental Health Director; and
    - d. The Statewide PREA Coordinator.
  5. GDC will screen all offenders within twenty-four (24) hours of arrival, by using the PREA Sexual Victim/Sexual Aggressor Classification Screening Instrument in SCRIBE;

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6. If it is known that the offender is transgender or intersex on the PREA Sexual Victim/Sexual Aggressor Classification Screening Instrument, then staff will check the TIOL to ensure that the offender is on the list in SCRIBE;
7. If the offender is not on the TIOL, staff must complete the facility section of Attachment 1, Statewide Classification Committee (SCC) Referral Form and submit it to their Classification Committee for approval;
8. Once the Classification Committee is notified of the offender's status, the Chairperson must ensure the following is completed:
  - a. The Classification Chairperson will review and forward the approved Statewide Classification Committee Referral Form, to the PREA Unit, via [prea.report@gdc.ga.gov](mailto:prea.report@gdc.ga.gov);
  - b. The Chairperson must enter the appropriate profile on the Transgender and Intersex Offender List (TIOL) profile in SCRIBE, which will include all intersex and transgender offenders in GDC custody;
  - c. The TIOL will assist the facility with ensuring that all necessary services, to include twice yearly safety reassessments, are conducted in accordance with Attachment 2, PREA Sexual Victim/Sexual Aggressor Screening Tool, from SOP 208.06;
  - d. Once placed on the TIOL, no offender may be removed without approval of the SCC Committee designee;
  - e. The Classification Committee will determine, on a case-by-case basis, the most appropriate classification assignments for each transgender offender;
  - f. Transgender offenders must never be placed in dedicated units or housed only with other transgender offenders; and
  - g. The offenders' own views with respect to their safety should be given serious consideration.



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9. Transgender offenders shall be notified that if they want gender-specific hygiene or undergarment items that they must either request the standard-issued items or receive approval to order from the offender commissary.

10. The GDC PREA Unit will:

- a. Ensure that the facility has entered the correct profile on the TIOL;
- b. Check to determine whether a previous SCC referral was completed;
- c. If a previous SCC referral was not completed, the PREA Unit will arrange a private meeting with the offender in person, via video or telephone call within 10 business days of receiving the Statewide Classification Committee Referral Form; and
- d. During the private meeting, the PREA Unit designee will complete the Interview portion of the SCC Referral Form and make a recommendation to the remaining SCC Committee Members for review.

C. SCC Committee:

1. In deciding whether to assign a transgender or intersex offender to a male or female facility, GDC shall consider on a case-by-case basis whether:
  - a. Placement would ensure the offender's health and safety; and
  - b. Whether the placement would present management or security problems.
2. Transgender offenders may not be assigned to gender-specific facilities based solely on their external genital anatomy.
3. The SCC will evaluate each referral to discuss the facility type and the safe placement of each transgender offender. They will consider the following:
  - a. Classification's housing decision;

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- b. The offender's documented choice of whether a male or female facility is safest for him or her (based on the SCC Referral Form);
  - c. The offender's prior institutional history (to include incidents and grievances);
  - d. The offender's prior violent or sexual crime history;
  - e. The offender's designation on the PREA Sexual Victim/Sexual Aggressor Classification Screening;
  - f. The offender's physical appearance, age, and physical build;
  - g. Any relevant information obtained about the offender from security staff or medical and mental health staff since arrival;
  - h. The ability of security staff to house and supervise the offender to ensure his or her safety in each environment;
  - i. Any management problems, including but not limited to disciplinary reports; and
  - j. Any other relevant information about the offender's ability to positively or negatively manage him or herself in each type of environment.
4. The decision about the type of facility (male or female) made by the committee will be documented on Attachment 1, SCC Referral Form and reviewed and approved by the Facilities Division Assistant Commissioner or designee;
  5. Transgender offenders shall be given a one-page informational sheet by the SCC at the SCC meeting that:
    - a. Advises them of their rights;
    - b. The opportunity to shower separately;
    - c. That they will be assessed at their assigned facility for safe housing;

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- d. Property information;
  - e. Other safety-related information; and
  - f. This information should be available in both English and Spanish, at minimum.
6. If the offender is recommended by the SCC to be housed according to his or her sex (and not gender identity), he or she will stay at their current facility and complete the normal classification process;
  7. If the offender is recommended by the SCC to be housed according to his or her gender identity, and this is approved by the Facilities Division Assistant Commissioner or designee, he or she will be scheduled for transfer to the recommended facility;
  8. The signed approval will be forwarded to and maintained by the Agency PREA Coordinator;
  9. If the SCC recommendation is denied by the Facilities Division Assistant Commissioner or designee, for any reason, that denial shall be documented in writing, forwarded to, and maintained by the Agency PREA Coordinator;
  10. The offender will be transferred to his or her assigned permanent facility after Diagnostics according to the decision of the SCC and will be housed via the standard classification and housing selection process of the facility's Classification Committee, with consideration given to the PREA Sexual Victim/Sexual Aggressor Classification information; and
  11. The facility-based Classification Committee will also consider:
    - a. Bed;
    - b. Program;
    - c. Education, and

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d. Work assignments of the offender.

D. Confidentiality:

1. Because transgender offenders are at particularly high risk for physical or sexual abuse or harassment, information learned about an offender shall be used only for the safety and security of the offender and facility;
2. No person shall share this information with others unless there is a legitimate and documented reason to do so;
3. Sexual safety risk screening information is required to be locked and secured with limited access; and
4. Staff are expected to keep an offender's sensitive personal information confidential.

E. Bed, Program, Work, and Education Assignments:

1. Once the offender is transferred to their assigned facility, the classification information from Diagnostics, combined with the sexual safety risk screening information, will be used by the classification committee to house the offender at that facility, to include a unit and bed assignment;
2. Placing an offender in involuntary segregated housing to protect him or her from victimization is not permitted unless an assessment of all available alternatives has been made and it is determined that there is no available alternative means of separation from likely abusers;
3. This can only be done subject to the requirements in SOP 209.06 Administrative Segregation and the requirements in PREA standard 115.43;
4. In addition to the initial PREA Sexual Victim/Sexual Aggressor Classification Screening, transgender offenders' risk levels for sexual victimization and abusiveness must also be re-assessed:
  - a. Within thirty (30) days of their intake date;

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b. After any new information is learned that bears upon their sexual safety;  
and

c. At least twice each year of their incarceration.

5. At each point, the offenders' own views as to their safety must be given serious consideration.

6. Transgender offenders shall be given the same treatment in determining access to programming and services as other offenders within the correctional facility;

7. Work, education, and programming assignments can vary for transgender offenders if there is a documented reason to keep separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive; and

8. The facility-based Classification Committee will make individualized determinations about these offenders' assignments without discrimination.

**F. Showers:**

1. Transgender offenders shall be given the opportunity to shower separately from other offenders;

2. This does not mean they are required to shower separately, but that the opportunity is afforded to them if they wish to do so. Separate means the following:

a. Alone in a community shower at a separate time from other offenders; or

b. Alone in a shower with separate and private walls or curtains if in a group.

**G. Personal Property:**

1. Transgender offenders will be issued the same property as other offenders in their assigned facility are issued.

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2. If an offender on the TIOL requests hygiene or undergarments items that are different from those typically supplied for their assigned gender, he or she shall be instructed to make a request with the designated staff member, and he or she will be issued the approved requested items if there is no documented, articulable, and verified security concern for not approving the request.
3. The designated staff shall assist the facility with determining sizes of garments needed;
4. Staff will order and make arrangements for the garments to be shipped to the facility;
5. If the offender is transferred to another facility, the history follows him or her, and the new facility can request replacement items;
6. Approved undergarments or hygiene items will be a substitute for, not in addition to, what is provided to the general population. These items include:
7. Providing women's hygiene or undergarments to a transgender female, or the opposite for transgender males, is in accordance with SOP 206.01 Offender Personal Property.

**H. Transports:**

1. Whenever possible, both a male and female staff should be on a transport that includes a transgender offender so search options are available to the offender depending on the circumstance, gender identity, and PREA requirements that prohibit cross-gender pat searches.

**I. Respectful Communication:**

1. Transgender and intersex offenders shall be treated with the same rules and respect as other offenders.
2. All GDC employees shall be required to attend training annually on PREA, which includes how to communicate effectively and professionally with offenders, including:

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- a. Lesbian;
  - b. Gay;
  - c. Bisexual;
  - d. Transgender;
  - e. Intersex; or
  - f. Gender non-conforming offenders.
3. In-service training shall include gender-specific reference and training to staff as it relates to the specific population supervise;
  4. Staff members transferring to a facility of different gender from a prior institution shall receive gender-appropriate training;
  5. Respectful communication with transgender offenders is vital to facility safety and security;
  6. All staff are responsible for behaving professionally and responsibly around all offenders, to include transgender offenders, to maintain order and composure on their shift;
  7. To address transgender and intersex offenders respectfully, staff may not engage in unwelcomed verbal comments, gestures, or actions of a derogatory or offensive nature;
  8. Staff shall not make demeaning references to the offender's gender or gender identity, or sexually suggestive or derogatory comments about the body or clothing of an offender;
  9. Staff are encouraged, but not mandated, to use the pronoun the offender prefers;

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10. If staff chooses to not use the preferred pronoun, they may refer to transgender offenders by their legal last name;
11. Staff will not attempt to change any offender's understanding of his or her gender identity or sexual orientation; and
12. Staff shall not permit, condone, or otherwise allow any offender to sexually harass other offenders, including transgender offenders.

J. Searches:

1. Department shall train security staff members on how to conduct searches of transgender and intersex offenders in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs and consistent with the population gender of their assigned institution;
2. No security staff will conduct a body cavity search;
3. No same-gender or cross-gender body cavity searches are permitted except by medical staff;
4. Staff may not search or physically examine a transgender or intersex offender for the sole purpose of determining genital status;
5. If the offender's genital status is unknown, it may be determined through conversations with the offender, by reviewing medical records or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner;
6. If a transgender offender is placed in a facility, he or she will be strip searched by the same gender staff as all other offenders;
7. Pat or frisk searches in male facilities may be conducted by either male or female staff;
8. Pat or frisk searches in female facilities may only be conducted by female staff absent exigent circumstances;



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9. Staff must search offenders' property in their cell or dorm area respectfully and professionally and may not discard or damage opposite gender hygiene items or undergarments that have been approved.

**K. Physical and Mental Health Treatment:**

1. All offenders, to include those who self-identify or screen on the PREA Sexual Victim/Sexual Aggressor Classification Screening form as transgender, will be referred to medical for a review of needs within five (5) days of arrival at Diagnostics and within five (5) days of arrival at their assigned facility;
2. Medical or mental health practitioners will document whether an offender has identified as transgender after an evaluation using the Mental Health Reception Screen;
3. Classification will update the TIOL list in SCRIBE to ensure the facility PREA compliance manager and agency PREA coordinator are aware and can ensure all necessary services are provided to them;
4. GDC will provide transgender offenders with individualized assessments and care, to include:
  - a. Necessary and appropriate mental health services; and
  - b. When warranted, hormone treatment throughout their incarceration;
5. GDC will ensure that all gender-related hormone treatment that may be provided while the offender is in custody occurs after an individualized assessment of the offender by a medical practitioner;
6. GDC medical practitioners will monitor each offender's care and treatment and adjust hormone levels and dosages as medically warranted;
7. Only medical practitioners will make decisions regarding gender-related hormone treatment needs; and

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8. GDC’s Statewide Medical Director will make the final determination on whether gender-related hormone treatment for a transgender offender should be initiated or continued based on documented medical need.

L. Staff and Offender Discipline:

1. Staff or offenders who are found to have participated in the abuse or harassment of a transgender offender shall be subject to the rules of the offender disciplinary handbook and staff disciplinary guidelines;
2. GDC does not tolerate physical, emotional, or sexual abuse or harassment of any offender;
3. An offender who abuses another offender, or one who coerces such an offender into involuntary sexual activity, will be disciplined and referred for criminal prosecution if warranted;
4. Offenders who engage in consensual sexual contact with another offender, attempt to engage in or solicit such contact, or help another engage in sexual contact with an offender will be disciplined with each occurrence;
5. Offenders shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following a substantiated finding;
6. These sanctions shall be imposed in accordance with SOP 209.01, Offender Discipline;
7. Staff members who are alleged to have engaged in the abuse of an offender will be investigated by the Office of Professional Standards (OPS) and if substantiated, will be subject to disciplinary action, up to and including termination;
8. Additionally, staff members who engage in sexual abuse of an offender will be subject to criminal prosecution;
9. Pursuant to O.C.G.A. § 16-6-5.1, it is a felony for correctional staff to have sexual contact with an offender;

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10. These rules apply regardless of the consent of the offender;
11. GDC shall ensure that all volunteers and contractors who have contact with offenders have been trained on this prohibition against abuse and harassment;
12. Any contractor or volunteer who engages in abuse or harassment shall be prohibited from contact with offenders and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies; and
13. The facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with offenders, in the case of any other violation of GDC policies by a contractor or volunteer.

**M. Tracking and Quality Improvement:**

1. To ensure compliance with this policy and to help ensure compliance with PREA audit requirements, GDC will ensure that the Transgender and Intersex Offender List is managed through the SCRIBE module;
2. The goal is to ensure reliable and accurate tracking of the following:
  - a. The number of transgender and intersex offenders;
  - b. Their intake date at both Diagnostics and their permanently assigned facility;
  - c. Their facility locations, bed assignment, and unit assignment;
  - d. Bed, unit, and facility change history and documented reasons for changes;
  - e. Restrictions, if any, in programming or work assignments;
  - f. Whether they are on the mental health caseload;
  - g. Whether they are receiving hormone treatment from medical;

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- h. Their twice-yearly required reassessment date and any other reassessment dates, to include subsequent changes because of the reassessment;
  - i. Incident history;
  - j. Grievance history; and
  - k. Property (undergarment and hygiene) requests and provisions.
3. The SCC shall have access to the information to assist with decision-making at subsequent gender committee meetings.

**V. Attachments:**

Attachment 1: SCC Referral Form  
Attachment 2: Transgender Brochure

**VI. Record Retention of Forms Relevant to this Policy:**

Upon completion, Attachment 1 shall become a permanent part of the offenders institutional file. The brochure shall be utilized according to the SOP until revised or obsolete.