

WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #3.307 Management of Transgender or Intersex Inmates

Page 1 of 8

Authority: Wyoming Statute(s): 8-1-110; 9-27-102; 25-1-104; 25-1-105 ACA Standard(s): None PREANS: 115.15.e; 115.42.c through g	Effective Date: 07/01/25 Revision/Review History: 07/10/23 10/01/21 Summary of Revision/Review: Changes in statute regarding male/female housing
Cross Reference of Policy: 1.006, <i>Employee Contact with Inmates and Offenders</i> ; 3.013, <i>Searches</i> ; 3.100, <i>Inmate/Offender Communication and Grievance Procedure</i> ; 3.402, <i>Protection from Sexual Misconduct Against Offenders</i> ; 4.101, <i>Inmate Classification</i>	Supersedes Existing Policy:
Approved: _____ Daniel Shannon, Director 06/27/2025 Date	

APPROVED FOR INMATE DISTRIBUTION

The policy and procedures set forth herein are intended to establish directives for staff members and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty or property interests for staff members or inmates, or an independent duty owed by the WDOC to staff members, inmates, or third parties. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REFERENCE

1. DOCUMENTS

- A. WDOC Form #367, *Transgender Accommodation Request*
- B. WDOC Form #367.1, *Transgender Accommodation Request Appeal*

2. OTHER – NONE NOTED



WYOMING DEPARTMENT OF CORRECTIONS	Policy and Procedure #3.307	Page 2 of 8
		Management of Transgender or Intersex Inmates

I. PURPOSE

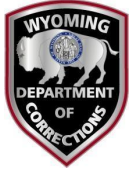
- A. The purpose of this policy is to establish guidelines for evaluation, placement, and treatment of offenders who identify as transgender or intersex and to assure offender safety and access to appropriate medical/mental health care. In all circumstances, staff shall only ask questions related to gender identity or gender expression for the purpose of making housing assignments, classification, programming, providing health care and health assessments, or where information is necessary to ensure the safety, security and order of inmates/residents, staff, visitors, the facility, and the community. Questions related to gender expression shall be asked in a respectful manner to preserve confidentiality, as well as human dignity, and avoid subjecting the offender to abuse, humiliation, or ridicule.

II. POLICY

- A. **General Policy.** In making housing and programming assignments, the WDOC considers on a case-by-case basis whether placement would ensure the offender's health and safety and whether the placement would present management or security problems. The WDOC does not place lesbian, bisexual, transgender, gender-variant, or intersex offenders in dedicated facilities, or units solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or pod established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such offenders. (PREANS 115.42.g)
1. It is the policy of the WDOC that all individuals who enter the agency are treated with fairness, dignity, and respect. No inmates under the jurisdiction of the WDOC will be subject to discrimination based on gender, sexual orientation, gender identity, or expression.

III. DEFINITIONS

- A. **Gender Dysphoria.** The formal diagnosis used by psychologists and physicians to describe persons who experience significant discontent with their sex and/or their gender roles associated with that sex as defined by medical. This is a medically identified diagnosis.
- B. **Gender Identity.** Distinct from sexual orientation and refers to a person's internal, deeply felt sense of being male, female, or something else.
- C. **Intersex.** A condition where external genitalia, internal reproductive organs, chromosome pattern, or an endocrine system does not fit the typical definition of male or female.



WYOMING DEPARTMENT OF CORRECTIONS	Policy and Procedure #3.307	Page 3 of 8
		Management of Transgender or Intersex Inmates

- D. **LGBTI.** Acronym for lesbian, gay, bisexual, transgender, and intersex individuals. Many variations of this acronym may be used depending on context.
- E. **Sexual Orientation.** An enduring personal quality that inclines people to feel romantic or physical attraction to persons of the opposite sex or gender, the same sex or gender, both, or neither.
- F. **Transgender.** An umbrella term for persons whose gender identity differs from their assigned sex at birth. This term may be used interchangeably with “transsexual” depending on context.
1. **Transgender Woman.** A person whose birth sex was male but who understands herself to be female and desires to live her life as a female.
 2. **Transgender Man.** A person whose birth sex was female but who understands himself to be male and desires to live his life as a male.
- G. **Transgender Review Committee (TRC).** A committee comprised of the mental health director, the regional physician, the central office housing and classification manager, the facility chief of security or higher, the facility PREA compliance manager, the central office PREA coordinator, Deputy Administrator, and facility housing manager, which provides a more specialized evaluation regarding inmates who identify as transgender or intersex.
1. The facility housing manager shall be the chairperson of this committee. The facility housing manager shall be required to bring this committee together in accordance with the timeframes outlined in this policy and maintain the TRC documentation.
- H. **Transsexual.** A person whose physical anatomy does not match his or her gender identity, and seeks medical treatment (sex reassignment surgery or hormones). May be used interchangeably with “transgender” depending on the context.

IV. PROCEDURE

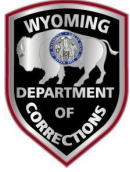
- A. **Referral Process.** When an inmate identifies as transgender/gender non-conforming, staff shall refer the inmate to medical/mental health for initial consultation.
1. The contracted medical provider shall utilize the designated medical/mental health staff who has the expertise and experience to complete an evaluation and assessment. Medical staff shall work with the inmate regarding care and specialized treatment.



WYOMING DEPARTMENT OF CORRECTIONS	Policy and Procedure #3.307	Page 4 of 8
		Management of Transgender or Intersex Inmates

B. Classification/Housing upon Intake Procedure for transgender or intersex male or female inmates.

1. Pursuant to W.S. 9-27-102, housing units shall be designated for use exclusively by males or exclusively by female inmates.
2. If during the intake process an inmate identifies as transgender or intersex, the TRC will determine the housing assignment within the facility unit. The facility housing manager shall ensure the TRC is developed within three (3) working days from the inmate's arrival and/or identification as transgender or intersex. The inmate shall be provided WDOC Form #367, *Transgender Accommodation Request*, to request special accommodations. The TRC shall still proceed even in the event the inmate chooses not to submit WDOC Form #367, *Transgender Accommodation Request*.
 - i. The TRC shall review all of the inmate's records; this includes the inmate's PSI, records received from the county jail the inmate was housed at, necessary medical and mental health records and assessments, and any other pertinent records to assist in determining housing. An interview with the inmate to include asking the inmate on his or her own opinion of his or her vulnerability in assigned units. At no time shall identification as transgender or intersex be the sole factor in determining housing. (PREANS 115.42.e)
 - ii. If the TRC deems it necessary the inmate may be recommended for an individual session with a psychologist/psychiatrist to assist in determining appropriate housing.
 - iii. In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether placement would present management or security problems. (PREANS 115.42.c)
 - iv. In accordance with WDOC Policy #4.101, *Inmate Classification*, initial classification shall take place within 45 days of the inmate's commitment to the custody of the WDOC and must be completed before an inmate is moved from the admission and orientation housing area.
 - v. Placement and programming assignments for each transgender or intersex inmate shall be assessed at least twice a year by the TRC to review any threats to safety experienced by the inmate. (PREANS 115.42.d)

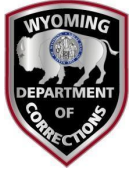


WYOMING DEPARTMENT OF CORRECTIONS	Policy and Procedure #3.307	Page 5 of 8
		Management of Transgender or Intersex Inmates

- vi. The Facility Custodial Records Manager shall be notified of the inmate's gender identity. The Custodial Records Manager shall ensure the offender management system appropriately delineates the inmate's gender identity.

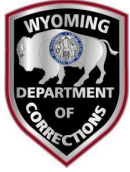
C. **Requests for special accommodations.** Any requests for special accommodations (e.g. property, housing, searches, etc.) that is not considered specialized medical treatment shall be requested by the inmate on WDOC Form #367, *Transgender Accommodation Request*. The housing manager shall initiate a TRC within 14 days from the request. The TRC will notify the inmate of their response within 30 calendar days after the TRC meeting.

- 1. Decisions made by the TRC may be appealed by the inmate through a separate process than the grievance process and must begin at the facility level.
 - i. The inmate may appeal the decision of the TRC using WDOC Form #367.1, *Transgender Accommodation Request - Appeal*.
 - a. The inmate shall file the appeal within seven days from receiving notice of the TRC's decision. The Warden shall respond to the appeal within 30 days from receipt of the appeal.
 - ii. The inmate may appeal the Warden's decision to the Director within seven days TRC using WDOC Form #367.1, *Transgender Accommodation Request - Appeal*.
 - a. Warden and/or Director appeal responses shall be provided in letter format.
- 2. **Showers.** Pursuant to W.S. 9-27-102, every multi-occupancy changing area shall be designated for use exclusively by males or exclusively by females. Special shower times may be authorized by the TRC on a case- by-case basis upon inmate request on WDOC Form #367, *Transgender Accommodation Request*.
 - i. Facilities shall develop facility operational procedures to allow transgender and intersex offenders the opportunity to shower and dress/undress separately from other offenders. This may include shower stalls, separate shower times, or other procedures based on facility design. (PREANS 115.42.f)
- 3. **Searches.** When requested by the inmate, the TRC shall consider alternate search preference accommodation. The TRC shall document their response to the request on WDOC Form #367, *Transgender Accommodation Request*.



WYOMING DEPARTMENT OF CORRECTIONS	Policy and Procedure #3.307	Page 6 of 8
		Management of Transgender or Intersex Inmates

- i. Once approved for an alternate gender preference search accommodation, the facility shall notate this on the inmate's ID card. The inmate shall provide his/her ID at the time a search is requested in order to receive the accommodation.
 - ii. All searches shall be conducted in accordance with Policy #3.013, *Searches*. WDOC shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, 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. (PREANS 115.15.e)
 - a. **Pat-down/Skin searches.** May be conducted by the inmate's gender status (i.e. inmates housed in a male facility will be skin searched by a male officer; inmates housed in a female facility will be skin searched by a female officer), unless there has been approval for a search accommodation where an employee of the gender the inmate identifies with; inmates must provide their ID at the time a search is requested.
 - b. The search will be conducted by the employee if the gender the inmate identifies with is available and willing to conduct the search, unless exigent circumstances dictate the need for an immediate search by available personnel. Exigent circumstances resulting in an opposite-gender strip search by non-medical staff shall be documented in an incident report (115.15 (c)).
 - c. Pat-down searches. The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
4. Prior to transport of a transgender inmate, the intake facility housing manager shall gather necessary records from the county jail, etc. to determine the appropriate intake facility pursuant to the inmate's biological sex at birth. If biological sex can't be verified via a birth certificate or other documentation, intake of the inmate shall be suspended pending staffing of the case with Prison Division Administration.
5. **Property and Clothing Exceptions for Transgender and Intersex Inmates.** Any special property or clothing requests outside of the matrices



WYOMING DEPARTMENT OF CORRECTIONS	Policy and Procedure #3.307	Page 7 of 8
		Management of Transgender or Intersex Inmates

shall be decided by the TRC, using WDOC Form #367, *Transgender Accommodation Request*.

- i. The committee shall take into consideration the safety and security of the facility and the inmate. If necessary, the TRC will interview the inmate.

6. **Housing.** Housing shall be determined in accordance with section IV.B. of this policy.

7. The TRC shall utilize WDOC Form #367, *Transgender Accommodation Request*, for all non-medical accommodation requests that are not specialized medical treatment.

D. Treatment.

1. Any specialized medical treatment shall be considered on a case-by-case basis.

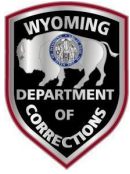
2. Any specialized medical treatment provided to inmates identified as transgender or intersex, or who have been diagnosed with gender dysphoria, shall be determined medically necessary by the contracted medical provider.

- i. When specialized treatment is determined medically necessary, the contracted medical provider shall ensure the TRC and Prison Division Administration is notified and provided with the treatment plan.

E. **Documentation.** All TRC meetings shall be documented in the designated offender management system and on WDOC Form #367, *Transgender Accommodation Request*. WDOC Forms #367 and Form 367.1 shall be maintained in the inmate's case work file.

F. **Training.** In accordance with Policy #3.402, *Protection from Sexual Misconduct against Offenders*, staff shall be trained on:

1. this policy and procedure;
2. sexual Harassment as it pertains to LGBTI;
3. PREA as it pertains to LGBTI; and
4. professionalism and respect for people with different backgrounds.



WYOMING DEPARTMENT OF CORRECTIONS	Policy and Procedure #3.307	Page 8 of 8
		Management of Transgender or Intersex Inmates

5. Members of the TRC for each facility are required to receive additional training specific to managing LGBTI inmates in accordance with law, policies and procedures, and best practices.

V. TRAINING POINTS

- A. How many days does the TRC have to convene after an inmate has identified themselves as being transgender?
- B. What does LGBTI stand for?
- C. Who can conduct a strip search of a transgender inmate?