



**DISTRICT OF COLUMBIA  
DEPARTMENT OF CORRECTIONS**

# Standard Operating Procedure

Effective Date:	May 4, 2023	
Corresponding Policy: Corresponding Policy Number:	GENDER CLASSIFICATION AND HOUSING 4020.3	
SOP Number: SOP Subject:	1400.1-23 TRANSGENDER HOUSING COMMITTEE	Amends <input type="checkbox"/> Cancels <input type="checkbox"/> New <input checked="" type="checkbox"/>
Attachment(s):	Attachments A-B	
OPI:	DIRECTOR	
Review Date:	May 4, 2024	
Approving Authority:	Thomas Faust Director	

*Signature on File*

Thomas Faust, Director

5/4/2023

Date

## SUMMARY OF CHANGES

Section	Change
NEW ISSUANCE	



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1. **PURPOSE AND SCOPE.** To provide additional operational guidelines, in concert with PP 4020.3 – Gender Classification and Housing, on the role of the Transgender Housing Committee (THC) in determining housing assignments for transgender, intersex, and gender nonconforming persons incarcerated and housed within the District of Columbia Department of Corrections (DOC). DOC is comprised of the Central Detention Facility (CDF) and the Correctional Treatment Facility (CTF).
  
2. **POLICY.** It is the policy of the District of Columbia Department of Corrections to address the housing needs of transgender, intersex, and gender nonconforming individuals in our custody. The THC is responsible for determining transgender, intersex, and gender nonconforming inmates’ housing assignments after review of all relevant records and assessments, along with an interview, during which the inmate’s opinions are considered.
  
3. **APPLICABILITY.** This directive shall apply to DOC employees, agency stakeholders, government partners, and the inmate population.
  
4. **PROGRAM OBJECTIVES.** The expected results of this program are:
  - a. To provide additional guidance on membership requirements for the Department’s Transgender Advisory Committee (TAC),
  - b. To specify operational protocols for TAC meetings-- both virtual and in person, and
  - c. To specify operational, safety and security, health/mental health, PREA and programmatic information covered in TAC meetings.
  
5. **NOTICE OF NON-DISCRIMINATION**
  - a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status,



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personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

## 6. AUTHORITY

- a. *Farmer v. Brennan*, 511 U.S. 825 (1994).
- b. *Williams v. Kincaid*, 50 F.4<sup>th</sup> 429 (4<sup>th</sup> Cir. Va. 2022).
- c. *Doe v. District of Columbia*, 215 F. Supp. 3d 62 (D.D.C. 2016).
- d. *Shaw v. District of Columbia*, 944 F. Supp. 2d 43 (D.D.C. 2013).
- e. D.C. Code § 24-211.02, Powers; Promulgation of Rules.
- f. D. C. Human Rights Act of 1977. as amended, D.C. Code § 2-1401.01 et seq.
- g. Prison Rape Elimination Act, 34 USC § 30301, et seq.
- h. 28 C.F.R. Part 115, Prison Rape Elimination Act National Standards
- i. D.C. Code § 22-3013 Sex Offenses – First Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner.

## 7. DIRECTIVES AFFECTED

- a. Directives Rescinded. None
- b. Directives Referenced



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- 1) PP 1280.2 Reporting and Notification Procedures for Significant Incidents and Extraordinary Occurrences
- 2) PP 3350.2 Elimination of Sexual Abuse, Assault and Misconduct
- 3) PP 4020.3 Gender Classification and Housing
- 4) PP 4090.3 Classification Program Review
- 5) OM-22-001 Gender Classification and Housing

## 8. STANDARD REFERENCED

- a. American Correctional Standard (ACA) 4th Edition, Standards for Administration of Correctional Agencies, 4th Edition 4-ALDF-4D-22-4.
- b. Prison Rape Elimination Act of 2003, Department of Justice, 28 CFR Part

## 9. DEFINITIONS

- a. **Gender Expression.** Gender expression is defined as the external appearance of one's gender identity, usually expressed through behavior, clothing, haircut, voice, and/or chosen name and preferred pronouns. Gender expression might not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.
- b. **Gender Identity.** Gender identity is defined as an individual's inner most concept of self as male, female, a blend of both, or neither. It is how individuals perceive themselves. One's gender identity can be the same or different from their birth gender. It may not be visible to others and is unrelated to an individual's sexual orientation.
- c. **Gender Nonconforming.** Gender Nonconforming refers to any person whose expression of gender (masculinity and femininity) does not conform to the dominant gender norms of Western culture.



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- d. **Intersex.** Intersex is defined as a set of medical conditions that features a congenital irregularity of the reproductive and sexual system. A person with an intersex condition is born with sex chromosomes, external genitalia, and/or an internal reproductive system that is not considered “standard” for either male or female.
- e. **Sexual Orientation.** Sexual orientation is defined as one’s romantic, emotional, and/or sexual attraction to members of the same, opposite or both sexes. It includes male or female homosexuality, heterosexuality, and bisexuality.
- f. **Transgender.** Transgender is a term used to describe a person whose gender identity does not correspond with their sex assigned at birth.
- g. **Transgender Housing Committee (THC).** A selected group of individuals required to determine transgender, intersex or gender nonconforming inmates’ housing assignments after review of all records and assessments, and an interview during which the inmate’s own opinion regarding appropriate placement and assessment of their vulnerability in the jail population shall be considered.

## 10. REQUIRED THC ROLE COMPOSITION

- a. Required THC members include:
  - 1) Chairperson: DOC Chief of Case Management (or designee): Education, Programs, and Case Management
  - 2) Co-Chair: Designated by the Deputy Director for Education, Programs, and Case Management
  - 3) PREA Victim Services Coordinator: Investigative Services
  - 4) Medical Practitioner: Office of Health Services Administration (OSHA)
  - 5) Mental Health Clinician: Office of Health Services Administration (OSHA)



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- 6) DOC Correctional Supervisors: Operations (Central Detention Facility and Correctional Treatment Facility represented)
  - 7) Representative from Mayor’s Office on LGBTQ Affairs
  - 8) One member of the transgender community (knowledgeable of transgender issues, correctional operations and/or an expert in transgender affairs).
- b. If a member cannot participate, the Chair (Designee) or Co-Chair must be contacted prior to the meeting date/time so that an alternate may be designated. This will ensure meetings are conducted within the required timeframe which is seventy-two (72) hours upon the inmate entering the facility and/or within seven (7) business days following receipt of an inmate’s request for a THC meeting. Without approval from the Chair/Co-Chair, alternates may not participate in the formal meeting process.
  - c. Members from each area mentioned above are given a single vote for a total of seven (7) votes with the final determination reached through majority vote. Meeting attendees should be limited to committee members who are authorized to participate and cast votes.
  - d. The THC Co-Chair will be designated by the Deputy Director for Education, Programs and Case Management. Individuals appointed to the role of Co-Chair may be rotated at the discretion of the Deputy Director.
  - e. At the discretion of the Agency Director, an attorney from DC DOC Office of the General Counsel (OGC) may attend scheduled THC meetings as a non-voting member.
  - f. Stakeholder members are required to complete volunteer training and undergo a background check prior to official committee appointment. When attending meetings in the facility, they must comply with all entry requirements.
- 11. THC INITIAL RESPONSIBILITIES AT INTAKE.** The THC is required to conduct a formal classification and housing needs assessment for transgender, intersex, or gender nonconforming inmates entering the facility within seventy-two (72) hours,



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excluding weekends, holidays, and emergencies. This formal classification occurs after the preliminary PREA assessment and review of all the inmate’s records and clinical assessments, and an interview with the inmate during which the inmate’s own opinion regarding appropriate placement and assessment of vulnerability in the jail population is considered.

- a. As part of the intake and assessment processes, Case Management staff records the inmate’s gender identity and sex assigned at birth in the Offender Management System (JACCS). Once the THC Committee Chair/Co-Chair (Designee) is made aware of a housing candidate, an email notification is sent to schedule a meeting. While awaiting the THC meeting, the inmate is placed in a cell alone for safety and security purposes. The Case Management Supervisor (or his/her designee) is responsible for sending meeting notifications.
- b. If an inmate chooses not to meet with the THC, a detailed explanation must be uploaded to Paper Clips (the DOC electronic document filing system for official inmate records).

## 12. SCHEDULING OF THC FORMAL CLASSIFICATION AND HOUSING ASSIGNMENT MEETINGS

- a. THC meetings may be held virtually (fully) or in-person.
  - 1) Formal instructions on the virtual meeting process will be shared with all THC members who will be required to acknowledge receipt and review via email.
  - 2) For virtual sessions, case management will within twenty-four (24) to seventy-two (72) hours prior to the THC meeting, provide the date, time and virtual link-- and notify the Operations Program Analyst or Operations Program Staff Person (or the designee) responsible for coordinating virtual meetings.
  - 3) Case management shall send THC meeting notifications to all internal and external THC members.



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- 4) The staff person responsible for scheduling virtual meetings shall notify designated Operations team members of the scheduled meeting date and time within twenty-four (24) to forty-eight (48) hours of the THC meeting.
  - 5) If the resident is housed at CTF, the designated Operations staff person shall make every effort to locate space and equipment to hold the meeting at that facility.
  - 6) If the resident is housed at CDF, the designated Operations staff person shall schedule the meeting to be held in the designated location at CDF.
  - 7) Due to the confidential nature of THC meetings, and the fact that only designated THC members are authorized to attend, when participating in virtual meetings, all THC members must do so in a place where outside observers cannot view or hear the proceedings. During meetings this will be monitored by the Chair/Co-Chair to ensure compliance.
- b. THC members will be advised in advance if a decision is made to return to in-person meetings (see description below). A sixty-day (60) notice will be given to members.
- 1) When THC meetings are held in person, they are conducted at designated locations within the CDF or CTF with representation from Case Management, Operations, Medical, Mental Health and PREA required at a minimum along with designated stakeholder members.
  - 2) Meeting invitations will be sent by Case Management within forty-eight (48) to seventy-two (72) hours of the scheduled meeting. If a member is unable to attend, notification is made to the Chair or Co-Chair as soon as possible to ensure a designated alternate is advised.

### 13. **THC CLASSIFICATION AND HOUSING ASSIGNMENT MEETING PROCESS.**

THC team members will work collaboratively to determine appropriate housing assignments for transgender, intersex, and gender nonconforming persons entering DOC's custody. Once the team has made an informed decision through majority vote, changes to the housing assignment should not occur unless safety/security circumstances change, or other factors including medical or mental





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health challenges, impact the initial decision. The Warden and respective facility Deputy Warden will be notified in writing of the recommended change.

- a. During each scheduled classification and housing assignment meeting, members will:
  - 1) Record all THC proceedings and notify the inmate at the start.
  - 2) Give inmates copies of the one-page THC rules and regulations at the start of each meeting to ensure respectful behavior.
  - 3) Read the rules and regulations aloud prior to the meeting start to ensure full understanding.
  - 4) Conduct a comprehensive review of the inmate's records (JACCS and Paper Clips) including the PREA intake screening and risk assessments and/or 30-day PREA reassessments.
  - 5) Conduct an inmate interview to determine where the individual prefers to be housed and if they anticipate vulnerability if housed in the general jail population on a male/female unit.
  - 6) Complete a detailed review of safety and security factors when and if an inmate communicates a housing preference different than the one expressed at the point of intake during their most recent confinement at DOC.
  - 7) Address inmate questions regarding committee deliberations.
  - 8) Deliberate collaboratively (not recorded) and provide a written decision to the Warden for approval immediately after. The written document should be shared with THC members with sign off required.



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- (a) If the Warden’s opinion differs from the recommendation of the THC based on safety, security, or other concerns, written justification will be forwarded to the Director before a final determination is made. This should take place within twenty-four (24) hours of receipt of the THC recommendation. The inmate will remain housed on the unit designated by the THC until the final decision is rendered.
- 9) Ensure documentation is maintained in the inmate’s institutional record and scanned into Paper Clips. PREA information is kept in the PREA database and medical and mental health information in the electronic record.
- 10) Take meeting minutes (Chair or Co-Chair) to be shared with members and also uploaded to Paper Clips.
- b. If the inmate exhibits behavior during the meeting that requires dismissal, a detailed explanation must be uploaded to Paper Clips. THC members will still review all relevant documentation and make an informed decision regarding the inmate’s classification and housing without the inmate present. All other standard protocols will be followed in documenting the process and a final decision reached. A designated committee member will meet with the inmate to make the official notification of the THC’s decision. Until such time as the THC meets, based on safety and security protocols, the inmate will remain on the assigned unit (protective custody).
- c. Transgender, intersex, and gender nonconforming inmates cannot grieve their THC housing classification but may appeal housing assignments per PP 4090.3, Classification (Program Review). Inmates are required to complete and submit the Inmate Appeal form (Attachment A) for reconsideration by the Warden.



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## 14. INMATE HOUSING ASSIGNMENTS FOLLOWING THC MEETINGS

- a. If the THC decides an inmate can be housed in the general population, the inmate will be transferred after completion of the classification process and upon housing availability. The move shall be communicated by the THC Chairperson to Operations (via the movement sheet). Operations will then make the move once approved by Majors office and a bed becomes available.
- b. Once assigned to a housing unit, the inmate shall be housed in a single cell or with another transgender, intersex, or gender nonconforming inmate in their assigned housing unit.

## 15. PROCEDURES AFTER CLASSIFICATION AND HOUSING ASSIGNMENT

- a. An inmate may also request a meeting with the THC at any time after initial intake, classification and housing assignment by submitting an Inmate Request Slip (Attachment B). Reasons for reconvening after an informed decision has been made will be for safety, security, health-related concerns, or if an inmate has recently identified as transgender, intersex, or gender non-conforming. Once the THC receives the Inmate Request Slip, a meeting with the THC shall be scheduled within seven (7) business days, excluding holidays and weekend, unless safety/security concerns dictate otherwise.
- b. Placement and programming assignments for each transgender, intersex or gender non-conforming inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

**16. TRAINING.** The Training Administrator, in conjunction with the Volunteer Services Coordinator, shall ensure that each volunteer including District government non-DOC employees, receive orientation prior to entering CDF or CTF or connecting virtually to provide services. Training shall be provided during scheduled times by the DOC Center for Professional Learning and Development. Upon completion of



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orientation, the Volunteer Services Coordinator shall coordinate with the Human Resources Division to issue the volunteer identification card.

**17. REPORTING.** THC proceedings are captured on the Gender Housing Form with minutes and any special notes entered in JACCS by case management. To ensure the agency's compliance with this guideline, on the fifth (5<sup>th</sup>) day of each month, a report on THC activities should be forwarded to the Office of the General Counsel and Office of the Director by Case Management with information to include:

- a. Name of inmate and date of arrival;
- b. Inmate's preference at arrival: male or female unit;
- c. Where inmate was housed at arrival (including gender of unit and whether in PC);
- d. Date/time seen by PREA Coordinator;
- e. Where inmate was housed after seeing PREA Coordinator (including gender of unit and whether in PC);
- f. Date and time inmate requested THC Hearing (if not requested at intake);
- g. Date and time the THC Hearing was held (minutes and decision attached);
- h. What housing placement the THC approved for the inmate (including gender of unit and whether in protective custody) and
- i. What housing placement the inmate received (including gender of unit and whether in protective custody).

**Attachments:**

Attachment A – Transgender Housing Committee Inmate Appeal Form

Attachment B – Inmate Request Slip



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DOC/SOP1400.1-23/5/4/2023/OPP





**D.C. DEPARTMENT OF CORRECTIONS  
TRANSGENDER HOUSING COMMITTEE  
INMATE REQUEST SLIP**

DATE:

NAME:

DCDC #:

UNIT:

CELL:

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**PLEASE CHECK  FOR SERVICES NEEDED:**

- |   |  |
|---|--|
| <input type="checkbox"/> RECORDS OFFICE   | <input type="checkbox"/> CASE MANAGER    |
| <input type="checkbox"/> CHAPLINS OFFICE  | <input type="checkbox"/> INMATE CLOTHING |
| <input type="checkbox"/> FINANCIAL ACCOUNT BALANCE                                | <input type="checkbox"/> LEGAL CALL      |
| <input type="checkbox"/> INMATE PROPERTY  | <input type="checkbox"/> NOTARY          |
| <input type="checkbox"/> FACE SHEET (unavailable if your sentence is over a year) | <input type="checkbox"/> OTHER           |

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**PLEASE EXPLAIN YOUR REQUEST BELOW:**

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**OFFICIAL/CASE MANAGER COMMENTS:**

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DATE: \_\_\_\_\_ STAFF SIGNATURE: \_\_\_\_\_