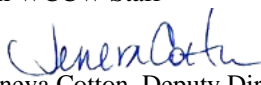




STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1100

March 10, 2021

TO: All WCCW Staff

FROM: 
Geneva Cotton, Deputy Director Command B

SUBJECT: **Transgender Individuals at WCCW**

In keeping with the Department's commitment to valuing the diversity of our workforce and the population we serve; the department recognizes each person is a unique individual. The safety and security of all incarcerated individuals in our custody remains our top priority.

On January 16, 2020, Secretary Sinclair [sent a memo](#) to all staff, in part stating that incarcerated transgender individuals present a unique opportunity in terms of safety considerations, and despite these challenges, the department has been providing a safe and humane incarceration environment for incarcerated transgender individuals, and has successfully managed their needs for many years.

I wanted to take a moment to provide accurate information in hopes of addressing misinformation that has been spreading through the Washington Corrections Center for Women (WCCW) and beyond. As the policy owner for [DOC 490.700 Transgender, Intersex, and/or Gender Non-Conforming Housing and Supervision](#), the chair of the Headquarters (HQ) Multidisciplinary Team (MDT), and the Deputy Director who reviews the housing assignment of every identified incarcerated transgender individual in all of our prison facilities, I feel accurate information about our policies is critical. Also, I want to be sure that those staff or incarcerated persons with concerns are clear both on who they can reach out to (myself) if they have concerns about our policies in place to provide accurate information and address harmful misinformation. False information creates an environment of fear, which is detrimental to the safety and security of our facilities.

A key element is the understanding that cisgender means the gender identity of an individual matches their sex assigned at birth, and transgender means the gender identity of an individual differs from their sex assigned at birth. Neither are in any way related to sexual orientation. Please note, an individual's mental health and medical information is considered confidential and cannot be shared publicly.

Here is some of the concerning misinformation and corresponding accurate information:

1. The department's only requirement for incarcerated transgender individuals is to identify as female to be housed in a female facility. **This is false.**

When an individual identifies as transgender, intersex, or gender non-conforming, there are federal requirements under the Prison Rape Elimination Act (PREA) that must be met, and actions that, by law, must be avoided.

Upon an individual's initial disclosure of transgender, intersex and/or gender non-conforming identity at a facility, a facility MDT Review Committee meets every six months to conduct a housing and programming review to consider factors such as risk for victimization or predation, medical or mental health concerns, security considerations, and the individual's own views regarding their safety. The facility MDT includes representation from facility management, the PREA Compliance Manager/Specialist, assigned counselor, and representatives from both medical and mental health. The MDT makes their recommendation to headquarters (HQ) whether to retain the individual at the current facility, or to transfer to another facility.

If the recommendation is to retain and there are no concerns noted, the facility submits [DOC 02-385 Housing Review for Transgender, Intersex, and Gender Non-Conforming Individuals](#) to HQ. HQ will review and approve the MDT's assessment, and no further action is taken until the next biannual review.

If a transfer to any other facility is recommended, regardless of whether to a men's or women's facility, the facility first consults with HQ classification to determine placement options, and submits [DOC 02-384 Housing Protocol for Transgender, Intersex, and Gender Non-Conforming Individuals](#) to HQ.

If the recommendation is to transfer to a like-facility (for instance, from one men's prison to another), HQ will review the request, and if supportive, will forward the form to the receiving facility, which will hold its own MDT

(to include the incarcerated individual via phone/virtual attendance) to discuss issues such as showering options, and any concerns. The receiving facility will complete their portion of the form and return it to HQ. HQ will then approve or deny transfer and finalize the decision.

If the recommendation is to transfer from a men's prison to a women's prison, or vice versa, the HQ MDT will meet to review the case. The group reviews programming history, infraction history, involvement with medical and mental health practitioners, how long an individual has identified and/or lived as a transgender individual, participation in hormone replacement therapy and/or other transitional treatment plans, federal legal requirements, past housing while in other confinement jurisdictions, risk of vulnerability or predation, and several other factors. The HQ MDT then completes [DOC 02-422 Transgender, Intersex, and Gender Non-Conforming Housing Multi-Disciplinary Team](#), which includes decision of the HQ MDT. Additionally, the HQ MDT Chair then completes DOC 02-385 Housing Review for Transgender, Intersex, and Gender Non-Conforming Individuals with final housing determination. If a transfer is approved, consideration is also given to potential needs such as single cell assignment, particular housing unit/area, etc.

There have been HQ MDTs that result in denial of transfer requests and there have been HQ MDTs that result in approval of transfer requests. Each case is unique, reviewed independently and separately.

2. An assault occurred at WCCW involving a transgender individual, which was not documented and disregarded. **This is false.**

There has been no allegation that an assault (aggravated sexual assault as defined, per DOC 490.800 Prison Rape Elimination Act (PREA) Prevention and Reporting) has occurred within the last six months at WCCW involving any transgender individuals, to include both transgender females and transgender males.

Consensual acts between incarcerated individuals, whether transgender or cisgender, are prohibited at all Washington prison facilities. There have been instances of individuals who have been found engaging in prohibited consensual behaviors, such as kissing, and were infraacted for such behavior. This has occurred both with transgender and cisgender individuals. In these instances, incident reports have submitted, documenting what was directly observed by staff and reported by both individuals. Infractions were submitted by the observing staff. None of the information received by observing staff, nor the individuals involved, suggested any violation of any federal PREA standards or PREA definitions in DOC policy.

3. There are over 100 incarcerated transgender women waiting for transfer to WCCW. **This is false.**

There are less than 150 transgender individuals within our entire prison system. Of those, less than 10% are recommended by the facility MDT for consideration of transfer from a men's facility to a women's facility, or from a women's facility to a men's facility.

4. The department needs to protect women in their custody from harm. **This is true. We must protect all individuals under our custody and care, regardless of their gender identity.**

With ongoing assistance from the Office of the Attorney General, we continue to work with organizations such as [Disability Rights Washington \(DRW\)](#) to ensure our practices support the needs and safety of both our transgender and cisgender populations. Our process for considering the most appropriate housing and programming options for transgender individuals within our prisons is thorough and includes input from medical and mental health providers at both the local and statewide level. As an agency, we must provide *everyone* under our care a safe environment to foster their rehabilitation and transition back into our communities. This includes both our transgender and cisgender populations.

As noted in the original message from Secretary Sinclair, the department is uniting with other law enforcement agencies and partnering with the transgender community in developing policies that are responsive to both staff and incarcerated individuals. Please take the time to view [Department of Justice](#), [Seattle Police](#) and [City of San Diego](#) training videos for more information. Additionally, the attached FAQs from DRW about Housing for Transgender People in WADOC provide additional helpful information.

The safety and security of our staff and those in our custody is our priority. We can achieve this by working and learning together, while staying focused on our agency's mission of improving public safety, by positively changing lives.