

Department of Correction Inmate Gender Non-Conforming Policy

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Issue

What is the Department of Correction's (DOC) protocol when an inmate who determines, during his or her incarceration that he or she is transgender (i.e., gender identity is different than the assigned sex at birth)?

Summary

Connecticut law requires every state agency to provide services without discrimination based upon gender identity or expression, among other things ([CGS § 46a-71](#)). It defines "gender identity or expression" as a person's gender-related identity, appearance, or behavior, whether or not it is different from that traditionally associated with the person's physiology or assigned sex at birth ([CGS § 46a-51](#)).

DOC [policy](#) explicitly states that the department must identify, diagnose, treat, and manage inmates who identify as gender non-conforming or who have an intersex condition (i.e., sex development disorder). Under this policy, the department manages these populations (1) in a manner consistent with accountability, safety, and security and (2) in a safe, humane, correctional environment, that is sensitive to the inmates' unique adjustment issues and consistent with the department's core values, vision, and mission. The policy defines "gender non-conforming" as gender identity or expression that does not conform to those typically associated with a person's biological sex ([Administrative Directive Number 8.17](#)).

According to the department, if an inmate reports upon intake that he or she started gender affirming hormone treatment in the community prior to DOC admission, the treatment generally

continues during incarceration, provided the department evaluates the inmate and confirms the treatment. The department also evaluates and treats inmates at any time during their incarceration.

Procedure for Gender Non-Conforming Inmates

The DOC policy ([8.17\(5\)](#)) specifies the procedure the department must follow when, upon admission or at any other time during incarceration, (1) an inmate self-identifies as being gender-nonconforming or (2) staff refers an inmate as possibly having gender dysphoria (i.e., marked incongruence between the experienced or expressed gender and the biological gender).

Referral

A referral for evaluation can be initiated by the staff member to whom the inmate disclosed such information or by any staff member who wants to have an inmate evaluated. The unit administrator must forward the completed referral form, within a specified timeframe, to the department's chief of psychiatric services.

Assessment

Upon receipt of a referral form, the chief of psychiatric services and the mental health advanced practice registered nurse (APRN) must assess the inmate and determine whether the inmate meets the criteria for a gender dysphoria diagnosis outlined in the DSM-V (i.e., the Diagnostic and Statistical Manual of Mental Disorders, 5th edition).

For inmates who do not meet the DSM-V criteria, a qualified DOC mental health clinician who was not involved in the initial assessment must conduct a secondary assessment. If the clinicians cannot agree on a diagnosis, a provisional diagnosis of gender dysphoria is made, which must be reevaluated in six months. If the inmate disagrees with the diagnosis, the inmate may request a health service review.

Evaluation

Inmates who meet the DSM-V criteria are referred to the contracted health care provider's physician or APRN and facility psychologist for an evaluation and possible medical and psychological interventions.

If the inmate has a medical contraindication that prevents gender affirming hormone care, the medical provider must inform the inmate and notify the chief of psychiatric services and the mental health APRN.

Care Management

DOC staff must manage the inmate according to the gender non-conforming management plan that is established using the Gender Non-Conforming Review Committee's recommendations to address the inmate's unique management needs. The committee's recommendations are subject to a final administrative review and require the commissioner's approval.

Under the DOC [administrative directive](#), the "Gender Non-Conforming Review Committee" is a multi-disciplinary team appointed by the DOC commissioner, or his designee, to provide consultative assessment and review of all treatment plans and custody-related management of inmates who identify as gender non-conforming or who have intersex conditions.

Surgery

The department's policy is silent on the issue of transgender-related surgery. However, the department stated that it generally considers each inmate's care, including the possibility of surgery, on a case by case basis. At this time no such surgery has been approved.

For additional information on DOC's gender non-conforming policy, please see [Administrative Directive Number 8.17](#), dated 02/13/18.

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