

LGBTI Adults under Custodial Supervision

Following are questions to ask regarding an agency's nondiscrimination policy:

Nondiscrimination Policy Checklist	YES	NO
Does the agency have a nondiscrimination policy for employees, inmates, residents, and/or volunteers?		
Does the agency policy require all LGBTI inmates or residents to be treated with fairness, dignity, and respect?		
Does the agency policy prohibit attempts by staff to ridicule or change an inmate's or resident's sexual orientation or gender identity?		
Does the agency policy define staff duty to provide safe and healthy environments in which all individuals are treated with respect and dignity?		
Does the agency policy define staff responsibility for protecting the civil rights of LGBTI inmates or residents while in custody, and ensuring their physical and emotional well-being and safety in facilities?		
Does the agency policy define the elements of incident reporting to include complaints of harassment, discrimination, and abuse?		
Does the agency policy provide training and resources regarding the societal, familial, and developmental challenges confronting LGBTI inmates or residents?		
Does the agency policy address the collection and analysis of data regarding the needs of LGBTI inmates or residents in its custody?		
Does the agency use the collected data and analysis to make decisions?		
Does the agency policy require equal access to programming for LGBTI inmates or residents (not dependent on classification)?		
If the agency policy permits conjugal visiting for heterosexual couples, does the policy also permit conjugal visits for same-sex couples?		

Following is a list of questions to ask regarding an agency's intake and risk assessment policy:

Intake and Risk Assessment Policy Checklist	YES	NO
During intake and initial classification, does the agency ascertain information about the inmate's or resident's sexual orientation and/or gender identity?		
During the course of the inmate's or resident's incarceration, does the agency periodically update information regarding his/her sexual orientation and gender identity?		
Do the agency employees who conduct initial screening and classification receive training regarding sensitivity in conducting interviews with LGBTI inmates or residents?		
Does the agency policy require that an inmate's or resident's sexual orientation and/or gender identity be verified by multiple sources prior to classification?		
Are medical practitioners the only staff permitted to physically examine inmates or residents to gather information about gender identity?		
Does the agency policy have a process to document and accommodate the concerns of LGBTI inmates or residents in terms of safety, name, pronoun, shower preference, and searches?		
Do the agency medical and mental health staff use screening tools that are developed specifically for LGBTI inmates or residents?		
Does the agency policy require diversity training for employees that includes the impact of name-calling and harassment?		

Following is a list of questions to ask regarding an agency's classification policy:

Classification Policy Checklist	YES	NO
Is the agency classification policy based on individualized needs that balance the inmates' or residents' physical and emotional well-being and safety?		
Is the agency classification process objective and free of individual biases?		
Is the agency classification process defined in written policies and procedures?		
Does the agency prohibit blanket policies regarding the classification of LGBTI inmates or residents, or those perceived to be LGBTI?		
Does the agency classification policy govern the placement of inmates or residents into sex-offender programs/units based on articulated criteria, including orders of the court?		
Do the agency classification and housing protocols consider physical layout and privacy issues when determining the location for an LGBTI inmate or resident?		
Does the agency place vulnerable inmates or residents in the least restrictive environment necessary to ensure safety and provide the inmates or residents with equal access to facility services?		
Do the agency classification protocols address how inmates or residents in various classifications are housed if the facility is crowded?		
Do the agency classification and housing protocols consider privacy concerns when assigning housing for LGBTI inmates or residents?		
Does the agency develop responses to abuse or harassment (or threat of abuse or harassment) of LGBTI inmates or residents that do not rely on the isolation or segregation of these inmates or residents?		

Following is a list of questions to ask regarding an agency's classification and housing policies for transgender and intersex inmates or residents:

Classification and Housing Checklist for Transgender and Intersex Inmates or Residents	YES	NO
Do the agency classification and housing policies include evaluation of a person's current genital status in making placement decisions?		
Do the agency classification and housing policies include factors relating to the inmates' or residents' emotional and physical well-being, and that prioritize the inmates' or residents' evaluation of his/her safety?		
Do the agency classification and housing policies include a review of inmates' or residents' privacy concerns, available housing options, and recommendations from the inmates' or residents' mental health providers regarding appropriate housing or classification?		
Does/can the agency provide access to private shower facilities, when necessary, or a single room for sleeping, while allowing inmates or residents to have full access to the facility's daily programming?		
Does/can the agency place transgender inmates or residents according to their core gender identity rather than their birth sex?		
When it is necessary, can the agency place transgender inmates or residents safely according to birth sex to protect their physical and emotional well-being?		
Does the agency house transgender inmates or residents in a mixed-gender unit or program?		
Does the agency determine reclassification needs based on requests by inmates or residents or based on victimization?		

Following is a list of questions to ask regarding an agency's respectful communication policy for inmates or residents:

Respectful Communication with LGBTI Inmates or Residents Policy Checklist	YES	NO
Does the agency have a zero-tolerance policy for sexual harassment, including harassment by staff and inmate-on-inmate or resident-on-resident harassment?		
Does the agency policy include direction to staff on how to address LGBTI inmates or residents using respectful and appropriate language?		
If the agency policy permits inmates or residents to wear clothing other than issued clothing, does the agency policy permit them to express themselves through clothing or grooming (within the bounds of safety for all inmates or residents)?		
Does the agency policy address confidentiality of information, including staff disclosure relating to the privacy and confidentiality of LGBTI inmates or residents?		
Does the agency policy adhere to all confidentiality and privacy protections afforded LGBTI inmates or residents under applicable state law?		
Does the agency policy allow for sharing of information necessary to achieve a particular purpose, such as identifying an appropriate placement in another facility?		
Does the agency policy provide for eligible LGBTI inmates or residents to access programming and services within facilities?		

Following is a list of questions to ask regarding an agency's medical and mental health care policy for inmates or residents:

Medical and Mental Health Care Policy Checklist	YES	NO
Do the agency medical and mental health protocols include opportunities for LGBTI inmates or residents to access services that address self-acceptance and validation, concerns about disclosure of sexual orientation or gender identity, family relationships, healthy intimate relationships, and sexual decision-making?		
Does the agency policy promote the hiring of medical and mental health professionals who have expertise and/or experience in working with LGBTI inmates or residents?		
In assessing an inmate's or resident's medical and/or mental health status, does the agency policy direct medical staff to include an assessment of an inmate's or resident's safety?		
Do the agency medical and mental health protocols direct those conducting medical screening to inquire about the inmate's or resident's sexual activity, sexual orientation, and gender identity, both before and during incarceration?		
Do the agency medical protocols provide for gynecological and obstetrical care?		
Do the agency medical protocols provide for HIV and STD testing, care, and confidentiality?		
Do the agency medical and mental health protocols provide for counseling for sexual trauma that occurred either before or during incarceration?		
Do the agency medical and mental health protocols provide for mental health evaluations that include assessment of an array of mental health diagnoses, including gender dysphoria?		
Do the agency medical protocols address medical care for transgender inmates or residents, including evaluation of their care prior to incarceration?		

Following is a list of questions to ask regarding an agency’s privacy and safety policy for inmates:

Privacy and Safety Policy Checklist	YES	NO
Does the agency practice cross-gender supervision of inmates or residents? If the answer is “yes” or “no,” explain what that means.		
Does the agency policy address levels of staffing and supervision?		
Does the agency policy address the safety and privacy needs of LGBTI inmates or residents in regard to toileting, showering, and sleeping?		
Does the agency policy address how pat and strip searches of LGBTI inmates or residents are conducted?		
Does the agency policy address search procedures and privacy needs of LGBTI inmates or residents?		
Does the agency policy require that inmate or resident grievances be tracked, and does the agency collect and analyze information on grievances related to searches?		

Following is a list of questions to ask regarding an agency's sexual abuse policy

for inmates:

Sexual Abuse Policy Checklist	YES	NO
Does the agency policy prohibit the sexual abuse of inmates or residents in custody?		
Does the agency policy stipulate that staff must receive training regarding the sexuality and sexual behaviors of inmates or residents?		
Does the agency policy require the investigation of all reports of violations of policy regarding sexual abuse?		
Does the agency have multiple methods for inmates or residents to report sexual abuse, including avenues for third-party, independent reporting?		
Does the agency policy address the management of inmates or residents who report allegations of sexual abuse?		
Do the agency inmate or resident disciplinary procedures address discipline for those who have sustained violations of recanting previous allegations?		
Does the agency policy define the roles and responsibilities of the investigative process into allegations of sexual abuse?		
Does the agency policy (or the investigative entity's policy) require referral of allegations of potential criminal activity for review by the prosecutor?		
Does the agency policy require a review of reports and investigations of sexual abuse?		
Does the agency policy establish a sexual assault response team?		
Do the agency protocols provide for ongoing medical and mental health care for an inmate or resident who has been sexually victimized while in custody?		
Does the agency policy recognize particularly vulnerable populations, such as LGBTI inmates or residents, and specify treatment for them?		