



**SAN MATEO COUNTY  
PROBATION DEPARTMENT  
INSTITUTIONS SERVICES MANUAL**

**ARTICLE 5  
Classification and Separation  
§1352.5**

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**Procedure  
Transgender and Intersex Youth**

**PURPOSE AND SCOPE**

This policy provides general guidelines regarding the Transgender and Intersex youth in custody at the Youth Services Center and Camp Kemp.

**1352.5.1 ADMISSION RECEPTION PROCEDURES**

1. Upon admission, any youth who evidences such indicators, a Transgender Preference form, will be admitted in the following manner:
2. During the regular admit process the Institution staff will ask:
  - a. Do you go by another name other than the one listed on the Juvenile Contact Report (JCR)?
  - b. What gender do you identify with?
  - c. The youth's housing preference
  - d. The youth's preferred sex of staff to perform search and/or urine testing
3. The Institution staff will ask youth's preferred name and pronoun and note this information in the Probation Information Management System (PIMS) questionnaire as well as in the PIMS unit assignment sheet along with the youth's legal name.
4. The original Transgender Preference form will be placed in the youth's permanent file in Admissions. Copies of the Transgender Preference form will be sent to:
  - a. The unit file
  - b. The unit ISM
  - c. The youth's Probation Officer (PO)
5. Admissions staff will submit a Mental Health Memorandum with a brief explanation.
6. Admissions staff will also call the BHRS OD line and leave a message notifying them of the Mental Health Memorandum and ask for a therapist to follow-up with the youth.

**1352.5.2 RECORDING OF TRANSGENDER YOUTH'S NAME**

1. For the purposes of recording the youth's name, the youth will be referred to by their legal name on all legal documents and with the "also known as" (AKA) name, where applicable.
  - a. In Probation Information Management System (PIMS), youth's legal name will be used.
  - b. In PIMS, the youth's preferred name will be noted as an AKA.
  - c. All files in Admissions will utilize the youth's legal name as well as their preferred AKA.

- d. In the unit, the youth's legal name as well as their preferred AKA will be used on the unit file, and on any other documents.

### **1352.5 HOUSING SELECTION**

1. In order to ensure their privacy and safety, the OD will approve the youth be temporarily classified as a "NR/O" (No Roommate/Other) classification and shall be provided a single room pending further review by Medical and/or Behavioral Health and Recovery Services (BHRS).
  - a. If the youth had previously been housed in the opposite biological sex unit, in order to ensure privacy and safety, youth will be classified as NR/O (No Roommate/Other) risk and shall be provided a single room.
  - b. If youth had previously been housed in the unit of their biological sex, youth shall be allowed a roommate, unless other circumstances exist requiring an NR classification (charges, behavior, etc.). NR/O classification cannot be assigned to a youth based on gender identity alone.
2. The youth will be housed according to the biological sex of the youth or their preference barring any safety or security issues. The reasons for housing decision shall be documented including those potential safety and security concerns. If the biological sex cannot be determined refer to the Searches section in this policy.
3. For safety and security purposes, the On-Duty Officer of the Day will further notify, via their OD Report all other Institution Services Managers, the Director, the Deputy Chief of Institutions and the Assistant Chief.

### **1352.5.4 MULTI-DISCIPLINARY TEAM MEETING**

1. An initial unit Multi-Disciplinary Team (MDT) meeting will be convened within three (3) business days of admission.
2. The unit MDT(s) may include unit staff, the Institution Services Manager (ISM), the youth's Probation Officer, Behavioral Health staff, Medical, youth, and any other relevant persons.
3. The MDT(s) shall:
  - a. Determine or confirm if the youth should be classified as a transgender youth.
  - b. Determine appropriate housing.
  - c. Determine or confirm if the youth should be classified as an NR/O risk and provided a single room.
  - d. Determine any treatment and programmatic arrangements that will best support the transgender youth's emotional and physical well-being.
4. Thereafter, Institution staff will make housing changes pursuant to the Transgender Notification section of this policy.
5. The unit MDT process is not limited to admission. It may be initiated at any time by the unit staff, by an ISM, by the Probation Officer, by the Court, by Behavioral Health, etc.

### **1352.5.5 TRANSGENDER NOTIFICATION**

1. Any time a youth communicates that they are a transgender youth, the On-Duty Officer of the Day will be notified.
2. The following procedures will be followed:
  - a. In order to ensure their privacy and safety, the youth will be promptly and temporarily classified as an “NR/O” (No Roommate/Other) risk and shall be provided a single room pending further review by the Unit’s ISM and/or housing decisions based on the MDT.
  - b. The ISM will submit a Mental Health Memorandum with a brief explanation.
  - c. The ISM will also call the BHRS OD line and leave a message notifying them of the Mental Health Memorandum and ask for a therapist to follow-up with the youth.
3. An MDT meeting will be convened within three business days of notification with the Institution staff following the steps of the Multi-Disciplinary Team Meeting section in this policy.
4. Thereafter, Institution staff will make housing changes pursuant to the Classification Policy.

#### **1352.5.6 RECEIVING**

1. Transgender and intersex youth will be processed through Admissions depending upon their responses to the Transgender Preference Form.
2. If the youth has previously been housed in the opposite biological sex unit, a transgender girl (MTF) will be processed in Admissions utilizing a female Institution staff as well as a male Institution staff.
  - a. Youth will receive a roll consisting of a shirt, pants, bra underwear, socks, sandals, and towel.
  - b. All clothing, as listed above, shall always be worn appropriately.
  - c. The Institution staff who is NOT the youth's preference in conducting searches will remain present but out of view of the youth during searches and showering (refer to the Searches section of this policy).
3. If the youth has previously been housed in the opposite biological sex unit, a transgender boy (FTM) will be processed in Admissions utilizing a male Institution staff as well as a female Institution staff.
  - a. Youth will receive a roll consisting of a shirt, pants, underwear (Camp Kemp youth receive boxer shorts), a breast binder (upon request), socks, sandals, and a towel.
  - b. All clothing, as listed above, shall always be worn appropriately.
  - c. The Institution staff who is NOT the youth's preference in conducting searches will remain present but out of view of the youth during searches and showering (refer to the Searches section of this policy).

#### **1352.5.7 SEARCHES**

1. Transgender and intersex youth shall not be searched in a manner that is humiliating or degrading nor for the purpose of determining the youth's physical anatomy. All searches will be conducted in a professional and respectful manner by staff. Searches shall, to the extent

possible, be performed in a way that preserves the privacy and dignity of the person being searched.

2. In situations where the genital status of a youth is unknown, staff will attempt to determine the genital status through conversations with the youth or through a review conducted by medical personnel of medical records.
3. If attempts to determine the youth's genital status are unsuccessful, the juvenile facility administration or their designee may obtain the needed information via a broader medical examination conducted in private by a medical practitioner.
4. Transgender and intersex youth may request that either a male or female staff member conduct the search or are present during a search, (pat and/or strip), if such a search is required. This request shall be accommodated. If the youth has no preference, they will be searched by an Institution staff of the same biological sex. This preference shall be indicated on the Transgender Preference Form
5. The Transgender Preference Form shall be completed by the youth and a copy of the form shall be kept in the youth's Admission file.
6. If the youth has no preference, he or she will be searched by a staff member of the same biological sex.
7. When conducting a search on a transgender or intersex youth:
8. Two Institution staff members shall be present, a preferred gender staff and a second staff who will be of the opposite biological sex from the preferred gender staff.
9. The preferred gender staff will conduct the search while the second staff remains within hearing, but out of view of the youth (absent exigent circumstances).
  - a. For safety and security purposes, the secondary staff shall be in a position to view the searcher so as to offer aid, if necessary. This staff may further assist the searcher by offering guidance where necessary on the search of the opposite sex youth.
  - b. During admission, all searches shall be documented on the Search Form, making sure to document who conducted the search. The Search Form should then be placed in the youth's Admission's file. See Searches Policy for additional guidance.

### **1352.5.8 YOUTH IN THE HOUSING UNITS**

1. Searches on the housing units will be conducted in accordance with the Searches section of this policy.
2. The safety and well-being of the transgender and intersex youth should be the primary concern when deciding where to place them within the housing facility. Housing decisions are based on the youth's individualized needs, which prioritizes the youth's emotional and physical safety while considering the youth's perception of where they will be most secure.
3. Housing determination for transgender or intersex youth shall consider whether the placement would ensure the youth's health and safety, and whether the placement would present management or security problems.

### **1352.5.9 ROOM ASSIGNMENT**

1. Unless otherwise requested and there are no other circumstances that would prohibit a roommate, all transgender and intersex youth will be provided a single room in order to ensure their privacy and safety.
2. A single room will allow the youth the ability to dress and perform bodily functions without youth of the opposite gender viewing them.
3. Single accommodations may reduce a transgender and intersex youth's vulnerability to violence and harassment, avoid some other difficulties associated with sharing a bedroom/bathroom facility, and decrease the transgender youth's privacy concerns.

#### **1352.5.10 HYGIENE AND SHOWERS**

1. To ensure their privacy and safety, transgender and intersex youth, if requested, shall be afforded the opportunity to shower and use the restroom at separate times from other youth.
2. Showers will take place at the designated time for the unit; however, if requested, the transgender and intersex youth will either shower before or after everyone in the unit.
3. Transgender and intersex youth will be permitted to groom according to their preferred gender, regardless of the unit in which the youth is housed.
4. Youth will be able to fully participate during "Beauty/Grooming Night" depending on the program level.
5. Youth will also be allowed to shave their legs and facial hair daily, as requested.
6. Institution staff will allow showers, grooming, and hygiene pursuant to Grooming and Youth Hygiene Policies.

#### **1352.5.11 GENDER SPECIFIC PROGRAMMING**

1. Transgender and intersex youth will participate in all the programming as part of the unit in which they are housed unless Behavioral Health determines otherwise.
2. Placement and programming assignment of transgender or intersex youth will be periodically assessed to review any threats to safety.
3. Youth will only be isolated from others as a last resort when less restrictive measures are inadequate to keep them and other youth safe, and then only until alternative means of keeping all youth safe can be arranged.

#### **1352.5.12 EQUAL ACCESS TO ALL AVAILABLE SERVICES, CARE, AND TREATMENT**

1. The Probation Department shall ensure that transgender and intersex youth have access to medical and behavioral health providers qualified to provide care and treatment to transgender and intersex youth.
2. See Policy Manual on Prison Rape Elimination, Youth Admittance, Searches, Youth Hygiene, Youth Classification, Youth Nondiscrimination for additional guidance.