Santa Clara County Probation Department
JH Transgender Procedure Guidelines

I. **Policy**

A. The purpose of this policy is to establish operational practices that reinforce our commitment to respect the dignity of all minors, including transgender and gender non-conforming youth, create a safe environment for all youth, and ensure that all youth have equal access to all available services, care and treatment.

B. **The Physical and Emotional Safety of Transgender Youth**

1. It is absolutely critical that staff be aware of the need to address unreasonable fears and/or biases in the overall institutional culture, whether exhibited by minors or staff or risk facing potential discipline.
   a. Staff must prohibit slurs or jokes amongst minors as well as other staff members.
   b. Staff must use respectful and inclusive terminology.
   c. Staff will encourage dialogue, where needed.
   d. Staff will be fair and avoid double standards.

2. **Preferred Name and Pronoun**
   a. Staff shall respect the choices made by the youth and refer to the youth by the name and pronoun preferred even if their name has not been legally changed.
   b. Staff shall encourage other minors to refer to transgender youth by their preferred name and pronoun.
   c. Staff shall not refer to a minor as “he-she” or “it.”

II. **Definitions**

A. **Sexual Orientation** – speaks to whom a person is emotionally, romantically and physically attracted. Varies from exclusively homosexual to bisexual to exclusively heterosexual.

B. **Gender Identity** – a person’s internal sense of themselves as either male or female or something in between. Everyone has a gender identity.

C. **Gender Expression** – the outward expression of a person’s femaleness or maleness. People express and interpret gender through hairstyles, clothing, physical expression and mannerisms, physical alterations of their body, name and voice, etc.

D. **Gender Non-conforming** – having or perceived as having non-traditional gender characteristics and/or behaviors.

E. **Transgender** – a person whose gender identity is different from their birth sex.
   1. A transgender girl (Male to Female or MTF) is someone whose birth sex was male but who understands herself to be female.
2. A transgender boy (Female to Male or FTM) is someone whose birth sex was female but who understands himself to be male.

III. Admission Procedures for Transgender Youth

A. Transgender youth may be identified during admissions based on:

1. A youth’s statements that he or she is transgender, is “trapped in the wrong body,” or is really a different sex than his or her birth sex;
2. A minor’s request to be called by a name that is not traditionally associated with his or her birth sex;
3. Any statements in arrest reports indicating the youth is transgender or that the police were unsure of the minor’s sex.

B. Upon admission, a minor who, may fall under the definition of transgender as noted above, but who has not previously filled out a Transgender Preference Form, will be admitted and processed in the following manner:

1. During the regular admit process the Admit Counselor will ask:
   a. Do you go by another name other than the one listed here on the JCR?
   b. Do you dress as a boy or girl in the community?
   c. Do you see yourself as a boy or a girl?

2. The Admit Counselor will ask minor’s preferred name and pronoun and note this on the unit assignment sheet and the rolodex card.

3. The Admit Counselor will notify the Control SGC who will submit a Mental Health Referral (checking “other” where noted and writing “May be transgender” in the space provided for explanation.) See Exhibit A.

4. The Control SGC will also submit an MDT request at that time located in JASII. See Exhibit B.

5. In order to ensure their privacy and safety, the transgender minor will be temporarily classified as an NR (no roommate) / O (Other) risk and shall be provided a single room pending further review by the Unit Supervisor and/or housing decisions based on the MDT.

6. The youth will initially be housed according to the biological sex of the minor pending a multi-disciplinary team (MDT) meeting (or meetings as needed) and individualized assessment.

7. For the safety and security of the youth, the Control SGC will further notify by memo the Juvenile Hall Probation Manager(s), the minor’s Probation Officer, the Unit Supervisor that minor is to be housed in the assigned unit pending the MDT(s). Control SGC should include unit staff on the memo.
8. The Control SGC will also sign off on the O-15 risk on the Unit Assignment sheet.

9. An initial MDT will be convened within three (3) business days of admission.
   a. The MDT(s) may include institutional staff, the Probation Officer, Mental Health staff, Medical Psychiatry, minor’s family (where appropriate) and any other relevant persons.
   b. The MDT(s) shall determine or confirm if the minor should be classified as transgender, and then what specific housing, treatment and programmatic arrangements will best support the transgender youth’s emotional and physical well-being.

10. During the MDT(s), the transgender youth shall be provided with a Transgender Preference Form (see Exhibit C) that will allow the youth to select the following:
   a. The minor’s preferred name,
   b. The minor’s preferred pronoun,
   c. The minor’s gender housing preference, and
   d. Minor’s preferred sex of staff to perform search and/or urine testing.

11. The original Transgender Preference form will be placed in the minor’s permanent file in Police Admissions.
   a. Copies of the Transgender Preference form will be sent to:
      1) The unit file,
      2) The unit SGC,
      3) The minor’s PO,
      4) BR/GR, and
      5) The Living and Control OD offices.

12. Thereafter, staff in the MDT(s) will assign the minor to a housing unit taking into consideration the youth’s preferences, personality, background, age, developmental status, sophistication, social skills, charges, behavioral history, and other factors that might influence his or her adjustment and contribute to an overall safe and successful experience for this minor as well as all other minors in the unit.

C. Upon admission, a transgender minor who has previously completed the Transgender Preference Form during an earlier stay in Juvenile Hall, will be admitted and processed in the following manner:

1. The Admit Counselor will pull minor’s Juvenile Hall file and review the prior Transgender Preference Form for any changes.
   a. If there are significant changes, (i.e., minor was last housed in his/her biological sex unit, but is now requesting to be housed in the opposite sex unit), the Admit Counselor will inform the Control SGC who will determine if more immediate notification of a Juvenile Hall Manager is necessary.
2. Minor will then be placed in the appropriate unit based on the preference indicated on the Transgender Preference Form filled out at minor’s last stay (pending a follow-up MDT and further individualized assessment).

   a. If the minor had previously been housed in the opposite biological sex unit, in order to ensure privacy and safety, minor will be classified as NR (no roommate) / O (Other) risk and shall be provided a single room.

   b. If minor had previously been housed in the unit of their biological sex, minor shall be allowed a roommate unless other circumstances exist (charges, behavior, etc.) requiring an NR classification. NR classification cannot be assigned to a minor based on gender identity alone.

3. The Control SGC will submit an MDT request form at that time.

4. For safety and security purposes, the Control SGC will further notify via memo the Juvenile Hall Probation Manager(s), the minor’s Probation Officer, the Unit Supervisor and the unit staff that minor is to be housed in the unit.

5. If the minor had previously been housed in the opposite biological sex unit, the Control SGC will sign off on the “O” risk on the Unit Assignment sheet.

6. Thereafter, minor will be processed through Receiving.

   a. If the minor has previously been housed in the opposite biological sex unit, a transgender girl (MTF) will be processed in Girl’s Receiving (GR) alone (i.e. no other minors present) by both a GR staff as well as a Boy’s Receiving (BR) staff member.

      1) Minor will receive a roll consisting of a pink shirt, green shorts, blue pants, bra, underwear, socks, pink robe, wash cloth, and towel.

      2) All clothing (as stated above) will be worn appropriately at all times.

      3) The staff member who is NOT the minor’s preference in conducting searches will remain present but out of view of the minor during searches and showering. (See Searches below).

   b. If the minor has previously been housed in the opposite biological sex unit, a transgender boy (FTM) will be processed alone (i.e. no other minors present) in BR utilizing both BR and GR staff.

      1) Minor will receive a roll consisting of a beige shirt, brown pants, brown shorts, briefs, socks and a towel.

      2) All clothing (as stated above) will be worn appropriately at all times.
3) The staff member who is NOT the minor’s preference in conducting searches will remain present but out of view of the minor during searches and showering. (See Searches below).

D. The MDT process is not limited to admission. It may be initiated at any time by Juvenile Hall staff, by an SGC, by the Probation Officer, by the Court, by Mental Health, etc. If a minor communicates that he/she is transgender, to any of the above, the appropriate On-Duty SGC will be notified and the following procedures will be followed:

1. In order to ensure their privacy and safety, the transgender minor will be temporarily classified as an NR (no roommate) / O (Other) risk and shall be provided a single room pending further review by the Unit Supervisor and/or housing decisions based on the MDT.

2. The On-Duty SGC will submit a Mental Health Referral (checking “other” where noted and writing “May be transgender” in the space provided for explanation.) See Exhibit A.

3. The On-Duty SGC will also submit an MDT request at that time located in JASII. See Exhibit B.

4. For the safety and security of the youth, the On-Duty SGC will further notify by memo the Juvenile Hall Probation Manager(s), the minor’s Probation Officer, the Unit Supervisor that minor is housed in the assigned unit pending the MDT(s). The On-Duty SGC should include unit staff on the memo.

5. The On-Duty SGC will also sign off on the O-15 risk on the Unit Assignment sheet.

6. An initial MDT will be convened within three (3) business days of minor’s notification of staff.

   a. The MDT(s) may include institutional staff, the Probation Officer, Mental Health staff, Medical Psychiatry, minor’s family (where appropriate) and any other relevant persons.

   b. The MDT(s) shall determine or confirm if the minor should be classified as transgender, and then what specific housing, treatment and programmatic arrangements will best support the transgender youth’s emotional and physical well-being.

7. During the MDT(s), the transgender youth shall be provided with a Transgender Preference Form (see Exhibit C) that will allow the youth to select the following:

   a. The minor’s preferred name,

   b. The minor’s preferred pronoun,

   c. The minor’s gender housing preference, and

   d. Minor’s preferred sex of staff to perform search and/or urine testing.
8. The original Transgender Preference form will be placed in the minor’s permanent file in Police Admissions. See III.B.11.a for placement of further copies.

9. Thereafter, staff in the MDT(s) will assign the minor to a housing unit taking into consideration the youth’s preferences, personality, background, age, developmental status, sophistication, social skills, charges, behavioral history, and other factors that might influence his or her adjustment and contribute to an overall safe and successful experience for this minor as well as all other minors in the unit.

IV. Recording of Transgender Minor’s Name

For the purposes of recording minor’s name, minor will be referred to by his or her legal name on all legal documents with the following caveats:

A. In JRS, minor’s legal name will be used.

B. In JAS, minor’s legal name will be used along with any preferred name as an AKA.

C. All files in Police Admissions will utilize minor’s legal name as well as their preferred AKA.

D. In the unit, minor’s legal name as well as their preferred AKA will be used on the unit file and on the population chart (the legal name should be in smaller font, with the preferred name in bold so as to minimize the possibility of confusion).

V. Living Units Procedure

A. Hygiene/Showers

1. In order to ensure their privacy and safety, transgender youth shall be afforded the opportunity to shower and use the restroom at separate times from other youth.

   a. Showers will take place at the designated time for the unit; however, minor will either shower before or after everyone in the unit.

   b. Showers will be supervised by the preferred sex; if no staff member of that sex is available in the unit, then minor will shower alone in the appropriate Receiving (as indicated by minor’s preference form).

2. Transgender minors will be permitted to groom according to their preferred gender, regardless of the unit in which the youth is housed.

   a. As per policy, if a minor is on a watch sheet, he or she will be supervised by a staff member during any use of a razor.

   b. Minor will be able to fully participate during Beauty/Grooming Night depending on the program level.

   c. Minor will also be allowed to shave his or her legs and facial hair if desired on Beauty/Grooming Night.
B. **School/ Physical Education (P.E.)**

If a minor is housed in the opposite sex unit and inappropriate physical contact occurs, an informational Incident Report (IR) will be generated as it would be in all similar instances.

C. **Gender Specific Programming**

Transgender youth will participate in all of the programming as part of the unit in which they are housed unless Mental Health determines otherwise.

D. **Searches**

1. As noted above, minor will be given a Transgender Preference Form in which the Transgender youth may request either a male or female staff member conduct a search of their person, if such a search is necessary. If the minor has no preference, he or she will be searched by a staff member of the same biological sex.

2. When conducting a search on a transgender youth:

   a. Two (2) 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.

   b. 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).

   c. 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 an opposite sex minor.

3. After any visit where a minor would be searched in the Receiving areas, the transgender minor will go to the Receiving area in accordance with their preference form. Minor will then go into the hallway between GR and BR and be placed into an isolation room where he or she will be searched as noted above.

4. After visits wherein minor would return to the unit to be searched, staff in the unit will follow the preferred gender preference and search policy noted above.

E. **Time-Out/Restraints/Isolation Rooms/Receiving Area**

With regard to a time-out or a restraint, minor will be escorted the Receiving area in accordance with their preference form and placed into one of the two isolation rooms located in the hallway between GR and BR (Boy’s Receiving) or in one of the isolation rooms located in Police Admissions (PA).
VI. **Additional Considerations**

A. **Transportation**

One male and one female staff will accompany any transgender minor for transports. If exigent circumstances exist, and/or both staff are unavailable, then just as with opposite sex transports, documentation is necessary.

B. **Visits**

1. If parents are supportive of a minor being transgender, visits will occur per standard policy.

2. If parents are not supportive of a minor being transgender and are likely to be hostile, visits will be classified as special visits and will be scheduled through minor’s Probation Officer and supervised by PO (or designee) in the attorney interview rooms.

C. **Parental Complaints**

As per policy, any parental concerns or complaints are to be directed to the On-Duty Supervisor or to the Unit Supervisor or to the Juvenile Hall Probation Managers. If indicated, these calls/concerns may also be directed to the Deputy Chief or Chief.