

<p style="text-align: center;">STATE OF VERMONT AGENCY OF HUMAN SERVICES DEPARTMENT OF CORRECTIONS</p>	<p style="text-align: center;">Gender Identification, Care, and Placement</p>		<p style="text-align: center;">Page 1 of 11</p>								
<p style="text-align: center;">CHAPTER: SECURITY AND SUPERVISION</p>	<p style="text-align: center;">#432</p>	<p>Supersedes: #432.01, dated 02/22/2015</p>									
<p>Local Procedure(s) Required: No Applicability: All staff (including contractors and volunteers) Security Level: “B” – Anyone may have access to this document.</p>											
<p>Approved:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 40%; border: none;"><u>SIGNED</u></td> <td style="width: 20%; border: none;"><u>02/26/2026</u></td> <td style="width: 20%; border: none;"><u>03/13/2026</u></td> <td style="width: 20%; border: none;"></td> </tr> <tr> <td style="border: none;">Jon Murad, Commissioner</td> <td style="border: none;">Date Signed</td> <td style="border: none;">Date Effective</td> <td style="border: none;"></td> </tr> </table>				<u>SIGNED</u>	<u>02/26/2026</u>	<u>03/13/2026</u>		Jon Murad, Commissioner	Date Signed	Date Effective	
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PURPOSE

This policy establishes the procedures that Department of Corrections (DOC) staff shall follow when providing reasonable accommodations to, and determining a housing placement for, gender-diverse, intersex, and transgender individuals. The DOC acknowledges that the term “gender-diverse” defines a diverse group of people and that the individuals who comprise this group do not all share the same characteristics.

The DOC shall further comply with the standards of the National Commission on Correctional Healthcare (NCCHC).

AUTHORITY

42 U.S.C. §147; 28 C.F.R. §115; and 28 V.S.A. §§ 101, 102, and 801

DEFINITIONS

Cisgender: People whose current gender identity corresponds to their sex at birth.

Gender: A term that, depending on the context, may reference gender identity, gender expression, or social gender role. Gender identities may include cisgender, transgender, nonbinary, gender queer, gender neutral, agender, gender fluid, and third gender, among others.

Gender-affirmation: The practice of recognizing or affirming a person's gender identity. It is usually conceptualized as having social, psychological, medical, and legal dimensions. Gender affirmation is used as a term in lieu of transition (as in medical gender affirmation) or can be used as an adjective (as in gender-affirming care).

Gender-diverse: A term used to describe people with gender identities or expressions that are different from social and cultural expectations attributed to their sex at birth. This may include, among many other culturally diverse identities, people who identify as nonbinary, gender expansive, gender nonconforming, and others.

Intersex: A medical condition in which a person's sexual or reproductive anatomy or chromosomal patterns fall outside of traditional markers of "female" and "male."

Transgender: An umbrella term used to describe people whose gender identities or gender expressions are not what is typically expected for their sex at birth. These words should always be used as adjectives (as in "trans people") and never as nouns (as in "transgenders") or as verbs (as in "transgendered").

Transition: The process whereby people change their gender expression to another gender expression that better matches their gender identity. People may transition socially by using methods such as changing their names, pronouns, clothing, hair styles, or the ways that they move and speak; people

may transition medically by using hormones or surgeries to alter the physical body. People may transition more than once in their lifetimes.

POLICY

The DOC's policy is to affirm the gender identity of all individuals who are under the custody and supervision of the DOC and to treat everyone with compassion and dignity. Although the DOC system was built within a traditional gender framework that solely recognized the male and female genders, the DOC recognizes that gender-diverse, intersex, and transgender incarcerated individuals are at a higher risk for abuse, harassment, and sexual violence. For these reasons, DOC staff shall make decisions based on the incarcerated individual's safety needs, and the safety needs of staff and others. DOC staff shall also strive to ensure that individuals have access to an appropriate, community level of medical care and to establish housing placements in the least restrictive environment necessary. DOC staff shall further model respectful behavior including communicating with an incarcerated individual using the individual's pronouns and identified name, and promptly intervening and disrupting any abuse, disrespectful behavior, and harassment against the individual.

GENERAL PROCEDURES

A. Pre-Adjudicated Field Statuses

Assigned field staff shall complete an intake gender identification custom form in the individual's record in the Offender Management System (OMS) at first contact for all individuals who require a screening (e.g., pre-sentence investigation, intermediate sanction report, pre-trial supervision). The purpose is to ensure an individual's record accurately reflects sex at birth, gender, identified name, if different from their legal name, pronouns, and any additional accommodations at various touch points with the DOC.

B. Field Procedures

1. When an individual is sentenced at the court, or released from a facility, and placed on community supervision, the field staff member assigned to complete intake shall:
 - a. Collect and enter the individual's gender, legal name, pronouns, and sex at birth in OMS, in accordance with the OMS technical guide.

- i. If the individual uses a name that is different from the individual's legal name, the assigned field staff shall enter the name the individual identifies by into the alias section of the OMS record and check the "preferred name" box.
 - ii. An individual's refusal to provide answers to the questions, or to disclose complete information shall not be grounds for disciplinary action.
 - b. Complete the intake gender identification custom form in the individual's record in OMS, in accordance with OMS technical guide.
 - c. Complete the remaining standard intake procedures, in accordance with the OMS technical guide.
2. If an individual indicates gender-diverse, intersex, or transgender, and responds to the search preference for drug screens, or is eligible for transitional housing, the staff member completing the form shall select the applicable check box to prompt an automatic alert to the Gender-Diverse Management Committee.
3. The Gender-Diverse Management Committee, which is comprised of representatives from Facility Operations, including the Out-of-State Unit, Health, Wellness, and Engagement, Women's Services, the PREA and Constituent Services Unit, and the Office of the General Counsel shall convene to review the custom form entered in OMS and make a determination regarding the requested accommodations.
4. If a supervised individual requires language access, or any other accessibility support, the assigned field staff shall follow their field site's procedures to ensure that the supervised individual has appropriate access.
5. Field staff shall submit a new intake gender identification custom form:
 - a. Whenever the individual requests a change;
 - b. Whenever field staff believe a change in the plan is warranted;
 - c. Whenever field staff become aware of additional information that may influence the plan;
 - d. Following the individual's release or transfer to a new field office; and
 - e. Annually, unless the supervised individual is on Administrative Supervision.

C. Facility Procedures

1. When an individual enters or transfers to a correctional facility, the Correctional Officer (CO) assigned to Admissions Control (AC), “AC Officer,” shall:
 - a. Confirm that the incarcerated individual responded to the search accommodation questions, in accordance with the policy on searches of individuals. If the individual did not, the AC Officer shall ask the individual the search accommodation questions. An incarcerated individual’s refusal to provide answers to the questions, or to disclose complete information shall not be grounds for disciplinary action.
 - b. Collect and enter the individual’s gender, legal name, pronouns, and sex at birth in OMS, in accordance with the OMS technical guide.
 - i. If the individual uses a name that is different from the individual’s legal name, the AC Officer shall enter the name the individual identifies by into the alias section of their OMS record and check the “preferred name” box.
 - ii. An individual’s refusal to provide answers to the questions or to disclose complete information shall not be grounds for disciplinary action.
 - c. Complete the intake gender identification custom form in the individual’s record in OMS, in accordance with OMS technical guide. If the incarcerated individual requests to be searched or housed by gender rather than by sex, the AC Officer shall provide the individual with an accommodation request form, on which the individual shall indicate the reason for the request.
 - d. Verbally notify the Correctional Facility Shift Supervisor (CFSS) and contracted health services staff once the intake gender identification custom form is completed in OMS. If the individual identifies as gender-diverse, intersex, or transgender, regardless of whether the individual requests accommodations, OMS will generate an automatic alert to designated central office and facility management staff, in accordance with the OMS technical guide.
 - e. Conduct a search of the individual and any property, in accordance with the policies on searches of individuals and residence, area, and property.

- f. Complete the remaining standard intake procedures, in accordance with the OMS technical guide.
2. If an incarcerated individual needs language access, or any other accessibility support, the AC Officer shall follow the language access policy to ensure that the incarcerated individual has appropriate access.
3. Contracted health services staff shall review the intake gender identification custom form in the individual's OMS record and provide appropriate gender-affirming care, in accordance with community standards.
4. The CFSS shall establish an initial housing unit placement based on all available information, including the individual's screening results from the Sexual Violence Screening Tool (SVST), and any other available information provided at intake.
5. The DOC may authorize additional property allowances upon an individual's request.
6. DOC staff, contractors, grantees, and volunteers shall not search or physically examine a gender-diverse, intersex, or transgender individual for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the individual, by reviewing medical records, or, if necessary, by learning the information as part of a broader medical examination conducted in private by a medical practitioner.
7. The Correction Service Specialist (CSS) shall meet with the incarcerated individual prior to the multi-disciplinary Team (MDT) meeting required by [Section D., Facility-Based Accommodation and Housing Determination Review Protocol](#), to:
 - a. Review and clarify the individual's intake gender identification custom form, as needed;
 - b. Complete the accommodation and housing determination review custom form, in accordance with the OMS technical guide; and
 - c. Upload the individual's accommodation request form, if applicable, in accordance with the OMS technical guide.

D. Facility-Based Accommodation and Housing Determination Review Protocol
DOC facility staff shall address the accommodation and housing needs of gender-diverse, intersex, and transgender incarcerated individuals, in accordance with the protocol below. The DOC shall apply the protocol below

within three business days of an individual's intake to a facility, at the six-month review, and anytime the incarcerated individual or facility requests updated accommodations.

1. The facility's MDT, comprised of representatives from casework staff, facility management and security, and the contracted health services provider shall meet as soon as practicable, but no later than three business days from intake, to consider the following information and to recommend any accommodations and a housing placement for the incarcerated individual:
 - a. The intake gender identification custom form;
 - b. The results from the current SVST;
 - c. The individual's own views concerning the individual's own safety and privacy;
 - d. The individual's physical presentation;
 - e. The individual's physical and mental health and wellness considerations;
 - f. The individual's carceral history;
 - g. The degree to which the individual's placement affects the safety of staff or others;
 - h. Other psychosocial factors that may contribute to either the individual's resiliency or vulnerability;
 - i. Housing options; and
 - j. Recommendations from the individual's healthcare providers.
2. The MDT shall document the following in the accommodation and housing determination review custom form in the individual's OMS record, in accordance with the OMS technical guide:
 - a. All accommodations requested by the incarcerated individual and whether they were locally approved or denied; and
 - b. The MDT's recommendations to the Gender-Diverse Management Committee regarding searches, facility placement determinations, and accommodation items related to physical presentation (e.g., binders, packers, chest plates, prosthetics).
3. The Gender-Diverse Management Committee will receive an automatic alert to review the MDT's recommendations once they are documented in the accommodation and housing determination review custom form in OMS.

4. The Gender-Diverse Management Committee shall convene to review and respond to the facility MDT recommendations within seven business days of the facility MDT receiving the initial request, beginning the first full business day after receiving the request. The Gender-Diverse Management Committee shall finalize the plan.
 - a. The Gender-Diverse Management Committee may request any additional information that may be helpful in making a decision. If the information is not readily available, the team will make an immediate determination and may provide additional instructions to the facility on how to procure the additional information. When the information becomes available, the Gender-Diverse Management Committee shall consider it and may revise the determination.
 - b. A member of the Gender-Diverse Management Committee shall complete and sign the accommodation and housing determination review custom form in OMS.
5. Central Office Administrative Services staff shall provide the facility with a letter informing the incarcerated individual of the Gender-Diverse Management Committee's decision. The facility PREA Compliance Manager (PCM) shall ensure the incarcerated individual receives the letter.
6. If an incarcerated individual wishes to grieve the Gender-Diverse Management Committee's decision(s), the individual may appeal to the Commissioner, in accordance with the policy on the grievance system.
7. Every six months, the CSS shall review the accommodation and housing determination review the OMS custom form with the individual. If any changes to the initial requests are identified, the CSS shall complete a new accommodation and housing determination review custom form in OMS.
8. An incarcerated individual may request an update to any accommodations before their six-month review.
 - a. When this occurs, the CSS shall complete a new accommodation and housing determination review custom form in OMS to account for the changes.
 - b. If the incarcerated individual's request includes a change regarding searches, facility placement determinations, and accommodation items, the CSS shall upload the individual's accommodation request form, in accordance with the OMS technical guide.

- c. If an incarcerated individual submits repeated or duplicative accommodation requests, the facility MDT shall collaborate with the Gender-Diverse Management Committee to address the issue.
9. Any time an accommodation and housing determination review custom form is completed, the MDT and Gender-Diverse Management Committee shall follow the process outlined above to review the request and provide a determination within seven business days of the individual's request.
10. Incarcerated individuals shall not misuse approved accommodations. If an individual is suspected of misusing an accommodation, the facility MDT shall collaborate with the Gender-Diverse Management Committee to address the issue, and the accommodation may be revoked.
11. The facility MDT shall submit a new gender identification custom form whenever:
 - a. The individual requests a change;
 - b. The site believes a change in the plan is warranted; or
 - c. The MDT becomes aware of additional information that may influence the plan.

E. Facility-Based Health and Wellness

The DOC supports gender-affirming care in accordance with community standards of care.

1. The Office of Health, Wellness, and Engagement shall monitor the contracted health services provider and ensure that it provides gender-affirming care to incarcerated individuals, in accordance with the community standards of care.
2. The facility casework staff shall confer with the Health Equity Director about connecting gender-diverse, intersex, and transgender individuals with the best available resources and support.
3. The contracted health services provider shall review requests by an incarcerated individual for gender-affirming care, in accordance with community standards of care.

F. Risk Assessments

1. Prior to conducting a risk assessment on a gender-diverse, intersex, or transgender individual, staff shall complete a new gender identification custom form that includes a recommendation regarding which

assessments should be performed for the individual. When conducting a presentence investigation for an individual who is not under the custody or supervision of DOC, staff shall contact the Gender-Diverse Management Committee regarding this determination.

2. The Gender-Diverse Management Committee, along with a Central Office subject matter expert on risk assessments, shall convene to review and respond to the recommendations. The Gender-Diverse Management Committee shall document its determination and rationale and finalize the plan within seven business days of receiving the site's submission.
3. Staff shall submit a new gender identification custom form whenever:
 - a. The individual requests a change;
 - b. The site believes a change in the plan is warranted; or
 - c. Staff become aware of additional information that may influence the plan.

G. Confidentiality and Maintaining Privacy

1. All custom forms related to the incarcerated individual's gender-related accommodations shall be stored in the individual's OMS record. DOC staff shall only access information necessary to provide accommodations.
2. DOC staff supervisors, managers, and investigators may only view recorded camera footage of individuals who are of a different gender and are in a state of undress when an incident is under investigation or review.
3. Because the DOC recognizes the vulnerability of gender-diverse, intersex, and transgender individuals, staff shall limit discussion of an individual's accommodations with persons other than the individual to only that information that is reasonably necessary to carry out staff duties.
4. DOC Staff shall never intentionally disclose specific, personal details of an individual's genital, medical, or protected status to another individual under the custody or supervision of the DOC.
5. DOC staff may share pertinent information pursuant to a signed release of information.

H. Staff Training

The DOC's Office of Professional Standards and Compliance (OPSC) shall ensure that all facility and field staff are trained in the following topics, in accordance with the policy on staff training:

1. Conducting searches in a gender-responsive and trauma-informed manner;
2. Identities; and
3. How to communicate effectively and professionally with incarcerated individuals, including using Advanced Communication Techniques (ACT).