



STATE OF MICHIGAN
DEPARTMENT OF CORRECTIONS
LANSING

GRETCHEN WHITMER
GOVERNOR

HEIDI E. WASHINGTON
DIRECTOR

DIRECTOR'S OFFICE MEMORANDUM 2022 - 28

EFFECTIVE: January 1, 2022

DATE: December 16, 2021

TO: Executive Policy Team
Administrative Management Team
Wardens

FROM: Heidi E. Washington, Director

SUBJECT: Gender/Gender Identity Housing Requests

SUPERSEDES DOM 2021-33 (10/21/2021)

DEFINITIONS

Gender Dysphoria – A diagnosis in the Diagnostic and Statistical Manual of Mental Disorders (DSM) that refers to the incongruence between one's experienced or expressed gender and one's assigned gender.

- a. Diagnostic and Statistical Manual of Mental Disorders (DSM), Fifth Edition (DSM-5) - A classification of mental disorders with associated criteria designed to facilitate more reliable diagnoses of these disorders. The DSM-5 is published by the American Psychiatric Association (APA). In the case that the DSM-5 is revised, the most recent published version of the DSM applies.

Transgender - A broad definition denoting or relating to a person whose sense of personal identity and gender does not correspond with their birth sex. One may identify as Transgender without having Gender Dysphoria.

Gender Nonconforming - Exhibiting behavioral, cultural, or psychological traits that do not correspond with the traits typically associated with one's sex: having gender expression that does not conform to gender norms.

- a. Gender-fluid: of, relating to, or being a person, whose gender identity is not fixed.

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit the typical definitions of male or female. For example, a person may be born appearing to be female on the outside but having mostly male-typical anatomy on the inside or may be born with genitals that seem to be in-between the usual male and female types.

HOUSING REQUEST

Offenders with a gender identity defined above may make a housing request to be reviewed by the Gender Dysphoria Review Committee (GDRC). If there is a specific safety or security concern, the offender may request protection pursuant to PD 05.01.140 “Prisoner Placement and Transfer”.

Housing assignments shall be considered on a case-by-case basis utilizing the below “Individual Risk Assessment of Housing Placement,” including considering whether a placement would compromise the offender’s health and safety and whether the placement would present any management or security problems.

The MDOC shall not place transgender or intersex offenders in dedicated facilities, units, or wings solely on the basis of such identification, status, or based solely on their external genital anatomy.

The MDOC shall comply with all relevant housing laws, statutes, and related standards. Refer to PD 05.01.140 “Prisoner Placement and Transfer” for more details.

Individual Risk Assessment of Housing Placement

Gender Questions

1. What is the individual’s assigned sex?
2. What is the individual’s gender identity?
3. If the gender identity differs from assigned sex, how long has the difference existed?
4. Has the individual been living in another gender role, consistent with their identity?
 - a. If so, for how long?
5. Is the individual’s physical appearance masculine, feminine, or neutral?
6. Is the individual on masculinizing or feminizing hormones?
 - b. If so, for how long?
7. Has the individual had any surgery to change primary and/or secondary sex characteristics?
8. Has the individual had psychotherapy related to gender identity, roles, and expressions?
9. Has the individual utilized other options to support gender identity, such as breast binding/padding, genital tucking, prostheses ?

Safety Questions

1. What is the individual’s view of their safety?
2. What is the individual’s assault or harassment history?

3. If a history of engaging in sexually abusive behaviors
 - a. Static 99R risk categorization (if available):
 - b. Stable 2007 density of needs (if available):
 - c. Overall priority risk categorization (if available):
4. If history of engaging in violent behaviors
 - d. COMPAS violence risk categorization:
5. What is the individual's security level?
6. What is the individual's criminal history?
7. What is the individual's disciplinary history?
8. What is the individual's vulnerability to sexual victimization?
9. What is the likelihood of this individual perpetrating victimization?
10. What is the individual's size/stature?

General and Behavioral Health Questions

1. What significant health diagnoses (conditions) are present?
2. What are the individual's health care needs? (e.g., accommodations, adaptive devices, nonformulary medications, specialty consultations, pending medical interventions, diet)
3. Is this individual in any health care program (e.g., DBT, dialysis)

Housing Questions

1. What is this individual's preference for housing (male versus female facility)?
2. Are there special housing needs (e.g., wheelchair accessible, hearing impaired, in-cell toilet)?