

## **Correctional Services Policies and Guidelines**

### **Admission, classification and placement of trans inmates, and staff training - highlights**

With the passage of [Toby's Act](#) (Right to be Free from Discrimination and Harassment Because of Gender Identity or Gender Expression, 2012), Ontario became a national leader in strengthening human rights and individual freedoms by recognizing and protecting gender expression and gender identity in the [Ontario Human Rights Code](#). The Ontario government is committed to ensuring that its policies reflect this important legislation, just as we are committed to promoting fairness and safety for all corrections staff and all inmates who come into our custody and care. That same commitment is reflected in our new guidelines which establish requirements for the admission, classification and placement of inmates whose gender identity or expression is different from the gender associated with their birth assigned sex.

Ontario's *Policy for the Admission, Classification and Placement of Trans Inmates* is among the most progressive in North America, and will ensure that all inmates are treated with the same dignity and respect, regardless of their gender expression or gender identity.

The policy recognizes a person's self-identified gender, preferred name and pronouns, as well as their housing preference. It is prefaced on the understanding that trans inmates' Human Rights Code-related needs will be assessed and accommodated through a case management process, which will be developed by a multi-disciplinary case management team, including health care, social work, operational staff and community support.

#### **Admission**

##### **Searches**

Staff will exercise sensitivity and provide explanations and an opportunity for inmates to ask questions when performing searches. Trans inmates must be given the opportunity to choose who will perform any searches. Where the inmate chooses to have a male and female corrections officer involved in the search, the inmate must be provided the choice of which body parts are searched by whom. The inmate will be offered privacy in which to be searched, including any search of prosthetics.

##### **Privacy**

Steps must be taken to maximize the privacy and confidentiality of any information related to a trans inmate's gender identity or trans history. Information about an inmate's gender identity or gender history will only be shared with those directly involved with an inmate's care, and only when relevant. Any conversations and consultations amongst staff must occur privately, out of hearing range of the inmate or anyone else that does not need to know.

#### **Classification**

##### **Case management**

In order to ensure that trans inmates' Human Rights Code-related needs are assessed and accommodated on an individualized basis, Correctional Services will employ a case management model to determine appropriate assessment, placement and other services. Inmates will be consulted on decisions relating to their care as part of the case management process.

### **Gender identification**

The policy recognizes that trans inmates may not have identity documents that reflect their gender identity. As such, self-identification will be the primary consideration. In addition, Correctional staff will not make any assumptions about an inmate's gender identity or housing preference based on previous admissions.

### **Identification**

Inmates will be referred to by their preferred name(s) and gender pronoun (e.g., he, she, him, her, they, ze, hir (ze/hir are gender neutral pronouns that can be used instead of gender specific ones)) verbally and in all written documents, except in the rare cases that an inmate's legal name is required for identification purposes.

### **Placement**

#### **Housing**

Trans inmates must be placed in an institution appropriate to their self-identified gender or housing preference, unless it can be proven that there are overriding health or safety concerns present, which cannot be resolved. Those concerns will be clearly articulated to the inmate. The policy recognizes that not all trans inmates want to be housed according to their self-identified gender. The inmate must be involved in the decision-making process.

#### **Integration**

Wherever possible and subject to inmate preference, trans inmates will be integrated into the general population and not isolated unless it can be proven that there are overriding health and safety concerns present, which cannot be resolved. Those concerns will be clearly articulated to the inmate. If the inmate must be segregated, they will be given as many social and programming opportunities as possible.

#### **Clothing**

Trans inmates must be provided with their preferred institutional clothing and underclothing while in custody and for court appearances and release.

#### **Personal items**

Trans inmates will be permitted to retain personal items, including prosthetics, necessary to express their gender both in the institution and while being transferred by Corrections staff, unless it can be proven that there are overriding health and safety concerns present which cannot be mitigated. Those concerns will be clearly articulated to the inmate.

#### **Shower and toilet access**

Trans inmates must be offered individual and private access to the shower and toilet for safety and privacy purposes.

In the event an inmate disagrees with their placement or treatment in the institution, they may contact the Client Conflict Resolution Unit (CCRU). The CCRU is a service-focused unit, which aims to resolve human rights complaints affecting clients within Correctional Services.

## **Staff training**

Resources and educational opportunities are being made available to staff in order to raise their awareness and assist them in the implementation of the policy.

The policy will be supported with a comprehensive training program. Trans resources are available on our training website. A Trans Awareness e-learning course is in development and will be available to all ministry staff shortly.

Training will begin in March and will be delivered to priority institutional staff through a train-the-trainer model. Gender identity and gender expression will be incorporated into a broader Human Rights training strategy. The ministry's training strategy is being guided by persons with lived experience.