

TRANSADVOCATE

Harris County to house jail inmates according to “gender identity” ...

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Abstract

... Is the headline you’re probably heard if you’re familiar with this story. As you might imagine, the actual story is a bit more nuanced. Yes, Harris County Sheriff Adrian Garcia did, in fact, pass policy that went into effect on November 13, 2013 which would house some trans inmates according to their gender orientation, but [...]

Article

... Is the headline you’re probably heard if you’re familiar with this story. As you might imagine, the actual story is a bit more nuanced. Yes, Harris County Sheriff Adrian Garcia did, in fact, pass policy that went into effect on November 13, 2013 which would house some trans inmates according to their gender orientation, but this new rule isn’t a without some caveats.

I first got a call from the Harris County Sheriff’s office to get some help in shaping these new policies around 6 months ago. Before that happened, members of the Transgender Foundation of America board had begun informal conversations with officials at the Sheriff’s office and long before that, the Houston trans community had worked to establish a working relationship with Sheriff Garcia. In fact, Garcia was one of our speakers at the 2008 Trans Day of Remembrance:

When I spoke with the Sheriff’s office, they clarified their stance, “When we mean is that inmates will be housed according to their gender orientation, what we mean is that this will now be a factor in where they’re housed.” When I asked if that means that operative status would no longer be the sole determinant for where an inmate would be housed, the official agreed, “Exactly. We are going to consider gender orientation. We’re not saying that if someone comes in and just claims ‘I think I’m female today’ that we’re going to house them with the females. What we’re saying is that if this is someone who is transgender and their gender orientation is female, we may house the inmate with other females.”

The new policies are part of an overhaul of numerous federally mandated changes to bring the Harris County jail system into compliance with the federal Prison Rape Elimination Act signed into law by President George W. Bush. The policies add “sexual orientation” and “gender orientation” to the list of characteristics on which discrimination by any employee of the Sheriff’s Office is banned.

“Even if my staff and I were hesitant to lead the way for jails across the country and slow to comply with the concept of equal rights under the law, there would still be changes we have to make under new

government regulations designed to protect inmates from sexual assault and sexual harassment. We would have to adjust policies and practices to defend the county and its taxpayers from being dragged into court for not obeying the law,” Harris County Sheriff Adrian Garcia said. “But at the Harris County Sheriff’s Office, we try to stay ahead of the curve, we respect the public’s rights, we embrace innovation and best practices, looking for chances to lead to be a model 21st Century law enforcement agency.”

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