

Transgender  
Incarceration in  
the Federal  
System – Policy  
Shifts & Legal

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# Roadmap

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Intake Screening

Treatment and Services

Transfers

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**Intentions**

# BOP Definitions

Gender – a construct used to classify a person as male, female, both, or neither. Gender encompasses aspects of social identity, psychological identity, and human behavior.

Cisgender – the state of one's gender identity matching one's sex assigned at birth.

Gender expression – includes mannerisms, clothing, hairstyle, and choice of activities.

Gender identity – a person's sense of their own gender, which is communicated to others by their gender expression.

Gender nonconforming – a person whose appearance or manner does not conform to traditional societal gender expectations.

Transgender – the state of one's gender identity not matching one's sex assigned at birth. For the purposes of this policy, a transgender inmate is one who has met with a Bureau Psychologist and signed the form indicating consent to be identified within the agency as transgender. This step allows accommodations to be considered.

# Other BOP Terms

WASPB - Woman and Special Populations Branch - Primary source of contact

Case Management Activity (CMA) SENTRY Assignment Form for Transgender Inmates

M2F - male to female

F2M- female to male

# Non BOP Definitions

**Non-binary** is an umbrella term for people whose gender identity and expression falls outside of the male/female gender binary. Non-binary people may identify as: Both a man and a woman, Somewhere in between man and woman, and Completely outside of these categories.

**Transphobia** consists of negative attitudes, feelings, or actions towards transgender people or transness in general. Transphobia can include fear, aversion, hatred, violence or anger towards people who do not conform to social gender roles. Transphobia is a type of prejudice and discrimination, similar to racism, sexism, or ableism, and it is closely associated with homophobia.

# Executive Order Executive Order 14168 January 20, 2026

Defending Women From Gender Ideology Extremism and  
Restoring Biological Truth to the Federal Government

# Executive Order Executive Order 14168

## January 20, 2026

Sec. 2. Policy and Definitions. It is the policy of the United States to recognize two sexes, male and female. These sexes are not changeable and are grounded in fundamental and incontrovertible reality. Under my direction, the Executive Branch will enforce all sex-protective laws to promote this reality, and the following definitions shall govern all Executive interpretation of and application of Federal law and administration policy ...

# Executive Order Executive Order 14168

## January 20, 2026

Sec. 4(2) The Attorney General shall ensure that the Bureau of Prisons revises its policies concerning medical care to be consistent with this order, and shall ensure that no Federal funds are expended for any medical procedure, treatment, or drug for the purpose of conforming an inmate's appearance to that of the opposite sex.

# Policy Overview

Management of Inmates with Gender Dysphoria (PS 5260.01) (Feb. 19, 2026), [https://www.bop.gov/policy/progstat/5260\\_001.pdf](https://www.bop.gov/policy/progstat/5260_001.pdf)

Transgender Offender Manual, PS 5200.08 (Jan. 13, 2022) (**rescinded** by PS 5260.01) (see handout)

Sexually Abusive Behavior Prevention and Intervention Program (PS 5324.12) (June 4, 2015),-- new 5333.01 (Mar. 19, 2026)  
[https://www.bop.gov/policy/progstat/5324\\_012.pdf](https://www.bop.gov/policy/progstat/5324_012.pdf)

Treatment and Care of Inmates with Mental Illness (PS 5310.16) (May 1, 2014), [https://www.bop.gov/policy/progstat/5310\\_16.pdf](https://www.bop.gov/policy/progstat/5310_16.pdf)

# Sample Pending Litigation

*Jane DOE, et al. v Bondi, et al.*, No. 25-5099 (D.C. Cir.) (pending consolidated appeals) (transfers of transgender inmates to non-biological sex facilities)

*Kingdom v. Trump, et al.*, No. 1:250-cv-00691-RCL (D.C.) (class action and preliminary injunction barring implementation of paragraph 4(c) of Executive Order

# Rescinded Policy

“In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates...the agency shall consider on a case-by-case basis whether a placement would ensure the inmate’s health and safety, and whether the placement would present management or security problems.”

Transgender Offender Manual (Jan. 13, 2022) (quoting 28 C.F.R. § 115.42(c))

# Designation Issues

- PSR – Presentence Report
  - Records
  - Judicial recommendation
- DSCC - Designation and Sentence Computation Center, Grand Prairie Office Complex, TX

# Recommended Safer Facilities for M2F

## ➤ Low

- Elkton, OH
- Englewood, CO
- Seagoville, TX

## ➤ Medium

- Petersburg, VA
- Marianna, FL
- Marion, IL

## ➤ High

- Tucson, AZ
- USP Coleman II, FL
- Admin-Devens, MA
- Butner, NC

# Recommended Safer Facilities for F2M

## ➤ Low:

➤ Danbury, CT

## ➤ High

➤ Carswell, TX

# Intake Screening

# Treatment and Services

# Medical Services

- Hormone therapy
- Psychiatric meds
- Surgical procedures

# Mental Health Services

- Individual Counseling
- Group Counseling
- Other

# Housing and Program Assignments

# Miscellaneous

➤ Clothing

➤ Commissary Items

# Sample Transgender Commissary List

Commissary Items	Transgender Male to Female* Items	Transgender Female to Male* Items
Blush	x	
Body Wash (Women's**)	x	X
Claw Hair Clip	x	
Cotton Balls	x	
Deodorant (Women's**)	x	X
Ethnic Hair Shampoo	x	
Eye Shadow	x	
Foam Hair Rollers	x	
Foundation (variety of skin colors)	x	
Hair Pick	x	
Hair Rubber Bands (small)	x	
Hair Spray (non-aerosol)	x	
Lip Gloss	x	
Lotion (Women's**)	x	X
Underwear (Women's**)	x	X
Q-tips	x	
Razor (Women's**)	x	X
Shoes (Women's**)	x	X
Socks (Women's**)	x	X
Sports Bra	x	
Watch (Women's**)	x	X

# Miscellaneous

➤ Pat searches

➤ Visual searches

# Transfers

# Reentry Needs

Questions?



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