



COLORADO

Office of Children,
Youth & Families

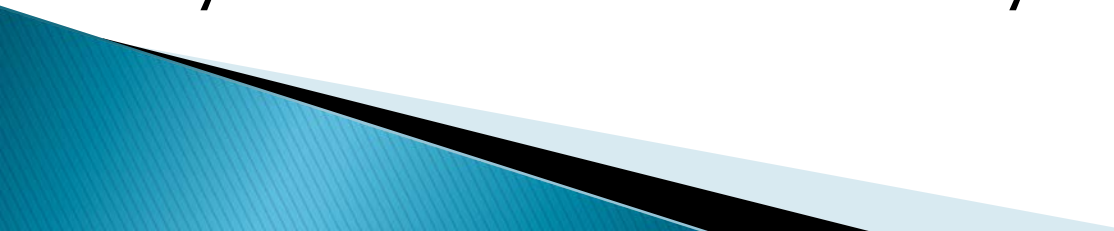
Division of Youth Corrections

Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex Juvenile Rights: DYC Employee Training

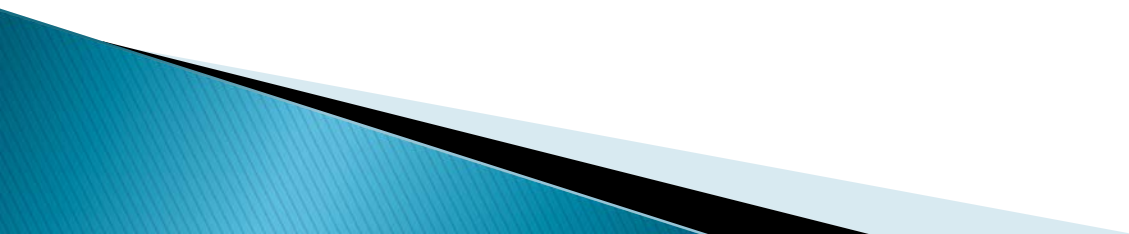
December 2014

- ▶ THERE IS A LOT OF INFORMATION IN POLICY 13.9 THAT WILL NOT BE COVERED IN THIS TRAINING, PLEASE READ THE POLICY IN ITS ENTIRETY.

Purpose of the policy

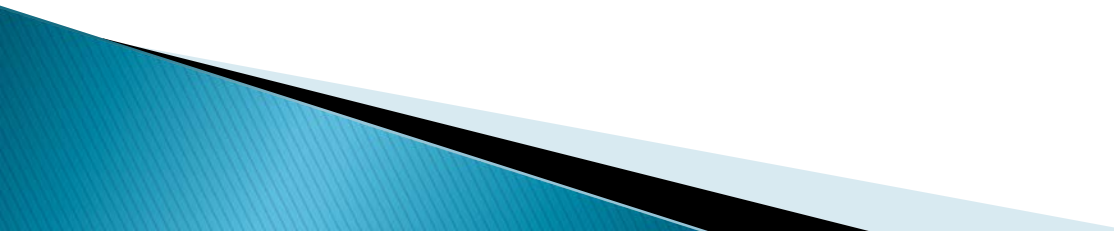
- ▶ To prevent the serious physical, emotional, and sexual abuse often committed on LGBTQI youth within institutions.
 - ▶ Provide staff with guidance in working with LGBTQI youth to prevent situations that are discriminatory and harmful.
 - ▶ DYC has a legal obligation to protect all youth to include LGBTQI youth who are more vulnerable to harassment and sexual abuse from staff and youth than heterosexual youth.
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DYC understands this topic may challenge some staff members beliefs and thinking; however, all employees, contractors, and volunteers have a professional duty which may be in conflict with their personal beliefs. To help staff with this conflict DYC will provide the policy as a guide, and on-going training.



Effective Communication is Good Correctional Practice

The policy implementation is not intended to change your beliefs about LGBTQI persons; rather, it is intended to provide you with information that will assist you in understanding your responsibilities for effective and professional communication with LGBTQI youth.



Objectives:

- ▶ Train new LGBTQI Juvenile Rights Policy 13.9.
- ▶ Definitions for respectful language and terminology that do not promote stereotypes about LGBTQI youth.
- ▶ Dispel myths related to PREA standards and expectations when working with LGBTQI population.
- ▶ Highlight facility responsibility when working with transgender and intersex youth.

**COLORADO DEPARTMENT OF HUMAN SERVICES
DIVISION OF JUVENILE CORRECTIONS**



THIS POLICY RELATES TO:

State-Operated Treatment Facilities
State-Operated Detention Facilities
Regional Offices
Central Office

POLICY S 13.9

PAGE NUMBER
1 of 10

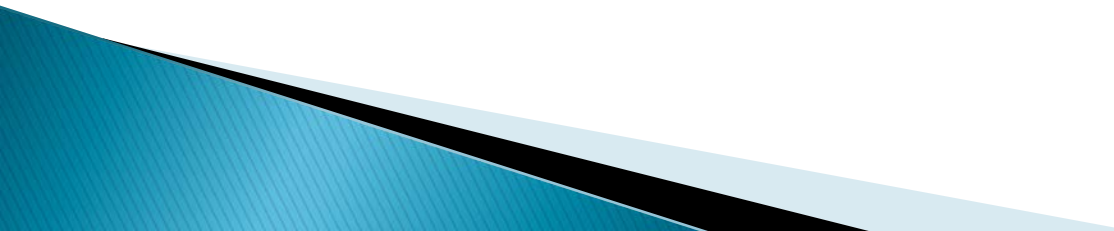
CHAPTER: Juvenile Rights

SUBJECT: Non-Discriminatory Services to Lesbian,
Gay, Bisexual, Transgender, Questioning, and Intersex
(LGBTQI) Juvenile

EFFECTIVE DATE: September 15, 2014

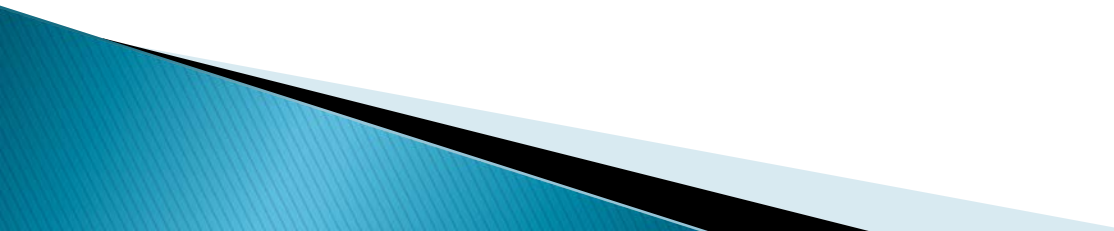
Robert Werthwein, Acting Director

Policy

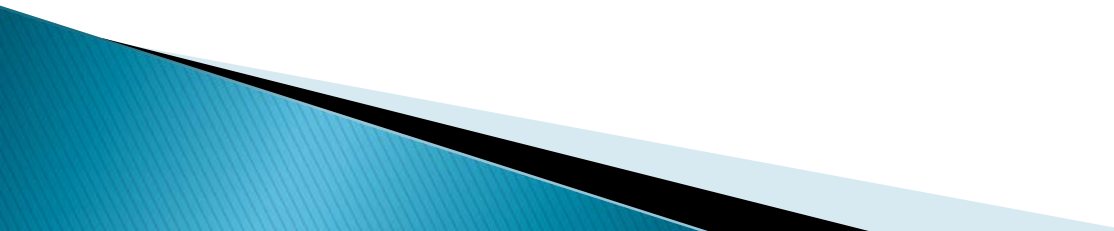
- ▶ The Division of Youth Corrections is committed to providing a healthy and accepting setting for all juveniles placed in its care.
 - ▶ Division of Youth Corrections does not tolerate discrimination or harassment by employees, volunteers, contract providers, or juveniles
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Policy

The Division of Youth Corrections shall take all reasonable steps within its control to meet the diverse needs of all juveniles and provide an environment in which all individuals are treated with respect and dignity, regardless of sexual orientation, gender identity or expression, or other protected categories.



Key Terms

- A. Bisexual – a person who is emotionally, romantically, and sexually attracted to both males and females.
 - B. Gay – a person whose emotional, romantic, and sexual attractions are primarily for individuals of the same sex, typically in reference to males but women can also expressly identify themselves as gay. In some contexts, it is still used as a general term for gay men and lesbian women.
 - C. Gender Dysphoria – a diagnosable medical condition in which an individual has a strong and persistent cross-gender identification, which is the desire to be, or the insistence that one is, of the opposite sex, as well as a persistent discomfort about one's assigned birth sex or a sense of inappropriateness in the gender role of that sex. To be diagnosed, the individual must be evidencing clinically significant distress or impairment in social, occupational, or other important areas of functioning.
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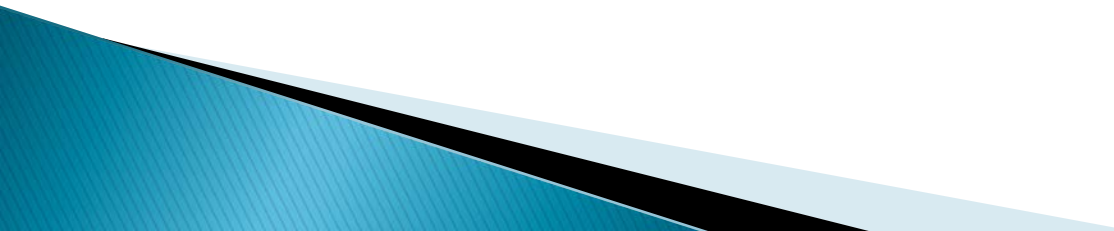
Cont. Key Terms

D. Gender Expression – a person's expression of their gender identity, including their characteristics and behaviors such as appearance, dress, mannerisms, speech patterns, and social interactions.

E. Gender Identity – a person's internal, deeply felt sense of being male or female, or something other or in-between.

F. Gender non-conforming – gender characteristics and/or behaviors that do not conform to those typically associated with a person's sex at birth.

G. Intersex – a term used to refer to an individual born with reproductive or sexual anatomy that does not conform exclusively to male or female norms in terms of physiological sex (this may include variations of genetics, genital or reproductive structures, or hormones).

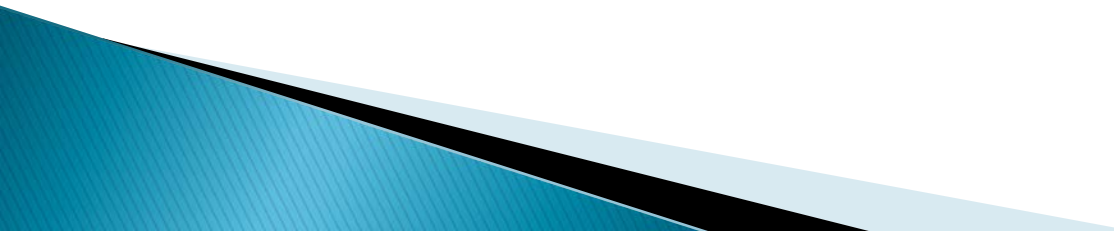


Cont. Key Terms

H. Lesbian – a woman whose emotional, romantic, and sexual attractions are primarily for other females.

I. Questioning – active process in which a person explores his or her own sexual orientation and/or gender identity and questions the cultural assumptions that they are heterosexual and/or gender conforming.

J. Sexual Orientation – a term describing a person's emotional, romantic, and sexual attraction, whether it is for members of the same sex or a different sex.




Cont. Key Terms

K. Transgender – an umbrella term that can be used to describe people whose gender expression is non-conforming and/or whose gender identity is different from their sex at birth, regardless of whether they have changed their biological or hormonal characteristics. A diagnosis of gender dysphoria is not required to be considered Transgender.

L. Transgender Male – a person whose birth sex was female but who understands himself to be, and desires to live his life as a male.

M. Transgender Female – a person whose birth sex was male but who understands herself to be, and desires to live her life as a female.



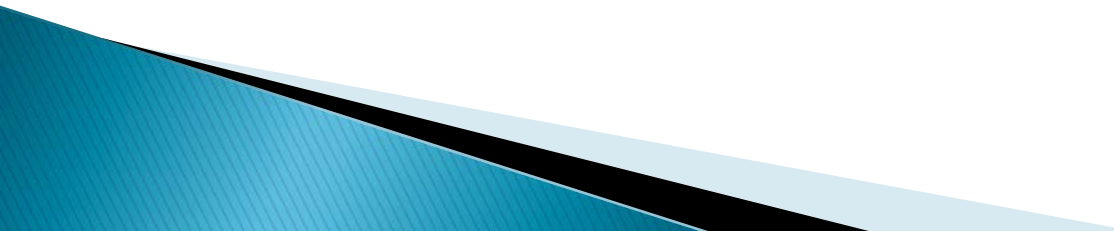
LGBTQI

A common term that combines
sexual orientation and gender
Identity

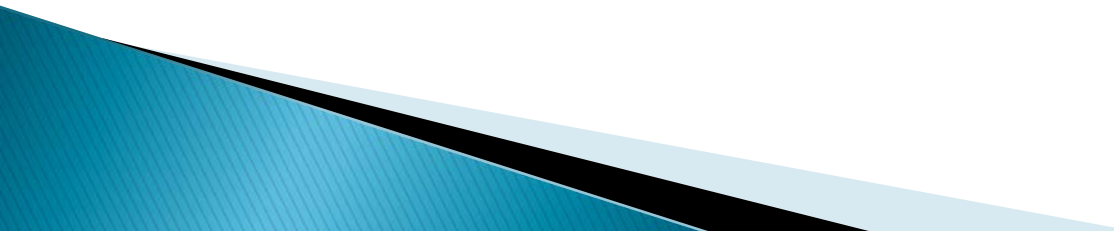
Lesbian
Gay
Bisexual
Transgender
Questioning
Intersex

General Facility Operations:

Employees shall role model and remind all juveniles that anti-LGBTQI threats of violence, actual violence, or disrespectful or suggestive comments or gestures, will not be tolerated.

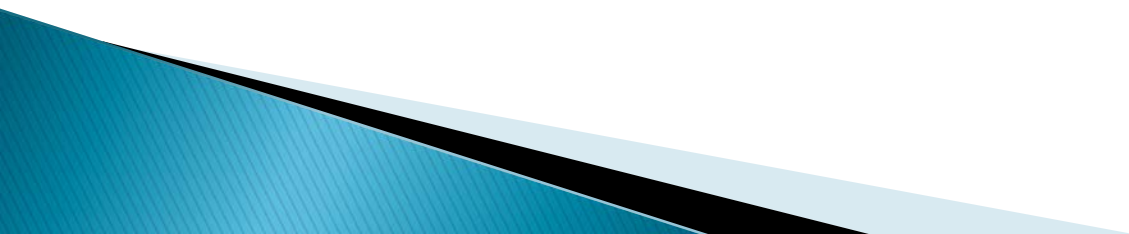


Non Discrimination/Non Harassment:

- ▶ Discrimination or harassment on the basis of actual or perceived sexual orientation or gender identity shall not be tolerated.
 - ▶ Employees, volunteers, and contractors, during the course of their work, shall not refer to juveniles by using derogatory language in a manner that conveys bias towards or hatred of people who identify as LGBTQI
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Intake:

Identifying safety concerns for LGBTQI youth is a priority in determining risk. DYC's SAB/VV assessment tool has been updated to identify LGBTQI youth and those perceived to be LGBTQI who are vulnerable to physical and sexual assault.



The juvenile's gender identity or sexual orientation shall be documented on the SAB/VV Overall Risk Assessment Tool.

Youth Interview:

➡ **Gender Identification:** ☒ Male ☐ Female Transgender ☐ Intersex ☐

➡ **Sexual Orientation:** Straight ☒ Lesbian ☐ Gay ☐ Bisexual ☐ Questioning ☐

1. Age of Youth. 16 Years up to 20

2. Experience in Institution

Ask: Have you been in a locked juvenile facility? ☒ Yes ☐ No

Does the juveniles' response match collateral information ☒ Yes (move to question3) ☐ No (move to

2a. Provide relevant collateral information below:

Trails
version

Colorado Department of Human Services
Vulnerability Assessment Instrument: Risk of Victimization
and/or Sexually Aggressive Behavior/Violent Behavior

Youth's Name: _____

Trails ID#: _____ Race: _____ DOB: _____

Facility/Program: _____

Date of Assessment: _____

Results:		
Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Vulnerability Victimization
<input type="checkbox"/>	<input type="checkbox"/>	Sexually Aggressive
<input type="checkbox"/>	<input type="checkbox"/>	Violent Aggressive

Paper
version

Youth Interview:

Gender Identification: Male ☐ Female ☐ Transgender ☐ Intersex ☐

Sexual Orientation: Straight ☐ Lesbian ☐ Gay ☐ Bisexual ☐ Questioning ☐

When there is knowledge that a juvenile identifies as transgender or intersex the intake worker shall complete the Statement of Preference Form, indicating the juveniles preferred identity, preferred name, preferred pronoun, and search preference.



Colorado Department of Human Services
Division of Youth Corrections

Statement of Preference Form

Arrest Name:

Name		Date	
Trails ID		Biological Sex	
D.O.B		Gender Identity	

Preferred Identifiers:

Name		Preferred Pronoun	
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While in the custody of Division of Youth Corrections, I would prefer to be searched by a staff person of the below indicated sex whenever possible. I understand that this preference will be respected unless the situation is an emergency, there is no one of that sex available, or the failure to conduct a search will jeopardize the safety of the staff or other juveniles.

Staff Gender Preference:

Signatures:

Juvenile:		Date	
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Intake Staff:

Staff		Date	
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Action Taken:

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Collaborative Review Team

Name		Date	
------	--	------	--

Intake Search

1. During intake when a strip search is required for a juvenile who identifies as transgender or intersex, in the absence of collateral information the search shall be conducted by a staff member of the same sex as the juvenile's biological sex. The initial search shall be performed as part of the intake process in accordance with Search of Juveniles and Facility policy.
 - a. If collateral information (i.e., arresting documentation, notification from parents/legal guardians, notification from prior placements) is available to inform the receiving facility of the juveniles transgender or intersex identification, and the juvenile prefers to be searched by a staff member of the same identified gender, the intake staff shall complete the Statement of Preference Form and conduct the search according to the juveniles stated preference.
 - b. If the juvenile had a prior admission to a Division of Youth Corrections facility, the admitting staff shall use prior Statement of Preference information and complete the search according to the decision made by the Collaborative Review Team.

Myth

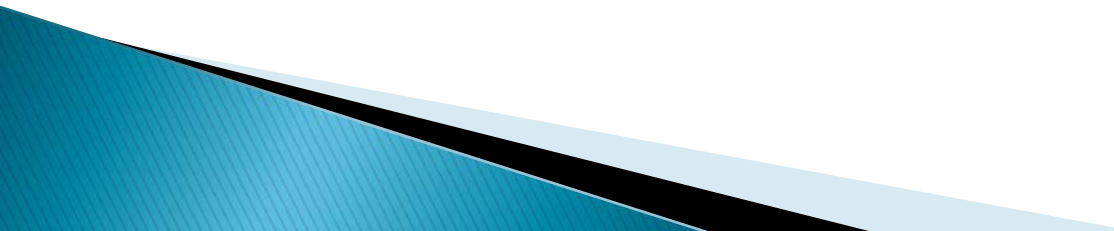
- ▶ Staff can refuse to search a transgender or intersex youth.

Fact

- ▶ Staff have a professional duty to perform their job professionally without discrimination against all protected classes.


Confidentiality:

Consistent with state law and regulations, it is the policy of the Division of Youth Corrections to respect and maintain the privacy of all juveniles and to protect their information; this includes information about sexual orientation and gender identity.

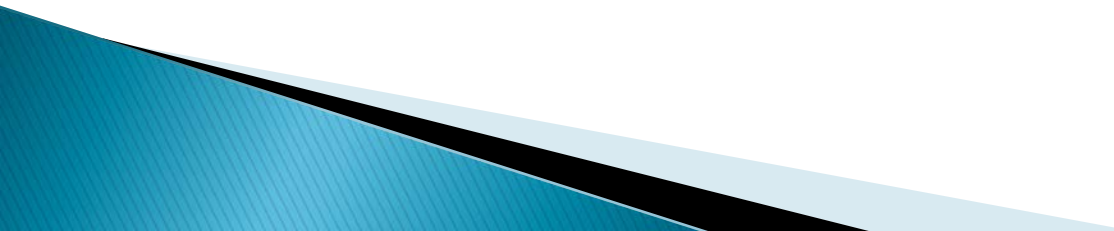


Collaborative Review Team:

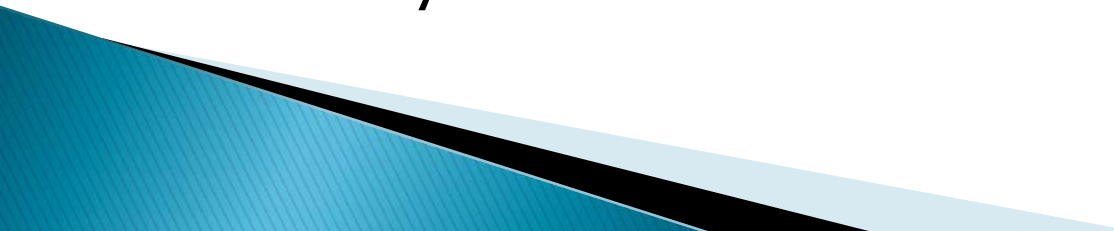
All Juveniles who identify as transgender or intersex require special consideration to address individual circumstances and shall be referred to the Collaborative Review Team (CRT) for determination for the following:

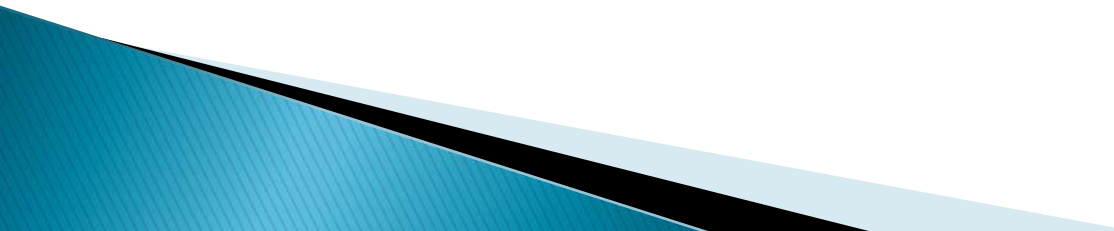
- ▶ Placement
 - ▶ Clothing (i.e., undergarments)
 - ▶ Preferred first name and pronoun
 - ▶ Search preference
- 

A juvenile shall be referred to the CRT team any time during their stay when any of the following occurs:

- ▶ Self-report non-conforming gender identity, and/or
 - ▶ Referral from staff or youth regarding gender identity.
- 

Juvenile Placement

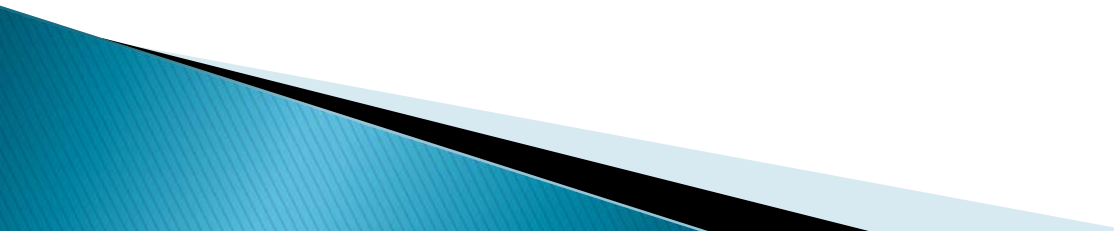
- ▶ Juveniles who identify as transgender shall not automatically be housed according to their sex at birth.
 - ▶ Division of Youth Corrections staff shall make housing decisions on a case-by-case basis for juveniles who identify as transgender.
 - ▶ The juvenile's perception of the safest or best placement, and staff's assessment of whether the placement would present management or security issues should be taken into account.
- 

- ▶ To ensure privacy and safety, juveniles who identify as transgender and intersex shall be placed on No Double Room (NDR) status, and be provided a single room on the unit/pod.
 - ▶ Juveniles who identify as transgender or intersex have the right to request their housing assignment be re-evaluated by the CRT.
- 

Myth:

- ▶ All youth will ask to be housed with the girls just to be with the girls.

Fact

- ▶ Most youth want to be housed with youth of the same gender.
 - ▶ Only transgender and intersex youth have the right to make a request for cross gender housing assignments.
- 

Name and Language:

- ▶ When decided by the CRT team, juveniles who identify as transgender or intersex shall be referred to by their preferred name and pronoun that may reflect the juvenile's gender identity, even if their name has not been legally changed.
- ▶ All written documentation about juveniles who identify as transgender or intersex shall use the juvenile's preferred name as well as note the juvenile's legal name recognized by the court, excluding documentation in Trails.

*Trails documentation will use youth's legal name



Myth

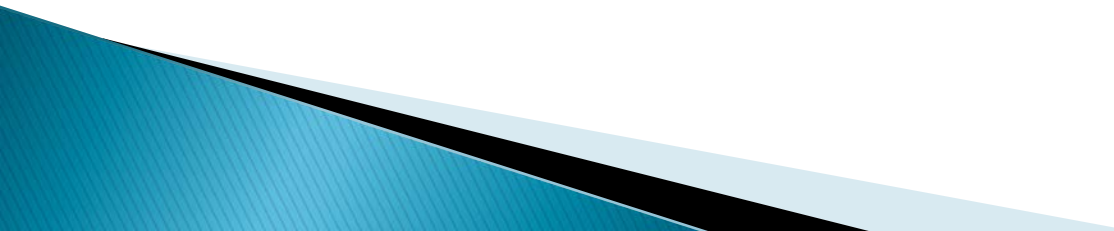
- ▶ Youth can change their name whenever they want to.
- ▶ Lesbian, gay, bisexual, questioning youth can make a name change request.

Fact

- ▶ Only transgender and intersex youth shall be referred to by their preferred name and pronoun when approved by the CRT.

Clothing and Gender Presentation

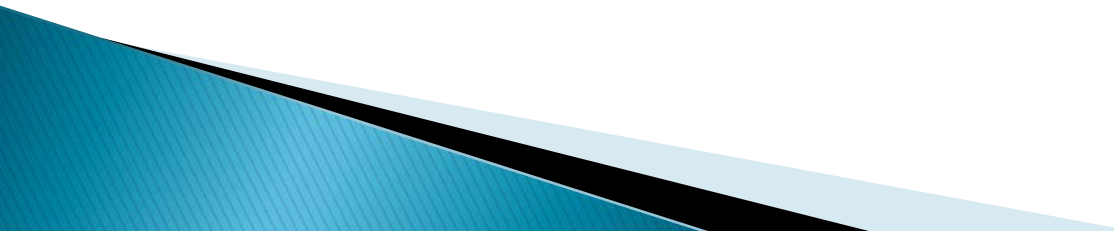
Juveniles who identify as LGBTQI shall be allowed to practice the grooming rights that match their gender identity, including having access to gender specific hygiene products.



Bathrooms and Showers

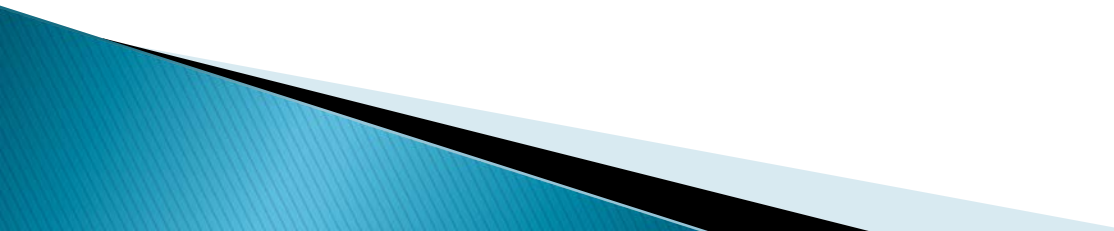
Juveniles who identify as transgender or intersex juveniles shall be permitted to use the bathroom that is consistent with their gender identity and shower separately or in a separate designated area.

* Separate showers are necessary to maintain youth privacy and protection from physical and sexual abuse.

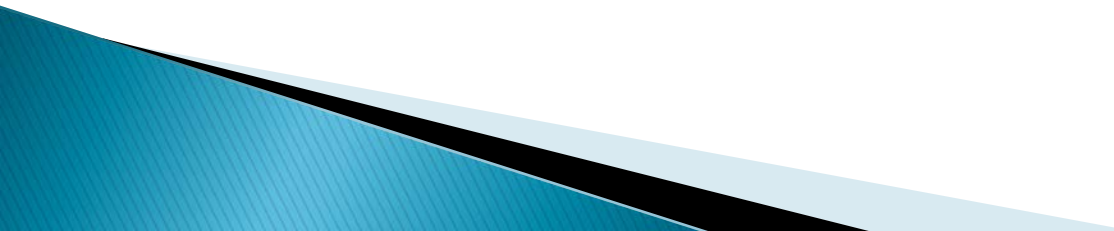


Medical and Behavioral Health Care

When a juvenile identifies as transgender or intersex, the Division of Youth Corrections shall offer access to licensed medical and behavioral health care providers who are knowledgeable about their health care needs.

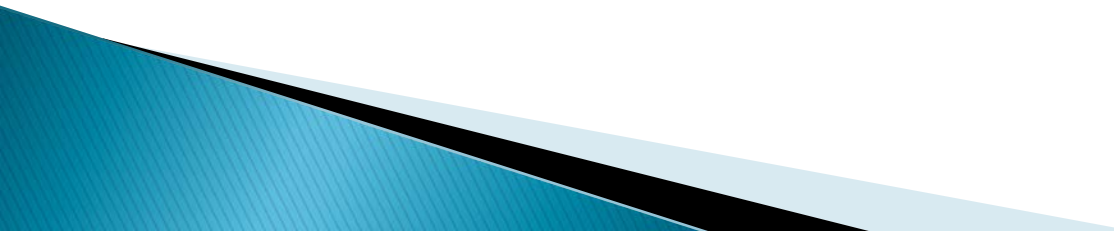
- ▶ DYC shall not employ or contract with medical or mental health providers who attempt to change a juvenile's sexual orientation or gender identity.
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Search Issues:

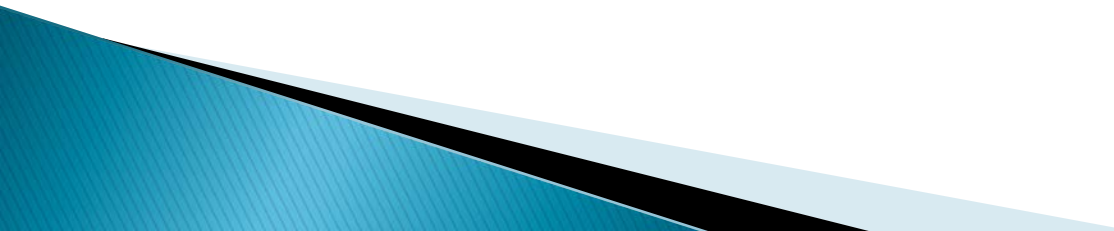
- ▶ Juveniles who identify as transgender or intersex shall not be physically searched for the purpose of determining the juvenile's physical anatomy.
 - ▶ Juveniles who identify as transgender or intersex and a decision by a CRT supports the youth's request shall have a staff member of the same sex as the juvenile's gender identity conduct strip and pat searches.
- 

Notification:

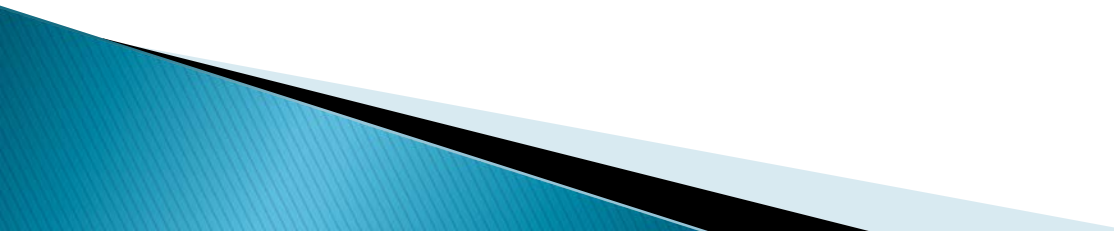
The gender identity of a juvenile who identifies as transgender or intersex shall be communicated to all transporting agencies during the release or temporary transfer of a juvenile.



Summary

- ▶ LGBTQI youth face unique issues and concerns
 - ▶ A culture of respect helps create a culture of safety
 - ▶ The policy reflects DYC's 5 Core Values
 - ▶ The language and terminology we use when communicating with and about LGBTQI youth is important
 - ▶ It is important to understand and recognize that LGBTQI youth are at greater risk for sexual abuse while in DYC custody.
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Resources

- ▶ http://www.ncirights.org/site/DocServer/A_Place_Of_Respect.pdf?docID=8301
 - ▶ <http://www.ncirights.org/site/DocServer/bestpracticeslgbtyouth.pdf?docID=1322>
 - ▶ <http://www.cwla.org/pubs/pubdetails.asp?PUBID=1385>
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Questions

If you have questions or interested in additional information please contact:

Natasha Shafer, PREA Coordinator at
720-391-3025 or
Natasha.Shafer@state.co.us

