TOWARD

EQUITY

A Training Curriculum for

Understanding Sexual Orientation, Gender Identity, and Gender Expression, and Developing Competency to Serve Lesbian, Gay, Bisexual, and Transgender Youth in the Juvenile Justice System

THE
EQUITY
PROJECT

ensuring fairness & respect for LGBT youth in the justice system

The mission of Legal Services for Children (LSC) is to ensure that all children and youth in the San Francisco Bay Area have an opportunity to be raised in a safe environment with equal access to a meaningful education and the services and supports they need to become healthy and productive young adults. Through a holistic team approach utilizing legal advocacy and social work services, our goal is to empower clients and actively involve them in the critical decisions that impact their lives. **www.lsc-sf.org**.

The National Center for Lesbian Rights (NCLR) is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, legislation, policy, and public education. It litigates precedent-setting cases at the trial and appellate court levels, advocates for equitable public policies affecting the LGBT community, provides free legal assistance to LGBT people and their legal advocates, and conducts community education on LGBT issues. **www.NCLRights.org**

The National Juvenile Defender Center (NJDC) is a non-profit, non-partisan organization dedicated to promoting justice for all children by ensuring excellence injuvenile defense. NJDC provides support to public defenders, appointed counsel, law school clinical programs, and non-profit law centers to ensure quality representation in urban, suburban, rural, and tribal areas. NJDC also offers a wide range of integrated services to juvenile defenders, including training, technical assistance, advocacy, networking, collaboration, capacity building, and coordination. To learn more about NJDC, please visit **www.njdc.info**.

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The Equity Project is a collaborative initiative of:

Legal Services for Children, www.lsc-sf.org
National Center for Lesbian Rights, www.nclrights.org
National Juvenile Defender Center, www.njdc.info

TOWARD EQUITY

Understanding Sexual Orientation, Gender Identity, and Gender Expression, and Developing Competency to Serve Lesbian, Gay, Bisexual, and Transgender Youth in the Juvenile Justice System

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THE EQUITY PROJECT MISSION AND VISION STATEMENT

The Equity Project envisions a fair and rehabilitative juvenile justice system that treats every young person with dignity, respect, and fairness, regardless of sexual orientation, gender identity, or gender expression (SOGIE). The Equity Project seeks to understand the needs, strengths, and experiences of lesbian, gay, bisexual, and transgender (LGBT) youth involved in the juvenile justice system; identify obstacles to the equitable treatment of LGBT youth in the juvenile justice system; recommend concrete strategies for promoting the equitable treatment of LGBT youth in the juvenile justice system; and educate juvenile justice system professionals through training and dissemination of policy and practice recommendations and tools.

THE EQUITY PROJECT ADVISORY COMMITTEE

The Equity Project Advisory Committee (EPAC) is composed of individuals representing a diverse range of professional experiences, geographical locations, race, sexual orientations, gender identities, and gender expressions. EPAC members are the leading experts on LGBT youth in the juvenile justice system. EPAC members serve as resources and help guide the work of The Equity Project, and each member made invaluable contributions to the drafting and review of this curriculum.

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FOREWORD

Very little information about lesbian, gay, bisexual, and transgender (LGBT) youth in the juvenile justice system is available, partly because these youth are often socialized to hide their identities. However, the existing data demonstrates that LGBT youth are disproportionately represented in the juvenile justice system, are primarily charged with status offenses or other nonviolent crimes, and are subjected to disproportionately harsh detention decisions. Like their heterosexual and cisgender[1] counterparts, most LGBT youth in the juvenile justice system are poor youth of color. It is imperative to address racial and ethnic disparities, socioeconomic disadvantage, and other aspects of identity while addressing disparities for LGBT youth, and view system reform and recommendations through an intersectional lens, recognizing the multiple marginalized identities of many youth in the juvenile justice system.

Despite the outstanding work of many dedicated juvenile justice system professionals who have tirelessly advocated on behalf of LGBT youth, many LGBT youth across the country continue to face bias, harassment, and unfair treatment throughout the course of their delinquency cases. In addition, many juvenile justice professionals lack an understanding of the unique challenges confronting LGBT youth, which limits their ability to fulfill their professional and ethical responsibilities. Collaborative action is needed to address the systemic deficiencies that undermine fairness and equity for LGBT youth in the nation's juvenile justice systems.

The Equity Project[2] envisions a fair and rehabilitative juvenile justice system that treats every young person with dignity, respect, and fairness, regardless of sexual orientation, gender identity, and gender expression (SOGIE). In 2009, The Equity Project published *Hidden Injustice,* an in-depth report about the experiences of LGBT youth in the juvenile justice system, with concrete recommendations for systemic reform. Following the release of that report, The Equity Project received increasing numbers of training requests from a variety of juvenile justice stakeholders around the country. With heightened public awareness of the disproportionate representation of LGBT youth in the juvenile justice system and their unique vulnerability, these training requests continue to increase. *Hidden Injustice* remains the fundamental report used among advocates and juvenile justice professionals to educate juvenile justice professionals about the criminalization and unfair treatment of LGBT youth.

We developed this national training curriculum in response to the growing call for training and to fill a gap in existing resources. *Toward Equity* is the first comprehensive, interactive program dedicated to LGBT youth in the juvenile justice system (as opposed to other youth-serving systems) and flows from the information and recommendations in *Hidden Injustice*.

We hope this training curriculum serves as the foundation for increased knowledge about SOGIE issues within the juvenile justice system and will lead to safe, inclusive, affirming, and welcoming environments for LGBT youth, as well as the promotion of healthy and positive outcomes for all youth.

Legal Services for Children
National Center for Lesbian Rights
National Juvenile Defender Center

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[1] Describes a person whose gender identity matches his or her sex assigned at birth.
[2] The Equity Project is a collaborative initiative of Legal Services for Children (LSC), the National Center for Lesbian Rights (NCLR), and the National Juvenile Defender Center (NJDC).

TRAINER'S GUIDE

I. Introduction

The Equity Project is pleased to release *Toward Equity: Understanding Sexual Orientation, Gender Identity, and Gender Expression, and Developing Competency to Serve Lesbian, Gay, Bisexual, and Transgender Youth in the Juvenile Justice System* ["*Toward Equity*"]*.* This training curriculum provides comprehensive, interactive training lessons designed to increase competence about sexual orientation, gender identity, and gender expression (SOGIE), while providing practitioners with increased knowledge, tools, and resources for working with lesbian, gay, bisexual, and transgender (LGBT) youth in the juvenile justice system.

Toward Equity aims to improve the experiences and outcomes of LGBT youth in the juvenile justice system by providing juvenile justice personnel with a deeper understanding of terms and concepts related to SOGIE, normative adolescent development, and the data relating to LGBT youth in the juvenile justice system. It will also increase professionals' capacity to understand bias and stigma related to SOGIE, and their impact on the well-being of youth in the juvenile justice system. Additionally, the curriculum will provide participants with skills for communicating with youth about SOGIE and increase knowledge of the common circumstances leading LGBT youth into the juvenile justice system. *Toward Equity* illustrates methods by which juvenile justice system stakeholders can support LGBT youth to increase their resiliency and prevent their re-entry into the system. The curriculum also covers specific conditions of confinement issues and promotes a greater understanding of transgender and gender non-conforming youth.

II. Terminology

Toward Equity uses the acronym "LGBT" in the broadest sense possible. While there are many other acronyms that reflect a more nuanced understanding of the breadth of identities that exist within the SOGIE spectrum (*e.g.* LGBTQQIAA2-S), we chose LGBT for the sake of brevity and uniformity. Because terminology is constantly evolving and because certain groups may gravitate to certain terms and abbreviations over others, it is difficult to come to a commonly agreed-upon acronym that reflects all perspectives. The Equity Project's use of LGBT is intended to be as inclusive of all other identities as possible, unless otherwise specified (*e.g.,* with regard to research that focuses on particular demographics).

Additionally, *Toward Equity* uses the pronouns "he" and "she," recognizing that some people identify outside of this gender binary language. The gender neutral pronouns "ze," "zir," and "zey" are not commonly recognized, and the English language does not provide any other term that is not gender specific other than "they," which is only grammatically correct in the plural. This forces a choice between being grammatically incorrect in order to acknowledge the non-binary nature of gender and following the English grammar rules that do not provide for a gender-neutral option. For publishing reasons, The Equity Project chose to be grammatically correct in its printed materials. Because the spoken word is often much more forgiving with respect to grammar than the written word, trainers should feel free to use "they" and the gender neutral pronouns "ze," "zir," and "zey" when speaking, if that makes them more comfortable.

III. Purpose and Scope of *Toward Equity*

Toward Equity is designed specifically to address SOGIE-related issues in the juvenile justice system and to provide stakeholders with the tools they need to create a safe, rehabilitative, and affirming environment for all children. While every youth has a sexual orientation, gender identity, and gender expression, LGBT youth often face particular challenges when service systems and individual stakeholders do not understand or fail to acknowledge their identities. Although there are other curricula and trainings that

focus on LGBT youth in the child welfare system, schools, and other systems of care, the juvenile justice community expressed a need for a training curriculum specifically designed for those who work in the juvenile delinquency system.

The curriculum is adaptable for a broad audience of juvenile justice system stakeholders, such as judges, referees, magistrates, prosecutors, probation officers, defense attorneys, detention facility staff, corrections personnel, court personnel, caseworkers, social workers, mental health professionals, forensic evaluators, and policy advocates. While some SOGIE competency trainings may be held for mixed groups of stakeholders, the distinct roles and perspectives of different groups may make some mixed trainings less effective.

The lessons in *Toward Equity* are designed to promote professional competency; they are not designed to be a practice manual. Each lesson contains competency goals and an overview of national best practices, but these lessons are not a "how-to" guide. No two stakeholder groups and no two jurisdictions have the same obstacles, procedures, or strengths. This curriculum is designed to provide a common level of information and knowledge related to SOGIE, and demonstrates how SOGIE—and the ways SOGIE intersect with other aspects of identity—may affect a youth's experience within the juvenile justice system. *Toward Equity* provides participants with targeted and concrete examples of issues that may arise, and challenges trainers and participants to think critically about how to provide safe, healthy and affirming environments. Beyond *Toward Equity*, The Equity Project provides technical assistance and maintains other tools and resources that may be of use in areas not addressed by the *Toward Equity* lessons. If trainers or participants are interested in practice-related materials or additional information, they should contact The Equity Project by emailing **info@equityproject.org**.

IV. Who Can Use This Curriculum?
The Equity Project is providing this training curriculum to the general public, free of charge, in an effort to reach as many stakeholders in the juvenile justice system as possible. However, these lessons are intended to be delivered only by experienced trainers who have specific competency in SOGIE issues and who have the necessary skills to facilitate sessions that have the potential for raising discomfort— or even hostility—among the participants, without losing sight of the training goals. Anyone wishing to use *Toward Equity*, who does not already have a competent and experienced trainer identified, may contact The Equity Project at **info@equityproject.org** for suggestions.

V. Structure of *Toward Equity*
This curriculum targets six topic areas that are essential to appropriately address SOGIE and competently serve LGBT youth in the juvenile justice system. These six lessons and topic areas are:

- Lesson One: Understanding Sexual Orientation, Gender Identity, and Gender Expression
- Lesson Two: Dismantling Bias and Fostering Equity
- Lesson Three: Enhancing Communication and Building Trust with LGBT Youth
- Lesson Four: Reducing Risk and Promoting Protection
- Lesson Five: Ensuring Safety and Equity in Secure Settings
- Lesson Six: Respecting and Supporting Transgender Youth

Toward Equity is structured so that each lesson builds upon the previous lessons and the concepts are delivered in a logical and systematic sequence. Training organizers may also use individual lessons as their needs dictate, rather than delivering the entire curriculum. Each lesson is designed to stand on its

own. However, *Lesson One – Understanding Sexual Orientation, Gender Identity, and Gender Expression* should be the starting point for any program in which the participants have not yet had sufficient exposure to SOGIE concepts.

While we encourage fidelity to the substance of each lesson, we recognize that trainers may need to change or adapt some items for a particular audience. Where appropriate, the curriculum provides optional tools, alternate activities, or key points to highlight for specific audiences. For example, a particular stakeholder group may have ethical or professional obligations that impact the way the information should be delivered, such as a judge's responsibility to act in the child's best interest as compared to a defender's obligation to act in the client's stated interest. Experienced trainers who understand their audience should adjust these lessons as needed, without sacrificing the substance of the lessons.

The lessons in *Toward Equity* are designed to be comprehensive, and we believe that all of the included information is essential. We recommend adjusting training times to the curriculum, rather than cutting portions of lessons in order to fit a shorter training period. These lessons are not intended to be a lecture or a PowerPoint presentation, but an interactive learning experience with time for questions, discussion, and reflection.

Toward Equity is designed to take into account adult learning theory and the variety of adult learning styles. Given the subject matter, trainers should give participants time to process and reflect. Although the curriculum strives to provide trainers with everything they will need to deliver each lesson, trainers may want to adapt some activities. For example, many people are highly visual learners, and trainers may want to create additional handouts or develop PowerPoint slides to highlight particular concepts that they or the organizers feel need additional emphasis.

Structure of Individual Lessons

Each lesson in *Toward Equity* uses the same organizational structure, and contains the following sections:

A. **Purpose and Objectives:** Each lesson begins with a one- to two-page summary of the lesson that outlines the lesson's purpose, objectives, suggested audience, and approximate length of time, as well as a list of training materials necessary for delivering that lesson and a list of additional resources that the trainer and/or participants may find useful.

B. **Lesson Overview:** The lesson overview provides an outline of each section within a given lesson, describes what each lesson covers, which sections are interactive, and the estimated length of each section. It should serve as a guide for highlighting key points, as well as a resource for determining the appropriate trainer for the material, and whether the lesson is appropriate for the intended audience. Trainers may also find it a useful tool for keeping track of time and flow of the lesson.

C. **Facilitation Notes:** The substance of the lesson is included in the facilitation notes. These notes are not intended for participants, but serve as a "teacher's guide" and include detailed, substantive information, training prompts, questions trainers should anticipate from participants, cautions, activities, and trainer questions for discussion and reflection. Handouts are duplicated within these facilitation notes, so it is clear how the trainer should use them.

D. Prompts: Within the Facilitation Notes are a few prompts designed to attract the trainer's attention. These prompts are not meant to be read aloud. The prompts used are:

1. TRAINER NOTE — These notes provide information or reminders for the trainer about how to convey the information that follows in the lesson, key points to cover, and/or questions he or she may want to anticipate from the audience.

2. CAUTION — These prompts identify issues that may be controversial or challenging for participants, so that trainers can be prepared to guide the discussion away from personal opinions and back to professional obligations.

3. PRACTICE TIP — While this curriculum is not a practice manual, there are times that a sample "how-to" may be appropriate, and these prompts offer concrete suggestions about how to implement best practices.

4. OPTIONAL TOOL — Because not every concept or activity works with every audience, the curriculum sometimes offers additional suggestions or alternative activities that trainers may want to use to expand understanding of particular portions of the lesson. Be aware that choosing to substitute or add these optional tools to the lesson will likely affect the length of the lesson.

In addition to the prompts, each lesson is also designed so that each activity and its instructions are clearly distinguished from the rest of the facilitation notes, so that trainers can properly transition between segments. All activities are identifiable as they are boxed off from the rest of the text in the facilitation notes.

E. Training Materials and Additional Resources: Each lesson in the curriculum includes training materials and additional resources.

1. "Training Materials" are items that will be needed for the lesson, including handouts or visual aids. Anything the trainer will need to facilitate the lesson is listed as a Training Material. All handouts are duplicated within the lesson and appended to the curriculum so that they can be printed and provided to the participants. Video and audio clips are available on The Equity Project YouTube channel, accessible via: www.equityproject.org.

2. "Additional Resources" are not essential but may provide substantive background information, or may be provided to participants as resources for further self-directed learning and reference.

VI. Accessing Curriculum Materials

All curriculum documents are available on The Equity Project website at **www.equityproject.org** under the "Training and Technical Assistance" tab. Anyone seeking a trainer, more information, or with outstanding questions, may also email **info@equityproject.org**.

VII. Planning a Training

Trainers and training organizers should consider the following issues in advance of the training.

A. Lesson Selection

While each lesson is intended to stand on its own, the curriculum can also be delivered as a comprehensive competency training program. Training organizers should consider the goals of the training program, and allot sufficient time to achieve them.

A careful review of the objectives and substance of each lesson will help training organizers determine what kind of training and which curriculum lessons their group or agency may need. Many organizations may be starting their exploration of SOGIE issues, and should start with *Lesson One* in order to develop basic competency. When participants have basic competency, they will have a better foundation for understanding the subsequent lessons. The information, especially the data and research, used in this curriculum is quickly evolving as understanding of social science and child and adolescent development increases. We will endeavor to supplement lessons as new information becomes available. Please contact The Equity Project if you have any questions or concerns about the materials.

B. Trainer Selection

This curriculum is intended to be used by experienced trainers who are familiar with the research on LGBT youth in the juvenile justice system, and understand SOGIE and its relevancy to youth in the delinquency system. Trainers must be able to explain best practices for working with LGBT youth in the juvenile justice system. Additionally, trainers must be experienced in working within an intersectional framework that acknowledges youth's multiple identities and how various forms of oppression—such as homophobia, classicism, and racism—work together to marginalize youth in the system. Moreover, trainers must assume a posture of cultural humility when training populations whose race, ethnicity, or culture they do not share.

Although each lesson is written for "a" or "the" trainer, many trainers find working in pairs to be an advantage. Discussions about SOGIE can be emotionally charged for some participants, and it is often useful to have a facilitation partner to help with those situations. Training pairs are also useful given the length of some of the lessons in this curriculum.

C. Participants

This training curriculum is intended for a broad audience of participants who work in the juvenile justice system. The ideal training size is a group of approximately 25 or fewer people. If the group is too small or too large, people may feel uncomfortable participating. Large groups also make it difficult to field questions, manage challenging behaviors, or keep participants focused on the topic.

Trainers should work closely with the organizers to understand the audience and intended goals, especially if the trainer does not work regularly with the group being trained. Trainers who understand the participants' level of experience and understanding of SOGIE, and the demographic make-up of the audience, are better able to ensure that the material is as effective as possible. Trainers should make an effort to use examples that are culturally relevant to the audience or the demographic of the area. For example, knowing that a group works with a large population of Native American youth may mean that two-spirit identities need greater focus than they would if the training group works primarily with Latino youth in an urban area. While this curriculum uses examples, videos, and resources that reflect a wide range of racial, cultural,

and socioeconomic backgrounds, it is not always possible to provide resources as diverse as the communities in which participants work, or that reflect the identities of youth in the juvenile justice system around the country. Trainers should remember and remind participants that LGBT youth in the juvenile justice system mirror other youth in the juvenile justice system; that is, in most jurisdictions, they are predominantly poor youth of color who may experience multiple levels of oppression and disadvantage.

D. Factoring in Breaks
The timeframes provided in the lesson are estimates, and do not factor in breaks. Most people need breaks to process information or to reenergize and prepare for further learning. It is up to the trainers and the organizers to schedule appropriate breaks, and to factor this into the overall planning of the training.

E. Before Beginning
Prior to facilitating any lesson, trainers should review the following:

1. **Anticipating questions about why this group is having training on LGBT youth.**
   The topic of this curriculum often arouses strong emotions and opinions. The trainer should anticipate the questions and concerns that participants may raise and be prepared to offer responses that respectfully, but clearly, assert the rationale, and endeavor to move participants toward greater understanding of, and sensitivity to, SOGIE issues. Examples of questions to anticipate may include:

   - *Q: Why dedicate an entire separate training to a very small group of youth?*
   - A: LGBT youth are over-represented in the juvenile justice system when compared with LGBT youth in the general population. LGBT and LGBT-perceived youth have historically been more vulnerable and more likely to confront unique challenges that are commonly misunderstood.

   - *Q: If we are supposed to treat youth equally, why are you telling me to give LGBT youth special treatment?*
   - A: Treating youth equitably requires that we understand and respond to each youth's individual needs. Subjecting youth to different conditions or rules for unfair, irrational, or prejudicial reasons is discriminatory.

   - *Q: You say that you are not trying to change my personal beliefs, so why do you keep saying things that conflict with my personal beliefs?*
   - A: The information we are presenting today is consistent with existing laws, regulations, agency policies, and professional standards of care. We also want to clearly describe this [department's/system's/agency's/jurisdiction's] policies and procedures, so that you understand your obligation. Although your employer cannot tell you how or what to think, people working within a given system are not free to violate its policy, or state and federal law, even if it conflicts with personal beliefs.

   - *Q: Isn't a youth's SOGIE private information? I am not talking about SOGIE with them. It is too personal.*
   - A: The purpose of this training is not to "out" a youth. Some young people will be out; some will not; and some will be out in certain contexts but not others (*e.g.*, they may be out at school and to their peers, but not at home with their families, or the reverse may be true.)

This training is provided so that if a youth wants to disclose that information to you, you have the best knowledge and resources available. It is also important that youth who are not out still feel safe and comfortable. Moreover, for those youth who are LGBT and may not be out, this training will help to create an environment that is not unconsciously hostile to them.

2. Group Agreements/Ground Rules for Training
The trainer should establish group agreements or ground rules at the start of each lesson that will support participants' best thinking and participation. Examples include:

- This is a safe space: anything participants share about themselves, including their questions and opinions, should be treated as confidential.

- Step up; step back. Take note of whether you are the one speaking all the time or not saying anything at all. If you are doing a lot of talking, try to spend more time listening and giving others space to participate. If you have not said anything yet, try to find an opportunity to participate.

- There is no such thing as a stupid question; every person may be at a different level of understanding on this subject. One way to push forward is to ask questions. Odds are that someone else has the same question.

3. Reviewing Terminology
While Lesson One of this curriculum reviews SOGIE terminology in depth, it is important to review, at least briefly, SOGIE terminology at the beginning of each lesson. Therefore, a review of key terms is included at the start of each lesson. Regardless of which lesson the trainer is facilitating, the trainer should provide participants with handouts of definitions and/or the curriculum's supplemental SOGIE Glossary.

VIII. Further Assistance
For more information, assistance in planning or delivering training, questions, or help finding trainers, email The Equity Project at **info@equityproject.org**.

Understanding Sexual Orientation, Gender Identity, and Gender Expression

INTRODUCTION

PURPOSE

The purpose of this lesson is for participants to gain a foundational understanding of the terms and concepts related to sexual orientation, gender identity, and gender expression (SOGIE); normative adolescent development; and the "coming out" process for lesbian, gay, bisexual, and transgender (LGBT) youth. Other lessons in this curriculum will expand on these concepts, but this lesson is intended as a primer of SOGIE terminology and concepts. It is aimed at creating a basic and uniform level of competency in these areas for all participants.

OBJECTIVES

Participants will:

- Examine and distinguish the concepts of SOGIE

- Acquire relevant terminology for discussing the concepts of SOGIE

- Deconstruct myths and stereotypes about LGBT youth

- Learn the process by which children and adolescents develop individual identity, including SOGIE

- Learn about the process through which many youth disclose their SOGIE ("coming out")

- Discuss how others' responses to a youth's coming out may enhance positive and healthy development, or contribute to negative health, behavioral health, and developmental outcomes

SUGGESTED AUDIENCE

All juvenile justice providers, advocates, and personnel (*e.g.* anyone working in the juvenile delinquency system, such as judges, referees, magistrates, prosecutors, probation officers, defenders, detention and secure facility staff, court staff or personnel, facility caseworkers, social workers, mental health professionals, corrections personnel, forensic evaluators, policy advocates, etc.)

ESTIMATED LENGTH OF TIME NEEDED
2 hours 10 minutes

TRAINING MATERIALS
• SOGIE Scale
• Short Definition List
• Individual SOGIE terms to be posted around the room
• Individual definitions to pass out to individuals
• Index cards
• Fill-in-the-blank SOGIE charts
• Coming Out Stars activity and red, blue, orange, and purple colored paper cut into five-pointed stars
• Flipchart paper or white board and markers
• Video and Internet capability

ADDITIONAL RESOURCES
• The Equity Project, *Optional Tool: Reteaching Gender and Sexuality*, YOUTUBE (Oct. 6, 2014), https://www.youtube.com/watch?v=slwgAUAX1sw&index=3&list=PLOKb5A8WShVSTH3YnEAAfilBb_Ron-WSDU (used with permission from the Reteaching Gender and Sexuality Project).
• KATAYOON MAJD ET AL., HIDDEN INJUSTICE: LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH IN JUVENILE COURTS (2009), http://www.equityproject.org/pdfs/hidden_injustice.pdf.
• *Coming Out As You*, THE TREVOR PROJECT, http://www.thetrevorproject.org/section/YOU (last visited Oct. 15, 2014).
• THE EQUITY PROJECT, SOGIE GLOSSARY (2014).

LESSON OVERVIEW

This lesson overview is intended to be a simple road map for trainers to understand what the lesson covers, which sections are interactive, and how long each section is estimated to last. It should serve as a guide for highlighting key points, as well as a resource for trainers to decide whether they are capable of delivering the lesson, and whether the lesson is appropriate for the intended audience. Trainers may also find it a useful tool for keeping track of time and flow of the lesson as they deliver it.

I. Introduction (10 minutes)
The trainer will introduce himself or herself to the participants, review the lesson objectives, and establish the ground rules for the training.

II. Sexual Orientation, Gender Identity, and Gender Expression (SOGIE): What are they? (1 hour)
The trainer will familiarize participants with each of the distinct concepts of sexual orientation, gender identity, and gender expression, including common terminology. The trainer should convey to participants that having a common understanding of terms and concepts is essential to this training; however, the challenge with SOGIE terminology is that it continues to evolve and may differ based on culture, region, and generation. There can also be disagreement within the LGBT community on the precise definition of some terms. All competent professionals need to be flexible with terminology when working with youth and should understand that they may need to adapt their language or learn new terms. This understanding, however, can only be attained with a firm grasp of the underlying concepts this ever-evolving terminology describes.

> **A. Understanding SOGIE and Related Terminology (5 minutes)**
> Participants will consider concepts and terms related to sexual orientation, gender identity, and gender expression.

> **B. SOGIE Scale (15 minutes)**
> The trainer will use teaching notes and the SOGIE Scale as a visual aid to further explain the concepts of *sex assigned at birth*, *gender identity*, *gender expression*, and *sexual orientation*, and will further define the terms *transgender* and *gender non-conforming*.

> **C. SOGIE Terms and Definitions (40 minutes)**
> Participants will have the opportunity to put their new knowledge into practice through interactive activities using SOGIE terminology. Participants will also learn additional relevant terminology.

- **Activity: Matching Terms with Definitions**. The trainer will post terms around the room and pass out definitions that participants must match to the corresponding term. After the activity is complete, participants will read aloud the terms and definitions. The trainer will either confirm that the match is correct, or if incorrect, ask volunteers to find the right definition.

- **Activity: Fill in the Blank 1**. The trainer will post a chart with the terms *sex*, *gender*, and *sexual orientation*. The trainer will give four volunteers a card with a term on it and will ask each volunteer to place his or her card under the corresponding heading.

- **Activity: Fill in the Blank 2**. The trainer will post another chart with the same headings of *sex*, *gender*, and *sexual orientation*. This chart will have sub-headings under each. The trainer will pass out 18 cards with different terms to participants, who must then place each card under the correct headings.

After the activities are completed, the trainer will facilitate a discussion about changing terminology, perceived negative terms, and the use of different terms in different communities.

III. Common Myths (10 minutes)
The trainer will review common myths about LGBT people using a true/false exercise.

- **Activity: True/False**. The trainer will share statements about LGBT youth, asking participants to answer whether each statement is true or false. The trainer will provide the answers and relevant research.

After the activity, the trainer will facilitate a short discussion with participants about any other common myths about LGBT youth they may have heard.

The trainer will very briefly review basic tenets of adolescent development. The purpose of this section is to highlight the fact that while all adolescents go through identity development (including about their SOGIE), LGBT youth may have to cope with additional stigma from society while going through this normative development process.

IV. Coming Out (40 minutes)
The trainer will share research on the process of coming out and engage participants in an interactive exercise and brainstorming to explore how youth might feel about coming out, why they may or may not come out, and what kind of reactions they may experience from others.

- **Activity: Coming Out Stars (20 minutes)**. The trainer will facilitate an activity in which each participant receives either a red, blue, orange, or purple five-pointed star. The trainer will instruct participants to write the following on each point of the star: a friend they are close to, a community they belong to, a family member, the job they would most like to have, and a hope or dream. The trainer will then read out loud different scenarios that require participants with certain color stars to fold over or tear off different points. The teaching notes for debriefing the activity should help participants better understand the feelings of acceptance or rejection a young person may face when he or she comes out. It is important to note that the coming out process is different for all individuals.

  A. **Feelings Associated with Coming Out (10 minutes)**
     The trainer should lead an interactive discussion on the feelings LGBT youth experience when they anticipate coming out.

  B. **Reactions of Others to Youth Coming Out (10 minutes)**
     The trainer will note that until now, the lesson has focused on the internal feelings of youth during the coming out process. In this section, the trainer will facilitate a brainstorming discussion about how others might react when a youth comes out, and the responsibility of adult juvenile justice professionals for creating a space for youth to feel safe expressing their identities.

V. Wrap-Up (10 minutes)

The trainer will end the lesson with time for questions and an activity. The trainer may also share additional resources and provide an overview of the rest of the *Toward Equity* curriculum.

- **Activity: Head Heart Step**. Participants have the opportunity to share one fact they learned, one value or guiding principle that is important to their working with LGBT youth, and one concrete action step they will take after the training.

FACILITATION NOTES

I. Introduction (10 minutes)

TRAINER NOTE ✎

After introducing himself or herself to participants, the trainer should engage in a general introduction of the lesson, reviewing the purpose and objectives for the lesson with participants.

OPTIONAL TOOL 🛠

Some trainers may choose to start the session with the video "Re-teaching Gender & Sexuality," accessible via The Equity Project website. This video (which runs 2 min., 47 sec.) shows youth with diverse identities explaining how their experiences and sense of themselves differs from traditional notions of sexuality and gender. This video powerfully articulates the need to expand traditional definitions of gender and sexuality. For some more conservative groups or groups that are not used to input from youth, this video may seem confrontational or jarring. The trainer should pre-screen the video and decide whether it is an appropriate starting point for the intended audience.

II. Sexual Orientation, Gender Identity, and Gender Expression (SOGIE): What are they? (1 hour)

A. Understanding SOGIE and Related Terminology
Start by explaining that participants are going to consider various terms associated with SOGIE—sexual orientation, gender identity, and gender expression. Elicit from the participants their understanding of these terms and provide actual definitions, using the following notes and materials to aid in explaining the concepts.

B. SOGIE Scale

ACTIVITY

Hand out and review the SOGIE Scale. The purpose of this visual is to explain and distinguish gender identity, sexual orientation, gender expression, and sex assigned at birth. Provide participants with a handout copy of the image or have it projected for all to see. Review the image, using the discussion points that follow as a guide. This is a good opportunity to explain that these dimensions of identity exist in every human being, and there is considerable variation within each dimension.

SOGIE SCALE[1]
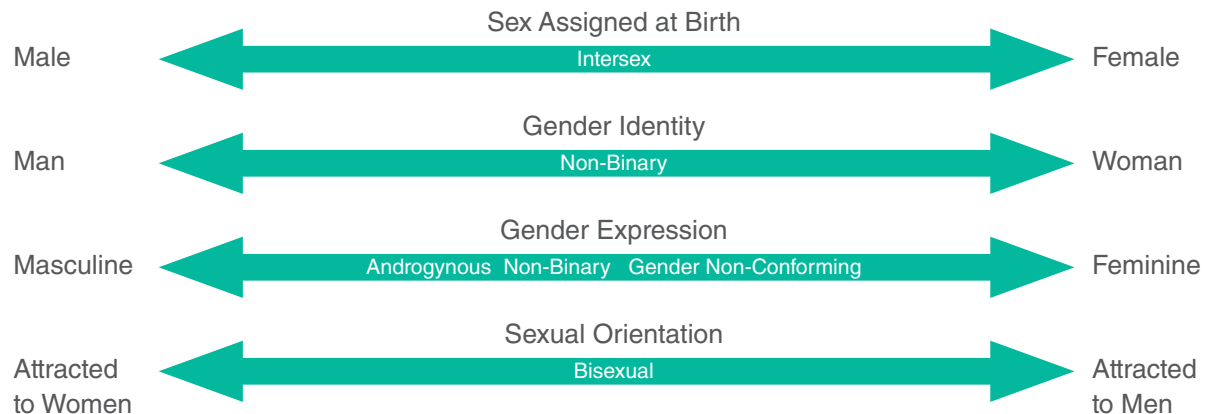
	Sex Assigned at Birth	
Male	←——— Intersex ———→	Female
	Gender Identity	
Man	←——— Non-Binary ———→	Woman
	Gender Expression	
Masculine	←—— Androgynous Non-Binary Gender Non-Conforming ——→	Feminine
	Sexual Orientation	
Attracted to Women	←——— Bisexual ———→	Attracted to Men

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[1] This chart is adapted from http://www.thetrevorproject.org/pages/spectrum and http://www.gendersanity.com/diagram.html.

- *Sex*: Assigned at birth, a biological construct based primarily on physical attributes such as chromosomes, external and internal genital and reproductive anatomy, and hormones.

- *Gender Identity*: A person's internal identification or self-image as male, female, something in between, or outside of the male/female binary. Everyone has a gender identity. A person's gender identity may or may not be consistent with his or her sex assigned at birth.
  - No one else can determine another person's gender identity.

- *Transgender* describes a person whose gender identity and sex assigned at birth do not match.
  - *Trans* is often used as shorthand for transgender.
  - A *transgender boy* or *transgender man* is someone who was assigned a female sex at birth but whose gender identity is male. He understands himself to be male and lives, or desires to live, as a boy and, later, a man.
  - A *transgender girl* or *transgender woman* is someone who was assigned a male sex at birth but whose gender identity is female. She understands herself to be female and lives, or desires to live, as a girl and, later, a woman.
  - A transgender person may know their gender identity at a very young age, as early as two or three years old. Some children, with supportive parents and adults, may start to express that gender identity—through clothing, hairstyles, chosen names and pronouns, or even taking hormone blockers when they begin puberty. Other transgender people may not do any of these things until they are adults.
  - The medical community often refers to individuals who wish to alter their bodies to align with their gender identities as *transsexuals*. *Transsexual* is not a term that is used very often among youth or by transgender community members.
  - Transgender people may be straight, lesbian, gay, bisexual, or asexual, just as cisgender people, whose gender identity and assigned sex are congruent, may be straight, lesbian, gay, bisexual, or asexual.

- *Gender Expression*: How individuals communicate their gender to others. People express and interpret gender through hairstyles, clothing, physical expression and mannerisms, physical alterations of their body, and by choosing a name that reflects their own idea of gender identity.
  - Gender expression can be fluid or even situational (*e.g.*, expressing gender differently when at work or visiting with family than with friends).
  - All people communicate their gender identity in a way that feels comfortable to them.

- *Gender Non-Conforming*: A person who does not subscribe to the gender expression or roles imposed by society. Similar terms include: *gender creative*, *gender fluid*, *gender variant*, and *pangender*. One example is a girl or woman who, in the past, may have been referred to as a "tomboy."
  - Most transgender people are NOT gender non-conforming. For example, when viewed according to her affirmed sex as female, a transgender girl who wears dresses is gender conforming.

- *Sexual Orientation*: An attraction to others that is shaped at an early age (usually by about the age of ten). Sexual orientation falls on a spectrum that ranges from exclusive attraction to only men or only women, to varying degrees of attraction to both men and women, to no attraction to either men or women. People who are not attracted to either men or women are often referred to as *asexual*.

OPTIONAL TOOL

Attraction Reflection Exercise: What do we mean by "attraction"? Ask participants to think about what happens to them, physically and emotionally, when they see someone they find attractive. Brainstorm examples so people can come up with a concrete list. Possible examples include:

- Hands start to sweat
- Heart beats faster
- It is hard to concentrate on other things
- Thinking about that person, even if they are not around
- Butterflies in the stomach

Explain that attraction is the same regardless of the person's sexual orientation. Straight people and lesbian, gay, bisexual and transgender (LGBT) people have these same kinds of physical and emotional reactions when they see people to whom they are attracted.

- *Sexual Behavior* (or *sexual activity*): Differs from sexual orientation and does not determine a person's sexual orientation.
  - People who identify as heterosexual may have sexual experiences with people of the same gender. Similarly, people who identify as gay or lesbian may have sexual experiences with individuals of a different gender.

These four scales (Sex Assigned at Birth, Gender Identity, Gender Expression, and Sexual Orientation) are independent of one another. Cultural expectations are that men/boys occupy the extreme left ends of all of the scales and that women/girls occupy the right ends. However, in reality, a person may occupy different parts of each scale. Thus, a person with a male sex assigned at birth could be attracted to men or could have a female gender identity, feminine gender expression, or any combination thereof. A person whose sex assigned at birth is female could identify as a woman, have a more masculine gender expression, and be attracted to women, etc.

OPTIONAL TOOL

Additional Visual Aid: Trainers may wish to find copies of pictures of celebrities from across the SOGIE spectrum to make this point more vividly.

OPTIONAL TOOL

Act Like a Lady/Act Like a Man: An alternative exercise some trainers may find useful is to have participants work in small groups. Each group can be assigned a topic: either "Act Like a Lady" or "Act Like a Man." The groups will work to brainstorm ideas on a flipchart or white board of what acts, activities, or beliefs one would expect under the assigned topic heading. After five minutes, the groups should post their papers around the room, and the trainer can review the concepts with the participants, noting commonalities that influence our social construct of gender. The trainer should then ask participants a series of questions that may include:

- What happens if someone steps outside of this box?
- If a woman were to do something from the "Act Like a Man" lists or were to fail to do some of the things from the "Act Like a Lady" list, what would be the reaction?
- How might gender-based expectations be affected by a person's religion, culture, race, or age?

Facilitate a conversation about how these social constructs may either ostracize those who step outside of their assigned "box" or force others to stay within their box, even though that is not who they truly are. Societal forces can be very powerful and can also be damaging to young people who do not feel like they "fit in."

C. SOGIE Terms and Definitions

Post each of the SOGIE terms around the room. Give a definition (without the term) to each of the participants, and ask the participants to stand by the word that corresponds with their definition. This activity gets people on their feet and gets them thinking about the definitions as much as the terminology. Alternatively, if there is a large group of participants, instead of posting the terms around the room, the trainer may choose to pass out the terms to participants. The trainer can then ask those with definitions to find the person holding the corresponding terms. This makes the exercise interactive and encourages group work.

Term Summary Recap:
After participants have found their matching terms and definitions, they should take turns stating the word and reading the definition. Confirm that they are correct. If the answer is incorrect, ask if anyone knows the correct term. If no one knows the answer, read aloud and explain the correct answer.

Short Definition List
Ally: Describes a person who confronts and challenges heterosexism, sexism, homophobia, transphobia, and heterosexual privilege in herself or himself and others.

Bisexual: Describes a person who is attracted to both men and women.

Cisgender: Describes a person whose gender identity matches his or her sex assigned at birth.

Coming Out: Describes the act or process of voluntarily disclosing one's sexual orientation or gender identity.

Gay: Describes a person who is attracted to individuals of the same gender. While historically used to refer specifically to men, it is often used to refer to women attracted to other women, as well.

Gender: A social construct used to classify a person as a man, woman, or some other identity. Fundamentally different from the sex assigned at birth, it is often closely related to the role that a person plays or is expected to play in society.

Gender Expression: Describes how individuals communicate their gender to others. People express and interpret gender through hairstyles, clothing, physical expression and mannerisms, physical alterations of their body, or by choosing a name that reflects their own idea of gender identity.

Gender Identity: A person's internal identification or self-image as male, female, something in between, or outside of the male/female binary. Everyone has a gender identity. One's gender identity may or may not be consistent with one's sex assigned at birth.

Gender Non-Conforming (GNC): Describes a person who does not subscribe to gender expression or roles imposed by society. Similar terms include: *gender creative*, *genderfluid*, *gender variant*, *genderqueer*, and *pangender*. One example would be a girl or woman who, in the past, may have been referred to as a "tomboy."

Heterosexuality: Describes a sexual orientation in which a person feels physically and emotionally attracted to individuals of the opposite sex.

Homophobia: The irrational hatred and fear of lesbian or gay people, or disapproval of other sexual orientations, regardless of motive. Homophobia includes prejudice, intolerance, discrimination, harassment, and acts of violence against people on the basis of their gay or lesbian identity. It occurs on personal, institutional, and societal levels, and is closely linked with transphobia and biphobia. Internalized homophobia is the fear and self-hate of one's own gay or lesbian identity, which can occur for individuals who have been conditioned throughout childhood with negative ideas about sexual orientations other than heterosexuality.

Intersex: Describes a set of medical conditions that feature congenital anomaly of the reproductive and sexual system. That is, intersex people are born with sex chromosomes, external genitalia, or internal reproductive systems that are not considered "typical" for either males or females. [Note: *Hermaphrodite* is an offensive and out-of-date term for an intersex person.]

"In the Closet": Refers to a lesbian, gay, bisexual, transgender, or intersex person who chooses not to disclose his or her sex, sexual orientation, or gender identity to friends, family, co-workers, or society. There are varying degrees of being "in the closet." For example, a person can be "out" in his or her social life, but "in the closet" at work or with family. Also known as "Down-low" or "D/L."

Lesbian: Describes a woman who is attracted to other women.

LGBT: An acronym used to describe lesbian, gay, bisexual, and transgender persons, or the community as a whole. There are many other variations or extensions of the LGBT/GLBT acronym that include initials to represent terms such as questioning, queer, intersex, allied and two-spirited.

TRAINER NOTE This curriculum uses the acronym "LGBT" in the broadest sense possible. While there are many other acronyms that reflect a more nuanced understanding of the breadth of identities that exist within the SOGIE spectrum (*e.g.*, LGBTQQIAA2-S), the choice to use "LGBT" was made for the sake of brevity and uniformity. Because terminology is constantly evolving and because certain groups may gravitate to certain terms and abbreviations over others, it is difficult to come to a commonly agreed-upon acronym that reflects all perspectives. The Equity Project's use of "LGBT" is intended to be as inclusive of all other identities as possible, unless otherwise specified (*e.g.,* with regard to research that focuses on particular demographics).

Queer: An umbrella term used to refer to all LGBT people; the term can be a political statement as well as an identity, seeking to expand upon limited sexual and gender-based categories. For some, "queer" has a negative connotation, given its historical use as a pejorative term. Many LGBT people, however, have reclaimed the word and now use it in a positive light. Many people use the term "queer" because other terms do not accurately describe them.

Questioning: People who are unsure of, or in the process of, discovering, their sexual orientation, gender identity, or gender expression.

ACTIVITY: MATCHING TERMS WITH DEFINITIONS (CONT.)

Sex: Assigned at birth, a biological construct based primarily on physical attributes such as chromosomes, external and internal genital and reproductive anatomy, and hormones.

Sexual Orientation: An attraction to others that is shaped at an early age (usually by about the age of ten). Sexual orientation falls on a spectrum that ranges from attraction to only men or only women, to varying degrees of attraction to both men and women, to attraction to neither men nor women.

Transgender: Describes a person whose gender identity and sex assigned at birth do not match.

Two Spirit: A term used in some Native American communities for persons who identify with gender roles of both men and women, and/or are considered a separate or third gender.

CAUTION

Be clear to participants that we discuss definitions so that we have a common understanding of terms, which is essential to having conversations about SOGIE. The challenge with SOGIE terminology is that it is ever evolving, and it can be both cultural and generational. There can also be disagreement within the LGBT community on the precise definition of some of these terms. More importantly, youth may have new terms or use some of these terms in a different way. All competent professionals need to be flexible with terminology when working with youth and should understand that they may need to adapt their language for some children or may need to learn new terms. In this regard, SOGIE terminology is the same as all language: context, culture, age, and experience matter. **It is okay to make mistakes!** Cultural competence does not require a perfect score on a terminology quiz. Rather, it is a process that occurs over time and requires an open mind and a willingness to learn.

ACTIVITY: FILL-IN-THE-BLANK

Post the following chart where everyone can see it:

SEX	GENDER	SEXUAL ORIENTATION

- Pass out an index card to each of any four volunteers, each card with one of the following terms on it:
  - Biology
  - Identity
  - Expression
  - Attraction

- Ask participants who received cards to place theirs on the chart under the appropriate category.

ACTIVITY: FILL-IN-THE-BLANK (CONT.)

- Help participants work through their thinking on this until the chart correctly reflects what is below:

SEX	GENDER		SEXUAL ORIENTATION
Biology	Identity	Expression	Attraction

- Then pass out cards with the following 18 terms on them. Some of these terms may be familiar to the participants; others will not be.
  - Lesbian
  - Gay
  - Bisexual
  - Heterosexual
  - Asexual
  - Man
  - Woman
  - Two Spirit
  - Transgender
  - Queer
  - Genderqueer
  - Masculine
  - Feminine
  - Androgynous
  - Gender Non-Conforming
  - Male
  - Female
  - Intersex

- Ask each participant who receives a card to give his or her understanding of the term's definition and to then place it on the chart in the proper place. If they place it under "Gender," be clear whether it is gender identity or gender expression. When a term is unclear to participants, the trainer should provide the definition that is included in the SOGIE Glossary that accompanies this lesson. The complete chart should look as follows, when the exercise is over:

SEX	GENDER		SEXUAL ORIENTATION
Biology	Identity	Expression	Attraction
Male	Man	Masculine	Gay
Female	Woman	Feminine	Lesbian
Intersex	Transgender	Transgender	Bisexual
	Two Spirit	Two Spirit	Heterosexual
	Genderqueer	Genderqueer	Asexual
	Androgynous	Androgynous	Queer
	Gender Non-Conforming	Gender Non-Conforming	
	Queer	Queer	

After participants are done, facilitate a short reflective discussion about the terms, using the prompts that follow:

- Were any of these terms new?
- Are any of these terms confusing?
- Has anyone ever heard others use these terms incorrectly?
- Has anyone ever heard some of these terms used as an insult or derogatorily?

✓ PRACTICE TIP   When discussing SOGIE issues or talking with LGBT people, one should be conscious of potentially offensive terminology and use each person's preferred gender pronoun. For example, when talking to a child whose sex assigned at birth was female but who identifies as male, one should follow the youth's lead and use the male gender pronouns *he/him/his*.

TRAINER NOTE Participants may raise questions about "negative" or perceived negative terms. If so, address these terms using the following discussion points as a guide:

- LGBT communities, like other marginalized communities, have developed different words to refer to themselves over time.

- Some LGBT people may use words to refer to themselves that are considered offensive by others.

- There is a debate within the LGBT community over whether it is appropriate even for LGBT people to use these terms. Regardless of that internal community debate, it is never appropriate for a non-LGBT person to use these terms, as it will virtually always be seen as a slur or insult.

- Different LGBT sub-communities may use different words to describe themselves.
  - For example, "queer" may be offensive to some older LGBT people, as it was considered a derogatory term for many years. Others may not be offended by it, because many have chosen to "reclaim" the word to rid it of its negative connotation. Additionally, some groups use "queer" to signify a political or activist movement aimed at confronting homophobia. The word "homosexual" is also widely disfavored because of its historical association with mental illness.

- The Short Definition List used in this lesson gives an overview of common terms that LGBT people use and is meant to be a general guide to give users terms to appropriately and respectfully discuss SOGIE. The SOGIE Glossary, available in the Additional Resources, is meant to provide participants with additional information; however, no glossary can include every potential word people might use to describe themselves, especially since new terms are still emerging, and definitions of terms may evolve over time. For more information on terminology see *Toward Equity: Lesson Three – Enhancing Communication and Building Trust with LGBT Youth*, and *Lesson Six – Respecting and Supporting Transgender Youth.*

III. Common Myths (10 minutes)

ACTIVITY: TRUE/FALSE

- Tell participants they are going to discuss some common myths about SOGIE and LGBT youth.

- The trainer will share some common ideas and ask participants whether they think each statement is true or false.

- Participants should consider whether any of the beliefs are commonly shared in their community and what other commonly held beliefs have not yet been identified.

- Footnotes have been provided in case trainers are asked to verify particular points, but they are not intended as part of the explanation, given that this could overcomplicate the exercise.

True or False? Few, if any, youth in juvenile detention are LGBT.
False: Approximately 20% of youth in juvenile detention facilities are LGBT,[2] compared to approximately 5%-7% in the general population.[3] Additionally, the data show that LGBT youth are more likely to enter juvenile detention for status offenses such as running away, truancy, and violations of probation.

> TRAINER NOTE ✎ *Toward Equity: Lesson Four – Reducing Risk and Promoting Protection* provides much more information on the data and typical pathways for LGBT youth entering the juvenile justice system.

True or False? By virtue of their age, youth cannot know they are LGBT.
False: Individuals become aware of their sexual orientation and gender identity at very young ages. Recent studies show the average age at which gay and lesbian teenagers first self-identify has dramatically decreased over the past several decades.[4] Research shows the average age of coming out in 2011 was 16 years old, compared to 20-22 years old in the 1980s.[5] While this is the average age of coming out, children have an understanding of their sexual orientation much earlier, usually by the age of ten, and most children have an understanding of their gender identity by age three.

True or False? Being transgender is different from being gay.
True: Transgender describes someone whose gender identity is incongruent with his or her sex assigned at birth; it is different from being gay, which is a sexual orientation.[6]

True or False? Sexual orientation and gender identity are matters of personal choice, so youth can choose not to be LGBT.
False: Sexual orientation and gender identity are deep-seated, inherent aspects of personal identity; attempts to change either are both futile and harmful to youth.[7] According to the American Psychiatric Association, "There is no published scientific evidence supporting the efficacy of 'reparative therapy' as a treatment to change one's sexual orientation….More importantly, altering sexual orientation is not an appropriate goal of psychiatric treatment…"

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[2] *See* Angela Irvine, *Dispelling Myths: Understanding the Incarceration of Lesbian, Gay, Bisexual, and Gender Nonconforming Youth* (Nat'l Council on Crime & Delinquency, Working Paper, 2014).

[3] Andrew Burwick et al., *Identifying and Serving LGBTQ Youth: Case Studies of Runaway and Homeless Youth Program Grantees*, Mathematica Pol'y Research (2014), http://www.aspe.hhs.gov/hsp/14/lgbt-rhy/rpt_LGBTQ_RHY.pdf ("[T]he National Longitudinal Study of Adolescent Health found that 7.4 percent of boys and 5.3 percent of girls in grades 7–12 reported same-sex romantic attraction, and results of a recent nationally representative survey of U.S. adults indicate that approximately 3.4 percent identify as LGBT." (citation omitted)).

[4] *See* Jason Cianciotto & Sean Cahill, Nat'l Gay & Lesbian Task Force Pol'y Inst., Education Policy: Issues Affecting Lesbian, Gay, Bisexual, and Transgender Youth 1 (2003), http://www.thetaskforce.org/downloads/reports/reports/EducationPolicy.pdf.

[5] *See id.*; Guy Shilo & Riki Savaya, *Effects of Family and Friend Support on LGB Youths' Mental Health and Sexual Orientation Milestones*, 60 Fam. Rel.: Interdisc. J. Applied Fam. Stud. 318, 318 (2011).

[6] Refer participants back to the SOGIE Chart and definitions from earlier in the lesson, if necessary.

[7] *See* Barbara L. Frankowski, *Sexual Orientation and Adolescents*, 113 Pediatrics 1827, 1827–32 (2004), http://pediatrics.aappublications.org/cgi/reprint/113/6/1827; *LGBT-Sexual Orientation*, Am. Psychiatric Ass'n, http://www.psychiatry.org/mental-health/people/lgbt-sexual-orientation (last visited Oct. 15, 2014); Am. Psychological Ass'n, Report of the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation 35–41 (2009), http://www.apa.org/pi/lgbc/publications/therapeutic-response.pdf [hereinafter Task Force Report on Therapeutic Responses]; Am. Psychological Ass'n, Answers to Your Questions for a Better Understanding of Sexual Orientation & Homosexuality (2008), http://www.apa.org/topics/lgbt/orientation.pdf [hereinafter Sexual Orientation & Homosexuality]; Gianna E. Israel & Donald E. Tarver II, Transgender Care: Recommended Guidelines, Practical Information, & Personal Accounts 134–35 (1997); Gerald P. Mallon, Social Services with Transgendered Youth 49, 55–56 (1999).

True or False? Transgender youth are just "acting out" and trying to get attention through gender non-conforming clothing, hairstyle, and name choices.
False: Most transgender youth are gender-conforming once they are able to express their affirmed gender. The medical and mental health fields recognize that when transgender youth experience incongruence between their sex assigned at birth and their gender identity, the appropriate, medically accepted response is to allow youth to express their core gender identity. Suppression of these behaviors can have severely negative effects on a youth's mental health.[8]

True or False? LGBT youth are mentally ill and sexually predatory.
False: Over 35 years of objective scientific research shows that LGBT identities fall within the range of normative development and are neither associated with any mental or emotional disorders, nor caused by prior sexual abuse or trauma.[9] While transgender youth may be diagnosed with Gender Dysphoria, which is listed in the DSM-5, this diagnosis is not associated with mental illness. The term *gender dysphoria* relates to emotional distress that people may experience when their gender identity is not congruent with their sex assigned at birth. Not all transgender youth experience gender dysphoria. Those who do may receive medical assistance (such as hormone blockers or hormone replacement therapy) that prevents physical changes that may cause distress, or that aligns their bodies with the gender with which they identify. This is called medical transition. Some youth will not receive any medical intervention, but may socially transition, expressing their authentic gender through clothing, hairstyle, name, and gender pronoun.

True or False? People's gender expression always reflects their gender identity.
False/It Depends: Not always. A person who identifies as female may present a more masculine appearance. Likewise, a person who identifies as male may present a more feminine appearance. And sometimes people choose not to express their authentic gender. For example, a person with an assigned sex of female who identifies as male may still express a female identity and live as a girl to stay "in the closet" or conform to societal pressure. This is especially true in detention and commitment environments, where issues of physical safety or short-term convenience may be the driving factors. The key take-away is that you cannot make assumptions about a person's gender identity based solely on that person's gender expression.

Ask participants whether they can think of any other common myths or stereotypes about LGBT youth, and facilitate a discussion.

Ask participants to raise their hands when their answer is yes, or for volunteers to answer the following questions:
- Has anyone ever worked with or does anyone currently work with youth who identify as LGBT?
- If anyone knows he or she has worked with LGBT youth, how did he or she know these youth were LGBT? (*e.g.*, they told me; they told someone else; they told me about their partners, etc.)
- Have you ever worked with youth who you thought were LGBT?
- What made you think they were LGBT? Fact? Myth? Assumption?

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[8] *See* Israel & Tarver, *supra* note 7, at 134–35; Mallon, *supra* note 7, at 51; Walter Meyer III et al., Henry Benjamin Int'l Gender Dysphoria Ass'n, Standards of Care for Gender Identity Disorders 8–9 (2001) [hereinafter Standards of Care], *available at* http://transgendercare.com/guidance/resources/hbigda01/index.htm.
[9] *Transgender, Gender Identity, & Gender Expression Non-Discrimination*, Am. Psychological Ass'n (Aug. 2008) [hereinafter APA Policy Statement], http://www.apa.org/about/policy/transgender.aspx.

After a few people have had the opportunity to share, tell participants that they are now going to explore the coming out process in greater detail.

 OPTIONAL TOOL   If there are participants who do not believe they have worked with LGBT youth in the past, you may want to refer them back to the statistic that at least 20% of all youth in juvenile detention are LGBT or gender non-conforming. If they have worked with more than ten youth, the probability is that they have worked with LGBT children or adolescents, even if they were not aware of it.

IV. Coming Out (40 minutes)

The trainer should explain that coming out is the process of disclosing one's sexual orientation or gender identity to others. Because most people in our society are presumed to be heterosexual and cisgender, coming out is not a one-time life event; it is a lifelong process that is continuously repeated. Heterosexual and cisgender family members or allies of LGBT persons may also experience a coming out of their own, when and if they decide to disclose to others that they have friends or relatives who are LGBT.

ACTIVITY: "COMING OUT" STARS

The purpose of this activity is for participants to gain a better understanding of the coming out process and recognize that this process is different for every individual. It may also help participants empathize with the challenges that often accompany the coming out process.

Materials Needed: Blue, Purple, Red, and Orange paper stars, and pen/pencils for each participant

Length of time: About 20 minutes, depending on size of group

Size of group: Any

Let each person pick either a **BLUE**, **ORANGE**, **RED**, or **PURPLE** star, and then read the following to them:

Imagine that this star represents your world, with you in the center and the things or people most important to you at each point of the star. So we'll begin by writing your name in the center of the star, making it your very own star! Then, pick a point of the star. Choose a friend who is very close to you, someone you care about very much—a best friend or a close friend, it doesn't matter. Write his or her name on this point of the star.

Next, think of a community that you belong to. It could be a religious community, your neighborhood, a fraternity or sorority, or just a group of friends. Write the name of this group that you are a part of on the next point of the star, moving clockwise.

Now, think of a specific family member, someone that you have always turned to for advice, or maybe who knows how to cheer you up when you're sad—a mother, father, aunt, or uncle…any family member who has made a significant impact upon your life. Please write their name on the next point of the star.

ACTIVITY: "COMING OUT" STARS (CONT.)

What job would you most like to have? It could be anything from President of the United States to dentist—whatever your career aspiration is, write it on the next point.

Last, what are some of your hopes and dreams? Maybe you want to be a millionaire; maybe you want the perfect family. Think of a few of your hopes and dreams and write them on the last point of your star.

Have everyone stand up in a circle. Explain that each person is now gay or lesbian, and each is about to begin his or her coming out process. Tell them that they **cannot talk** for the rest of this activity. The trainer then reads the following to the participants:

You decide that it will be easiest to tell your friends first, since they have always been there for you in the past, and you feel they need to know.
• If you have a **BLUE** star, your friends have no problem with it. They have suspected it for some time now and thank you for being honest with them. Luckily, your friends act no differently toward you and accept you for who you are.

• If you have an **ORANGE** or **PURPLE** star, your friends are kind of hesitant. They are a little irritated that you have waited so long to tell them, but you are confident that soon they will understand that being gay or lesbian is just a part of who you are…you just need to give them some time. Please fold back this side of your star.

• If you have a **RED** star, you are met with anger and disgust. Your friends, who have been by your side in the past, tell you that being gay or lesbian is wrong and they can't associate with you anymore. If you have a red star, please tear off this side and drop it to the ground; these friends are no longer a part of your lives.

With most of you having such good luck with your friends, you decide that your family probably deserves to know. You turn to your closest family member first, so that it will be a little easier.
• If you have a **PURPLE** star, the conversation does not go exactly how you planned. Several questions are asked as to how this could have happened, but after some lengthy discussion, this person who is close to you seems a little more at ease with it. Fold this side of your star back, as he or she will be an ally, but only with time.

• If you have a **BLUE** star, this family member embraces you. He or she is proud that you have decided to come out and lets you know that he or she will always be there to support you.

• If you have an **ORANGE** or **RED** star, your family member rejects the thought of being related to a person who is gay or lesbian. As with some of your friends, he or she is disgusted, and some of you are thrown out of your house or even disowned. You are now part of the 40%[10] of homeless youth who identify as gay or lesbian. If you have an orange or red star, please tear off this side and drop it to the ground.

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[10] Laura E. Durso & Gary J. Gates, Serving Our Youth: Findings from a National Survey of Services Providers Working with Lesbian, Gay, Bisexual and Transgender Youth Who Are Homeless or At Risk of Becoming Homeless (2012), http://williamsinstitute.law.ucla.edu/wp-content/uploads/Durso-Gates-LGBT-Homeless-Youth-Survey-July-2012.pdf.

Having told your friends and family, the wheels have started to turn, and soon members of your community begin to become aware of your sexual orientation.

- If you have a **PURPLE** or **BLUE** star, your sexual orientation is accepted by your community. They continue to embrace you like anyone else, and together you celebrate the growing diversity in your community.

- If you have an **ORANGE** star, you are met with a mixed response. Some accept you, and some don't know what to think. You remain a part of the community and, with time, will fit in as you once did. If you have an orange star, please fold back this side.

- If you have a **RED** star, your community reacts with hatred. They tell you that someone like you doesn't belong in their community. Those who had supported you in your times of need no longer speak to you or acknowledge you. If you have a red star, tear this side off and drop it to the ground.

You have heard that rumors have started circulating at work regarding your sexual orientation. In the past, you have made it a point to confront these rumors as soon as they begin, but now you're not sure if that will do more harm than good. But, unfortunately, you don't have the chance.

- If you have a **BLUE** star, your coworkers begin to approach you and let you know that they have heard the rumors and that they don't care; they will support you. Your bosses react the same way, letting you know that you do good work, and that is all that matters.

- If you have a **PURPLE** star, your workplace has become quite interesting. Everyone seems to think that you are gay or lesbian, even though you haven't mentioned it to anyone or confirmed any of the rumors. Some people speak to you less often, but the environment has not seemed to change too drastically. If you have a purple star, please fold back this side.

- If you have a **RED** or **ORANGE** star, you continue to work as though nothing is happening, ignoring the rumors that have spread throughout your workplace. One day, you come in to find that your office has been packed up. You are called into your boss's office, and she explains that you are being fired. When you ask why, she tells you that lately your work has been less than satisfactory and that she had to make some cutbacks in your area. If you have a red or orange star, please tear off this side and drop it to the ground.

Now…your future lies ahead of you as a gay man or lesbian. Your hopes and dreams, and your wishes for the perfect life…for some of you, these are all that remain.

- If you have a **PURPLE**, **BLUE**, or **ORANGE** star, these hopes and dreams are what keep you going. Most of you have encountered some sort of rejection since beginning your coming out process, but you have managed to continue to live a happy and healthy life. Your personal hopes and dreams become a reality.

- If you have a **RED** star, you fall into despair. You have been met with rejection after rejection, and you find it impossible to accomplish your lifelong goals without the support and love of your friends and family. You become depressed, and with nowhere else to turn, many of you begin to abuse drugs and alcohol. Eventually, you feel that your life is no longer worth living. If you have a red star, please tear it up and drop the pieces to the ground. You are now part of the group of suicide victims who are gay or lesbian.

Source: Jeff Pierce, University of Southern California

Activity Debrief:
- Begin by asking participants how that activity felt. If they give a one-word answer (*e.g.*, "sad"), ask them why and to explain further. Some common responses include:
  - Sad, depressed (from the color stars that were completely or mostly rejected)
  - Lucky (from those with all or most points on their stars intact)
  - Hopeful (from those that still have one or two points left)

- After a few participants have had the opportunity to share, ask them to imagine a young person going through those experiences and reflect silently for a few minutes.

- Point out to participants that in their role as a juvenile justice professional, they are often the first adult this young person may have contact with after going through all of those different types of rejection, and this young person is expected to trust the participants.

- Hold up one of the ripped-up stars, and point out that there are many youth like this in the juvenile justice system.

- Finally, ask participants what they may be able to do to put the youth at ease and/or show they can be trusted with the youth's coming out.

TRAINER NOTE

While all adolescents go through the development process, many adults working within the juvenile justice system have little or no understanding of what normative adolescent development encompasses. Therefore, it is important for trainers and participants to become familiar with key areas of adolescent development, such as identity development, moral development, decision-making skills, physical development, and the social maturation process, as well as external environmental and social factors, as all of these facets of development will help participants put a youth's behavior into a developmental context. When discussing SOGIE and the coming out process in particular, it is important that participants review general adolescent development concepts to better understand how these concepts may impact a youth's behavior and contextualize the experiences of LGBT youth. While all youth go through adolescent development, LGBT youth may additionally have to cope with stigma from society about their sexual orientation, gender identity, or gender expression. Some youth may be exploring or questioning their identity, while others may know they are LGBT but fear negative reactions of sharing that information with family, friends, or others.

Explain some basic concepts of adolescent development that are important to understand with respect to SOGIE:
- Being LGBT in a society that stigmatizes LGBT identities is an extra burden on top of the other facets of adolescent development that all youth experience. LGBT youth in the juvenile justice system may also experience stigma based on race, ethnicity, or socioeconomic background, or based on any combination of multiple marginalized identities.

- All adolescents develop at different rates. Development is a non-linear process. Comparing one specific child's development to another's is problematic. Adolescence is a time of identity development, which includes developing a sense of autonomy and a sense of how one fits within a community. Part of this identity development also includes how an adolescent relates to others in a sexual or romantic relationship.[11] It is normal for all adolescents to examine their identity and sexuality, both internally and with respect to how it affects their standing in the community.

✓ **PRACTICE TIP** Those wishing for more detailed adolescent development training should visit the National Juvenile Defender Center website at http://www.njdc.info to request training on developmental issues or a free copy of the MacArthur Foundation's *Toward Developmentally Appropriate Practice: A Juvenile Court Training Curriculum*.

A. Feelings Associated with Coming Out

Lead an interactive discussion on the feelings many LGBT youth experience when they come out. You may want to record some of the responses on a white board or flipchart paper, so the ideas remain visible throughout the discussions that follow.

Possible answers reflecting common feelings a young person may have include:
- Fear
  - Ask participants what it is specifically that young people may fear about coming out. Examples include:
    - rejection
    - gossip
    - violence
    - loss of relationships and friendships
    - being kicked out of the house
    - not having financial support for food, clothing, or school

- Happiness
  - Ask participants what it is about coming out that causes young people to experience happiness. Some examples include:
    - being honest
    - being able to openly date people they are attracted to
    - finding support
    - agency over their own decision
    - being able to express their true identity

After the brainstorming is complete, facilitate a discussion on coming out using the following notes:

- Coming out (particularly during adolescence) can allow a person to develop as a whole individual and empower him or her.

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11 Nat'l Juvenile Defender Ctr. & Juvenile Law Ctr., Toward Developmentally Appropriate Practice: A Juvenile Court Training Curriculum 13–17 (2009), http://www.njdc.info/pdf/MfC_Training_Curriculum_Overview.pdf (supported by the John D. and Catherine T. MacArthur Foundation's Models for Change Initiative).

- Research has shown that coming out promotes self-esteem and decreases negative outcomes, and that "exploration, expression, and integration of identity are crucial parts of positive adolescent development."[12]

- Some youth feel it is important to be honest with themselves and others about who they truly are.

- Some children are already perceived as LGBT and, therefore, do not feel a need or ability to hide their identity.

- However, the goal of supporting LGBT youth and youth perceived as LGBT is not to *make* them come out.

- There is a big difference between a young person choosing to come out on his or her own and a young person being "found out" or "outed" by someone else. Such outing of a young person can be devastating to the youth.

- Coming out is a personal choice and an ongoing process.

- Just as there are many reasons that youth choose to come out, there are a lot of reasons youth may not feel safe or ready to come out.

- Some youth may understand on some level that they are LGBT, but are struggling with that knowledge for religious, familial, or social reasons. For example, some youth may be struggling with what they perceive to be conflicting identities, such as being gay and being Christian. Until youth can resolve this struggle for themselves, they may not be comfortable coming out, which could require explaining that dual identity to others.

- Juvenile justice professionals should find ways to convey to youth that they are trustworthy and supportive, so that youth feel safe coming out to them at their own pace and in their own way.

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[12] Shannan Wilber et al., CWLA Best Practice Guidelines: Serving LGBT Youth in Out-of-Home Care 27 (2006), http://www.f2f.ca.gov/res/2798_BP_LG-BTQ.pdf.

B. Reactions of Others to Youth Coming Out

Note that until this point, the lesson has focused on the internal feelings of the young person coming out. Ask participants to create a list of possible reactions from adults that youth may receive when coming out. Write down answers on a white board or flipchart. Some examples of possible responses:

- happiness
- fear
- shock
- disbelief
- discomfort
- silence
- confusion
- joy
- wondering why the person "came out"
- supportiveness
- flattered
- honored
- anger
- disgust

Share with participants that creating an inclusive organizational culture is one of the most critical components of ensuring that youth feel safe.[13]

End this section by asking participants to brainstorm concrete steps they can take to make youth feel safe. Examples may include:

- be open-minded
- put up rainbow stickers or inclusive photos signaling a safe space
- listen
- use gender-neutral language
- ask questions
- admit mistakes
- seek out resources
- educate ourselves
- raise awareness

End the discussion by reiterating how imperative it is that juvenile justice professionals do everything they can to create inclusive, safe spaces for all youth to express their identities.

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[13] *Id.* at 9.

V. Wrap-Up (10 minutes)

ACTIVITY: HEAD HEART STEP

On a flipchart or white board, draw a large circle (head), a large heart below the circle, and two legs with feet, below the heart.
- Ask participants to think about one fact they learned. Write responses for people who wish to share this fact in the circle representing a head.

- Ask participants to think about one value or guiding principle they heard that feels important when it comes to LGBT youth. Write responses for people who wish to share their value/principle in the heart.

- Ask participants to share one manageable and concrete action step they will take in their jurisdiction after this training. Write responses for people who wish to share this step in the legs.

End the lesson with time for questions; ask participants to share one thing they learned; share any additional resources; and tell participants where they might be able to turn for more information (*e.g.*, local chapters of PFLAG, local LGBT education and advocacy groups, and the Equity Project). Trainers may also provide an overview of the rest of *Toward Equity*, if appropriate, either to encourage more training on this subject or to preview what is to come for audiences that are already committed to more lessons.

THE
EQUITY
PROJECT

ensuring fairness & respect for LGBT youth in the justice system

Dismantling Bias and Fostering Equity

INTRODUCTION

PURPOSE
The purpose of this lesson is for participants to deepen their understanding of bias and stigma related to sexual orientation, gender identity, and gender expression (SOGIE); to learn about intersectionality; to learn how to identify their own bias; and to identify how both stigma and bias affect the well-being of youth in the juvenile justice system.

OBJECTIVES
Participants will:

- Identify and assess their own beliefs, values, and assumptions in relation to SOGIE

- Increase their knowledge of different types of bias, including overt, internal, and unconscious or hidden bias

- Increase their knowledge of different types of biphobia, homophobia, and transphobia, and of how these phobias manifest institutionally, interpersonally, and internally

- Learn about and discuss the stigma experienced by youth with multiple marginalized identities in the juvenile justice system

- Learn how to interact with all youth in a welcoming, respectful, and non-judgmental manner

- Identify the possible impact of stigma on positive and healthy adolescent development

- Increase their ability to respond effectively to incidents of bias

- Develop tools and strategies to create a positive environment for youth

- Explore the difference between reacting to behavior and reacting to status or identity

SUGGESTED AUDIENCE:
All juvenile justice providers, advocates, and personnel (*e.g.,* anyone working in the juvenile delinquency system, such as judges, referees, magistrates, prosecutors, probation officers, defenders, detention and

secure facility staff, court staff or personnel, facility caseworkers, social workers, mental health professionals, corrections personnel, forensic evaluators, policy advocates, etc.)

ESTIMATED LENGTH OF TIME NEEDED
 3 hours 30 minutes

TRAINING MATERIALS
- White board or flipchart and markers
- Index cards or note paper and pens
- Video and Internet capability
- Video: Digital Story, "Unwritten," by Fabian, available on The Equity Project YouTube Channel, accessible via www.equityproject.org
- Unpacking the Invisible Knapsack Handout, available at www.equityproject.org
- Personal Attitude Assessment graphic
- Role-play scenarios
- Agency Attitude Assessment graphic
- 10 Ways to Challenge SOGIE-Based Bias handout

ADDITIONAL RESOURCES:
- Out of Home Youth Advocacy Council, Creating Inclusive Services for LGBT Youth in Out of Home Care: Training Resources (2007), http://www.nclrights.org/wp-content/uploads/2013/07/Preface_OHYAC_training_FINAL.pdf.
- Am. Psychological Ass'n, Developing Adolescents: A Reference for Professionals (2002), http://www.apa.org/pi/families/resources/develop.pdf.
- Gregory M. Herek, *Sexual Stigma and Sexual Prejudice in the United States: A Conceptual Framework*, in Contemporary Perspectives on Lesbian, Gay & Bisexual Identities: The 54th Nebraska Symposium on Motivation 65 (D.A. Hope ed., 2009), http://blogs.law.columbia.edu/genderandsexualitylawblog/files/2012/04/Sexual-Stigma-and-Sexual-Prejudice-in-the-United-States-A-Conceptual-Framework.pdf.
- Howard E. Taylor, *Meeting the Needs of Lesbian and Gay Young Adolescents*, 73 Clearing House: J. Educ. Strategies, Issues & Ideas 221 (2000).
- Gay, Lesbian & Straight Edu. Network, ThinkB4YouSpeak: Educator's Guide 29 (2008), http://www.thinkb4youspeak.com/foreducators/glsen-educatorsguide.pdf.
- Barry S. Anton, Am. Psychological Ass'n, *Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts*, in APA Policy Statements on Lesbian, Gay, Bisexual, & Transgender Concerns 29 (2010), http://www.apa.org/about/policy/booklet.pdf.

LESSON OVERVIEW

This lesson overview is intended to be a simple road map for trainers to understand what the lesson covers, which sections are interactive, and how long each section is estimated to last. It should serve as a guide for highlighting key points, as well as a resource for trainers to decide whether they are capable of delivering the lesson, and whether the lesson is appropriate for the intended audience. Trainers may also find it a useful tool for keeping track of time and flow of the lesson as they deliver it.

I. Introduction (10 minutes)
The trainer will introduce himself or herself to participants, review the lesson objectives, and set the ground rules for the training. The trainer will conduct a brief review of basic terminology.

II. Negative Effects of Stigma on Healthy Adolescent Development (30 minutes)
The trainer will present information defining stigma and engage participants in a discussion on how lesbian-, gay-, bisexual-, and transgender-related (LGBT) stigma may impact a young person who is still developing a sense of identity. The trainer will then present information on general concepts of adolescent development to tie into that stigmatization. Finally, the trainer will use the Impact of Silence activity to illustrate how it might feel to be a young person who has not "come out" and cannot talk about many of the things that are important to him or her.

- **Activity: Impact of Silence**. This is an activity in which participants are not allowed to discuss people, places, and activities that are meaningful to them, allowing them to empathize with what it might be like for LGBT youth who are not out about their identities.

III. Personal Beliefs, Values, Assumptions, and Bias about SOGIE (1 hour 25 minutes)
The participants will explore their own personal values and attitudes and how they affect the youth with whom they work in the juvenile justice system.

A. Exploring Personal Values and Beliefs (50 minutes)
The trainer will facilitate a discussion using guiding questions about participants' own experiences with SOGIE throughout their lives in order to explore their own attitudes.

- **Activity: Messages about SOGIE/Small Group Discussions**. The trainer will break participants into groups to discuss their own personal experiences, using facilitated questions.

- **Activity: Personal Attitude Assessment**. The trainer will ask participants to silently reflect on whether they agree or disagree with six different statements about LGBT people. The trainer will facilitate a debrief of the activity, encouraging participants to share their thoughts if they are comfortable doing so.

B. Exploring Different Types of Bias (35 Minutes)
The trainer will explain the difference between bias, prejudice, and stereotypes, and define overt, internal, and unconscious bias.

- **Optional Activity: Harvard Implicit Bias Test**. This is a computer-based word association test on sexuality that allows participants to learn about their own implicit biases. Every individual needs a computer and internet access for this activity, which can take up to 15 minutes and requires participants to register their email addresses.

Once participants understand different types of bias, the trainer will facilitate an exploration of possible outcomes of SOGIE-based bias.

- **Activity: Video – Digital Story, "Unwritten," by Fabian**. The trainer will show a video from an LGBT youth formerly involved in the juvenile justice system and facilitate a discussion about how bias affected him.

IV. Intersectionality Theory (15 minutes)
Participants will discuss intersectionality (the study of the intersection of different forms of discrimination or oppression) and identify examples of how LGBT youth in the juvenile justice system experience bias based on intersecting parts of their identities.

V. Distinguishing Between Reacting to Behavior and Reacting to Identity (45 minutes)
The trainer will facilitate role-playing scenarios to explore how to react to and support LGBT youth who are in the juvenile justice system. This will provide participants with "hands-on" learning to engage in situations they may face every day, using what they have learned about bias and stigma in order to reframe how they might respond.

- **Activity: Hypothetical Scenarios**. The trainer will pass out three different scenarios for participants to role-play. Each role-play has questions about how participants would have handled the situation. After all of the role-plays are completed, the trainer will facilitate a debrief discussion.

- **Activity: Agency Attitude Assessment**. The trainer will share a scale with the following terms: Intolerance, Indifference, Tolerance, Acceptance, Affirmation, and Advocacy, and ask participants to reflect on where they believe their own workplace organizational culture falls on the spectrum.

VI. Responding to Bias (15 minutes)
The trainer will guide participants through some strategies and tools to respond to bias.

   A. Checking Internal Biases
   Participants will explore ways to notice and respond to their own biases.

   B. Responding to Bias by Others, Including Peers and Adults
   Participants will discuss practice tips for addressing bias when they observe it. The trainer will then provide a handout with some tips on responding to bias.

VII. Wrap-Up (10 minutes)
The trainer will end the lesson with time for questions and an activity.

- **Activity: Head Heart Step**. Participants have the opportunity to reflect on one fact they learned, one value or guiding principle they heard that feels important when it comes to LGBT youth, and one manageable and concrete action step they will take in their own work after the training.

FACILITATION NOTES

I. Introduction (10 minutes)

TRAINER NOTE ✎

Provide a general introduction of the lesson (and of the trainers, if not already done). Before beginning the lesson, review the purpose and objectives of the lesson with participants.

TRAINER NOTE ✎

Participants may have been exposed to *Toward Equity: Lesson One – Understanding Sexual Orientation, Gender Identity, and Gender Expression,* or other introductory training prior to attending this session. Even so, it is still useful to conduct a brief review of SOGIE terminology. In particular, it is important to remind participants that "sex" is not the same as "gender," that "gender identity" is not the same as "sexual orientation," and that none of these is the same as "gender expression." You may do a more intensive review or consider facilitating *Lesson One – Understanding Sexual Orientation, Gender Identity, and Gender Expression* if a greater level of review is necessary. This is something trainers should work with the hosting organization to understand in advance of the session.

Sex: Assigned at birth, a biological construct based primarily on physical attributes such as chromosomes, external and internal genital and reproductive anatomy, and hormones.

Gender: A social construct used to classify a person as a man, woman, or some other identity. Fundamentally different from the sex assigned at birth, it is often closely related to the role that a person plays or is expected to play in society.

Gender Expression: Describes how individuals communicate their gender to others. People express and interpret gender through hairstyles, clothing, physical expression and mannerisms, physical alterations of their body, or by choosing a name that reflects their own idea of gender identity.

Gender Identity: A person's internal identification or self-image as male, female, something in between, or outside of the male/female binary. Everyone has a gender identity. One's gender identity may or may not be consistent with one's sex assigned at birth.

Sexual Orientation: An attraction to others that is shaped at an early age (usually by about the age of ten). Sexual orientation falls on a spectrum that ranges from attraction to only men or only women, to varying degrees of attraction to both men and women, to attraction to neither men nor women.

II. Negative Effects of Stigma on Healthy Adolescent Development (30 minutes)

Define stigma and ask the group to brainstorm how stigma may affect young people when their brains and identities are still developing. Use the teaching notes that follow to help facilitate the discussion.

- Stigma: a mark of humiliation or shame associated with a particular circumstance, quality, or group of people.
  - For the purposes of this lesson, the discussion focuses on stigma based on sexual orientation, gender identity, and gender expression; however, LGBT youth may also face stigma based on other factors, such as race. For youth in the juvenile justice system, stigma could be related to their behavior and/or service needs.

○ The stigma, rejection, and harassment that many LGBT youth face may negatively impact their psychosocial development and behavior.

○ During adolescence, all youth undergo complex physical, psychosocial, sexual, and cognitive changes. Some LGBT youth have the added burden of dealing with all these changes while at the same time navigating one or more stigmatized identities.[1]

○ SOGIE-related stigma may have social, behavioral, and health-related consequences that can increase risk behaviors in youth.[2]

○ Understanding the context of SOGIE-related stigma may help juvenile justice professionals better understand the root causes of how many LGBT youth enter the juvenile justice system, and better equip them to meet the needs of these youth.

TRAINER NOTE ✏
After the discussion on stigma, review some of the developmental considerations in the teaching notes that follow, being sure to note those identified by the participants and bring them into the discussion at the appropriate time. This lesson is not intended to be a full or detailed examination of the breadth of adolescent development research. It is intended to provide some basic concepts for the participants to better understand how bias may affect healthy adolescent development.[3]

Provide some general information on adolescent development:[4]

• Emotional development during adolescence centers on establishing a realistic and coherent sense of identity in the context of relating to others, learning to cope with stress, and managing emotions.
  ○ Youth, who are poor, African American, LGBT, overweight, or disabled, for example, may experience many challenges to building positive identities in a culture where the predominant media image of an adolescent is middle-class, white, heterosexual, thin, and able-bodied.

• Identity refers to more than just how adolescents see themselves right now; it also includes what has been termed the "possible self"—what individuals might become and who they would like to become. Low self-esteem develops if there is a gap between one's self-concept and what one believes one "should" be like.
  ○ Again, if youth identify as LGBT in an environment that holds heterosexuality and cisgenderism out as the expected norm, then youth may develop low self-esteem, which could result in depression or substance abuse.

• Adolescence is characterized by a socio-emotional system that is easily aroused and highly sensitive to social feedback.
  ○ Therefore, negative feedback or feedback that stigmatizes an adolescent's SOGIE may take a larger emotional toll on a young person than it would on an adult.

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[1] *See* KATAYOON MAJD ET AL., HIDDEN INJUSTICE: LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH IN JUVENILE COURTS 69 (2009), http://www.equityproject.org/pdfs/hidden_injustice.pdf.

[2] *Id.*

[3] Those wishing to provide more detailed adolescent development training should contact the National Juvenile Defender Center at http://www.njdc.info/macarthur2.php to request a free copy of the MacArthur Foundation's *Toward Developmentally Appropriate Practice: A Juvenile Court Training Curriculum.*

[4] AM. PSYCHOLOGICAL ASS'N, DEVELOPING ADOLESCENTS: A REFERENCE FOR PROFESSIONALS (2002), http://www.apa.org/pi/families/resources/develop.pdf.

- An adolescent's cognitive skills and cognitive control system is still developing through early adulthood. Consequently, adolescents are less able to control impulses, less able to resist pressure from peers, less likely to think ahead, and more driven by the thrill of immediate rewards. This combination of cognitive limitations can be aggravated by the stress associated with stigma, and may lead LGBT youth who are experiencing stigma to act out, have greater difficulty controlling their anger, or fail to recognize—and therefore consider—the consequences of their behaviors.

ACTIVITY: IMPACT OF SILENCE[5]

- Ask everyone to pair up with someone they do not necessarily know very well. (If there is an odd number of participants, a trainer should participate.)

- Ask each person to write responses to the following on a sheet of paper:
  ○ Name the three most important people or relationships in your life
  ○ Name three places that have special meaning to you
  ○ List three topics of conversation that you and your friends usually discuss
  ○ List three of your favorite leisure activities

- One participant in each pair should now begin by introducing herself or himself to her or his partner without mentioning anything written on the cards. Make a big deal about this. Say things like: "You can talk about whatever you want, but everything on your card is taboo. Do not mess up and talk about something on your card, because if you do, the person you are talking to might despise you, reject you, or no longer respect you."

- The first person should introduce himself or herself to his or her partner for 90 seconds. At the end of 90 seconds, the trainer should instruct the pairs to stop and switch. The second person of the pair should introduce himself or herself, again not mentioning anything written on the cards. This person will also have 90 seconds.

- Ask the following (or similar) questions to stimulate discussion about the Impact of Silence activity:
  ○ Tell us about the experience: What was it like to not be able to talk about what was on your card?
  ○ What made it hard (to those who found it hard), and what made it easy (for those who found it easy)?
  ○ Did anyone forget and say something on their list or talk around something on their list?
  ○ Did anyone find that they would start talking, and then run into something they could not talk about and have to suddenly stop or switch topics?
  ○ What did you talk about?

TRAINER NOTE 🖊 Usually people will notice that they talked about superficial things, about their pasts or that they found a particular topic and stayed on it for the whole time.

- Ask participants what it would be like to have to do this exercise for two hours, two days or a lifetime, instead of only 90 seconds.

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[5] Developed by Robin McHaelen, True Colors, Inc.

At this point, most participants begin to realize that it would be very hard not to talk about the people, places, and experiences that are important to most of them. Participants begin to see how limiting it would be, that they would not be able to relate authentically with other people, and how silenced they would feel.

Use the following notes and questions to facilitate a discussion:
- What was the point of the exercise? How does it relate to homophobia, transphobia, and heterosexism in our society?

- Notice that people who are not out cannot talk about their relationships, where they go and with whom, what they do, or other important things that happen in their lives.

- Imagine what it might be like to be 14 years old and have to keep so many secrets.

- Ask participants to generate a list of the potential impacts of this level of social isolation (*e.g.*, depression, anxiety, frustration, anger, substance abuse, etc.).

- It is important to note that while fear of bias and stigma are often reasons that young people do not come out, coming out is a complex process and there are many other reasons why young people may not come out. For example, a young person may still be questioning his or her own identity, may still be struggling with internal aspects of his or her own culture or religion that conflicts with his or her SOGIE, or he or she may just not be ready to share such personal information at this time.

At the end of the discussion, pass out the handout "The Invisible Knapsack,"[6] available in the Training Materials, and tell participants that it provides additional examples of the privileges that heterosexual and cisgender people have that LGBT people may not have the opportunity to experience on a daily basis. Ask participants to review the handout and consider whether they have ever taken any of these privileges for granted.

III. Personal Beliefs, Values, Assumptions, and Bias about SOGIE (1 hour 25 minutes)

While these lessons strive to be as interactive as possible, confronting people with their own internal biases or asking them to share can often be difficult. As such, trainers may choose to use more of a "classroom" approach, *i.e.*, not specifically eliciting participation from the group, but being open to participation if it comes about naturally from participants. Trainers also have to be sensitive so as not to alienate participants. The best facilitation should acknowledge that people have personal views without judging them, while also acknowledging that our professional duties sometimes require us to keep those personal views private. For example, while your political affiliation may be aligned to a particular party (*e.g.*, Democratic or Republican), your personal political ideas about specific fiscal or social policies remain personal. Your personal political views do not excuse you from following work rules or policies. The same holds true of religious views; personal beliefs are different from professional obligations.

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[6] UNPACKING THE INVISIBLE KNAPSACK II (2013), available at www.equityproject.org. (adapted from PEGGY MCINTOSH, WHITE PRIVILEGE AND MALE PRIVILEGE: A PERSONAL ACCOUNT OF COMING TO SEE CORRESPONDENCES THROUGH WORK IN WOMEN'S STUDIES (1988), http://www.iub.edu/~tchsotl/part2/McIntosh%20 White%20Privilege.pdf).

A. Exploring Personal Values and Beliefs

Tell participants that the group is going to begin by exploring some of their own internal beliefs and attitudes.

- Start by telling participants that everyone has personal values and beliefs. Similarly, all people have implicit biases. None of these things make someone a bad person—rather, they make us human.
  - Implicit biases or implicit associations are activated involuntarily and without our awareness or intentional control—everyone has them. Residing deep in the subconscious, implicit associations cause us to have feelings and attitudes about other people based on characteristics such as race, ethnicity, age, and appearance. These associations develop over the course of a lifetime, beginning at a very early age, through exposure to direct and indirect messages. In addition to early life experiences, the media is an often-cited origin of implicit associations.

  - All people have implicit biases about race, gender, religion, age, sexual orientation, gender identity, gender expression, etc. Research shows that even people who are part of a certain group or class of people that have historically experienced societal bias or discrimination also have implicit biases, even against their own group.

- Ask participants to think of a time in their lives when they felt different from everyone else around them. Ask them to take a moment to reflect silently on that time, what the feeling of difference was like, and what would have made it better.
  - This reflection is meant to begin developing or instilling a sense of empathy within participants.

- Then, ask participants to think of a time when they had to balance what was required of them at work and their personal beliefs. Ask how they accomplished this. The trainer may want to provide the following examples:
  - For someone who opposes the right to an abortion: what if he or she was working with someone who wanted to exercise, or had already exercised, that legal right?

  - Think about having different parenting styles than the parents' of the youth with whom one works. As long as the parenting styles do not put a young person at risk of harm, they need to be respected. For example, choice of discipline (*e.g.,* one parent believing in "grounding" a child as reasonable punishment and another adult who believes that to be unnecessary or ineffective).

- We all have explicit or implicit biases, values, and/or beliefs about SOGIE.
  - Tell participants that it is important to remember that LGBT youth comprise 5%-7% of the general youth population,[7] but 20% of youth in juvenile detention.[8] It is important that professionals constantly reflect on their own internal attitudes, because juvenile justice professionals are most likely working with these youth every day—even if they are not aware of them.

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[7] Andrew Burwick et al., *Identifying and Serving LGBTQ Youth: Case Studies of Runaway and Homeless Youth Program Grantees*, MATHEMATICA POL'Y RESEARCH (2014), http://www.aspe.hhs.gov/hsp/14/lgbt-rhy/rpt_LGBTQ_RHY.pdf ("[T]he National Longitudinal Study of Adolescent Health found that 7.4 percent of boys and 5.3 percent of girls in grades 7–12 reported same-sex romantic attraction, and results of a recent nationally representative survey of U.S. adults indicate that approximately 3.4 percent identify as LGBT." (citation omitted)).

[8] Angela Irvine, *Dispelling Myths: Understanding the Incarceration of Lesbian, Gay, Bisexual, and Gender Nonconforming Youth* (Nat'l Council on Crime & Delinquency, Working Paper, 2014).

ACTIVITY: MESSAGES ABOUT SOGIE/SMALL GROUP DISCUSSIONS[9]

- The trainer should have the participants break up into groups of four or five people per group.

- The trainer should then pose the following questions to the groups, allowing about five to ten minutes for groups to discuss each one before moving on. If the training is short on time, the trainer may choose to pose only one question to each group.

Question #1: When you were growing up, what messages did your family send about LGBT people?

Question #2: What were the rules in your family regarding gender? What gender "transgressions" (*i.e.*, expressing gender in a way that falls outside of the traditional societally constructed gender norms, such as a man wearing a skirt) make you uncomfortable?

Question #3: Have you ever **not** spoken up when you heard an anti-gay remark or joke? Would you have spoken up if it had been another form of prejudice? What made speaking up difficult?

Activity Debrief:
Ask participants to share how this activity felt for them. Then ask the following questions to continue the discussion:
- Why do you think we asked you to do this?

- Were there any surprises or interesting lessons that you learned about yourself?

Open up discussion about how unexamined personal values and beliefs can negatively affect our ability to work effectively with clients, families, and staff. Use these discussion points as a guide:
- People may signal disapproval without even knowing it, through body language.

- If a young person feels hesitant to trust us, we may not be able to work on developing positive and healthy outcomes together.

- If part of the reason young people find themselves in the justice system involves some level of rejection from adults in their lives, it may be very difficult to reach young people who perceive the adults in the system to be disapproving of their identity.

ACTIVITY: PERSONAL ATTITUDE ASSESSMENT[10]

- Ask participants to do this exercise privately, not out loud. Participants will not be required to share their answers.

- Tell participants that this is an activity to help us better understand our *current* personal attitudes about LGBT people—to clarify our attitudes and beliefs in order to help us become more conscious of what we feel and how our feelings may come up in our work or daily lives.

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[9] This activity is adapted from *Creating Inclusive Services for LGBT Youth in Out of Home Care*, prepared by the Out of Home Youth Advocacy Council in March 2007. The report is available at http://www.nclrights.org/wp-content/uploads/2013/07/Preface_OHYAC_training_FINAL.pdf.
[10] This activity is adapted from *Creating Inclusive Services for LGBT Youth in Out of Home Care*, prepared by the Out of Home Youth Advocacy Council in March 2007. The report is available at http://www.nclrights.org/wp-content/uploads/2013/07/Preface_OHYAC_training_FINAL.pdf.

ACTIVITY: PERSONAL ATTITUDE ASSESSMENT (CONT.)

- Tell participants that the purpose of responding to these items is not to try to change anyone's attitudes or values. There are no right or wrong answers. Rather, the important thing is to understand what we *actually* believe and feel, not what we think we *should* believe and feel.

Read the following statements aloud and ask participants to silently reflect on whether they agree or disagree with each statement.
1. I would be comfortable knowing that my child's third grade teacher is gay.
2. If I found out that my daughter or son was lesbian or gay, I would have difficulty telling other people.
3. I would feel comfortable dating a bisexual person.
4. I should be informed if a co-worker is transgender.
5. It would not bother me at all if someone thought I was gay.
6. I would feel uncomfortable if my young son wanted to wear dresses.

Activity Debrief:
Use the following discussion points as a guide to facilitate a discussion about participants' responses to the questions.
- Ask participants if anyone feels comfortable sharing his or her reactions to any of the statements.

- Ask participants to reflect on and brainstorm together about how our personal beliefs may manifest themselves. Possible examples might include:
  ◦ negative body language the youth picks up on
  ◦ saying things the youth interprets as judgmental or a form of rejection, whether or not one intends it to be
  ◦ consciously or unconsciously avoiding spending time with or working as hard with that youth
  ◦ relating differently to youth who are LGBT than to those one perceives to be "straight"

B. Exploring Different Types of Bias
Tell participants that now that they have a good understanding of internal attitudes and how they impact our work, they are going to spend some time focusing on the concept of bias.

Begin by posting (on a white board, the wall, or flipcharts) the words "Bias," "Prejudice," and "Stereotype." Ask participants what they think these words mean. Ask how they are different. Facilitate a discussion to surface the participants' views, but end the discussion with a direct explanation of each using the following definitions:
- **Bias**: a personal, generalized *preference* for or against something that has the tendency to *interfere with the ability to be impartial or objective*. Bias need not necessarily be negative, though it often can be.

- **Prejudice**: A preconceived *negative or hostile opinion or judgment about another social group.*

- **Stereotype**: A preconceived, *generalized, and oversimplified opinion, belief, or judgment applied to an entire group of people*. It is also an assumption that people, groups, or events conform to a general pattern and lack any individuality.

Tell participants that while we can all probably agree that prejudice and stereotypes are bad and interfere with the way we interact with others, bias is much more subtle, so it requires further exploration.

Explain that there are a variety of different types of biases, and ask if any of the participants can give an example of a kind of bias and how it manifests. The trainer can provide examples if participants do not come up with them on their own.

- **Overt bias**: Unconcealed, open preference that can come off as hostile to those who are not included in the preference (*e.g.*, using homophobic or transphobic language openly; bullying; put-downs).

- **Internal bias**: Having private views about someone's identity but not necessarily talking about those views (*e.g.*, internally believing that being gay is morally wrong, but not sharing those feelings with others).

- **Unconscious/Implicit bias**: Lack of awareness of our general preference for or against certain individuals (*e.g.*, a male mentor who would normally have appropriate physical contact, such as high-fives and back pats, with a male mentee but avoids physical contact with boys he perceives to be gay).
  - Implicit biases are pervasive, and we all have some form of them, because they result from our unconscious associations that begin very early in life. Even people with professional commitments to impartiality, such as judges, hold implicit biases.
  - The implicit associations we hold do not necessarily align with our declared beliefs or even reflect stances we would explicitly endorse.
  - The good news is that implicit biases are **malleable**. Our brains are incredibly complex, and the implicit associations that we have formed can be gradually unlearned through a variety of de-biasing techniques.
  - While many of these techniques have thus far primarily been tested in a research lab, the following have been shown to be effective at reducing implicit biases:
    - Education
      - Learning about our implicit biases—just knowing we have them can make us more likely to address them.
      - Taking the Harvard Implicit Association Test to learn about our implicit biases (see optional activity that follows).
    - Exposure
      - Individuation (Building relationships with people in a group against whom we have internal biases)
      - Stereotype Replacement
        - Some de-biasing research focuses on interventions that "counter stereotypes and train individuals to develop new associations." For example, "By juxtaposing ordinary people in counter-stereotypic associations such as depicting young White and Black males in scenes that included a church and a graffiti-strewn street corner, researchers found that the context condition affected participants' racial attitudes on a subsequent sequential priming task."[11]

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[11] Cheryl Staats, Ohio State Univ., State of the Science: Implicit Bias Review 2013, at 54 (2013) (citing Joshua Correll et al., *The Police Officer's Dilemma: Using Ethnicity to Disambiguate Potentially Threatening Individuals*, 83 J. Personality & Soc. Psychol. 1314 (2002)), http://kirwaninstitute.osu.edu/docs/SOTS-Implicit_Bias.pdf.

- This same research also found that using mental imagery to replace stereotypes was effective in targeting gender stereotypes.[12]
  - ○ An example of stereotype replacement would be, if someone has an implicit bias against gay people, to conjure up an image of a gay friend whom they respect and care about or a gay celebrity they admire whenever any negative ideas or feelings toward gay people arise.
- Approach
  - Perspective Taking
    - ○ Using the "My Child" Test—in any of your work, ask yourself if this would be ok if it were "my child."
  - Increased Contact
  - Systemic
    - ○ Using checklists and data to ensure that all decisions are based on the same objective considerations rather than letting unconscious bias sway us.

OPTIONAL TOOL

Harvard Implicit Bias Test
If participants have time and access to a computer with Internet, consider having them complete the Project Implicit bias test on sexuality, silently and on their own.
- This is a fast-paced word association test that measures the ability of people to distinguish words and symbols representing gay and straight people and whether the brain has an automatic preference for one over the other.

- Trainers may want to encourage people to take this test on their own at home, as it is time consuming and requires a computer; however, it is one of the best ways to learn about our own implicit biases and often has surprising results.

- The test is available at: https://implicit.harvard.edu/implicit/selectatest.html.
  - ○ If the link does not take participants directly to the tests, they may either register or login as a guest at: https://implicit.harvard.edu/implicit/.

  - ○ They will have to click "I wish to proceed" after reading the disclaimer.

  - ○ They will then be taken to a list of all of the different Implicit Association Tests (IAT), where they should select the "Sexuality IAT."

After discussing the different types of biases, ask the group:
- What are some possible outcomes of SOGIE-based bias? Write the answers down so they are visible to everyone.

Use these examples if the group does not come up with them on their own:
- teasing
- bullying
- physical and emotional violence
- shaming
- getting kicked out of the house
- being ostracized by family

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[12] *Id.*

The Trainer should show The Equity Project's Digital Story, "Unwritten," by Fabian: available on The Equity Project YouTube Channel, accessible via www.equityproject.org.

- Introduce the video by explaining that we always want to include young people's voices in our trainings, and one way to do that is to include a film made by young people about their experiences.

After watching the video:
- Ask participants to discuss their reactions to Fabian's story. How did coming out to his foster parents affect his life?

- Ask participants if they think there was a correlation between the rejection of him by his foster family and his interaction with the juvenile justice system.

IV. Intersectionality Theory (15 minutes)

CAUTION In all trainings, but particularly when discussing this section, trainers must assume a posture of cultural humility when training populations whose race, ethnicity, or culture they do not share. This means that the trainer should recognize and affirm participants' experiences that may differ from those of the trainer.

TRAINER NOTE Ask participants if anyone knows what the word "intersectionality" means. After a discussion, provide a working definition.

Intersectionality: the study of the intersection of different forms of discrimination or oppression.

Explain some of the key components of intersectionality theory:
- People may be subjected to multiple forms of discrimination on the basis of distinct aspects of their identity.

- Discrete forms of prejudice—such as homophobia, transphobia, sexism, classism, and racism—do not act independently.

- Different forms of bigotry interact and are shaped by one another, creating unique and magnified manifestations of disadvantage.

Ask the participants to suggest different aspects of identity, in addition to SOGIE, that may subject youth to discrimination. Ask a volunteer to record them on a white board or flipchart. Supplement the list with some of the following if they are not raised by the participants:
- race
- socioeconomic status
- physical ability or appearance
- cognitive or learning disabilities
- religion
- nationality
- immigration status
- language

Ask for examples of intersecting bias from participants, and then provide some additional examples, such as:

- African-American boys with disabilities face the highest probability of suspension or expulsion under "zero tolerance" school discipline policies. The interaction of these three aspects of identity—gender, race, and disability—uniquely imperil this specific group of students.[13]

- Low-income women of color who defend themselves against intimate partner violence are less likely to receive protection from law enforcement and more likely to be criminally prosecuted. Again: gender, race, and class interact and uniquely jeopardize women who share these characteristics.

- LGBT youth of color experience police profiling in both similar and different ways as other youth of color. As one young person in New York City described it: "Most of the time, my experiences of 'stop and frisk' look like those of countless other Latin@ youth in this city, especially when I am dressed in a way perceived to be 'hood' by the police. We know from the statistics that discriminatory policing practices target Brown and Black bodies, and disproportionately affect young people aged 14-21. But other times, when I am dressed in a different way, when an officer perceives me to be gay or gender nonconforming, my experiences look different. The policing of Brown and Black people begins with the color of our skin, our race, our ethnicity, and our youth, but it does not end there."[14]

> **TRAINER NOTE** ✎ Remind participants that, while this lesson focuses on anti-LGBT bias, SOGIE is only one aspect of a young person's identity. The data demonstrate that the vast majority of LGBT youth in the juvenile justice system, like their heterosexual and cisgender peers, are youth of color from low-income communities. Research shows that youth in the juvenile justice system also suffer from high rates of disabilities and behavioral health disparities. Thus, LGBT youth in the system regularly navigate multiple marginalized identities.

Why is understanding intersectionality important?
- To understand the lived experience of young people who embody multiple oppressed identities
  - It is critical for professionals charged with assessing and guiding young people in the juvenile justice system to understand a youth's lived experience. Although we may examine different types of prejudice independently, youth do not experience them independently. A transgender, undocumented Latina does not experience these aspects of her life separately. She is all of these things all of the time and her experience may be powerfully shaped by the intersection of different forms and expressions of bias.

- To ensure that services and interventions do not sacrifice one aspect of a young person's life in service of another
  - It is important to ensure that providers serving youth are both committed and competent to affirm the youth's SOGIE. The same service provider, however, must also be committed and competent to affirm *ALL* aspects of a young person's identity. Assume that your jurisdiction needs to find drug treatment for a Native American gay boy. Juvenile justice professionals must be mindful of his race and his SOGIE, as well as any other aspects of his identity, when assessing drug treatment options. Professionals who send this young man to a drug treatment provider with no experience or awareness of tribal culture or customs set this boy up for failure and convey disregard of his culture.

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[13] *See, e.g. Civil Rights Data Collection, Data Snapshot: School Discipline,* U.S. Department of Education Office for Civil Rights, Issue Brief No. 1, March 2014, available at: http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf.

[14] Catherine Hanssens et al., A Roadmap for Change: Federal Policy Recommendations for Addressing the Criminalization of LGBT People and People Living with HIV (2014), https://web.law.columbia.edu/sites/default/files/microsites/gender-sexuality/files/roadmap_for_change_full_report.pdf.

CAUTION This discussion may elicit frustration from participants, given the dearth of drug treatment resources. The trainer should acknowledge that all stakeholders often work with limited resources; however, it is still important to understand the core identities and needs of each young person, and to make every effort to locate appropriate, holistic services. Even having the conversation with potential providers raises awareness, and may lead to efforts to change the landscape by recruiting new providers or increasing the competency of existing providers.

- To increase self-awareness and systemic equity
  - Because bias often arises on an implicit or unconscious level, it is critical to continually examine our own assumptions and ideas. Intersectional theory provides a framework for this examination, and encourages us to recognize and affirm each of the multiple identities that make up the young people with whom we work. Juvenile justice professionals can also apply this lens to identify bias that exists at a systemic level, toward the goal of leveling the playing field and achieving equity on behalf of all youth in the system.

V. Distinguishing between Reacting to Behavior and Reacting to Identity (45 minutes)

ACTIVITY: HYPOTHETICAL SCENARIOS

Separate participants into groups of three or four. Give each group one scenario. Have the groups answer the questions posed at the end of each scenario and discuss with each other.

TRAINER NOTE Depending on the audience, the trainer may want to revise the scenarios or create his or her own that are more relevant to that audience. Alternatively, it may be instructive to "walk in someone else's shoes" (*e.g.*, for defense attorneys to have to imagine that they are detention staff in a specific scenario).

Scenarios:
A. A 16-year-old transgender young woman named Rose enters the girls' juvenile detention center. Facility staff proceed to repeatedly call this young person by the name on her birth certificate, Robert, and not Rose. They also refer to Rose as "him" when addressing her. She tries to correct them, but they continue to call her Robert and say that they only use whatever name is written on their paperwork. How would you handle this situation if you were the supervisor, and Rose came to you with this complaint? How would you handle this if you were Rose's defense attorney? How would you react as the judge in Rose's status hearing?

B. You are line staff at the detention facility when you see two 15-year-old girls kissing in the corner during your shift. You remind them that there is no physical contact in the hall. What do you think the consequences for this should be?

C. Billy, a 17-year-old, self-identified gay male in a detention facility has been picked on since he arrived two weeks ago. It started with name-calling, but it has escalated. He was beaten by another youth yesterday, but neither Billy nor any of the other boys will disclose who assaulted him. Detention staff fear that Billy will get hurt if he is not kept away from some of the other boys, and so he is put in isolation. What is wrong with this? How might you respond to this situation? What can different stakeholders do in this situation?

ACTIVITY: HYPOTHETICAL SCENARIOS (CONT.)

After the scenarios, bring participants back together and ask the following questions:
- Have you ever had these scenarios come up in the workplace?

- Are there already specific procedures or policies to address the needs of LGBT youth in your jurisdiction's juvenile justice system? If so, what are they?

ACTIVITY: AGENCY ATTITUDE ASSESSMENT[15]

Write the following on a white board or flipchart, or project the words on a screen:

<div align="center">

INTOLERANCE

INDIFFERENCE

TOLERANCE

ACCEPTANCE

AFFIRMATION

ADVOCACY

</div>

Explain that this scale is to explore our own attitudes and the "attitude" of the agencies or organizations in which we work. Present the range from intolerance to advocacy, and ask participants to provide an example of each. How does any agency communicate its "attitude" on these issues?

Possible examples:
- **Intolerance:** There is no such thing as a gay or transgender youth.

- **Indifference:** We don't have any LGBT youth, or, it's none of our business.

- **Tolerance:** It's OK that we have LGBT youth here, but we don't want to do anything that will encourage them.

- **Acceptance:** We want to support our LGBT youth, but we don't have any appropriate services or placements.

- **Affirmation:** We know that LGBT youth need our support to be healthy and successful, so we provide agency-wide training and recruit LGBT-affirming providers and placement resources.

- **Advocacy:** We support our LGBT youth at all stages of their involvement with our agency and ensure that all staff and peers treat LGBT youth respectfully.

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[15] This activity is adapted from *Creating Inclusive Services for LGBT Youth in Out of Home Care*, prepared by the Out of Home Youth Advocacy Council in March 2007. The report is available at http://www.nclrights.org/wp-content/uploads/2013/07/Preface_OHYAC_training_FINAL.pdf.

After participants have provided examples, ask them to reflect silently on where they believe their own agency or organization falls on this continuum. Note that the agency may be at different places on different issues.

- Encourage participants to take an historical perspective.

- Ask participants to reflect on the questions: What is the organization doing that is working? What does it still need to do?

- Ask the question of who sets the agency culture—is it the supervisor? The judge? The legislature? The community?

- Encourage participants to begin thinking about ways that they and their agency can set goals to move up to the next level on the scale.

VI. Responding to Bias (15 minutes)

TRAINER NOTE 🖊 Facilitate a discussion with the participants about what one can do under each heading. The discussion points that follow may help the trainer guide the conversation and provide points that the trainer should make if they are not suggested by participants.

A. Checking Internal Biases

- Try to assess if and when you feel uncomfortable—if we are not aware that we are avoiding the topic or a situation, we cannot address it.

- Understand that personal views (political, religious, moral, etc.) are just that—personal. When they conflict with providing a safe environment that is responsive to a youth's physical, psychological, and legal needs, personal views must yield to professional obligations.
  - Creating a safe and affirming environment for youth is not a reflection of our personal or religious feelings—it is a professional obligation.

- If we recognize that we need greater sensitivity or assistance dealing with our own feelings regarding SOGIE we should seek out a trusted colleague, superiors, or a SOGIE-competent organization that can assist.

- Ask for more professional training if there is a lack of SOGIE-competence in a workplace.

B. Responding to Bias by Others, Including Peers and Adults

When adults in the system—colleagues or other stakeholders—demonstrate bias or prejudice against LGBT youth, youth will notice how other adults respond. This can affect the adult's relationship with youth, particularly when the adult is charged with protecting the young person (*e.g.*, defender, judge, probation worker, etc.). The following are some tips on responding when others demonstrate bias.

10 Ways to Challenge SOGIE-Based Bias

1. **DON'T LAUGH.** Let others know that jokes and comments based on race, religion, sexual orientation, gender, ethnicity, etc., are not funny.
2. **SPEAK UP.** In a professional and appropriate way, let those who behave disrespectfully know that you don't appreciate it.
3. **CHALLENGE BYSTANDERS.** In a professional and appropriate way, challenge others who are present when someone exhibits bias to respond.
4. **DO NOT 'GET EVEN'.** Challenging bias does not require mean, belittling, or disrespectful behavior toward the person who exhibits the bias. The best way to insist on appropriate behavior in other stakeholders is to model good behavior while challenging the inappropriate behavior.
5. **BE SUPPORTIVE.** Show kindness and support to the targets of negative anti-LGBT behavior. This includes preserving the youth's dignity and desire not to be "outted" (if that is a concern for the youth), and includes circumstances in which the bias was not overtly directed at a particular youth.
6. **INVOLVE THOSE WHO CAN HELP.** When appropriate, contact the supervisor of the person who makes biased comments, or file an official complaint. Consider identifying LGBT-friendly support systems to help the youth, if appropriate.

> **CAUTION**
> It may be inappropriate, and even an ethical violation in some professional capacities, to escalate a situation if the youth who was the target of the bias does not want you to. Consider how acting against the youth's wishes in this regard might compound the negative effects of the bias if the youth believes reporting the issue will make it worse. Consider also how youth may not want others to be aware of their sexual orientation or gender identity, so more formal action may actually create greater harm.

7. **BE NONJUDGMENTAL.** Demonstrate to others that you are willing to listen and talk with an open mind, even when you disagree.

8. **BE INCLUSIVE.** Ensure that your language and behavior are respectful to all people.

9. **FORMALLY OBJECT.** If you become aware of decisions or recommendations that unfairly pathologize or criminalize youth based solely on SOGIE, use whatever means are available to you to register a formal, written objection.[16]

10. **EDUCATE YOURSELVES AND OTHERS.** Be prepared with facts. When someone's words or deed exhibit bias, refer to research, policies, ethical codes, or other credible sources to support your position and educate others.

VII. Wrap-Up (10 minutes)

The trainer should pass out a copy of the 10 Ways to Challenge SOGIE-based Bias[17] handout for participants to take with them. The trainer should answer any lingering questions and provide any additional relevant resources.

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[16] *See* Gay, Lesbian & Straight Edu. Network, ThinkB4YouSpeak: Educator's Guide 29 (2008), http://www.thinkb4youspeak.com/foreducators/glsen-educatorsguide.pdf.
[17] *Id.*

ACTIVITY: HEAD HEART STEP

On a flipchart or white board, draw a large circle (head), a large heart below the circle, and two legs with feet, below the heart.

- Ask participants to think about one fact they learned. Write responses for people who wish to share their facts in the circle representing a head.

- Ask participants to think about one value or guiding principle they heard that feels important when it comes to LGBT youth. Write responses for people who wish to share their values/principles in the heart.

- Ask participants to share one manageable and concrete action step they will take in their jurisdiction after this training. Write responses for people who wish to share their steps in the legs.

Enhancing Communication and Building Trust with LGBT Youth

PURPOSE
The purpose of this lesson is for participants to identify potential barriers to effective communication with lesbian, gay, bisexual, and transgender (LGBT) youth and identify strategies to overcoming those barriers.

OBJECTIVES
Participants will:
- Become familiar with concepts of adolescent development and the impact that varying stages of development have on communicating with youth in a delinquency case

- Learn how to incorporate developmentally appropriate language into their interactions with youth

- Review environmental and other non-developmental factors that may impact communication with youth

- Review ways to establish a trusting relationship with youth

- Examine considerations and best practices for information-sharing among juvenile justice professionals regarding a youth's sexual orientation, gender identity, and gender expression (SOGIE), and how such sharing may negatively impact communication with individual youth

SUGGESTED AUDIENCE
All juvenile justice providers, advocates, and personnel (*e.g.,* anyone working in the juvenile delinquency system, such as judges, referees, magistrates, prosecutors, probation officers, defenders, detention and secure facility staff, court staff or personnel, facility caseworkers, social workers, mental health professionals, corrections personnel, forensic evaluators, policy advocates, etc.)

ESTIMATED LENGTH OF TIME NEEDED
3 hours 15 minutes

TRAINING MATERIALS:
- White board or flipchart and markers
- Video and Internet capability

- Video: The *O.C.* video clip, defender/youth interview, available on The Equity Project YouTube Channel, accessible via: www.equityproject.org
- Index cards
- PowerPoint slides with key data points
- Script for skit
- Script with heteronormative language identified

ADDITIONAL RESOURCES:
- Nat'l Juvenile Defender Ctr. & Juvenile Law Ctr., *Module 5: Communicating with Youth: Interviews and Colloquies*, in Toward Developmentally Appropriate Practice: A Juvenile Court Training Curriculum (2009) (available by request through http://www.njdc.info/macarthur2.php) (supported by the John D. and Catherine T. MacArthur Foundation's Models for Change Initiative).
- Michele LaVigne & Gregory J. Van Rybroek, *Breakdown in the Language Zone: The Prevalence of Language Impairments Among Juvenile and Adult Offenders and Why It Matters*, 15 U.C. Davis J. Juv. L. & Pol'y 37, 44 n.12 (2011).
- Human Rights Campaign, Growing up LGBT in America: HRC Youth Survey Report Key Findings (2013), http://s3.amazonaws.com/hrc-assets//files/assets/resources/Growing-Up-LGBT-in-America_Report.pdf.
- Shannan Wilber et al., Guidelines for Managing Information Related to the Sexual Orientation & Gender Identity and Expression of Children in Child Welfare Systems (2013), http://www.nclrights.org/wp-content/uploads/2013/07/Information_Guidelines_FINAL_DRAFT_3-20-13.pdf.
- *Frequently Asked Questions*, National PREA Resource Center, www.prearesourcecenter.org/faq (last visited Oct. 15, 2014).

LESSON OVERVIEW

This lesson overview is intended to be a simple road map for trainers to understand what the lesson covers, which sections are interactive, and how long each section is estimated to last. It should serve as a guide for highlighting key points, as well as a resource for trainers to decide whether they are capable of delivering the lesson, and whether the lesson is appropriate for the intended audience. Trainers may also find it a useful tool for keeping track of time and flow of the lesson as they deliver it.

I. Introduction (10 minutes)

A. Background and Objectives Review
- The trainer will introduce himself or herself to participants, review the lesson objectives, and set the ground rules for the training.
- The trainer will provide a brief review of the statistics about LGBT youth in the juvenile justice system.

B. Terminology Review
- The trainer will provide a brief review of key terms related to SOGIE.

II. Interviews vs. Everyday Conversations (15 minutes)
The trainer will facilitate a discussion about the different contexts in which participants may speak with youth.

A. Goal-Oriented (or Task-Oriented) Communications
- Participants will discuss types of communication interactions, such as intake interviews, teaching, rule-setting, investigations, decision-making, report-writing, etc.

B. Everyday Communications
- Participants will discuss everyday communications, such as casual conversations that may not have a particular work-related goal, but are part of everyday, human interaction.

III. Developmental Considerations When Communicating with All Youth (1 hour)
- Because communication with youth, regardless of their SOGIE, is often a challenge for many adults, it is important for all juvenile justice professionals to have some basic understanding of general adolescent development issues that impact communication. This is important both to demonstrate to stakeholders that LGBT youth are not entirely different from other youth, and because it is vital to understand these general developmental issues before one can move on to discuss the additional challenges of communicating specifically about SOGIE.

- The trainer will guide participants through a general discussion of youth's identity and social development, cognitive development, and techniques for addressing developmental considerations. The trainer will use a video clip and a quick-write to make the lesson interactive and personal. The trainer will then engage participants in a discussion using training notes on the following topics.
  - **Activity: Video, *The O.C.,* Defender Interview**. This is a short video clip of a juvenile defender interviewing his client for the first time, taken from the television show, *The O.C*. Participants will identify what the defender did well and what he did not, and the trainer will lead a discussion on these issues.

- **Activity:** **Quick Write**. Participants will briefly reflect on what makes interactions with youth different than interactions with adults.

A. **General Identity and Social Development**
- The trainer will share concepts related to adolescent development, including the fact that most adolescents are self-regarding and need to belong and be accepted. The trainer will also discuss the fact that adolescents have different relationships with authority figures, which may include trust issues, as well as issues of coercion and compliance, and will share information about cognitive development—particularly information that is related to information processing and language and other processing impairments.

B. **Techniques for Addressing Developmental Considerations When Communicating with Youth**
- Participants will discuss ways to better communicate with all youth using various tools, such as: visual aids, using the funnel questioning method, asking youth to explain in their own words, using developmentally appropriate language, recognizing that good communication takes time and learning not to rush, and listening skills.

IV. Strategies for Conveying Acceptance and Building Trust with LGBT Youth (1 hour 30 minutes)
The trainer will help participants examine how being LGBT or perceived as LGBT can impact identity; how heteronormative language and environments might stifle communication; the importance of using appropriate language; how the "outness" of a youth impacts the discussion; and feelings of safety and the effects of those feelings on communication.

A. **Heteronormative Language/Environment**
- **Activity:** **Skit, Identifying Heteronormative Language**. Trainers will act out a skit between a youth and an adult, and then ask participants to identify problematic language used during the conversation. The trainer will then provide information on the definition of the term "heteronormative" and pass out the script. Participants will work in pairs to identify and rephrase heteronormative language, and then report out to the group.

- **Activity:** **"Off-Limits," Practicing Non-Heteronormative Language**. Participants will work in pairs to have a short conversation about their own, or someone else's, relationships without using heteronormative language.

B. **Effects of Heteronormative Language**
- Participants will discuss how using heteronormative language may impact LGBT youth.

V. Putting It Into Practice—Using Appropriate Communication About SOGIE (45 minutes)
The trainer will share information with participants about the Prison Rape Elimination Act (PREA) Juvenile Facility Standards requirements pertaining to affirmatively asking about youth's SOGIE, and will ask participants to brainstorm using what they have learned throughout the training about how to communicate appropriately about SOGIE. The trainer will share examples of practice tips about specific language to use, non-verbal communication, body language, professional environments, and different cultural norms. The trainer will also engage participants in a discussion regarding how to create safe spaces for youth to increase and improve communication.

A. **Practice Tips**
- Participants will brainstorm and discuss a range of practice tips related to verbal and non-verbal communication with LGBT youth.

- **Activity: Preferred Gender Pronoun**. Participants will practice introducing themselves and stating their preferred gender pronouns.

   B. **Creating Feelings of Psychological Safety that May Improve Communication**
   - Participants will discuss ways in which to make LGBT youth feel safe and comfortable during their communication and interactions with juvenile justice professionals.

VI. Asking Youth about SOGIE (15 minutes)

The trainer will share information about an evolving practice issue: the requirement that juvenile justice professionals directly ask youth about their SOGIE. The trainer will share why asking these questions is important and the importance of training on appropriately asking questions about SOGIE, as well as offer some practice tips. Participants will also have an opportunity to discuss any local data collection requirements pertaining to a youth's SOGIE.

VII. Communicating with Others about Youth (10 minutes)

The trainer will provide participants with best practices and important considerations when sharing information learned from a youth about the youth's SOGIE.

   A. **Confidentiality**
   - The trainer will share the importance of keeping youth's SOGIE confidential, or being up front with youth regarding with whom information will be shared.

   B. **Communicating with Colleagues**
   - Participants will explore the importance of having processes in place for when, why, and how information about a youth's SOGIE is disclosed, and ensuring it is only for necessary purposes.

VIII. Wrap-Up (10 minutes)

The trainer will end with time for questions and an activity.

- **Activity: Head Heart Step**. Participants will have the opportunity to share one fact they learned, one value or guiding principle that is important, and one manageable and concrete action step they will take from the training.

FACILITATION NOTES

I. Introduction (10 minutes)

A. Background and Objectives Review

- Ask participants to raise their hands if they have ever worked in a professional capacity with a youth they knew or thought to be LGBT. Ask them to think silently about how they learned that the youth was LGBT—from the youth? Or was it simply an idea based on assumptions?

- Ask the people who raise their hands to estimate the percentage of youth with whom they work that are LGBT.

- Reveal that studies show that up to 20% of youth in the juvenile justice system are LGBT or gender non-conforming.[1] Even if youth do not disclose their sexual orientation or gender identity, how these issues are discussed (or avoided) affects interactions with LGBT youth. For example, if a youth identifies as a lesbian but is not "out," and she is asked if she has a boyfriend, she may take that as a signal that it is not safe to share her identity. She may also decline to share other important information.

Provide a brief review of the objectives that the lesson hopes to accomplish.

> **TRAINER NOTE** ✎
>
> Participants may have been exposed to *Toward Equity: Lesson One – Understanding Sexual Orientation, Gender Identity, and Gender Expression*, or other introductory training prior to attending this session. Even so, it is still useful to conduct a brief review of SOGIE terminology, in particular distinguishing between "sex" and "gender," and between "gender identity," "sexual orientation," and "gender expression." The trainer should do more review or first facilitate *Toward Equity: Lesson One – Understanding Sexual Orientation, Gender Identity, and Gender Expression* if it appears that a greater level of review is necessary. This is something the trainer should work with the hosting organization to understand in advance of the session.

B. Terminology Review

Sex: Assigned at birth, a biological construct based primarily on physical attributes such as chromosomes, external and internal genital and reproductive anatomy, and hormones.

Gender: A social construct used to classify a person as a man, woman, or some other identity. Fundamentally different from the sex assigned at birth, it is often closely related to the role that a person plays or is expected to play in society.

Gender Expression: Describes how individuals communicate their gender to others. People express and interpret gender through hairstyles, clothing, physical expression and mannerisms, physical alterations of their body, or by choosing a name that reflects their own idea of gender identity.

Gender Identity: A person's internal identification or self-image as male, female, something in between, or outside of the male/female binary. Everyone has a gender identity. One's gender identity may or may not be consistent with one's sex assigned at birth.

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[1] Angela Irvine, *Dispelling Myths: Understanding the Incarceration of Lesbian, Gay, Bisexual, and Gender Nonconforming Youth* (Nat'l Council on Crime & Delinquency, Working Paper, 2014); Katayoon Majd et al., Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts 10 (2009) [hereinafter Hidden Injustice], http://www.equityproject.org/pdfs/hidden_injustice.pdf.

Sexual Orientation: An attraction to others that is shaped at an early age (usually by about the age of ten). Sexual orientation falls on a spectrum that ranges from attraction to only men or only women, to varying degrees of attraction to both men and women, to attraction to neither men nor women.

II. Interviews vs. Everyday Conversations (15 minutes)

> **TRAINER NOTE** ✎
>
> Facilitate a discussion about the different contexts in which participants may speak with youth. Ask the participants for specific circumstances in which they recently talked with a child or adolescent. This will likely generate anything from very specific examples of needs or services to general interpersonal situations. Examples may include:
> • Talking to their own children
> • Conducting an intake
> • Interviewing a child
> • Having a casual conversation over lunch
> • Breaking the tension while waiting outside the courtroom
> • Having social conversation with youth on their unit in the detention center
>
> It may be helpful to write the responses on a white board or flipchart paper. Once the participants have had a few moments to make a list of reasons they might talk to children, the trainer should point out that these reasons fall into two broad categories: goal-oriented communications and everyday communications. Use the lesson notes that follow to guide a brief discussion on how these differ.

The point of this exercise is for participants to recognize that it is not just when they are conducting "work-related" tasks such as intakes or interviews, but in every interaction they have with youth as a juvenile justice professional that they need to be conscious of how they communicate.

A. Goal-Oriented (or Task-Oriented) Communications: interactions such as intake interviews, teaching, rule-setting, investigations, decision-making, report-writing, etc.
   • The trainer should draw on some of the examples the participants listed for examples of goal-oriented communications.

   • This type of communication has a specific purpose, such as:
     ◦ Obtaining information from youth, such as social histories, medical histories, etc.
     ◦ Obtaining opinions or impressions from a youth about how he or she interacts with others, such as school officials, peers, parents, therapists, etc.
     ◦ Providing information to youth
     ◦ Providing information to your supervisor about youth's adjustment, behavior, rule violations, attitude, etc.
     ◦ Helping youth to make decisions or reflect on information

   • Goal-oriented communications often have a professional purpose, but not always.

B. Everyday Communications: conversations that may not have a particular work-related goal, but are part of everyday, human interaction.
   • Pull examples from those listed by the participants. These will obviously differ depending on the contexts in which the training group members interact with youth. For example, defenders may have different answers than judges, detention staff, or probation officers.

- What do you hope to gain from these kinds of everyday communications? Why engage in them? Possible answers might include:
  - Interacting socially and building relationships
  - Building rapport/trust
  - Showing support and understanding
  - Demonstrating ways of identifying with youth's circumstances
  - Easing tension
  - Creating a comfortable environment

- Why is it important to be conscious of how you communicate in everyday communication?
  - In everyday communication, people are less likely to be conscious of the subtle messages they may unintentionally convey. Because there is not a programmatic goal of the interaction, they may give less thought to what they say and how they say it.

  - This is where many youth—especially LGBT youth—will see red flags (such as assumptions that they are heterosexual or indications of what they perceive to be homophobia) and adapt the way they communicate based on their level of trust and feelings of safety. This will often affect all other contexts in which they communicate. This is true of all aspects of cultural and linguistic competency, not just SOGIE.

III. Developmental Considerations when Communicating with All Youth[2] (1 hour)

ACTIVITY: VIDEO

The O.C., Defender Interview video clip is available on The Equity Project YouTube channel, accessible via www.equityproject.org.
- Play the video clip in which a juvenile meets his defender for the first time. The clip is from the 2003 television series *The O.C*.
- Facilitate a discussion with the participants reflecting on what they saw. Ask the following questions:
  - What did you think of that interview? Did it go well?
  - What were some of the things the lawyer did that got a reaction from the youth, either positive or negative? Describe the reaction and what you think about that reaction.

ACTIVITY: QUICK-WRITE

- Ask the participants to take out one of their index cards and take one minute to list some things that make the way they interact with youth—any youth—different from the way they interact with adults. Encourage participants to list things they like about communicating with youth, things they find effective in communicating with youth, and things that are challenging.

- After participants have had a minute to do their quick-write and develop some ideas, ask for volunteers to share some of their ideas. As the participants identify their likes, successful strategies, and challenges, have a volunteer note-taker write some examples on a white board or flipchart paper, so there will be reference points to return to as the discussion evolves. The list should include relevant points from the earlier discussion of the video clip, if applicable.

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[2] The substantive information from this section was adapted from *Module 5: Communicating with Youth: Interviews and Colloquies* of *Toward Developmentally Appropriate Practice: A Juvenile Court Training Curriculum*, created by the National Juvenile Defender Center and Juvenile Law Center in 2009, with the support of the John D. and Catherine T. MacArthur Foundation's Models for Change Initiative.

- When the reporting out is complete, ask participants to do another quick-write, this time from the perspective of youth. Ask participants to consider what makes youth willing to communicate with adults. What inhibits them? How do youth feel generally about interacting with adults? Do they have many positive interactions with adults?

- After the quick-write, ask for volunteers to share some of their ideas and write them down for everyone to see.

Through both of these activities (the reflection on the video and the quick-writes), participants will identify various challenges, many of which are related to developmental considerations, whether or not they can identify them as such yet.

TRAINER NOTE ✎

Because many juvenile justice professionals do not receive adequate training on general adolescent development concepts or youth-specific interviewing skills, it is important for the trainer to provide an overview of these concepts and how they apply to all youth before highlighting the ways in which they may be compounded for LGBT youth (which is addressed later in the lesson). If trainers are working with an audience or a jurisdiction that has received other training in these areas or if there are time constraints, the trainer may choose to cut or shorten this section as they see fit.

A. General Identity and Social Development

TRAINER NOTE ✎

After the participants have developed a list from the previous exercise, share some of the developmental considerations in the facilitation notes that follow, being sure to note those identified by the participants and bring them into the discussion at the appropriate time. This lesson is not intended to be a full or detailed examination of the breadth of adolescent development research. It is intended to provide some basic concepts for the participants to better understand common youth perspectives and how they may affect communication with adults. The idea is to identify the developmental considerations that affect all children but also significantly impact discussion of SOGIE.

✓ **PRACTICE TIP**

Those wishing for more detailed adolescent development training should visit the National Juvenile Defender Center website at http://www.njdc.info to request training on developmental issues or a free copy of the MacArthur Foundation's *Toward Developmentally Appropriate Practice: A Juvenile Court Training Curriculum*.

- The adolescent brain changes rapidly and does not develop fully until early adulthood.[3]

- Behaviors that are common throughout adolescence can result in poor decision-making by youth,[4] exhibited by:
    - Heightened emotional outbursts

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[3] *See* Nat'l Juvenile Defender Ctr. & Juvenile Law Ctr., *Module 1: Adolescent Development*, in Toward Developmentally Appropriate Practice: A Juvenile Court Training Curriculum (2009) [hereinafter *Module 1*] (available by request through http://www.njdc.info/macarthur2.php) (supported by the John D. and Catherine T. MacArthur Foundation's Models for Change Initiative).
[4] *Id.*

- ○ Risk-taking
- ○ Impulsivity

- Findings regarding the workings of the adolescent brain have informed recent U.S. Supreme Court cases holding that, in the context of assessing constitutional rights and due process protections, children are constitutionally different from adults.[5]

- Unlike their heterosexual and gender-conforming counterparts, LGBT youth often lack school, family, or community support.

The following notes cover some developmental considerations for communicating with youth.

1. **Self-regarding**
   - Adolescents tend to be self-conscious and feel judged. They often doubt that others, especially adults, can relate to their unique experiences as teens.

   - When adolescents are involved in the juvenile justice system, this feeling of being judged is particularly enhanced—because, in reality, they *are* being judged.

   - To counter problems of adolescents feeling judged, professionals should avoid using judgment-laden or accusatory questions or statements, such as:
     - ○ Why didn't you…?
     - ○ What did you expect?
     - ○ How could you…?
     - ○ Didn't you think about…?
     - ○ You should have…
     - ○ If you hadn't…
       - Instead, use more open-ended questions that allow youth to explain what happened or why they think it happened without putting them on the defensive.

       - For example: instead of asking, "Why do you keep cutting class?" say, "Your teacher tells me you've been missing some classes. Tell me what's going on at school."

2. **Need to belong and feel accepted**
   - The process of identity development is gradual. Youth tend to try different things in an attempt to fit in with friends or establish a sense of who they are in a particular peer group. It may take some time to develop one's particular personal identity.

   - During this time, youth are extremely sensitive to what they perceive to be criticism of who they are, their appearance, their friends, or their opinions. This is related to being hypersensitive to judgment.

   - Adolescents also tend to be fiercely loyal to friends and family (even those who may not treat them well or who may even have rejected them) as part of this need to belong to a group.

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[5] *See, e.g.*, Miller v. Alabama, 132 S. Ct. 2455, 2464 (2012); Graham v. Florida, 560 U.S. 48, (2010) (holding that imposition of a State's most severe penalties on juvenile offenders cannot proceed as though they were not children); Roper v. Simmons, 543 U.S. 551, 569 (2005) (finding children's "lack of maturity" and "underdeveloped sense of responsibility" lead to recklessness, impulsivity, and heedless risk-taking).

- In addition to typical behavioral issues any youth may experience throughout his or her development, LGBT youth must cope with the additional burden of social stigma due to their SOGIE.[6]

- The need for acceptance may also contribute to the influence peers have on a youth's actions. Social science research shows that peer influences profoundly affect adolescent behavior and contribute to youth taking greater risks.[7]

- Risk-taking among youth can also be affected by their general poor perception of consequences, both immediate and long-term, which can be augmented when influenced by their peers.[8]

- Adults working with youth can help to minimize feelings of rejection by recognizing the importance peers and family have in a youth's life (even when they exert a negative influence). Discussing with youth the impact others may be having on a situation—rather than dismissing them outright as "bad influences"—can help youth work through their relationships more appropriately.

3. **Youth and their relationship with authority figures**
   - Trust issues
     - It is not uncommon for youth to mistrust adults and expect adults to be judgmental, even if the adults appear friendly. The level of mistrust may be affected by racial, cultural, or gender differences between the youth and the adult. Mistrust may be particularly common for youth who have already lost trust in the people closest to them, like their parents.

     - Building rapport with youth (*i.e.*, being friendly, demonstrating interest and dependability, getting to know them on a personal level, and building a sense of security) is key to breaking through trust issues.

     - Jumping in right away with demands might achieve short-term results, but it risks impeding the trust and rapport that is necessary for lasting cooperation.

     - It is essential that adults are honest with youth, especially about the extent to which the matters they discuss are confidential.

   - Coercion/compliance

> **TRAINER NOTE** ✏️   This may be a good time to remind participants of the typical power imbalance between youth and adults in the juvenile justice system, often due not just to age, but also race and socioeconomic status.

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[6] *See Module 1*, *supra* note 3, at 49.
[7] Jason Chein et al., *Peers Increase Adolescent Risk Taking by Enhancing Activity in the Brain's Reward Circuitry*, 14 Developmental Sci. F1 (2011); Margo Gardner & Laurence Steinberg, *Peer Influence on Risk Taking, Risk Preference, and Risky Decision Making in Adolescence and Adulthood: An Experimental Study*, 41 Developmental Psychol. 625 (2005), https://secure.uwf.edu/smathews/documents/peerroleinrisktakinggardnerandsteinberg.pdf.
[8] Lia O'Brien et al., *Adolescents Prefer More Immediate Rewards When in the Presence of their Peers*, 21 J. Res. on Adolescence 747 (2011).

- For a variety of reasons, youth can be more susceptible to suggestion or coercion than adults.[9]

- Youth understand power dynamics; they understand adults generally have power, authority, and control, while they generally do not. Youth may understand that adults have the power to give or withhold valuable privileges.

- Some youth are eager to please adults, because they seek their approval, and some simply want to be loved and accepted.

- In either scenario, the result can be the same. The youth may:
  - leave out details they think the adult will not like.
  - adopt facts the adult introduces to the conversations, whether or not they are true.
  - tell the adult what the youth thinks the adult wants to hear.

- Interviewers should be aware that some youth are highly suggestible.

4. Cognitive Development
- Information processing[10]
  - In general, youth continue to develop their ability to process and respond to information into late adolescence (until about age 16).

  - Even youth who use adult language may not completely comprehend this language.

  - Additionally, interviewers should be conscious of youth parroting back the language the interviewer uses, rather than narrating concepts or events in the youth's own words. This can be a signal that there is a lack of inherent understanding. Mimicking language does not signify understanding of that language.

- Language and other processing impairments[11]
  - Youth with language impairments may have difficulty sequencing ideas, describing events, following directions, understanding the speech of others, and socializing.

  - Within language impairments, there is a concept of "pragmatics." This covers not only processing of information, but how a youth expresses himself or herself outwardly.

  - Pragmatics involve cultural and contextual rules that dictate verbal aspects of communication, such as word and syntax choice, as well as non-verbal or behavioral aspects, like turn-taking and body language. It involves the inability to distinguish between appropriate and inappropriate language and expression in a given situation. Examples include:
    - saying "yeah," instead of "yes," in response to a judge's questions
    - using profanity in court

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[9] Allison D. Redlich & Gail S. Goodman, *Taking Responsibility for an Act Not Committed: The Influence of Age and Suggestibility*, 27 L. & Hum. Behav. 141 (2003); Krishna K. Singh & Gisli H. Gudjonsson, *Interrogative Suggestibility Among Adolescent Boys and its Relationship with Intelligence, Memory, and Cognitive Set*, 15 J. Adolescence 155 (1992).

[10] This is adapted from Anne Graffam Walker's *Handbook on Questioning Children: A Linguistic Perspective* (2d ed. 1999). (This section only covers the basics of adolescent development issues relative to what interviewers should know about the way youth process information).

[11] Michele LaVigne & Gregory J. Van Rybroek, *Breakdown in the Language Zone: The Prevalence of Language Impairments Among Juvenile and Adult Offenders and Why It Matters*, 15 U.C. Davis J. Juv. L. & Pol'y 37, 48 (2011).

- slouching, failing to make eye contact, or smiling inappropriately in serious situations
- interrupting others
- going off topic or switching to inappropriate topics
- inability to "hold up" their end of a conversation
- difficulty giving a narrative or a complete and coherent explanation of past events

  ○ Studies suggest that between 58%-84% of youth who are placed in secure juvenile facilities as a result of their involvement in the juvenile justice system have a language impairment that can be categorized as "severe."[12]

B. Techniques for Addressing Developmental Considerations when Communicating with Youth

> **TRAINER NOTE** ✏️ Tell participants now that they have addressed the challenges that one might face in communicating with youth and in youth communicating with them, the lesson will address some ways to overcome these obstacles. Ask participants if they have any suggestions of things they have done to help bridge some of these gaps in communication or understanding, and use the following points to facilitate a discussion on such techniques.

- Use visual aids.
  ○ About 75% of all people are visual learners.

  ○ For youth, who are still developing cognitively, the use of visual aids can help in their ability to understand concepts—especially abstract concepts.

  ○ Examples of visual aids include:
    - flash cards
    - maps of the courtroom
    - copies of forms that they will be asked to fill out when they go to meet someone
    - diagrams of a crime scene
    - a flow chart illustrating the variety of things that could happen next in their case

  ○ What youth may not understand from our words may become clearer with a visual aid.

- Use the Funnel Question Method.
  ○ If the interview starts with open-ended or broad questions, this will enable the youth to provide an answer or explain a situation on his or her own terms or in a way that makes sense to him or her.
    - For example, "Tell me about your interests" is open-ended and does not make assumptions.

  ○ The interviewer can then ask follow-up questions that clarify the broader narrative and drill down to key points the interviewer is looking to obtain.

  ○ This approach may take more time, but it has the added benefits of:
    - building rapport by not creating or unnecessarily reinforcing a power dynamic in the conversation

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[12] *Id.* at 44 n.12.

- not leading the youth into agreeing with answers supplied by the interviewer or providing answers the youth thinks the interviewer wants to hear
- helping the interviewer see how the youth organizes thoughts and giving some insight into whether he or she has cognitive or language impairments that may need to be explored further
- not imposing judgments, accusations, or assumptions on the youth

- Ask youth to tell stories or repeat things back in their own words. There are a few reasons for this:
    - When we ask youth to repeat what they understood, any misunderstandings or missed points become immediately clear.

    - When we ask youth to explain something in their own language, we can learn the kinds of words and phrases that are developmentally appropriate for that youth and are able to build a working vocabulary relevant to that child and other children.

    - If you do not understand words or slang that youth use, do not fake it. Ask them to explain so that everyone is operating on the same level.

    - This may provide you with insight about the youth's SOGIE if you note how the youth talks about friends and significant others, and the pronouns they use.
        - If this does come up, and you are unsure and it is relevant to the conversation, ask.

- Use developmentally appropriate language.
    - Many people work in systems that have their own vocabulary, shorthand, and acronyms. All adults who work with youth need to be conscious of not relying on their own "work" language and instead using language appropriate for youth.
        - *e.g.*, A probation officer should avoid saying, "Johnny, you are in the pre-contemplative state of change," and instead should say, "Johnny, it seems like you don't think there is a problem."

    - Even youth in advanced classes may not have the vocabulary of most adults. Adults need to remember this and use language at a level that is accessible to the youth with whom they are talking. Many youth will not admit they do not understand, even if asked directly, because of fear or low self-esteem.

- It takes time; don't rush it.
    - We cannot expect youth to understand at the same speed and level of cognitive functioning as the majority of adults; however, the investment of time to ensure that the youth understands the intended message is necessary to achieve a positive outcome.

    - While it is true that being conscious of developmental barriers to communication with youth may take more time, it will save time by preventing problems caused by misunderstanding, miscommunication, and false expectations. Getting it right early benefits everyone involved.

- Listen.
    - All too often, adults who have a specific agenda with a youth engage in a one-sided conversation. They either give the information they want to impart or elicit information they

need to learn. Either way, it is often limited to their agenda and constrained by time and other obligations. Adults who can also listen to youth and hear their interests or concerns have a better chance at building rapport and trust with youth.

- ○ Adults who actively listen not only to what a youth says, but also to how he or she says it may also be able to spot red flags or learn of other issues that were not necessarily on the adult's radar, but could be very important to the work with that child.

IV. Strategies for Conveying Acceptance and Building Trust with LGBT Youth (1 hour 30 minutes)

Being LGBT or perceived as LGBT can impact a youth's identity within peer groups and in a variety of other environments. Because of the reactions many LGBT youth have experienced from many adults relating to their SOGIE, LGBT youth may approach adults with even more skepticism and mistrust than other youth. It is the responsibility of juvenile justice professionals to demonstrate their trustworthiness to youth, and there are a number of effective strategies for doing so.

> **TRAINER NOTE** ✏
>
> This may be a good time to reiterate to participants that even though this lesson is about strategies to build trust and enhance communication with LGBT youth, certain strategies may not have the same results with every LGBT child. All youth, including LGBT youth, have unique, individualized needs and experiences. And, like their straight and cisgender counterparts, the majority of LGBT youth in the juvenile justice system are low-income youth of color. Thus, in addition to confronting bias related to SOGIE, these youth must also bear the burdens of racism and poverty. LGBT youth may also have disabilities, lack legal immigration status, or have other identities or characteristics that subject them to external oppression. It is important that juvenile justice professionals resist the tendency to view SOGIE in a vacuum. The trainer should remind participants that many, if not most, LGBT youth in the system manage multiple marginalized identities that influence their experiences and the ways in which others respond to them. These will all be relevant to any communication strategies with LGBT youth. For more information about intersectionality theory see *Toward Equity: Lesson Two – Dismantling Bias and Fostering Equity*.

Use the following points to engage participants in a greater discussion about the experiences of LGBT youth around the country, in order to provide context for how to build trust and communicate effectively with LGBT youth. Either project the following data points on a PowerPoint slide or provide them as handouts to participants. The following data points are available on PowerPoint slides in the Training Materials for this lesson.

> **CAUTION**
>
> Make clear that LGBT youth are not all the same, and there is no singular "LGBT reaction" to a situation. LGBT youth come from an array of racial, ethnic, religious, and socio-economic backgrounds that affect their view of the world. LGBT youth are NOT damaged; they may simply face additional obstacles that their non-LGBT peers may not. Similarly, some LGBT youth may have experienced trauma (just like all youth), but being LGBT is not a traumatic event and should not be treated as such. Be careful not to leave the impression that being LGBT is bad, burdensome, or something to fear or try to change.

- A 2013 study by the Human Rights Campaign (HRC) that surveyed both LGBT and non-LGBT youth (ages 13-17) from around the country found some stark differences in the challenges they face.

- When asked to describe **one thing in their lives they would like to change** right now:
  - Non-LGBT youth's top three responses were:
    - money/debt/finances
    - appearance/weight
    - improved mental health

  - LGBT youth's top three responses were:
    - understanding/tolerance/hate
    - my parents/family situation
    - where I live/who I live with[13]

- When asked to describe the **most important problem they face** right now:
  - Non-LGBT youth's top three responses were:
    - classes/exams/grades
    - college/career
    - financial pressures

  - LGBT youth's top three responses were:
    - non-accepting families
    - school problems/bullying
    - fear of being out or open[14]

- The HRC report found that non-LGBT youth were nearly twice as likely to say they were happy than LGBT youth.
  - 67% of non-LGBT youth reported being happy.

  - 37% of LGBT youth reported being happy.[15]

  - Nearly one-third of LGBT youth (29%) reported they did not have any adult in their lives they could talk to about personal problems (only 17% of non-LGBT youth reported the same finding).[16]

- Remember that this data is for LGBT youth nationwide. One can guess that for LGBT youth in the juvenile justice system—especially those with less stable support systems—this percentage may be significantly higher, though there are no research studies to date examining this specific issue.

- Schools are notoriously hostile environments for LGBT youth. A 2013 survey administered by the Gay, Lesbian, and Straight Education Network (GLSEN)[17] found that:

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[13] *See* Human Rights Campaign, Growing up LGBT in America: HRC Youth Survey Report Key Findings (2013), http://s3.amazonaws.com/hrc-assets//files/assets/resources/Growing-Up-LGBT-in-America_Report.pdf.
[14] *Id.*
[15] *Id.*
[16] *Id.*
[17] Joseph G. Kosciw et al., Gay, Lesbian & Straight Edu. Network, The 2013 National School Climate Survey (2014), http://www.glsen.org/sites/default/files/2013%20National%20School%20Climate%20Survey%20Full%20Report.pdf.

Chart categories (x-axis): Homophobic Remarks, Felt Unsafe / SO, Felt Unsafe / GE, Verbally Harassed / SO, Verbally Harassed / GE, Skipped school for safety, Did not report
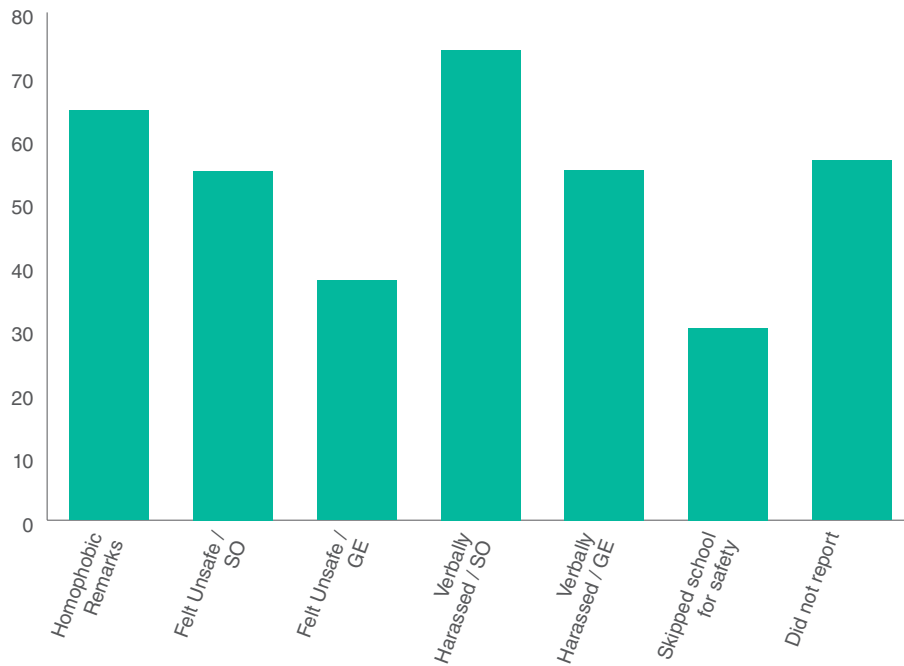
- 64.5% of LGBT youth heard homophobic remarks (*e.g.*, "dyke" or "faggot") frequently or often.

- 55% of LGBT youth felt unsafe because of their sexual orientation, and 37.8% felt unsafe because of their gender expression.

- 74.1% of LGBT youth were verbally harassed (*e.g.*, called names or threatened) in the past year because of their sexual orientation, and 55.2% were verbally harassed because of their gender expression.

- 30.3% of LGBT students missed at least one entire day of school in the past month because they felt unsafe or uncomfortable.

- 56.7% of LGBT students who were harassed or assaulted in school did not report the incident to school staff, most often believing little-to-no action would be taken or the situation could become worse if reported.

The trainer should conclude this section by helping the participants to connect the dots overtly, using the following points:

- These data dramatically demonstrate the types of stigma regularly directed at LGBT youth, as well as the negative effects on their health and well-being.

- Understanding the impact of negative language or actions that many LGBT youth experience on a regular basis can help practitioners understand issues that might be obstacles to communication, such as mistrust and fear of judgment.

- The onus is on the adults who work with LGBT youth (whether identified or not) to take the extra step to demonstrate that they can be trusted.

- Establishing trust will go a long way in facilitating honest and effective communication.

   A. Heteronormative Language/Environment
   How we speak with youth can impact whether they see us as an ally or as a person who cannot be trusted. The following activities help the participants identify heteronormative language.

> **TRAINER NOTE** 🖊
>
> Trainers who have time constraints may choose to do one activity over the other.

ACTIVITY: IDENTIFYING HETERONORMATIVE LANGUAGE, SKIT

This activity challenges participants to identify communications problems in a skit. It will become clear through the process of debriefing the activity, if not before, that much of the miscommunication is the result of heteronormative language used by the adult. After a brief discussion of heteronormativity, participants will be asked to rework the language to be more open-ended and inclusive.

CAUTION Some trainers may find the tone of this skit offensive and misogynistic. It is intentionally so. This skit reflects the reality of what is overheard every day in conversations between adults and youth; however, trainers should feel free to alter the skit as they see fit.

Trainers should act out the following skit, introducing the topic by telling participants that the purpose of the skit is to note inappropriate language. As the trainer, the key is to introduce the skit as one that is about appropriate communication, not specifically heteronormative language. This way, once the topic of avoiding heteronormative language arises, those who did not already identify heteronormative language as a problem are more likely to recognize (at least to themselves) that this is not something they immediately picked up on, and may need to be more attuned to in the future.

The following skit is the first meeting between a youth and the youth's court-appointed mentor. The skit may be altered to accurately reflect the audience needs (*e.g.*, changing the adult to a defense attorney for a group of juvenile defenders, or a probation officer for probation department training). If there is not more than one trainer leading this lesson, the trainer may want to identify a participant ahead of time to help with this skit.

TRAINER NOTE ✎ Depending on the participants in the audience, some of this skit (even the parts not related to heteronormative language) may seem unrealistic. For example, a judge would likely not have a conversation like this one. Other examples may be exaggerated to make a point. Still, the exercise can be used for the purpose intended to illustrate examples of heteronormative language.

Mentor: So, tell me a bit about yourself, Thomas. What's your story?

T: No one calls me Thomas. It's T.

Mentor: Cool. T it is. What do you do for fun, T?

T: I don't know. Typical stuff, I guess. I hang out with my friends and my family.

Mentor: Well, tell me about your family.

T: I live with my mom and my two sisters.

Mentor: Do you have a relationship with your father?

T: Nah, I ain't seen him since I was a kid.

Mentor: Your mom have a boyfriend?

T: Nah.

Mentor: Any adult men around the house?

T: None that are worth anything.

Mentor: Your sisters? They older or younger?

T: Older.

Mentor: They both live at home?

T: Kelly lives with us. Maria lives on her own.

Mentor: She have any kids? Is she married?

T: She ain't married, but she lives with Terry. They got a baby—little Joey.

Mentor: You get along with Terry? What's he like?

T: We get along okay.

Mentor: He a good guy to be around? You two do anything fun together?

T: We ain't tight like that.

Mentor: Okay, no worries. You and your friends. What do you like to do? You guys play any sports?

T: Not really.

Mentor: You got a girlfriend?

T: No.

Mentor: Handsome guy like you? Come on. The ladies must be all over you.

T: No, no girlfriend.

Mentor: What about the prom? That's coming up this year, right? Who you gonna take?

T: I don't think I'll go. It's not really my kinda thing.

Mentor: Come on. I'm sure we can find you a nice little lady to take. We just got to build your confidence enough to ask her out.

T: My confidence is fine.

Mentor: Okay, no sports…no prom…what is it you like to do?

T: I don't know. Video games…I'm in the school play.

Mentor: That's the problem, right there! How you gonna meet a girl in theater class?

T: There are plenty of girls in theater class. It's mostly girls.

Mentor: Alright little man! So, you do have some game. Let's get a plan to get you connected with one of these ladies….

ACTIVITY: IDENTIFYING HETERONORMATIVE LANGUAGE, SKIT (CONT.)

Skit Activity Instructions (continued): After acting out the skit, ask people what was wrong with the questions this mentor asked. The trainer will likely get a variety of responses and should let people brainstorm a bit, but the ones the trainer will want to focus on are the heteronormative assumptions. The trainer will then facilitate a discussion about what heteronormative language is, using the following facilitation notes.

- Ask if anybody knows what "heteronormative" means and provide a working definition:
  - *Heteronormative*: The assumption, in individuals or in institutions, that everyone is heterosexual, and that heterosexuality is superior to homosexuality and bisexuality.[18]

  - Heteronormativity often manifests itself in language, images, and symbols that reinforce the notion that everyone is or should be heterosexual.

  - Every day, we are all bombarded with images of heterosexuality and gender conformity in the media and in public discourse.

  - While American culture is changing in some areas, in general, it remains culturally "typical," for example, to assume a young girl will grow up, marry a man, and have children. Our society has well-defined perceptions and assumptions about gender roles and sexuality.

  - Because society is heteronormative, straight people have the luxury of being honest about their relationships in a way that LGBT people often do not. Many people assume others are straight. Simple questions about who one is dating or to whom one is married do not raise eyebrows or challenge expectations when the heteronormative response is given. If a person responds in a way that is not heteronormative, the reactions can be anything from mild surprise to outright hostility.

> **TRAINER NOTE** ✎ Although this activity has primarily focused on heteronormative language and heterosexism, it is also important to note that cisgenderism (the assumption, in individuals or institutions, that everyone is cisgender—in other words, that everyone has a gender identity that matches the sex they were assigned at birth, or is not transgender) also exists in our society. Tell participants that although these activities primarily focus on heteronormativity, it is also important to consider cisgenderism and ways to avoid it, such as using gender-neutral language.

Skit Activity Instructions (continued): *Language Exercise, Rephrasing Heteronormative Language*
- Hand out the script of the skit that the trainers acted out earlier to each participant. Participants should read through the interview and circle any language they find that the mentor uses which might be considered heteronormative.

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[18] A related concept is cisgender-normative, which assumes that every person does or should conform to gender "norms." For the purposes of this activity, the focus is primarily on sexual orientation and heteronormativity in communications, given the way sexual orientation is sometimes more "invisible" than gender identity. This does not mean that gender-normative language and actions are not a real problem. Given the time constraints of this lesson, however, we chose to limit the discussion to heteronormativity. If trainers want more information on gender issues, refer to *Toward Equity: Lesson Six – Respecting and Supporting Transgender Youth*. Trainers may acknowledge to participants that gender issues are also at play, but explain why it is not being addressed at length in this section.

- Participants should then pair up and share with a partner the heteronormative language they have identified.

- The pair should then come up with a way of rephrasing the identified language so that it is no longer heteronormative.

- The entire group will then reconvene, and the trainer will ask for different pairs to share one phrase they identified and how they would reword it. The trainer may ask other groups who identified the same phrase if they have other ways to rephrase the same language. The trainer needs to be careful to engage the group in a discussion about the rephrasing that is offered. If it does not accomplish the goal of correcting the heteronormative framing, the trainer cannot leave it as though it does, or the learning objective is not met.

- After a variety of good examples are shared, the trainer should ask for another phrase that was identified and potential rephrasing.

- What follows are some suggestions for the trainer on language within the script that may be addressed and potential ways to address it. The underlined words are the potential heteronormative words. The [*bracketed italicized*] language after each is a sample of how that might be appropriately rephrased or addressed.

Skit with Re-Phrased Heteronormative Language
Mentor: So tell me a bit about yourself, Thomas. What's your story?
T: No one calls me Thomas. It's T.
Mentor: Cool. T it is. What do you do for fun, T?
T: I don't know. Typical stuff I guess. I hang out with my friends and my family.
Mentor: Tell me about your family.
T: I live with my mom and my two sisters.
Mentor: Do you have a relationship with your father?
T: Nah, I ain't seen him since I was a kid.
Mentor: Your mom have a boyfriend? [*Is your mom dating anyone?*]
T: Nah.
Mentor: Any adult men around the house? [*Any other adults in the house?*]
T: None that are worth anything.
Mentor: Your sisters? They older or younger?
T: Older.
Mentor: They both live at home?
T: Kelly lives with us. Maria lives on her own.
Mentor: She have any kids? Is she married? [*To some, this may signal an assumption that marriage is the "normal" or proper thing to do. One way to rephrase this so that it hits the broadest spectrum might be to supplement it with other options: "Is she married? Does she have a partner? Live with anyone?" This can keep the language more neutral or inviting and will signal to a youth who is attuned to heteronormative language that the person asking the question is aware, and likely less judgmental, of different types of relationships.*]
T: She ain't married, but she lives with Terry. They got a baby—little Joey.

ACTIVITY: IDENTIFYING HETERONORMATIVE LANGUAGE, SKIT (CONT.)

Mentor: You get along with Terry? What's <u>he</u> like? [*T isn't giving any clues for the mentor to pick up on regarding what gender Terry is, and the mentor assumes Terry is a man and that the relationship is heterosexual. To avoid this, the mentor could say, "What's Terry like?" or maybe even, "What's he—or she—like?" Parroting T's non-pronoun usage is likely safer and less awkward. For some interviewers, asking directly whether Terry is a man or woman, if it is done in a non-awkward way, will clearly signal to any youth that you are okay talking with all kinds of relationship structures. Others can just continue to call Terry by name, rather than use a pronoun.*]

T: We get along okay.

Mentor: <u>He</u> a good guy to be around? You two do anything fun together. [*Is Terry a good person to be around?—see also previous discussion.*]

T: We ain't tight like that.

Mentor: Okay, no worries. You and your friends. What do you like to do? You <u>guys play any sports</u>? [*Like the question about marriage, to some this may imply that boys should be into sports because it's a "typical" boy thing. It often won't be. This example may not be not a real problem given the large numbers of youth of all genders that play sports; however, it might be safer to leave it just as: "What do you like to do?" or to provide other alternatives like, music, art, dance, etc.*]

T: Not really.

Mentor: You got a <u>girlfriend</u>? [*Are you dating anyone? This communicates that the mentor is open to having to talk about relationships with people of various genders.*]

T: No.

Mentor: <u>Handsome guy like you, come on, the ladies must be all over you</u>. [*While this mentor may be trying to be charming or friendly, for any young person, this question could destroy rapport.*]

T: No, no girlfriend.

Mentor: What about the prom? That's coming up this year, right? Who you gonna take?

T: I don't think I'll go. It's not really my kinda thing.

Mentor: Come on, I'm sure we can find you <u>a nice little lady</u> to take. We just got to build your confidence enough to ask her out. [*In a professional environment, this type of conversation is never appropriate; however, rephrasing to something like: "I'm sure we can find <u>someone</u> for you to take… to ask <u>someone</u> out…" would be a more inclusive and less heteronormative way to state it.*]

T: My confidence is fine.

Mentor: Okay, no sports…no prom… what is it you like to do?

T: I don't know. Video games….I'm in the school play.

Mentor: <u>That's the problem, right there. How you gonna meet a girl in theater class</u>? [*This whole question is inappropriate because it assumes (1) that T wants to meet girls and (2) that theater activities are not conducive to heterosexual relationships; both assumptions are inappropriate. Change or avoid the question entirely.*]

T: There are plenty of girls in theater class. It's mostly girls.

Mentor: Alright <u>little man</u>! So you do have some game. Let's get a plan to get you connected with one of these ladies…. [*Calling T "little man" assumes that T identifies as a male, which we don't yet know. In this context, it also assumes that the reason "he" joined theater class was based on a heterosexual ulterior motive that the mentor is just now discovering. Both of these could be offensive or off-putting to an LGBT youth.*]

- The following activity is another way to demonstrate heteronormativity. Ask participants to break into pairs.

- This activity challenges the participants to talk about their lives without using references or hints regarding sexual orientation or gender identity. Those who use banned words (*e.g.*, husband, wife, boyfriend, girlfriend, or identifying pronouns) will get buzzed. This exercise is intended to give participants a view of what it is like to always be on guard and hidden in a heteronormative world, and how difficult or draining it is to keep up pretenses.

- Each person in the pair will take turns explaining to the other person what they did during a memorable moment in their life that was shared with a spouse or romantic partner. It can be anything from a recent date to a family holiday. The speaker should share where they went, who they were with, what they did, etc.

CAUTION Some participants may not want to share something personal. You may give them the option to use an example of someone else they know a story about, like their parents, or even something they read in a book or saw on television.

- Each speaker must tell the story without giving any clues as to his or her sexual orientation. Words like wife, husband, boyfriend, or girlfriend are prohibited. "Man" or "woman" may also be inappropriate if they describe a romantic partner, as these words would allude to one's sexual orientation. For example, saying: "Last weekend I went on a date but *he* arrived 30 minutes late" would clearly allude to the speaker's sexual orientation.

- Any time the speaker uses a term that would identify or allude to his or her sexual orientation, the listener should indicate that a rule violation has been made (trainers may consider providing noisemakers such as game buzzers or bells, or simply ask people to say a word, such as "objection" or "ding").

- After the speaker has told the story (not to exceed three minutes), the partners should switch roles so that the original listener tells a story with the same rules.

- After everyone has had a chance to be a speaker and listener, the trainer should regroup the participants and lead a discussion on how that activity went, using the following questions as a guide:
  - How many people failed to tell their story without getting buzzed/objected to/etc.? Was it easy or difficult? What tripped people up? In other words, what was hardest?
  - What does this exercise tell you about sexual orientation and everyday interactions? For straight people? For LGBT people?
  - How difficult or easy is it to hide your sexual orientation in a conversation like this?
  - Remember, you were asked not to share your sexual orientation. If you failed to hide it, were you "flaunting your sexual orientation"?

- The trainer should highlight any of the following points that the participants do not raise themselves in the discussion.
  - Feeling like one must hide his or her sexual orientation at all costs and the fear that drives the need to feel this way can be very isolating for many adults, let alone for adolescents.

ACTIVITY: "OFF LIMITS" (CONT.)

- ○ Because sexual orientation is not outwardly visible, it can be hidden or masked to fit what other people expect as "normal." In fact, there is often a lot of pressure on LGBT people to mask or hide their sexuality. The trainer was acting as society telling the participants what to do. Did any participant actively ignore that "societal" instruction and say: *to heck with the rules— I'm going to be me and ignore the rules of this exercise*? If there are no real consequences to going against "the rules" others are imposing on you, as with this exercise, and you failed to do what you wanted anyway, imagine what the pressures to conform must be like when the stakes are as high as societal or family rejection.
- ○ When LGBT people do not choose to lie or hide who they are in everyday conversation, they can sometimes be accused of forcing their sexual orientation in other's faces.
- ○ They simply answered a question honestly, but the answer was not what that listener expected.

- It is important to note that LGBT people are not immune from using heteronormative language. LGBT people grow up in the same heteronormative culture as everyone else and can often make heteronormative assumptions also. This is an issue of societal conditioning.

B. Effects of Heteronormative Language
- The idea of learning to identify heteronormative language is not to demonstrate "political correctness," but rather, the point is to use language that facilitates effective communication with LGBT youth.

- Youth, in general, are particularly sensitive to criticism. They read subtle cues from their peers and adults about how others perceive their SOGIE.

- Therefore, using heteronormative language will necessarily impact the way one communicates with LGBT youth. Some youth may simply note the heterosexism without any overt reaction, but will immediately consider that person as someone not worth talking to or as someone who will never understand what they are going through. Others may actively put up walls or become overtly challenging. While the reactions will be as varied as the youth with whom we work, the words and images we use will be noticed and will have an impact on all youth.

- Ways to overcome heteronormativity:
  - ○ Seemingly innocuous questions from a lawyer or probation officer like "Do you have a boyfriend?" signal to a female that the lawyer or probation officer assumes a worldview in which heterosexuality is the norm and that this norm is assumed or expected of that youth.
  - ○ Questions like "Are you dating anyone?" do not immediately raise a red flag. They also provide a signal to youth who are comfortable to broach the subject that it is safe to clarify one way or another, should they choose to do so.
  - ○ Neutral language (such as "Do you have a partner or a significant other?") signals immediate recognition that not everyone is heterosexual without any assumption. For LGBT youth, this approach is likely to be more welcoming and encouraging, and for all youth, using this type of language models affirmation and acceptance.

V. Putting It Into Practice—Using Appropriate Communication about SOGIE (45 minutes)

TRAINER NOTE

Remember, everyone has a sexual orientation, a gender identity, and a gender expression, not just LGBT people. The key is learning to communicate in a way that is inclusive of all people, not just straight or gender-conforming populations. Facilitate a discussion with the participants about other things to keep in mind when working with youth to help ensure that communication about SOGIE is appropriate. For this discussion, it is important to keep in mind that communication with youth and the reactions we have to them are important both in the one-on-one context, as well as group contexts. If a youth perceives that the adult's level of comfort around LGBT youth is somehow different than it is with other youth, it can also have a profound effect on the relationship. Explain to participants that now that they have an understanding of various communication challenges and techniques, and the impact of heteronormative language, the group is going to brainstorm some practice tips specifically about how to use language that builds trust by conveying acceptance and respect. Ask participants for examples and then provide the following tips, using the facilitation notes if necessary.

The following practice tips should also be useful for all participants in how they communicate with youth about SOGIE.

A. Practice Tips
Ask participants when and where they think it will be difficult to change their language.
The trainer can use the training notes that follow to add to relevant parts of the discussion.
- **Make no assumptions**. This sends signals to youth that we are not making judgments about who they are. While some adolescents may scoff when someone does not outright assume that they are straight, explaining why it is not appropriate to make such an assumption about anyone can communicate, quite powerfully, the value of treating each person as an individual.
  ◦ Assuming nothing requires everyone to consciously choose their words. We either must ask questions that provide more than one option ("Do you have a girlfriend or boyfriend?") or use gender-neutral language ("Are you dating anyone?"). Participants should use the approach that makes them most comfortable.

- **Use chosen name/pronouns**. Addressing youth respectfully, with the name and pronoun of their choice is critical to maintaining good communication, particularly when communicating with or about transgender youth.

ACTIVITY: PREFERRED GENDER PRONOUNS

- Ask participants to go around the room, stating their name and their preferred gender pronouns. The trainer should demonstrate first by stating: "My name is _____. My preferred gender pronouns are [he/him/his], [she/her/hers], [ze, zir, zey], [they]."[19]

- Note that participants may feel slightly uncomfortable if they have never done this activity, but encourage them to stretch beyond their comfort zones.

- After everyone has stated their name and preferred gender pronouns, tell participants that doing something like this with a group of youth in a setting that requires introductions can help create a safe space for transgender and gender non-conforming youth. While some people may find it awkward at first, doing it regularly when the opportunity presents itself can make it part of agency practice. After the activity, use the following notes to discuss chosen names and pronouns in more detail.

- If a transgender or gender non-conforming young person prefers a name that is different than that in their official record, it is often because the chosen name better reflects their identity. Insisting on using the "official" name can be offensive and signals disapproval and disrespect.
- For transgender youth and some gender non-conforming youth, pronouns are very important but not always intuitive for interviewers.
- Addressing a transgender boy as "she" may be considered dismissive, judgmental, or hostile. Alternatively, for a girl who is simply gender non-conforming (*i.e.*, identifies as female but has a more masculine gender expression), using a male pronoun may be equally insulting.
- Participants are not expected to become experts or mind-readers, but can pay attention to the pronouns youth use to refer to themselves and mirror those accordingly.
  - When a youth is not clear or has not yet given the interviewer enough information to go on, remember to make no assumptions. As stated earlier, you can always ask what pronoun the youth prefers.
  - Gender pronouns are more common when we refer to youth, rather than when we speak directly to them. But, it is still important to keep pronoun usage in mind at all times, since youth will sometimes see written reports or be present when we talk about them or their cases with others.
  - Chosen names and preferred gender pronouns are important to use in all verbal AND written communications and documentation.

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[19] If "they" comes up, the trainer may want to acknowledge that the materials in the Equity Curriculum use the pronouns "he" and "she," but that The Equity Project recognizes this does not acknowledge the breadth of potential identities. The English language does not provide for a gender-neutral option other than "they," which is only grammatically correct in the plural. That forces organizations like The Equity Project to make a choice between being grammatically incorrect in order to illustrate acknowledgement of something more complex than a gender binary or following the English grammar rules that do not provide for a gender-neutral option, but can be intended as more inclusive in their use than the words may technically permit. For publishing reasons, not advocacy ones, The Equity Project chose to be grammatically correct in its printed materials. Because grammar rules with the spoken word are more forgiving than with the written word, trainers should feel comfortable using "they" when they speak.

- **Non-verbal communication**. Even without opening our mouths, we can communicate assumptions to others. Consider:
  - **Body language**. Posture and facial expressions can signal comfort or discomfort.
    - If a youth perceives a change in body language (*e.g.*, stiffening up, becoming jittery, avoiding eye contact, crossing arms across chest) after the youth comes out to a juvenile justice
      professional, it can have an instant chilling effect on the relationship.
- Similarly, if a youth can feel a person's discomfort in discussing SOGIE, that too can be an obstacle to open communication.
- Sometimes body language is harder to control than words.
- If you notice a body reflex as a reaction to something a youth says, acknowledge that to the youth.
- For example, say something like, "I'm sorry I reacted that way. I was not expecting you to say that, but I want you to know that it is ok, and I am comfortable discussing it with you."

  - **Physical contact**. For some people, it is not unusual to make physical contact with youth, whether it is a handshake, a hand on the shoulder, or even a hug. People who are accustomed to this must be conscious of whether they treat LGBT youth differently than other youth, and be aware of the message that may convey.

CAUTION Some agencies may have strict rules regarding physical contact between staff and youth. The Equity Project is not commenting on whether certain kinds of physical contact are appropriate, but rather simply recognizing that touch is one way that some people communicate.

- **Environmental signals**
  - Displaying stickers or posters in the spaces youth will be that clearly designate them as "safe spaces" (*e.g.*, images of a rainbow flag or the equality sign) signal to youth that staff will affirm their SOGIE.
  - Being conscious of magazines or posters that are in a waiting room or a common area and being sure that they are inclusive of LGBT people can also help LGBT youth feel welcome and comfortable.

- **Culture-specific language**
  - There are variations in the ways youth communicate due to racial/ethnic, geographic or socio-economic differences. This is as true for LGBT youth as it is for straight and gender-conforming youth.
    - Different communities of LGBT youth use different words to describe themselves and their experiences. For example, some LGBT African-American youth may be more likely to use the word "stud" to talk about a masculine woman, while some LGBT white youth may be more likely to use the word "butch."
    - Language one group finds offensive may be empowering to another. For example, there are those for whom the word "queer" is offensive, given its historical use as a pejorative term. Others have reclaimed the word and use it to make a political statement.
  - There are also differences across generations. An LGBT person who is much older may use different language with respect to SOGIE than a young person, even if they come from similar racial, ethnic, or socio-economic backgrounds.
  - The key, when dealing with unfamiliar or unclear terms, is to not make assumptions or guesses. If youth use a term that is unfamiliar to you, ask them what it means.

B. Creating Feelings of Psychological Safety that May Improve Communication

Facilitate a discussion about how feelings of psychological safety can affect communication. The "coming out" process can be laden with psychological risk-taking for youth. Every time a youth decides to come out, he or she is putting himself or herself at risk emotionally. Ask what participants think about this. Ask how it can impact the way youth communicate with them. The trainer can use the discussion points that follow to help guide the conversation.

- If a youth comes out as LGBT, it is important to remember that the decision to do so took great courage on the youth's part—even if outwardly it may not appear that way. It also took a high level of emotional integrity to be honest and truthful about who he or she is.

- By revealing that personal aspect of their lives, youth who come out risk rejection. The possibility that the people who are responsible for protecting their interests might personally reject them is frightening and a challenge to youth's personal and mental safety.

- While young people may be open about their SOGIE in some areas of their lives, LGBT youth may not necessarily offer this information to their attorney, judge, caseworker, or other adults in the juvenile justice system. Even if a youth eventually does come out to a juvenile justice professional, that professional should not assume the youth is out to everyone else.

- Typically, it is not the professional's role to determine the SOGIE of the youth with whom she or he works.
  - Rather, she or he should approach all youth in a manner that recognizes any youth might be LGBT, thus creating an atmosphere where all youth feel affirmed and LGBT youth feel comfortable sharing this information.[20]

> **TRAINER NOTE** Share with the participants that the conversation will shift now from the importance of psychologically safe interviews to tips on how to conduct them.

1. Tips for asking questions in a sensitive and non-judgmental way:

- Prepare the youth by telling her or him that you will be asking personal questions that may bring up difficult feelings, and that it is okay for her or him to decline to answer any question she or he does not feel comfortable answering.

- Carefully phrase your questions. The aim is to be sensitive and reasonable. Blunt or intrusive questions that seem insensitive could upset the youth and potentially shut down the conversation.

- Ask yourself whether this is a question you would feel comfortable answering, or asking a friend who does not identify as LGBT. If not, the question should not be asked.
  - For example: "Tell me about your partner" is likely not overly intrusive, but specific details about the intimate relationship likely would be. Being nosy is not the same thing as being accepting.

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20 *See Practitioner's Section*, 15 U.C. Davis J. Juv. L. & Pol'y 401 (2011) (Symposium, *Hidden Injustice: LGBT Youth and the Juvenile Justice System*); LaVigne & Van Rybroek, *supra* note 14, at 408.

- Ask whether gathering the information will further the interests of the youth, or is it just to satisfy personal curiosity. If the question has no professional purpose, it likely will not be appropriate.
  - However, do not discount building rapport, which is often a vital and legitimate professional purpose.

- Only ask a question to which you are prepared to hear the answer. Negative reactions to an answer can shut the conversation down and damage rapport.

- Read the cues from youth. If a youth appears uncomfortable, this may either not be the right time for the question, or you may be asking it in a way that makes the youth uncomfortable.
  - Recognize that this can be difficult for both the adult and the youth. Tackle it bit by bit in a series of conversations, rather than all at once, if that feels more comfortable.

2. **Language to avoid with ALL youth.** Remember, we do not necessarily know who is LGBT. For many LGBT youth, the following words can be riddled with judgment and signal non-acceptance:[21]
    - *Lifestyle*: Being LGBT is not a "lifestyle"—it is a core identity. Everyone has a SOGIE, and it is integral to who they are as individuals.

    - *Choice*: Sexual orientation and gender identity are not choices for LGBT people, just as they are not choices for straight and gender-conforming people. Using this word with regard to LGBT identity signals a fundamental misunderstanding of SOGIE.

    - *Friend* (when referring to someone's romantic partner): This signals disapproval and/or discomfort in acknowledging that someone is in a same-sex relationship. It minimizes the relationship and does not acknowledge it as equivalent to a romantic relationship between a man and a woman.

    - *Homosexual*: Many consider this to be a clinical term not related to real people. Using "gay," "lesbian," "bisexual," or some other word that the youth is using to refer to a particular sexual orientation is much safer.

    - Incorrect names and pronouns: use the name and pronoun (*he*, *she*, *ze*) that the youth prefers. If you do not know the correct pronoun to use, ask the youth. Do not assume. Additionally, do not call someone by the terms "it," "he-she," "him-her," or "s/him," as these are derogatory.

3. **How the "openness" of a youth impacts the discussion**
    - It is important to recognize how and to what degree a youth is open about his or her LGBT identity, as this can affect discussions with youth and how one uses the information learned from youth regarding their SOGIE.

    - Young people may be:
      - **Unaware or unsure of their SOGIE**.
        - Identity formation is a process unique to each individual, and each youth develops an understanding of her or his SOGIE at her or his own rate.

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[21] *See* Vickie L. Henry, *Have No LGBTQ Youth Clients? Think Again: What Every Attorney Representing Youth Needs to Know*, 57 Bos. Bar J. 10 (2013).

- The youth may be beginning to reconcile his or her feelings and emotions with intellectual concepts of his or her identity, but may not yet have given that identity a name or label.

- **Completely "in the closet" or secretive about their LGBT identity**.
  - The youth has not told anyone he or she is LGBT.
  - The youth may not have even admitted his or her LGBT identity to himself or herself or may be denying it outright.

- **Partially out.**
  - The youth may be open and honest about his or her LGBT identity to select people.
    - Some may be out to close friends but not to family or other peers.
    - Some may be out at school and with their peers, but not to family.
    - Some may be out to select siblings, but not to their parents, grandparents, or other relatives.
    - Some may be out to select adult professionals, such as teachers or caseworkers, but not to peers or family.
  - The degree of openness often relates to how comfortable or trusting the youth is with each person or group of people. It may be safe to be out in some circles and not in others.

- **Completely out.**
  - The youth is open about his or her LGBT identity at all times and with all people.

- It is important that all professionals working with youth meet youth at their level of acceptance of their own identity.
  - Attempting to force youth to come out before they are ready to acknowledge or accept their SOGIE can damage rapport or create conflict.
    - LGBT youth should be allowed to identify their SOGIE for themselves when they are ready.
  - Likewise, attempting to force a young person to come out to others is inappropriate.
    - Professionals should respect that the youth is not ready to reveal his or her SOGIE to others.
  - Gauging outness may not always be easy. If the youth has already come out to you, the best thing you can do is ask him or her directly about who else he or she may be out to. This can demonstrate sensitivity by acknowledging that the youth may not feel the same level of comfort with others. It is important to discuss who the youth may or may not want to know about his or her SOGIE.

VI. Asking Youth about SOGIE (15 minutes)

TRAINER NOTE

The trainer should explain that this section of the training covers a critical practice issue that has evolved significantly in recent years: the requirement that juvenile justice professionals directly ask youth about their SOGIE.

Provide the following introduction to the subject:
- Research has increasingly documented that LGBT youth confront significant external threats to their health and well-being. LGBT youth suffer from health and mental health disparities due to the challenges of living with a stigmatized identity. On the positive side, research has also informed the use of protective strategies that provide support to young people and assist them to develop resiliency and overcome these challenges.

- In the juvenile justice context, understanding a youth's SOGIE may be critical to protecting the youth's safety, as well as providing appropriate services. We have discussed many strategies for creating an environment in which young people are more likely to voluntarily disclose their SOGIE; however, even when all of these strategies are employed, not all youth will independently offer this information. Consequently, the professionals who are charged with protecting the well-being of youth may be unaware of critical issues related to the youth's SOGIE, including health and safety risks.

- This dilemma has prompted the juvenile justice field to move in the direction of collecting SOGIE information—both on an aggregate level and in individual cases. The Juvenile Facility Standards of PREA, acknowledging the vulnerability of LGBT youth in secure settings, require that confinement facilities ascertain whether residents are, or are perceived to be, LGBT or gender non-conforming as part of an intake safety screening. The PREA Resource Center recently clarified that this regulation requires staff to directly ask residents whether they identify as LGBT. The PREA Standards explain ways to fulfill these requirements in a sensitive way that respects individual youth:
  - An affirmative response does not require any specific course of action based on this one factor, but is to be considered along with any other relevant safety considerations.
  - The facility may not compel residents to answer the question, nor may residents be disciplined for declining to answer.
  - The facility may decide when, where, how, and who should conduct the screening, and may determine that medical personnel should ask SOGIE and other sensitive questions.
  - The facility must ensure that intake staff have received training about how to appropriately and respectfully talk with youth about SOGIE.
  - The agency must also implement appropriate controls on the dissemination of the information obtained in the screening, including LGBT status.

- These provisions mirror the trend across service sectors in which professionals working with youth are required to ask questions about SOGIE along with other demographic and biographical information.
- Similarly, many juvenile justice agencies have begun collecting SOGIE data through self-administered surveys of youth in detention, capturing important prevalence data, as well as information about differential detention patterns and risk factors contributing to law enforcement contact. These data will improve the system's capacity to track outcomes and improve services. Thus, it is essential for juvenile justice agencies to provide training, coaching, and technical assistance to relevant personnel to ensure the accurate, professional, and respectful collection of SOGIE data on both individual and systemic levels.

TRAINER NOTE | Prior to the session, the trainer will need to identify and understand any local regulations, organizational policies, or statutes that require participants to collect data. This section will likely require a great deal of forethought and planning on the trainer's part. As a national curriculum, these facilitation notes do not address the variety of local requirements that exist. If no other statutes or policies exist, or if the participants in the training are not the ones responsible for collecting this information, the trainer may choose to skip this section.

TRAINER NOTE The data discussion will differ with each group, depending on what role the participants have in this kind of data collection and how it is performed. It will be very important for the trainer to know, in advance of the training, if or how data is collected on LGBT youth and what role the participants in the training have in that collection.

Ask participants what, if any, SOGIE data collection requirements they have in addition to PREA. Brainstorm with the participants to identify the sources of these requirements (whether it is training manuals, internal policies or intake forms, statutes, etc.) and write the sources on a white board or flipchart paper. Supplement or clarify these sources based on prior research and understanding of local regulations and policies.

Facilitate a discussion of what each of these policies or regulations requires:
- What information must be collected?

- How is it actually collected (interviews, an intake form the child fills out, anonymous surveys, etc.)?

- How do participants ask questions about SOGIE? What language is used, both verbally and in written documents?

PRACTICE TIP While these are certainly not all of the necessary components of asking questions about or collecting data on SOGIE, a few key best practices include:
- Make a standardized practice of asking all youth what their preferred gender pronouns are.

- Explain to youth how the information collected will be documented, who will see those records, and how the information will be used.

- Do not disclose this information without explicit permission from youth.

VII. Communicating with Others about Youth (10 Minutes)

TRAINER NOTE No one working with youth in the justice system works in a vacuum. It is often necessary to share information about youth with other juvenile justice stakeholders. Whether the purpose is to coordinate services for youth, to collect data, to report to the court, or for some other professional reason, disclosure of sensitive information always increases the risk of unauthorized or inappropriate re-disclosure. Using the discussion points that follow, the trainer should facilitate a discussion about sharing SOGIE-related information.

A. Confidentiality
- A respect for confidentiality is key for honest communication with LGBT youth. It is important to be aware of with whom the youth is comfortable knowing this information about his or her SOGIE.

- Juvenile justice professionals should respect a youth's privacy and hold in confidence a youth's SOGIE unless the youth has given permission to discuss it, or the professional informed the youth, before the youth made the disclosure, that the professional intended to share the information with someone else. Breaking confidentiality could compromise a youth's safety in a detention facility, in a program, at school, or at home. Once one shares that information with someone, one has no control over how that person uses the information or with whom she or he shares it.

- Some professionals, such as defenders or therapists, must adhere to ethical standards of confidentiality and must not release information about a youth client even when they feel disclosure is in the youth's best interests. Regardless of ethical codes of conduct, confidentiality as to SOGIE should be the default practice for all stakeholders.

CAUTION This might be a good point for the trainer to remind participants that confidentiality is important because of the personal nature of the information and not because being LGBT is shameful. Confidentiality is an issue of respect and professionalism, not shame or judgment.

B. Communicating with Colleagues
- Any disclosure of information related to a youth's SOGIE should be limited to information necessary to achieve a specific beneficial purpose for that youth. In these circumstances, the information should only be disclosed to individuals who have a need to know.

- A youth's SOGIE should NEVER be a topic of gossip or idle conversation. If there is not a legitimate purpose for sharing this information with a colleague (*i.e.*, to provide or facilitate a service, protection, or benefit to the youth), a youth's SOGIE should not be a topic of conversation.

- Agencies should develop policies and protocols regarding the disclosure and collection of information related to SOGIE. If an agency has no policy on this yet, best practice is not to disclose without the youth's express consent.

VIII. Wrap-Up (15 minutes)

ACTIVITY: HEAD HEART STEP

On a flipchart or white board draw a large circle (head), a large heart below the circle, and two legs with feet, below the heart.
- Ask participants to think about one fact they learned. Write responses for people who wish to share their facts in the circle representing a head.

- Ask participants to think about one value or guiding principle they heard that is important with regard to LGBT youth. Write responses for people who wish to share their values/principles in the heart.

- Ask participants to share one manageable and concrete action step they will take in their jurisdiction after this training. Write responses for people who wish to share their steps in the legs.

Reducing Risk and Promoting Protection

INTRODUCTION

PURPOSE

The purpose of this lesson is for participants to gain deeper knowledge of common circumstances that affect lesbian, gay, bisexual, and transgender (LGBT) youth's overall health and well-being and may contribute to their involvement in the juvenile justice system. By identifying risk and protective factors common to LGBT youth as a group, the lesson identifies strategies to prevent LGBT youth from entering the system or to facilitate their return home following incarceration or out-of-home placement.

OBJECTIVES

Participants will:

- Identify factors that put LGBT youth at risk for entry into, and over-representation in, the juvenile justice system

- Explore factors that lead to long-term incarceration of LGBT youth

- Discuss and think creatively about protective factors or supports that can keep youth out of the juvenile justice system or facilitate their return home

- Identify and discuss strategies for supporting LGBT youth in the juvenile justice system

SUGGESTED AUDIENCE

All juvenile justice providers, advocates, and personnel (*e.g.*, anyone working in the juvenile delinquency system, such as judges, referees, magistrates, prosecutors, probation officers, defenders, detention and secure facility staff, court staff or personnel, facility caseworkers, social workers, mental health professionals, corrections personnel, forensic evaluators, policy advocates, etc.)

ESTIMATED LENGTH OF TIME NEEDED

 4 hours

TRAINING MATERIALS

- Flipchart or white board and markers
- Computer and Internet access

- Video: The Equity Project Digital Story, "Stars Aligned," by Emily, available on The Equity Project YouTube Channel, accessible via: www.equityproject.org
- Video: "Juvenile Injustice," available on The Equity Project YouTube Channel, accessible via: www.equityproject.org
- Factors Leading to Juvenile Justice Involvement graphic
- Accepting vs. Non-Accepting Parents graphic
- Video: NCLR, "George's Story," available on The Equity Project YouTube Channel, accessible via: www.equityproject.org
- LGBT Youth School Harassment & Assault quiz
- Optional handouts: GLSEN State Snapshots, available at: http://glsen.org/statesnapshots
- Video: NCLR, "Kevin's Story," available on The Equity Project YouTube Channel, accessible via: www.equityproject.org

ADDITIONAL RESOURCES

- Caitlin Ryan et al., *Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults*, 123 Pediatrics 346 (2009).
- *Always My Son*, Family Acceptance Project, http://familyproject.sfsu.edu/family-videos (last visited Oct. 15, 2014).
- Caitlin Ryan, Substance Abuse & Mental Health Servs. Admin., A Practitioner's Resource Guide: Helping Families to Support Their LGBT Children (2014), http://familyproject.sfsu.edu/files/FamilySupportForLGBTChildrenGuidance.pdf.
- Nico Sifra Quintana et al., Ctr. for Am. Progress, On the Streets: The Federal Response to Gay and Transgender Homeless Youth (2010), http://cdn.americanprogress.org/wp-content/uploads/issues/2010/06/pdf/lgbtyouthhomelessness.pdf.
- Nat'l Alliance to End Homelessness et al., National Recommended Best Practices for Serving LGBT Homeless Youth (2009), http://www.nclrights.org/wp-content/uploads/2013/07/national-recommended-best-practices-for-lgbt-homeless-yo.pdf.
- Joseph G. Kosciw et al., Gay, Lesbian & Straight Edu. Network, The 2013 National School Climate Survey (2014), http://www.glsen.org/sites/default/files/2013%20National%20School%20Climate%20Survey%20Full%20Report.pdf.
- Human Rights Campaign, Growing up LGBT in America: HRC Youth Survey Report Key Findings (2013), https://s3.amazonaws.com/hrc-assets//files/assets/resources/Growing-Up-LGBT-in-America_Report.pdf.
- Preston Mitchum & Aisha C. Moodie-Mills, Ctr. for Am. Progress, Beyond Bullying: How Hostile School Climate Perpetuates the School-to-Prison Pipeline for LGBT Youth (2014), http://cdn.american-progress.org/wp-content/uploads/2014/02/BeyondBullying.pdf.
- Jerome Hunt & Aisha Moodie-Mills, Ctr. for Am. Progress, The Unfair Criminalization of Gay and Transgender Youth: An Overview of the Experiences of LGBT Youth in the Juvenile Justice System (2012), http://cdn.americanprogress.org/wp-content/uploads/issues/2012/06/pdf/juvenile_justice.pdf.
- Andrew Burwick et al., *Identifying and Serving LGBTQ Youth: Case Studies of Runaway and Homeless Youth Program Grantees*, Mathematica Pol'y Research (2014), http://www.aspe.hhs.gov/hsp/14/lgbt-rhy/rpt_LGBTQ_RHY.pdf ("[T]he National Longitudinal Study of Adolescent Health found that 7.4 percent of boys and 5.3 percent of girls in grades 7–12 reported same-sex romantic attraction, and results of a recent nationally representative survey of U.S. adults indicate that approximately 3.4 percent identify as LGBT." (citation omitted)).
- Laura E. Durso & Gary J. Gates, Serving Our Youth: Findings from a National Survey of Services Providers Working with Lesbian, Gay, Bisexual and Transgender Youth Who Are Homeless or At Risk of Becoming Homeless (2012), http://williamsinstitute.law.ucla.edu/wp-content/uploads/Durso-Gates-LGBT-Homeless-Youth-Survey-July-2012.pdf.

LESSON OVERVIEW

This lesson overview is intended to be a simple road map for trainers to understand what the lesson covers, which sections are interactive, and how long each section is estimated to last. It should serve as a guide for highlighting key points, as well as a resource for trainers to decide whether they are capable of delivering the lesson, and whether the lesson is appropriate for the intended audience. Trainers may also find it a useful tool for keeping track of time and flow of the lesson as they deliver it.

I. Introduction (15 minutes)
The trainer will introduce himself or herself to participants, review the lesson objectives, and set the ground rules for the training. The trainer will conduct a brief review of basic terminology.

- **Activity: Video – Digital Story, "Stars Aligned," by Emily**. The trainer will show a short video of an LGBT youth formerly involved in the juvenile justice system.

II. Over-representation of LGBT Youth in the Juvenile Justice System (5 minutes)
The trainer will present information on over-representation in the juvenile justice system by sharing key data.

III. Juvenile Injustice (20 minutes)
The trainer will show a 15-minute video of LGBT youth discussing their experiences with the juvenile justice system and facilitate a brief discussion with participants.

- **Activity – Video: "Juvenile Injustice"**

IV. Pathways and Prevention: LGBT Youth and the Juvenile Justice System (3 hours 10 minutes)
The trainer will present information on the factors that place LGBT youth at risk for entry into the juvenile justice system, as well as strategies to prevent LGBT youth from entering the juvenile justice system and to support youth in the system. The trainer will use a visual representation of "Factors Leading to Juvenile Justice Involvement" to assist.

- **Activity: Brainstorm – Pathways into the System**. Participants will start by discussing why LGBT youth may be over-represented in the juvenile justice system. The trainer will share the visual chart and discuss each risk and protective factor that follows:

  A. Family
  1. **Risk Factor – Family Rejection.** The trainer will share research and engage participants in discussion about family rejection and how it impacts LGBT youth, including increased likelihood of engaging in risky behavior.

     - **Activity: Brainstorm – What Does Family Rejection Look Like?** Participants will discuss specific behaviors that signal family rejection.

       The trainer will discuss the relationship of family rejection to homelessness and survival crimes.

2. **Protective Factor: Family Acceptance.** The trainer will share research showing clear links between family acceptance of LGBT youth during adolescence and positive health status in young adulthood. Young adults who report high levels of family acceptance score higher on three measures of positive adjustment and health: self-esteem, social support, and general health.

    • **Activity: Brainstorm – What does family acceptance look like?** Participants will discuss specific behaviors that signal family acceptance.

3. **Protective Factor: Strengthening Families/Family Engagement.** The trainer will brainstorm with participants about ways to engage families to support their LGBT children.

B. **Child Welfare Placement**
    The trainer will discuss with participants how unsupportive out-of-home placements may lead to negative outcomes, such as running away, which have strong implications for children within the juvenile justice system. The trainer will work with participants to identify the components of LGBT-competent programs and how they may prevent LGBT youth from entering or moving deeper into the juvenile justice system.
    1. **Risk Factor: Unsupportive or Incompetent Foster Care Placements**

        • **Activity: Video, "George's Story."** The trainer will show George's Story, which discusses his experience with abusive parents, running away, and survival crimes, as well as a supportive LGBT program.

    2. **Protective Factor: LGBT-Competent Programs, Placement and Services**

        • **Activity: Brainstorm – What do programs competent to serve LGBT youth look like?** Participants will identify the necessary programmatic components to competently serve LGBT youth.

C. **School**
    The trainer will discuss the correlation between harassment and unsafe schools and school dropout, truancy charges, and other school-based offenses. The trainer will work with participants to identify the features of a positive school climate, and describe the effects of positive school climate on educational outcomes for LGBT youth.
    1. **Risk Factor: Unsafe and Unsupportive Schools and the School-to-Prison Pipeline**

        • **Activity: Quiz, LGBT Youth School Harassment and Assault**. This interactive quiz shares data about the experiences of LGBT youth in schools.

        • **Activity: Video, "Kevin's Story."** This video shares Kevin's story, which shows how school bullying can prompt students to retaliate and risk contact with the juvenile justice system.

    2. **Protective Factor: Positive School Climate.** The trainer will share strategies for creating a positive school environment and supporting the academic and social success of LGBT youth.

D. Community
The trainer will share recent research regarding the perceptions of LGBT youth about the level of support in their communities. The trainer will work with participants to identify strategies for creating positive community ties, socialization opportunities, and access to community resources for LGBT youth.

1. **Risk Factor: Community Isolation.** The trainer will share research on the perceptions and experiences of LGBT youth as compared with their non-LGBT peers.

2. **Protective Factor: Community Involvement**

   • **Activity: Brainstorm –** Participants will identify examples of positive community involvement that might prevent LGBT youth from becoming involved in the juvenile justice system.

E. Contact with Law Enforcement
Participants will discuss how police profiling contributes to the over-representation of LGBT youth in the juvenile justice system and identify specific examples of unbiased policing.

1. **Risk Factor: Police Bias**

2. **Protective Factor: Unbiased Police**

F. Abuse of Discretion vs. Discretion as a Tool to Prevent Entry into the Juvenile Justice System
Participants will discuss how stakeholders with discretionary decision-making power, including judges, prosecutors, and probation officers, can influence the experience of LGBT youth in the juvenile justice system, both positively and negatively.

1. **Risk Factor: Abuse of Discretion**

2. **Protective Factor: Using Discretionary Powers for Prevention, Diversion, and Early Intervention**

V. Wrap-Up (10 minutes)
The trainer will end the lesson with time for questions and an activity.

• **Activity: Head Heart Step**. Participants have the opportunity to reflect on one fact they learned, one value or guiding principle they heard that feels important when it comes to LGBT youth, and one manageable and concrete action step they will take in their own work after the training.

FACILITATION NOTES

I. Introduction (15 minutes)

TRAINER NOTE ✏

After introducing himself or herself to participants, the trainer should engage in a general introduction of the lesson, reviewing the purpose and objectives of the lesson with participants.

TRAINER NOTE ✏

Participants may have been exposed to *Toward Equity: Lesson One – Understanding Sexual Orientation, Gender Identity, and Gender Expression,* or other introductory training prior to attending this session. Even so, it is still useful to conduct a brief review of sexual orientation, gender identity, and gender expression (SOGIE) terminology. In particular, it is important to remind participants that "sex" is not the same as "gender," that "gender identity" is not the same as "sexual orientation," and that none of these is the same as "gender expression." You may do a more intensive review or consider facilitating *Lesson One – Understanding Sexual Orientation, Gender Identity, and Gender Expression* if a greater level of review is necessary. This is something trainers should work with the hosting organization to understand in advance of the session.

Sex: Assigned at birth, a biological construct based primarily on physical attributes such as chromosomes, external and internal genital and reproductive anatomy, and hormones.

Gender: A social construct used to classify a person as a man, woman, or some other identity. Fundamentally different from the sex assigned at birth, it is often closely related to the role that a person plays or is expected to play in society.

Gender Expression: Describes how individuals communicate their gender to others. People express and interpret gender through hairstyles, clothing, physical expression and mannerisms, physical alterations of their body, or by choosing a name that reflects their own idea of gender identity.

Gender Identity: A person's internal identification or self-image as male, female, something in between, or outside of the male/female binary. Everyone has a gender identity. One's gender identity may or may not be consistent with one's sex assigned at birth.

Sexual Orientation: An attraction to others that is shaped at an early age (usually by about the age of ten). Sexual orientation falls on a spectrum that ranges from attraction to only men or only women, to varying degrees of attraction to both men and women, to attraction to neither men nor women.

ACTIVITY: VIDEO – DIGITAL STORY, "STARS ALIGNED," BY EMILY

Begin the lesson by showing "Stars Aligned," available on The Equity Project YouTube Channel, accessible via **www.equityproject.org.** Lead a brief discussion by eliciting people's reflections. If no one volunteers his or her thoughts about the video, use the following questions to prompt reflection and discussion:

- What were some of the relationship experiences that Emily discussed? Positive ones? Negative?

- How might those be relevant to her experience in the juvenile justice system?

End the discussion by telling participants that the lesson begins with Emily's story both to include a youth's voice and also to provide just one example of an LGBT youth who has been involved in the juvenile justice system.

Even though this lesson is about the common risk and protective factors for LGBT youth in the juvenile justice system, it is important to remind participants that every LGBT child has unique, individualized needs and experiences. And, like their straight and cisgender counterparts, the majority of LGBT youth in the juvenile justice system are low-income youth of color. Thus, in addition to confronting external bias related to SOGIE, these youth must also bear the burdens of racism and poverty. LGBT youth may also have disabilities, lack legal immigration status, or have other identities or characteristics that subject them to external oppression. It is important that juvenile justice professionals resist the tendency to view SOGIE in a vacuum. Remind participants at relevant points throughout the lesson that many, if not most, LGBT youth in the system manage multiple marginalized identities that influence their experiences and the ways in which others respond to them. All of the risk and protective factors discussed in this training originate in these external perceptions, messages, and reactions.

II. Over-representation of LGBT Youth in the Juvenile Justice System (5 minutes)

Use the following discussion points to begin providing context for the lesson:

- Ask participants: How many LGBT youth are in juvenile detention?
  - 1%?
  - 5%-10%?
  - 10%-20%?
  - 20%-50%?
  - More than 50%?
    - Although there is sometimes a misconception that there are no LGBT youth in the system, a research study found that 20% of youth in juvenile detention who are willing to identify themselves *identify* as LGBT or gender non-conforming.[1] In comparison, estimates are that between 5%-7% of youth in the general population are LGBT.[2] Other LGBT youth exist in the system but remain invisible because they are "in the closet," questioning or exploring their identity, or simply do not trust adults enough to share this information with them.

Engage the participants in a brief discussion by asking whether this statistic surprises them, and why or why not.

- There are no right or wrong answers to this question, but it will help the trainer understand some of the perspectives within the group and will inform how he or she facilitates the session.

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1 Angela Irvine, *Dispelling Myths: Understanding the Incarceration of Lesbian, Gay, Bisexual, and Gender Nonconforming Youth* (Nat'l Council on Crime & Delinquency, Working Paper, 2014).

2 Andrew Burwick et al., *Identifying and Serving LGBTQ Youth: Case Studies of Runaway and Homeless Youth Program Grantees*, MATHEMATICA POL'Y RESEARCH (2014), http://www.aspe.hhs.gov/hsp/14/lgbt-rhy/rpt_LGBTQ_RHY.pdf ("[T]he National Longitudinal Study of Adolescent Health found that 7.4 percent of boys and 5.3 percent of girls in grades 7–12 reported same-sex romantic attraction, and results of a recent nationally representative survey of U.S. adults indicate that approximately 3.4 percent identify as LGBT." (citation omitted)).

III. Juvenile Injustice (20 minutes)

ACTIVITY: VIDEO – "JUVENILE INJUSTICE"

Show this video, available on The Equity Project YouTube Channel, accessible via
www.equityproject.org. After the video, ask participants the following questions and facilitate
a conversation:
- How did the sexual orientation and/or gender identity of the young people profiled affect their
  entrance into and experience of the juvenile justice system?

IV. Pathways and Prevention: LGBT Youth and the Juvenile Justice System (3 hours 10 minutes)
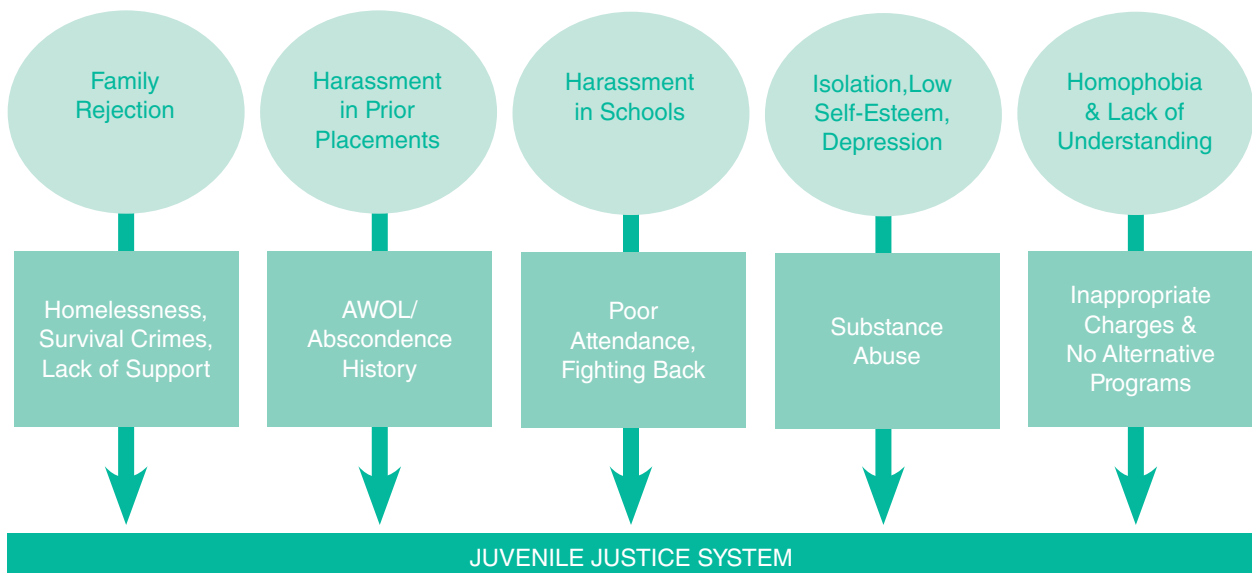Why are LGBT youth over-represented in the juvenile justice system when compared to their
representation in the general national population? What causes this?

ACTIVITY: BRAINSTORM – PATHWAYS INTO THE SYSTEM

Ask the participants to suggest some reasons that LGBT youth might find themselves in conflict with
the law, and write the answers they come up with on a white board or flipchart paper for all to see.
This lets the trainer see what participants already know or can guess about this subject and allows for
cross-learning among participant peers. If a participant suggests a reason for being in conflict with
the law that is wrong or offensive, it is important to clearly, but tactfully, correct that inaccuracy, rather
than leaving a potentially harmful idea to be seen as acceptable when it goes uncorrected.

FACTORS LEADING TO JUVENILE JUSTICE INVOLVEMENT
After the brief brainstorming, provide an overview of some of the common pathways for LGBT youth into
the juvenile justice system, using the following visual aid (as a projection or as handouts) and discussion
points to guide the conversation. Refer back to the brainstorming items the group came up with that
correspond to the discussion points to reinforce them:

Family Rejection	Harassment in Prior Placements	Harassment in Schools	Isolation, Low Self-Esteem, Depression	Homophobia & Lack of Understanding
Homelessness, Survival Crimes, Lack of Support	AWOL/ Abscondence History	Poor Attendance, Fighting Back	Substance Abuse	Inappropriate Charges & No Alternative Programs

JUVENILE JUSTICE SYSTEM

- LGBT youth share similar histories of poverty, disadvantage, and dysfunction in their families as other youth who come through the juvenile justice system, but LGBT youth may be subject to risk factors that other adolescents in the system are not. This is often due to homophobia (manifested by harassment, prejudicial treatment, and negative attitudes) and, as a result, LGBT youth may have fewer options than other youth once they have contact with the juvenile justice system.

- During adolescence, LGBT youth, like their non-LGBT peers, undergo complex physical, psychosocial, cognitive, and sexual changes, and must learn to master a range of skills.

- LGBT youth have the added challenge of contending with these developmental changes while simultaneously negotiating the difficulties of living with a stigmatized identity.

- The stigma, rejection, and harassment that many LGBT youth face in their families, schools, and communities can negatively impact their health and well-being, leading to behaviors that can result in involvement in the juvenile justice system.

After a brief overview, tell participants they are now going to discuss each of these factors in greater detail.

A. Family

TRAINER NOTE

The lesson will first focus on some of the negative experiences related to familial conflict that affect LGBT youth and the challenges LGBT youth face, but that is not the full story. LGBT youth are not doomed to a life of despair. There are many supportive and protective factors for LGBT youth. Explain to the participants that for each negative factor (*e.g.*, Family Rejection and Harassment in Schools), they will also discuss protective factors (*e.g.*, Family Acceptance and Positive School Climate) that may prevent LGBT youth from entering or remaining in the juvenile justice system.

1. Risk Factor: Family Rejection

TRAINER NOTE

It may be important to reiterate that LGBT youth do not necessarily have unique *needs*, setting them apart from their heterosexual and cisgender peers, but face unique *challenges*, family rejection among them. Family rejection may be due to shame, religion, internalized homophobia or transphobia, unresolved issues about sexuality, fear, protectiveness, and even love coupled with misunderstanding.

ACTIVITY: BRAINSTORM – WHAT DOES FAMILY REJECTION LOOK LIKE?

On a flipchart or white board write the question, "How do families express rejection?" and ask participants to offer answers. Make a list of contributions and suggest the following if not mentioned:[3]

Families may express rejection of their LGBT children by:
- hitting, slapping, or physically hurting a child because of his or her LGBT identity
- verbally harassing or calling a child names because of his or her LGBT identity
- excluding LGBT youth from family and family activities
- blocking access to LGBT friends, events, and resources
- blaming their child when he or she is discriminated against because of his or her LGBT identity
- pressuring their child to be more or less masculine or feminine
- telling their child that 'God will punish' the child because he or she is LGBT
- telling their child that the family is ashamed of the child or that how he or she looks or acts will shame the family
- making their child keep his or her LGBT identity a secret in the family and not letting him or her talk about it
- having different rules for LGBT youth than other youth in the house
- not appearing in court to support their child
- seeking support of judge, attorney, probation officers, detention staff, and others to validate their disapproval of their child's SOGIE
- insisting on initiating sex offense or statutory rape prosecutions when parents discover same-sex, consensual relationships between their child and other LGBT youth
- supporting inappropriate charges of sex offenses against their child
- provoking their child into a physical altercation in reaction to their own violent response to their child's SOGIE, and then becoming complainants in a delinquency case against their child
- opposing relatives who make themselves available as a custodial resource to avoid placement, because those relatives are affirming of the child's SOGIE

Discuss each item to the extent necessary to ensure understanding.

After the brainstorming activity, share some of the research from the Family Acceptance Project:[4]
- Describe the Family Acceptance Project (FAP) research by explaining that researchers identified 100 ways parents and caregivers react to adolescent LGBT identity and how those behaviors affect risk for major health and mental health problems.
- FAP research findings:[5]
  - Family rejection has serious negative physical health and mental health outcomes for LGBT young people.
  - Project the following graph onto a screen or provide it as a handout:

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3 *See, e.g.*, Caitlin Ryan et al., *Family Rejection as a Predicator of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults*, 123 PEDIATRICS 346, 346–52 (2009) [hereinafter *Family Rejection*].
4 Caitlin Ryan & Rafael M. Diaz, Child Welfare League of Am., Family Responses as a Source of Risk and Resiliency for LGBT Youth (2005) (presentation at the Pre-Conference Institute on LGBTQ Youth, 2005 National Conference, Washington, DC).
5 *Id.*

ACCEPTING VS. NON-ACCEPTING PARENTS

■ Rejecting Parents
■ Accepting Parents

| Attempted Suicide | Depression | Illegal Drug Use | Unprotected Sex |
| 8.4 : 1 | 5.9 : 1 | 3.4 : 1 | 3.4 : 1 |
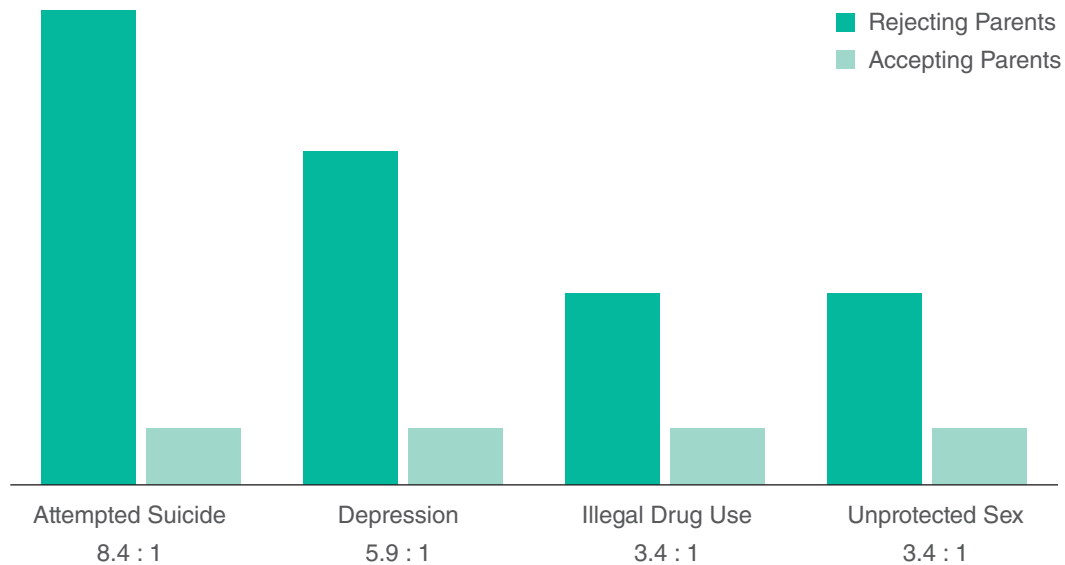
- LGBT youth experiencing family rejection are: [6]
  - 8.4 times more likely to report having attempted suicide than those who live in homes where there is acceptance
  - 5.9 times more likely to report high levels of depression as compared to children whose families are accepting
  - 3.4 times more likely to use illegal drugs than youth in affirming homes
  - 3.4 times more likely to report having engaged in unprotected sexual intercourse compared with peers from families that reported no or low levels of family rejection, and are at higher risk for HIV infection

> TRAINER NOTE ✏ Refer participants back to the "pathways" picture that was shown or handed out earlier, and have participants look at the various results of family rejection. Provide some background and facilitate a discussion on each of these, using the points following as a guide:

What are the some of the possible consequences flowing from family rejection?
  a. **Homelessness**
     - As a result of being rejected by her or his family, a child may:
       - run away from (or be kicked out of) home
       - become homeless or be in unstable or inappropriate living situations
       - commit survival crimes due to homelessness or lack of support (Ask participants to list some types of survival crimes. Contribute others if the participants do not come up with them on their own, such as: shoplifting, theft, prostitution, trespassing, and drug sales.)
       - self-medicate with drugs or alcohol
       - have difficulty gaining access to housing and other services competent to serve homeless or disenfranchised LGBT youth

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6 *Family Rejection*, *supra* note 3.

- Leaving home as a result of family rejection is the greatest predictor of future involvement with the juvenile justice system for LGBT youth.[7]

- LGBT youth are disproportionately represented in the homeless youth population, comprising up to 40% of all homeless youth.[8]

- Research regarding LGBT and gender non-conforming youth in detention show they are more likely than their heterosexual and gender-conforming counterparts:
  - to be removed from home due to abuse and neglect
  - to be placed in a foster or group home
  - to become homeless[9]

- If a child runs away from home (rather than being kicked out), that child has committed a **status offense** in many jurisdictions, which can result in court intervention.
  - Status offenses are offenses that can only be committed by children and are not considered criminal acts (*i.e.*, they are not even misdemeanors). Examples vary by jurisdiction, but can include:
    - running away
    - truancy
    - underage drinking
    - community curfew violations
    - being "unruly" or "ungovernable" in the home
  - Intra-family conflicts rooted in family rejection frequently lead to status offense or delinquency charges.
  - Status offense charges may subject youth to the jurisdiction of the delinquency court and can lead to out-of-home placement, including secure confinement.
  - Although the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) discourages secure confinement of status offenders, data from 2010 shows that over 8,000 youth were placed in secure detention through use of an exception that allows judges to confine youth who violate a Valid Court Order (VCO).[10] While there is no data specific to LGBT youth and the use of the VCO exception, other research has shown that LGBT and gender non-conforming youth are twice as likely to be held in secure detention for truancy, warrants, probation violations, running away, and prostitution.[11]

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7 KATAYOON MAJD ET AL., HIDDEN INJUSTICE: LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH IN JUVENILE COURTS 69 (2009) [hereinafter HIDDEN INJUSTICE], http://www.equityproject.org/pdfs/hidden_injustice.pdf.
8 LAURA E. DURSO & GARY J. GATES, SERVING OUR YOUTH: FINDINGS FROM A NATIONAL SURVEY OF SERVICES PROVIDERS WORKING WITH LESBIAN, GAY, BISEXUAL AND TRANSGENDER YOUTH WHO ARE HOMELESS OR AT RISK OF BECOMING HOMELESS (2012), http://williamsinstitute.law.ucla.edu/wp-content/uploads/Durso-Gates-LGBT-Homeless-Youth-Survey-July-2012.pdf.
9 *See We've Had Three of Them*, *supra* note 1.
10 COAL. FOR JUVENILE JUSTICE, NATIONAL STANDARDS FOR THE CARE OF YOUTH CHARGED WITH STATUS OFFENSES § 4.10 (2013), http://www.juvjustice.org/sites/default/files/resource-files/National%20Standards%20for%20the%20Care%20of%20Youth%20Charged%20with%20Status%20Offenses%20FINAL_0.pdf.

[T]he JJDPA was amended to allow judges to issue detention orders in status offense cases if youth violated a valid court order. Since that time, a critical minority of states have outlawed use of the VCO in statute, and many more use it infrequently. More than half the U.S. states and territories, however, use the VCO exception to securely confine youth petitioned for status offenses, with a handful of states using the exception more than a thousand times a year.
Since its enactment in 1974, the wisdom underlying the original DSO core requirement has been confirmed. Studies show that locked confinement does not address the underlying causes of status-offending behavior and may even exacerbate those causes.

Id. (footnotes omitted).
11 *We've Had Three of Them*, *supra* note 1, at 693.

b. **Survival Crimes**
  - In order to meet basic needs for food and shelter, LGBT youth who become homeless or who lack direct support may commit survival crimes such as shoplifting, prostitution, and drug sales:[12]

CAUTION

It is generally important to note (particularly for stakeholders who are responsible for community safety) that "survival crimes" means crimes committed by people to obtain the things they need for survival—food, money, a place to sleep, clothes, etc. This is not an excuse for delinquent behavior, but understanding the context and addressing how a young person ended up needing to engage in this behavior makes it easier to address and change behaviors.

2. **Protective Factor: Family Acceptance**

OPTIONAL TOOL

"Always My Son" video. The trainer may want to show the 15-minute Family Acceptance Project video, "Always My Son," which will be available on the Family Acceptance Project website, for purchase: http://familyproject.sfsu.edu. Ask participants to share their thoughts on the video and facilitate a brief reflection, making sure to include the following points:
  - Family acceptance is an important protective factor in preventing LGBT youth from entering the juvenile justice system, in reducing their risk for physical and mental health problems, and promoting overall well-being.
  - Family acceptance promotes overall well-being, including self-esteem, life satisfaction, and social support.

ACTIVITY: BRAINSTORM – WHAT DOES FAMILY ACCEPTANCE LOOK LIKE?

- On flipchart paper or a white board, write the question: "How do families express their acceptance of LGBT youth?" Then, ask participants to offer answers.
- Make a list of contributions and suggest the following if not mentioned. Families express their support and acceptance of their LGBT children by: [13]
  - talking with their children about their LGBT identity
  - expressing affection when their child comes out or when they learn that their child is LGBT
  - supporting their child's LGBT identity even though they may feel uncomfortable
  - advocating for their child when she or he is mistreated because of her or his LGBT identity
  - requiring that other family members respect their LGBT child
  - bringing their child to LGBT organizations or events
  - talking with clergy and helping the faith community to support LGBT people
    - In recent years, a growing number of religious communities have issued statements openly supporting LGBT people and issues specific to LGBT identity.[14]
  - connecting their child with an LGBT adult role model
  - welcoming their child's LGBT friends and partners to their home
  - supporting their child's gender expression

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12 *See* Hidden Injustice, *supra* note 7, at 71–74.

13 *See, e.g.*, Caitlin Ryan et al., *Family Acceptance in Adolescence and the Health of LGBT Young Adults*, 23 J. Child & Adolescent Psychiatric Nursing 205 (2010) [hereinafter *Family Acceptance*], http://familyproject.sfsu.edu/files/FAP_Family%20Acceptance_JCAPN.pdf.

14 *See* Human Rights Campaign, Living Openly in Your Place of Worship (2008), http://www.lgbt.ucla.edu/documents/HRC-Living_Openly_In_Your_Place_Of_Worship-2008-06.pdf; *Faith Positions*, Human Rights Campaign, http://www.hrc.org/resources/entry/faith-positions (last visited Oct. 16, 2014) (providing a list of religious organizations and their policy regarding LGBT persons).

ACTIVITY: BRAINSTORM – WHAT DOES FAMILY ACCEPTANCE LOOK LIKE? (CONT.)

- ◦ believing their child can have a happy future as an LGBT adult
- ◦ speaking to school personnel when their child is bullied, made fun of, or subjected to slurs by peers and staff
- ◦ appearing in court every time their child's case is calendared
- ◦ cooperating with their child's attorney, probation officer, caseworker, etc.
- ◦ visiting and keeping in touch with their child while he or she is in detention
- ◦ working with probation and court personnel to facilitate their child's return home

- Discuss each item to the extent necessary to ensure understanding. If the list that was made earlier of ways that family rejection may be experienced is still visible, it may be useful to compare the negative impacts with how positive family acceptance can be.

- If not already raised in the discussion among the participants, point out that many of these supportive behaviors can also apply to professionals working with youth in the juvenile justice system.

- The idea of acceptance by both family and other stakeholders is important, and research has shown:
  - ◦ There are clear links between family acceptance in adolescence and health status in young adulthood. Young adults who reported high levels of family acceptance scored higher on all three measures of positive adjustment and health: self-esteem, social support, and general health.[15]
  - ◦ Family reactions to LGBT children were much more varied and hopeful than previously assumed.
    - Family reactions to LGBT adolescents range from highly rejecting to highly accepting. Thus, a proportion of families respond with acceptance, and more with ambivalence, to learning about their child's LGBT identity—not with uniform rejection as previously assumed.[16]
  - ◦ Negative outcomes for many LGBT youth, including suicide, homelessness, and placement in foster care or juvenile justice facilities, can be prevented or reduced if parents, families, and caregivers can turn to knowledgeable sources for guidance, accurate information, and support.
  - ◦ Many families whose LGBT children end up in out-of-home placement want to continue a relationship with their child.
  - ◦ Rejecting behavior can be modified even from highly rejecting families using a family intervention framework, which views families as potential allies.[17]
  - ◦ High, moderate, and low rejection is related to dramatically varying levels of risk. For example, LGBT youth with highly rejecting families were 8.4 times more likely to have attempted suicide, whereas youth with moderately rejecting families were only twice as likely, as LGBT youth with accepting families.[18]

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15 *Family Acceptance*, *supra* note 13, at 208.
16 *Id.*
17 Caitlin Ryan, Substance Abuse & Mental Health Servs. Admin., A Practitioner's Resource Guide: Helping Families to Support Their LGBT Children (2014), http://familyproject.sfsu.edu/files/FamilySupportForLGBTChildrenGuidance.pdf.
18 *Id.*

3. **Protective Factor: Strengthening Families/Family Engagement**
    It is not uncommon for families of youth involved in the juvenile justice system to have conflict. This is especially true if the family has problems accepting their child's SOGIE.

    Pose a question to the group asking whether they think they have a role in engaging families who are facing this kind of conflict, and if so, what it is.
    The following points may be useful in facilitating the conversation. Stakeholders can:
    - Involve families in the court process or have them participate in the child's programming—do not let families simply disengage because their child is LGBT
    - Provide support and guidance to parents and caregivers to help them adjust to their child's SOGIE
    - Educate families on the positive impacts of family acceptance, as well as the negative impacts of family rejection, on youth
    - Refer parents to local PFLAG[19] groups if nearby, or to the national organization's website for information, reading material, and other resources
    - Refer parents and caregivers to counseling to address feelings, attitudes, and behaviors toward their children's SOGIE
    - Provide intensive home-based services to address any crisis situation presented by the family's knowledge of the youth's SOGIE
    - Support connections of LGBT youth to their extended families or families of choice

    TRAINER NOTE The trainer may want to provide participants with, or ask participants for, examples of positive family engagement programs or resources in their jurisdiction. Examples may include: local chapters of PFLAG, SOGIE-competent family therapists, accepting church/religious groups, etc.

B. **Child Welfare Placement**
    1. **Risk Factor: Unsupportive or Incompetent Foster Care Placements**
        Tell participants they are now going to move away from focusing solely on the family and start to examine risk and protection in the child welfare system. While this training is about LGBT youth who are in the juvenile justice system, lack of family or caregiver support that youth can often experience in the child welfare system may contribute to their eventual entry into delinquency court. It is important to understand how involvement in one system can impact LGBT youth in the other.

        CAUTION Many trainers may have experience in the child welfare system, but all trainers should keep in mind that this curriculum is focused on LGBT youth in the juvenile justice system. This discussion of the child welfare system is intended solely as an exploration of another potential entry point into the juvenile justice system. Trainers need to be careful that they or the participants do not sidetrack the lesson into a deep exploration of issues facing LGBT youth in the child welfare system. There are several other curricula that address these issues, but that is not the focus of this training.

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19 *See* PFLAG, http://www.PFLAG.org (last visited Oct. 16, 2014).

ACTIVITY: VIDEO – "GEORGE'S STORY"[20]

- Play the video "George's Story," available on The Equity Project YouTube Channel, accessible via **www.equityproject.org.**
- After the video, ask participants for their impressions.
- Consider posing the following questions for discussion:[21]
  - Why did George feel forced to run away?
  - What could have been done to help George avoid the trouble he ran into?
  - In what sense can George now say that prostitution is "not OK," but that it is "understandable"?
  - How might the police officers and juvenile justice system have treated George differently, given that the streets felt safer to him than home?
  - What made GLASS a true sanctuary for George?
  - What might have happened to George had he not met his mentor?

- When LGBT youth are in out-of-home placements, either through the child welfare system or the juvenile justice system, harassment from staff and peers and other lack of support may lead to running away.
- Running away from a placement often results in more restrictive placements, bench warrants, or detention.
  - In many jurisdictions, being "AWOL" from a placement or "absconding" is a status offense, a misdemeanor, or even a felony for which youth can be prosecuted. Depending on why the youth is in placement (neglect, status offense, or delinquency) and depending on the jurisdiction, running away may either result in a status offense becoming a criminal offense, or a violation of probation, which can lead to incarceration or more restrictive sanction-based programming.
  - Even if running away does not lead to a new charge, it will often exacerbate a situation for youth, and can put youth into situations that risk their physical and mental health.
  - If a child is in the juvenile justice system, running from a foster care placement can be a negative factor in a risk assessment and often weighs in favor of secure detention.

2. **Protective Factor: LGBT-Competent Programs, Placements, and Services**
   Explain that LGBT-competent programs and placements ensure that LGBT youth are safe; treated with fairness, dignity, and respect; and meet their needs.

ACTIVITY: BRAINSTORM – WHAT DO PROGRAMS COMPETENT TO SERVE LGBT YOUTH LOOK LIKE?

- Ask: What do programs competent to serve LGBT youth look like? What are the components of an LGBT-competent program? Encourage participants to offer responses.
- Make a list of contributions, on a flipchart or a white board. Encourage creative thinking, but be sensitive to inappropriate suggestions. Inappropriate suggestions should be discussed and addressed, but not written down.

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20 DVD & Resource CD: Breaking the Silence: LGBTQ Foster Youth Tell Their Stories (National Center for Lesbian Rights 2005) [hereinafter Breaking the Silence], *available by request at* http://www.nclrights.org/legal-help-resources/resource/breaking-the-silence-lgbtq-foster-youth-tell-their-stories-dvd-and-resource-cd/.
21 This is adapted from the National Center for Lesbian Rights' *Breaking the Silence* Resource Guide*.*

- After the discussion, share the following points and explain that competent programs:[22]
  - are designed with the understanding that at least some of the youth served will be LGBT
  - do not make assumptions about the sexual orientation and gender identity of individual youth
  - do not rely on assumptions or stereotypes based on gender, race, or other characteristics, but make individualized assessments of the strengths and needs of each child
  - unequivocally prohibit any attempts to change a youth's SOGIE
  - adopt and enforce nondiscrimination policies
  - implement protocols that maintain the confidentiality of information regarding a youth's sexual orientation and gender identity
  - require training of all service providers on SOGIE
  - address developmental, physical, social, and emotional concerns of LGBT youth
  - understand and address the impact of societal bias on LGBT youth development
  - provide LGBT youth with help in addressing issues of family rejection, school harassment, and societal stigma
  - provide support to families of LGBT youth, or refer families to appropriate programs
  - include programming to teach acceptance and promotion of diversity for all youth in care, not just LGBT youth
  - address youth by their chosen name and preferred gender pronouns
  - provide appropriate medical services to transgender youth
  - allow all youth freedom to express their SOGIE
  - display posters or other images that demonstrate acceptance
  - have appropriate LGBT affirming materials to read, videos and movies to watch, and opportunities for socialization with other LGBT youth
  - allow internet access to websites with information on LGBT youth, issues, concerns, and activities
  - impose sanctions for improper behavior or conduct on the same terms as that imposed on non-LGBT youth

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TRAINER NOTE ✏️

Depending on the practice in the particular jurisdiction, the trainer may want to briefly discuss extended foster care with participants. In some places, extended foster care is not an option for youth in the juvenile delinquency system. In some instances extended foster care may serve as an additional protective factor for LGBT youth. Extended foster care is a voluntary program that offers young adults turning 18 opportunities to continue foster care placement and facilitate the transition to independent living, with state supervision. These benefits may include financial support for higher education and housing.

C. School
  1. **Risk Factor: Unsafe and Unsupportive Schools and the School-to-Prison Pipeline**
     - The experiences of LGBT youth in school also play a role in their involvement in the juvenile justice system. Many LGBT youth face pervasive harassment and violence from peers, teachers, and administrators within schools.[23]

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22 *See* HIDDEN INJUSTICE, *supra* note 7, at 83–84.
23 JOSEPH G. KOSCIW ET AL., GAY, LESBIAN & STRAIGHT EDU. NETWORK, THE 2013 NATIONAL SCHOOL CLIMATE SURVEY (2014), http://www.glsen.org/sites/default/files/2013%20National%20School%20Climate%20Survey%20Full%20Report.pdf

ACTIVITY: QUIZ, LGBT YOUTH SCHOOL HARASSMENT AND ASSAULT

Distribute the "LGBT Youth School Harassment & Assault Quiz"[24] and ask participants to fill it out. (In the alternative, project the quiz onto a screen and ask participants to "vote" on the answers by a show of hands.) The correct answers are marked with an asterisk (*) in the facilitation notes.

- ○ Some of the key findings of the GLSEN survey, polling LGBT youth about harassment and assault in school:

    1. More than _____% of students reported being verbally harassed (*e.g.*, called names or threatened) at school because of their sexual orientation; more than half were verbally harassed because of their gender expression.
        a. 60
        b. 70*
        c. 80

    2. About _____ in ten students reported being physically harassed (*e.g.*, pushed or shoved) at school because of their sexual orientation.
        a. 2
        b. 3 *
        c. 6

    3. 1 in _____ students reported being physically assaulted (*e.g.*, punched, kicked, or injured with a weapon) at school in the past year because of their SOGIE.
        a. 5 *
        b. 10
        c. 15

    4. Relational aggression (*i.e.*, being deliberately excluded by peers, mean rumors being spread) was reported by the vast majority of students.
        a. T *
        b. F

    5. More than _____ of the students reported experiencing some form of electronic harassment ("cyberbullying") in the past year.
        a. 1/2 *
        b. 1/3
        c. 1/4

    6. More than _____% of LGBT students who were harassed or assaulted in school did not report the incident to school staff, most often believing little-to-no action would be taken or the situation could become worse if reported.
        a. 10
        b. 30
        c. 55 *

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24 This quiz was created from the data in GLSEN's 2013 school climate survey.

7. About _____% of students expressed concerns about how teachers would react to them because of their SOGIE if they reported the harassment or assault. Almost 1% reported that school staff were actually perpetrators of harassment.
    a. 17 *
    b. 30
    c. 5

- After the quiz is complete, review the answers with the participants.
- Share the following information and lead a discussion on the following points:
  - LGBT youth who are victimized at school are also at risk of:
    - school failure
      - The lack of safety in schools for LGBT youth can lead to lower academic achievement and disengagement from school.
      - Nearly one-third of LGBT students who drop out of high school do so to escape harassment. [25]
    - truancy charges
      - LGBT youth may be likely to skip school to avoid harassment. These youth are vulnerable to arrest on truancy charges.[26]
    - violation of probation
      - LGBT youth who skip school are also vulnerable to arrest for violation of a common probation condition that requires daily school attendance (if a young person is skipping school because they are being bullied or harassed, then they might not care about their probation condition if skipping school means avoiding the bullying).[27] Depending on the jurisdiction, this may be considered a violation of probation on either a delinquency or a status offense case.
    - charges related to school fights
      - In some instances, LGBT youth fight back to defend themselves at school, and the system responds by charging them, rather than the instigators, with disorderly conduct or assault.[28]
    - disproportionate punishment by school personnel[29]
      - For example, suspending a girl for kissing or touching another girl at school when boys are not disciplined as harshly for the same behavior with girls.
        - Depending on a school's discipline policies, multiple suspensions like these may lead to expulsion and/or getting LGBT youth transferred out of school. This can result in LGBT youth being disproportionately referred to "alternative" education settings, many of which have lesser educational challenges and mastery expectations.

OPTIONAL TOOL   The trainer may want to hand out the GLSEN state-specific school climate snapshot for the jurisdiction they are in at this time. These are available at: http://glsen.org/statesnapshots.

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25 *See* Hᴏᴅᴅᴇɴ Iɴᴊᴜꜱᴛɪᴄᴇ, *supra* note 7, at 76.
26 *Id.*
27 *Id.*
28 *Id.*
29 *Id.* at 77–78.

ACTIVITY: VIDEO – "KEVIN'S STORY"

- Tell participants they are going to see another digital story—this is "Kevin's Story,"[30] available on The Equity Project YouTube Channel, accessible via **www.equityproject.org.**

- After the video, ask participants for their impressions.

- Consider posing the following questions for discussion:[31]
  - How did Kevin's peers learn to tease him using words many of them, like Kevin, did not even understand?
  - How did Kevin's foster parents and social worker react to the harassment and bullying he was experiencing? How did they blame that harassment on Kevin?
  - How could Kevin's outbursts at school have been handled differently?
  - What did Kevin's social worker do to help him realize his potential?
  - How did Kevin come to a new understanding of what it means to be "normal"?

2. Protective Factor: Positive School Climate

TRAINER NOTE Keep in mind the audience when discussing positive school climate. Many of the supportive factors in this session are also applicable in other contexts, such as residential placement/detention or service programs. Participants may need help drawing this link.

- Explain that in addition to family engagement, institutional supports can play a significant role in making schools safer and more welcoming for LGBT youth.

- Explain that "safer" means that LGBT students hear homophobic remarks less often, experience less harassment and assault, feel less risk of harm at school, skip school less often, and have a greater sense of belonging.[32] Safer also means that youth feel that they can confide in adult personnel and be supported when homophobic incidents do occur.

- Youth who feel safe and welcome are less likely to engage in many of the behaviors that could lead to juvenile justice involvement.

- Share the following list of factors leading to positive outcomes for LGBT students and go over each point:[33]
  - Gay Straight Alliance (GSAs)
    - GSAs are student clubs made up of LGBT and non-LGBT students that work to improve school climate for all students, regardless of SOGIE.
    - Students are legally allowed to form GSAs in schools under the 1984 Federal Equal Access Act, which was initially created to protect students' rights to form religious clubs. The courts have ruled that under the Act, if a school allows one non-curricular club, it must allow all others, including GSAs.[34]

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30 Breaking the Silence, *supra* note 20.
31 *Id*.
32 Joseph G. Kosciw et al., *The Effect of Negative School Climate on Academic Outcomes for LGBT Youth and the Role of In-School Supports*, 12 J. School Violence 45 (2013) [hereinafter *Effect of Negative School Climate*].
33 *Id.*
34 *Get the Facts About GSAs*, Gay, Lesbian & Straight Edu. Network, http://glsen.org/participate/gsa/about-gsas (last visited Oct. 16, 2014).

- A curriculum that includes positive representations of LGBT people
- LGBT-inclusive anti-harassment and nondiscrimination policies
- Supportive educators who have been trained to be affirming and accepting of LGBT youth and can work with rejecting parents

- Ask participants which one of the previous factors is the strongest predictor of positive outcomes for LGBT students. Encourage participants to offer responses. After, trainers can share the following results:
  - A survey of 5,730 LGBT students in the United States found that having "supportive educators" was the strongest predictor of positive outcomes.[35] Research shows that students who report having more supportive educators are more likely to report higher grade point averages and less likely to miss school.[36]

D. Community

> **TRAINER NOTE** ✏️
>
> Looking back at the "Factors Leading to Juvenile Justice Involvement" graphic, turn the participants to the issue of community. Explain that a lack of positive community ties can lead to low self-esteem, depression, and substance abuse—which, in turn, may result in involvement in the juvenile justice system. Alternatively, positive community programs and feeling connected to community can have the opposite effect.

1. **Risk Factor: Community Isolation**
   Ask participants why they think a lack of community ties could play a role in LGBT youth entering the juvenile justice system, and lead a discussion that includes providing the facts in the discussion points that follow:

   - Introduce "Growing up LGBT in America," a 2012 study by the Human Rights Campaign (HRC) involving over 10,000 youth, ages 13-17. Explain that researchers gathered the data via an online survey that measured key factors impacting the daily lives of LGBT youth.

   - Share some of the following findings with participants:[37]
     - Compared with their straight and cisgender peers, LGBT youth in this survey reported a greater sense of isolation or separation from their community in general, and among specific community activities.
       - Fewer LGBT youth had an adult in their community to talk with if they felt worried or sad, compared with their peers.
       - When thinking of their future, LGBT youth believed to a greater extent than their peers that they must leave their community to make their hopes and dreams come true.

     - Nearly half of LGBT youth (47%) said they do not "fit in" in their community, while only 16% of non-LGBT youth felt that way.

     - When asked, 4 in 10 LGBT youth (42%) said the community in which they live is not accepting of LGBT people.

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35 *See Effect of Negative School Climate*, *supra* note 32.
36 *Id.*
37 Human Rights Campaign, Growing up LGBT in America: HRC Youth Survey Report Key Findings (2013), http://s3.amazonaws.com/hrc-assets//files/assets/resources/Growing-Up-LGBT-in-America_Report.pdf.

- In a series of questions of whether their future would likely include happiness, a good job, a long-term partnership or marriage, children, and an active role in their communities, LGBT youth often described a high degree of optimism, frequently at similar levels as their peers.
    - However, this optimism declined markedly compared to their straight and cisgender peers when asked if they could achieve those dreams in the communities where they currently live.
    - A vivid example is that 83% of LGBT youth believe they will be happy eventually, but only 49% believe they can be happy if they stay in the same city or town. There is a drop among non-LGBT youth as well, but not nearly to the same scale.

- LGBT youth were twice as likely as their straight and cisgender peers to say they will need to move to another town or part of the country to feel accepted. Among LGBT youth, 63% said they will need to move, while 31% of their non-LGBT peers reported the same.

- LGBT youth are twice as likely as their straight and cisgender peers to have been verbally harassed and called names outside of school (in the neighborhood or mall, etc.), as well as to have been physically assaulted outside of school.

- LGBT youth are far less likely than non-LGBT youth to attend religious services in a house of worship.
    - Among LGBT youth, 28% reported attending church or religious services very often or sometimes, while 58% of non-LGBT youth said the same.
    - LGBT youth are less than half as likely as their straight and cisgender peers to participate in a church/religious youth group, with 22% of LGBT youth saying they participate very often or sometimes, while 47% of their peers said the same.

- More than 4 in 10 LGBT youth (45%) reported that their state government is not accepting of LGBT people; about a third (34%) said their local government is not accepting. Many youth said they were not sure.

- Only 21% of LGBT youth said there is a place in their community that helps LGBT people; the same (21%) said there is a non-official place in their community where LGBT youth can go and be accepted.

- After sharing the data from the HRC report, share some of the following findings regarding LGBT youth of color with participants.
    - LGBT youth of color reported feeling pressure to choose between their ethnic and their sexual identities; these youth were less likely to be involved in gay social and cultural activities than their white, LGBT counterparts.[38]

    - In 2011, in a national investigation of racial disproportionality in school discipline, black students were two-to-three times more likely to face school-based referrals for behavioral concerns than their white counterparts for the same or similar behavior.[39]

38 EMILY BRIDGES, ADVOCATES FOR YOUTH, THE IMPACT OF HOMOPHOBIA AND RACISM ON GLBTQ YOUTH OF COLOR (2007), http://www.lgbt.ucla.edu/documents/ImpactofHomophobiaandRacism_000.pdf.
39 Russell J. Skiba et al., *Race Is Not Neutral: A National Investigation of African American and Latino Disproportionality in School Discipline*, 40 SCH. PSYCHOL. REV. 85 (2011), http://www.indiana.edu/~equity/docs/Skiba%20et%20al%20Race%20is%20Not%20Neutral%202011.pdf.

○ LGBT youth make up between 5% and 7% of the overall youth population; they represent 20% of those in the juvenile justice system,[40] and the vast majority of these youth are black and Latino.[41]

Ask participants:
- How might these experiences impact LGBT youth? (Examples include: become depressed, abuse drugs, run away, attempt/complete suicide.)
- Reinforce with the participants what was discussed earlier about how these factors can lead youth into the juvenile justice system.

2. **Protective Factor: Community Involvement**
   Explain that in addition to supportive families and positive school climate, a sense of belonging is essential to human development, and that positive community ties, socialization opportunities, and access to community resources are a protective factor for LGBT youth. In order to maximize their chances to thrive, LGBT youth must have safe, supportive, and affirming environments.

ACTIVITY: BRAINSTORM

Ask participants to give examples of positive community involvement that might help keep LGBT youth out of the juvenile justice system. Offer the following examples, if they are not mentioned:
- Religious organizations/places of worship
- Youth groups
- Sports teams
- Community centers (Boys & Girls Clubs, YMCA)
- Public recreation centers, pools
- After-school programs
- Summer camps
- Libraries
- Police athletic leagues

Lead a short reflection on this concept by asking participants to imagine a world in which young people feel affirmed in all of these contexts, as well as at home, in out-of-home placements, and in school. What would the outcomes for youth living in this world be?

E. **Contact with Law Enforcement**
   1. **Risk Factor: Police Bias**
      Turn to the last circle on the "Factors Leading to Juvenile Justice Involvement" graphic. What are some ways that lack of understanding or overt homophobia make an LGBT youth more likely to have contact with the juvenile justice system than a non-LGBT youth? One possibility is police targeting and profiling. Lead a discussion on the reasons for police targeting or profiling, using the discussion points that follow as a guide if the participants do not arrive at these ideas on their own:

_____

40 *See* Irvine, *supra,* note 1.
41 Preston Mitchum & Aisha C. Moodie-Mills, Ctr. for Am. Progress, Beyond Bullying: How Hostile School Climate Perpetuates the School-to-Prison Pipeline for LGBT Youth (2014), http://cdn.americanprogress.org/wp-content/uploads/2014/02/BeyondBullying.pdf.

CAUTION

If the training is primarily for law enforcement officials (or even if not), some participants may feel that the trainer is "picking on" police officers. It may be important to tell participants that we are not saying that police officers are inherently prejudiced, but focusing on police bias at this point because 1) police officers are often an LGBT youth's first interaction with the juvenile justice system; and 2) investigations around the country have shown many instances of police profiling and bias, including when it comes to stopping LGBT youth.[42] It is also important to note that the lesson will be dealing with factors related to bias of other stakeholders in the next section.

- With discretion over arrest and release decisions, police officers often serve as gatekeepers to the juvenile justice system, yet they do not always apply this discretion equitably.[43]

- Investigations show that police regularly profile LGBT youth as criminals, and selectively enforce laws against LGBT youth relating to public sexual expression or conduct and minor "quality of life" offenses, such as loitering, public drunkenness, public urination, and littering.[44]

- Investigations show that police are more likely to abuse LGBT youth than LGBT adults—particularly transgender youth, LGBT youth of color, and girls.[45]

- When called to the home on domestic disputes where the person who calls the police is typically seen as the victim, police may readily arrest the youth without listening to the youth or making a primary aggressor analysis and determination.

2. **Protective Factor: Unbiased Police**
   Ask participants what unbiased policing might look like. Use the following examples if necessary:
   - refraining from blaming LGBT youth in family disputes and instead referring the family for services

   - declining to arrest LGBT youth when they are not the aggressor in a domestic dispute

   - transporting homeless LGBT youth to affirming shelters instead of jail or detention

   - using standardized tools to ensure arrest decisions are not based on implicit or explicit bias

   - working with community agencies to develop resources and programs for LGBT youth

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42 Kathryn E. W. Himmelstein & Hannah Brückner, *Criminal-Justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study*, 127 PEDIATRICS 49 (2011), http://pediatrics.aappublications.org/content/early/2010/12/06/peds.2009-2306.full.pdf+html.
43 *Id.*
44 *Id.*
45 *Id.*

F. **Abuse of Discretion vs. Discretion as a Tool to Prevent Entry into the Juvenile Justice System**
   Lead a brief discussion on how judicial, prosecutorial, probation, and other discretionary decision-making can further contribute to the over-representation of LGBT youth in the juvenile justice system. Discuss with participants certain situations common among LGBT youth that require prosecutorial or probation discretionary decision-making.

   1. **Risk Factor: Abuse of Discretion**
      Use the following examples to facilitate a discussion on how discretion might be abused.
      • Parents are complainants against LGBT youth who assaulted them in retaliation

      • LGBT youth are coerced by their parents to prosecute their sexual partners for consensual acts

      • Law enforcement officers decline to divert appropriate cases from formal processing to community-based services, alternative dispute resolution, mediation, or other informal alternatives

   2. **Protective Factor: Use of Discretionary Decision-Making for Prevention, Diversion, and Early Intervention**
      Use the same case examples that were used in the risk factor section to discuss how stakeholders may use their discretionary power in those types of cases to prevent LGBT youth from entering the juvenile justice system, divert them from moving deeper into the system, or remove them from the juvenile justice system.

V. Wrap-Up (10 minutes)

TRAINER NOTE

This lesson has focused on factors that lead to the over-representation of LGBT youth in the juvenile justice system. Explain to participants that *Toward Equity: Lesson Five – Ensuring Safety and Equity in Secure Settings* focuses on research that shows LGBT youth are more likely to stay involved in the juvenile justice system longer than non-LGBT youth once they enter, and on the experiences of LGBT youth when they are incarcerated.

Tell participants that it is important to understand the pathways into the juvenile justice system, the positive factors that prevent entry into the juvenile justice system, and the experiences of LGBT youth who are incarcerated, so that we may better address the individualized needs of all youth and promote positive, healthy outcomes, and affirming, inclusive, and non-discriminatory policies, practices, and environments.

ACTIVITY: HEAD HEART STEP

On a flipchart or white board draw a large circle (head), a large heart below the circle, and two legs with feet, below the heart.

- Ask participants to think about one fact they learned. Write responses for people who wish to share their facts in the circle representing a head.

- Ask participants to think about one value or guiding principle they heard that feels important when it comes to LGBT youth. Write responses for people who wish to share their values/principles in the heart.

- Ask participants to share one manageable and concrete action step they will take in their jurisdiction after this training. Write responses for people who wish to share their steps in the legs.

THE
EQUITY
PROJECT

ensuring fairness & respect for LGBT youth in the justice system

Ensuring Safety and Equity in Secure Settings

INTRODUCTION

PURPOSE
The purpose of this lesson is for participants to understand conditions and practices in secure facilities that harm and discriminate against lesbian, gay, bisexual, and transgender (LGBT) youth, and to learn about policies and practices that protect their safety and well-being.

OBJECTIVES
Participants will:
- Review research on LGBT youth in secure facilities

- Gain an understanding of conditions and practices that harm LGBT youth in locked facilities

- Review relevant standards of care and learn how to ensure safety of LGBT youth in custody

SUGGESTED AUDIENCE
Unlike some of the other lessons in *Toward Equity*, this lesson is written primarily with facility staff in mind, as the lesson focuses on conditions of confinement and the standards of care to which facility staff are required to adhere. Therefore, the Equity Project anticipates that it will mostly be facility staff and leadership who request training on this lesson. However, it is equally important for other stakeholders to be aware of the standards and best practices that facilities must meet pertaining to LGBT youth, and it is certainly possible to facilitate this lesson for judges, referees, magistrates, prosecutors, probation officers, defenders, policy advocates, or other stakeholder groups. Trainers may need to adjust some of the activities to best meet the needs of those other audiences.

ESTIMATED LENGTH OF TIME NEEDED
3 hours 40 minutes

TRAINING MATERIALS
- White board or flipchart and markers
- Computer with internet access, projector and screen
- LGBT Youth Quiz
- Common Experiences in Locked Facilities graphic
- List of Standards of Care
- Hypothetical scenarios with questions

ADDITIONAL RESOURCES

- Equity Curriculum, SOGIE Glossary (2014).
- U.S. Dep't of Justice, Prison Rape Elimination Act Juvenile Facility Standards (2012), http://www.prearesourcecenter.org/sites/default/files/library/preafinalstandardstype-juveniles.pdf.
- *End the Abuse: Protecting LGBTI Prisoners from Sexual Assault*, ACLU, https://www.aclu.org/end-abuse-protecting-lgbti-prisoners-sexual-assault (last visited Oct. 16, 2014).
- ACLU, Prison Rape Elimination Act (PREA) Toolkit: End the Abuse: Protecting LGBTI Prisoners from Sexual Assault (2013), https://www.aclu.org/sites/default/files/assets/012714-prea-combined.pdf.
- Allen J. Beck et al., U.S. Dep't of Justice, Sexual Victimization in Juvenile Facilities Reported by Youth, 2012 (2013), http://www.bjs.gov/content/pub/pdf/svjfry12.pdf.
- Human Rights Watch & ACLU, Growing Up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States (2012), http://www.hrw.org/sites/default/files/reports/us1012ForUpload.pdf.
- Nat'l PREA Resource Center, www.prearesourcecenter.org (last visited Oct. 16, 2014).
- Letter from Thomas E. Perez, Assistant Attorney Gen., U.S. Dep't of Justice Civil Rights Div., to Hon. Mitch Daniels, Governor, Indiana (Jan. 29, 2010), http://www.justice.gov/crt/about/spl/documents/Indianapolis_findlet_01-29-10.pdf (regarding the investigation of the Indianapolis Juvenile Correctional Facility).
- *R.G. v. Koller*, 415 F. Supp. 2d 1129 (D. Haw. 2006).
- *A.M. v. Luzerne Cnty. Juvenile Det. Ctr.*, 372 F.3d 572 (3d Cir. 2004).
- *Alexander S. v. Boyd*, 876 F. Supp. 773 (D.S.C. 1995), *aff'd. in part, rev'd in part on other grounds*, 113 F.3d 1373 (4th Cir. 1997).
- *Doe v. Cook Cnty.*, No. 99-C-3945, 2010 WL 2610644 (N.D. Ill. June 23, 2010).
- Wesley Ware, Juvenile Justice Project of La., Locked Up & Out: Lesbian, Gay, Bisexual, & Transgender Youth in Louisiana's Juvenile Justice System (2010), http://www.equityproject.org/pdfs/Locked-Up-Out.pdf.
- Jody Marksamer, Nat'l Ctr. for Lesbian Rights, A Place of Respect: A Guide for Group Care Facilities Serving Transgender and Gender Non-Conforming Youth (2011), http://www.nclrights.org/wp-content/uploads/2013/07/A_Place_Of_Respect.pdf.
- U.S. Dep't of Justice, A Quick Guide for LGBTI Policy Development for Youth Confinement Facilities (2012), https://s3.amazonaws.com/static.nicic.gov/Library/026701.pdf.
- Annie E. Casey Found'n, A Guide to Juvenile Detention Reform: Juvenile Detention Facility Assessment, 2014 Update (2014), http://www.jdaihelpdesk.org/Featured%20Resources/Juvenile%20Detention%20Facility%20Assessment%202014%20Update.pdf

LESSON OVERVIEW

This lesson overview is intended to be a simple road map for trainers to understand what the lesson covers, which sections are interactive, and how long each section is estimated to last. It should serve as a guide for highlighting key points, as well as a resource for trainers to decide whether they are capable of delivering the lesson and whether the lesson is appropriate for the intended audience. Trainers may also find it a useful tool for keeping track of time and flow of the lesson as they deliver it.

I. Introduction (10 minutes)
The trainer will introduce himself or herself to participants, review the lesson objectives, and set the ground rules for the training. The trainer will do a brief review of basic sexual orientation, gender identity, and gender expression (SOGIE) terminology.

II. Secure Confinement of LGBT Youth (45 minutes)

A. The Pipeline into Confinement for LGBT Youth
The trainer will provide a brief overview (or review, depending on what other *Toward Equity* trainings the participants have attended) of the statistics pertaining to LGBT youth entering the juvenile justice system, in order to provide background and context before discussing experiences of LGBT youth in secure confinement.

B. LGBT Youth in Locked Facilities
The trainer will use the "Common Experiences in Locked Facilities" graphic to provide information about each sub-topic within this section and engage participants in reflection and discussion.

- **Harassment and Physical and Sexual Abuse by Staff and Peers**. The trainer will share research demonstrating that LGBT youth are more vulnerable to sexual victimization while in secure confinement, and are more likely to be harassed and abused—both verbally and physically—in secure confinement.
- **Isolation**. The trainer will share research and engage participants in a discussion about excessive and improper isolation of LGBT youth.
- **Disparate Application of Sanctions**. The trainer will discuss how LGBT youth are sanctioned differently than non-LGBT youth, focusing on examples of unfair or disrespectful treatment of LGBT youth by facility staff.
- **Lack of Understanding of Transgender Youth**. The trainer will briefly share examples of how a lack of understanding of transgender youth negatively impacts their experiences in confinement.
- **Punishing, Pathologizing, and Criminalizing LGBT Identity**. The trainer will share examples of how bias against LGBT youth results in unwarranted disciplinary actions, inappropriate treatment plans, and criminal charges based on normative, consensual behavior.
- **Lack of Competent Services and Placements for LGBT Youth**. The trainer will share information about how lack of appropriate resources and information about appropriate non-secure placements and community-based services contributes to unwarranted and extended secure confinement of LGBT youth.

III. Standards of Care for LGBT Youth in Confinement (1 hour 30 minutes)
The trainer will review standards of care relevant to LGBT youth in custodial settings in the following areas:

      A. Intake and Classification
      B. Health and Safety
      C. Fair and Respectful Treatment

IV. Applying the Standards (60 minutes)
Participants will engage in interactive discussions using hypothetical scenarios to apply the standards of care to realistic situations.

- **Activity: Hypothetical Scenarios**. The trainer will divide participants into small groups. Participants will then use hypothetical scenarios to apply the standards of care and discuss how they would respond in a similar situation, answer guiding questions posed by the scenario, and report out to the larger group on their efforts. The topics covered in the hypothetical scenarios include:
  - Intake
  - Confidentiality
  - Safety
  - Culture of Respect

V. Wrap-Up (15 minutes)
The trainer will end with time for questions and an activity.

- **Activity: Head Heart Step**. Participants will have the opportunity to share one fact they learned, one value or guiding principle that is important when it comes to LGBT youth, and one manageable and concrete action step they will take from the training.

FACILITATION NOTES

TRAINER NOTE ✏️ — This lesson is primarily focused on secure detention, confinement, or incarceration, and will use those specific terms. Generally, the term "placement" used in the juvenile justice context refers to any setting in which a court orders a child to reside, including non-secure settings, group homes, and secure facilities.

I. Introduction (10 minutes)

TRAINER NOTE ✏️ — Participants may have been exposed to *Toward Equity: Lesson One – Understanding Sexual Orientation, Gender Identity, and Gender Expression*, or other introductory training prior to attending this session. Even so, it is useful to conduct a brief review of sexual orientation, gender identity, and gender expression (SOGIE) terminology. In particular, it is important to remind participants that "sex" is not the same as "gender," that "gender identity" is not the same as "sexual orientation," and that none of these is the same as "gender expression." You may do a more intensive review or consider facilitating *Toward Equity: Lesson One – Understanding Sexual Orientation, Gender Identity, and Gender Expression* if a greater level of review is necessary. This is something trainers should work with the hosting organization to understand in advance of the session.

Sex: Assigned at birth, a biological construct based primarily on physical attributes such as chromosomes, external and internal genital and reproductive anatomy, and hormones.

Gender: A social construct used to classify a person as a man, woman, or some other identity. Fundamentally different from the sex assigned at birth, it is often closely related to the role that a person plays or is expected to play in society.

Gender Expression: Describes how individuals communicate their gender to others. People express and interpret gender through hairstyles, clothing, physical expression and mannerisms, physical alterations of their body, or by choosing a name that reflects their own idea of gender identity.

Gender Identity: A person's internal identification or self-image as male, female, something in between, or outside of the male/female binary. Everyone has a gender identity. One's gender identity may or may not be consistent with one's sex assigned at birth.

Sexual Behavior: Sexual behavior, or sexual activity, differs from sexual orientation and does not define someone's sexual orientation.

Sexual Orientation: An attraction to others that is shaped at an early age (usually by about the age of ten). Sexual orientation falls on a spectrum that ranges from attraction to only men or only women, to varying degrees of attraction to both men and women, to attraction to neither men nor women.

II. Secure Confinement of LGBT Youth (45 minutes)

TRAINER NOTE ✎ Although this lesson is focused on locked juvenile facilities, it is important to note that many of the same rights, obligations, and best practices are also applicable in any out-of-home youth placement.

It is also important to note that transgender youth are particularly vulnerable to abuse while in confinement. While some issues related to transgender youth will be covered in this lesson, *Toward Equity: Lesson Six – Respecting and Supporting Transgender Youth* is entirely dedicated to this population of youth. The trainer should work with the hosting agency prior to the training to determine the training needs of the intended audience and whether or not this lesson should be done in conjunction with Lesson Six.

A. The Pipeline into Confinement for LGBT Youth

Explain to participants that they are going to begin this lesson by examining the circumstances that lead to disproportionate numbers of LGBT youth in detention. Distribute a pop quiz, and ask each participant to complete it independently. Explain that this is a self-assessment. The quizzes will not be collected, and no one else will see their answers.

TRAINER NOTE ✎ If this lesson is delivered to the same group of participants closely after *Toward Equity: Lesson Four – Reducing Risk and Promoting Protection*, you may choose to forego this introductory exercise if it seems too repetitive.

ACTIVITY: QUIZ *THE ANSWERS WITH AN ASTERISK (*) ARE CORRECT.*

After everyone has had a chance to complete the quiz, the trainer will review the questions and answers as a way of facilitating a conversation. After each answer is revealed, ask participants how the answer affects or applies to their work. The bullets after each question that follows represent key "takeaways" or additional information that the trainer will want to be sure the participants understand and can use to facilitate the conversation.

1. LGBT youth represent approximately 5%-7% of the country's youth.[1] However, LGBT and gender non-conforming youth comprise _____% of the country's young people currently in juvenile detention.[2]
   - a. 11%
   - b. 20% *
   - c. 30%
   - d. 50%
   - *LGBT youth are overrepresented in juvenile detention compared to their numbers in the general population.*

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1 Andrew Burwick et al., *Identifying and Serving LGBTQ Youth: Case Studies of Runaway and Homeless Youth Program Grantees*, Mathematica Pol'y Research (2014), http://www.aspe.hhs.gov/hsp/14/lgbt-rhy/rpt_LGBTQ_RHY.pdf ("[T]he National Longitudinal Study of Adolescent Health found that 7.4 percent of boys and 5.3 percent of girls in grades 7–12 reported same-sex romantic attraction, and results of a recent nationally representative survey of U.S. adults indicate that approximately 3.4 percent identify as LGBT." (citation omitted)).
2 Angela Irvine, *Dispelling Myths: Understanding the Incarceration of Lesbian, Gay, Bisexual, and Gender Nonconforming Youth* (Nat'l Council on Crime & Delinquency, Working Paper, 2014).

2. A study published in *Pediatrics Journal* found that LGB adolescents are approximately ___ % more likely than other teens to be punished by school authorities, police, and the courts.[3]
   a. 10%
   b. 20%
   c. 40% *
   d. 75%
   - *This increased likelihood of school authorities, police, and courts treating LGB youth differently contributes to the overrepresentation of LGB youth in detention. (The trainer may want to note that this study addressed sexual orientation alone, which is why the "T" was not included.)*

3. LGBT youth are _____ times more likely than straight youth to be detained before adjudication for nonviolent offenses like truancy, running away, and prostitution.[4]
   a. 2 *
   b. 5
   c. 10
   d. There is no difference.
   - *LGBT youth charged with nonviolent offenses are detained pre-adjudication in secure facilities at a disproportionately higher rate than straight or cisgender teens charged with similar offenses.*

4. _____% of LGBT youth report being forced out of their home because of their sexual orientation or gender identity.[5]
   a. 11%
   b. 19%
   c. 43% *
   d. 55%
   - *Many LGBT youth are rejected by their families, which becomes a major contributor to their involvement in the juvenile justice system. Lack of family support can also contribute to youth remaining in the system for longer periods of time. If an LGBT youth has no accepting family member to whom he or she can be released, then often judges view detention as the only available option for that child's housing.*

3 Kathryn E. W. Himmelstein & Hannah Brückner, C*riminal-Justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study*, 127 Pediatrics 49 (2011), http://pediatrics.aappublications.org/content/early/2010/12/06/peds.2009-2306.full.pdf+html.
4 Angela Irvine, *"We've Had Three of Them": Addressing the Invisibility of Lesbian, Gay, Bisexual and Gender Non-Conforming Youths in the Juvenile Justice System*, 19 Colum. J. Gender & L. 675 (2010) [hereinafter *We've Had Three of Them*].
5 Laura E. Durso & Gary J. Gates, Serving Our Youth: Findings from a National Survey of Services Providers Working with Lesbian, Gay, Bisexual and Transgender Youth Who Are Homeless or At Risk of Becoming Homeless 4 (2012), http://williamsinstitute.law.ucla.edu/wp-content/uploads/Durso-Gates-LGBT-Homeless-Youth-Survey-July-2012.pdf.

5. _____% of LGBT youth in a 2001 New York study reported being verbally harassed while in a foster care group home.[6]
   a. 100% *
   b. 90%
   c. 50%
   d. 25%
   - *LGBT youth are at risk for entering the child welfare system due to family rejection, and studies show a disproportionate number of LGBT youth in the foster care system. LGBT youth who do not feel safe in foster care or group homes may repeatedly run away from such settings. Homelessness or unstable housing can become a pathway into the juvenile justice system and keep youth in system placements for longer periods of time.*

6. What percentage of homeless youth identify as LGBT?[7]
   a. 5%
   b. 10%
   c. 40% *
   d. 60%
   - *Once LGBT youth are homeless, they may be forced to commit survival crimes, such as theft and prostitution, in order to take care of their basic needs for food and shelter. This can result in continued contact with the system and long-term incarceration.*

7. According to the Gay Lesbian and Straight Education Network's (GLSEN's) 2013 School Climate Survey, over ____ % of LGBT youth felt unsafe at school.[8]
   a. 15%
   b. 25%
   c. 50%*
   d. 75%
   - *Many LGBT youth experience violence and harassment at school. The same survey by GLSEN found 74.1% of LGBT students report being verbally harassed based on sexual orientation and 55.2% based on gender expression. 32.6% report being physically harassed based on sexual orientation and 22.7% based on gender expression. 1 in 5 youth report being physically assaulted based on their SOGIE. The Himmelstein study[9] found school discipline policies result in LGB youth receiving harsher sanctions for infractions than their non-LGB peers. Those school discipline practices, and LGBT youths' reactions to the high rate of harassment and violence they experience, illustrate how school can become a funnel into the juvenile justice system.*

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6 Randi Feinstein et al., Justice for All? A Report on Lesbian, Gay, Bisexual and Transgendered Youth in the New York Juvenile Justice System (2001), http://njjn.org/uploads/digital-library/resource_239.pdf.
7 Durso & Gates, *supra* note 5.
8 Joseph G. Kosciw et al., Gay, Lesbian & Straight Edu. Network, The 2013 National School Climate Survey (2014), http://www.glsen.org/sites/default/files/2013%20National%20School%20Climate%20Survey%20Full%20Report.pdf.
9 Kathryn E. W. Himmelstein & Hannah Brückner, C*riminal-Justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study*, 127 Pediatrics 49 (2011), *supra*, note 3.
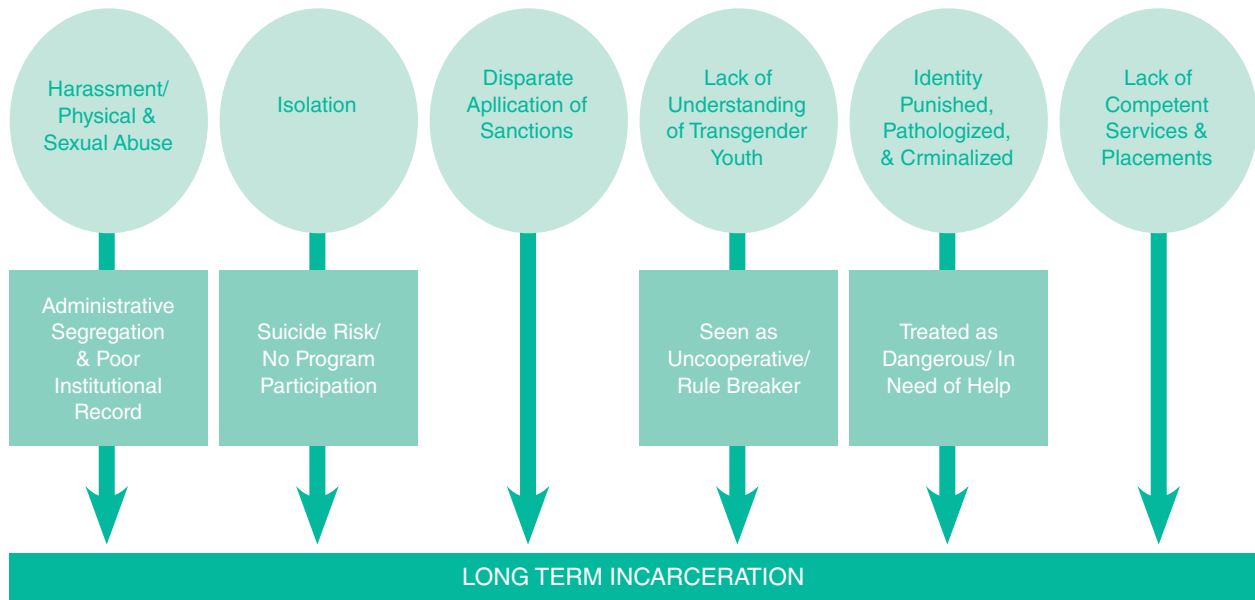
ACTIVITY: QUIZ *THE ANSWERS WITH AN ASTERISK (*) ARE CORRECT.* **(CONT.)**

7. Overall, the bias-related stresses experienced by LGBT youth put them at greater risk for:[10]
    a. mental health problems
    b. substance use
    c. physical health problems
    d. All of the above *
    • *All of the above put LGBT youth at risk for juvenile justice involvement and can make it difficult to successfully complete programs, particularly if there is a lack of LGBT-competent programming.*

B. LGBT Youth in Facilities

Once participants have had the opportunity to reflect on how LGBT youth enter the juvenile justice system, project onto a screen the "Common Experiences in Locked Facilities" graphic or provide it to participants as a handout. The previous quiz should have provided an overview of common drivers of LGBT youth's juvenile justice system involvement. At this point, the discussion will shift to the harmful practices and conditions that disproportionately impact LGBT youth in secure confinement, and how these practices and conditions lead to higher rates, and longer periods, of incarceration of LGBT youth.

Common Experiences in Locked Facilities

Harassment/ Physical & Sexual Abuse	Isolation	Disparate Apllication of Sanctions	Lack of Understanding of Transgender Youth	Identity Punished, Pathologized, & Crminalized	Lack of Competent Services & Placements
Administrative Segregation & Poor Institutional Record	Suicide Risk/ No Program Participation		Seen as Uncooperative/ Rule Breaker	Treated as Dangerous/ In Need of Help	

LONG TERM INCARCERATION

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10 Tumani R. Coker et al., *The Health and Health Care of Lesbian, Gay, and Bisexual Adolescents*, 31 ANN. REV. PUB. HEALTH 457 (2010).

1. **Harassment and Physical and Sexual Abuse by Staff and Peers**[11]
   LGBT youth are more vulnerable to sexual victimization while in secure confinement.
   • A national study by the Bureau of Justice Statistics found that youth who identified their sexual orientation as lesbian, gay, bisexual, or other, reported a rate of youth-on-youth victimization that was approximately ten times higher than heterosexual youth.[12]

   LGBT youth are more likely to be harassed and verbally abused in secure confinement.
   • Due to pervasive homophobia and transphobia, as well as misconceptions and myths about SOGIE, LGBT youth are more likely to be targeted for verbal abuse and harassment.

2. **Isolation**
   Some facility staff use isolation as a means of protecting LGBT youth from harassment or abuse.
   • Ordinarily employed as a form of punishment, isolation from the general population is commonly used in facilities to "protect" LGBT youth from harassment and/or abuse.
     ○ Ask participants what is wrong with this approach. Facilitate a discussion using the following notes as a guide:
       • Isolation limits the amount of exercise and physical activity a youth receives and results in lack of participation in programming, education, and socialization opportunities.[13]
       • Isolation causes significant physical and psychological harm, and exacerbates previous exposure to trauma and pre-existing mental health conditions.[14]
         • Isolation has also been linked to a risk of suicide:
           ○ *Juvenile Suicide in Confinement: A National Survey*, a 2009 report from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), found that 50% of suicide victims in locked juvenile facilities were on some type of "room confinement" at the time of their suicides, and 62% had a history of room confinement.[15]
     • Overuse or disproportionate isolation is fundamentally unfair and creates a hostile environment in which all youth lose trust in the even application of rules.
     • Isolation discourages victims from reporting abuse, because youth fear being isolated.
     • Isolation is likely to be interpreted by the LGBT youth as a punishment for his or her SOGIE, regardless of what facility staff say, further marginalizing the youth.

3. **Disparate Application of Sanctions**
   Many detention staff treat LGBT youth unfairly and disrespectfully.
   • Facility staff may treat LGBT youth more harshly than their straight and cisgender peers for the same behavior.
     ○ For example, detention staff commonly perceive benign interactions by LGBT youth as sexual overtures towards others. These false assumptions lead to discriminatory treatment.
       • For example: When a boy who is perceived as gay puts his hand on another boy's shoulder, it is interpreted as sexual, when the same behavior by a different boy would not be seen as sexual.

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11 Katayoon Majd et al., Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts 102 (2009) [hereinafter Hidden Injustice], http://www.equityproject.org/pdfs/hidden_injustice.pdf.

12 Allen J. Beck et al., U.S. Dep't of Justice, Sexual Victimization in Juvenile Facilities Reported by Youth, 2012, at 4 (2013), http://www.bjs.gov/content/pub/pdf/svjfry12.pdf (reporting a higher rate of youth-on-youth victimization for LGBT youth (10.3%) than heterosexual youth (1.5%)).

13 See Human Rights Watch & ACLU, Growing Up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States (2012), http://www.hrw.org/sites/default/files/reports/us1012ForUpload.pdf; Katayoon Majd et al., Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts 69, 109 (2009) [hereinafter Hidden Injustice], http://www.equityproject.org/pdfs/hidden_injustice.pdf.

14 See, e.g., ACLU Nat'l Prison Project & ACLU Ctr. for Justice, Advocacy Toolkit: Ending the Solitary Confinement of Youth in Juvenile Detention and Correctional Facilities (2014).

15 Lindsay M. Hayes, U.S. Dep't of Justice, Juvenile Suicide in Confinement: A National Survey (2009), https://www.ncjrs.gov/pdffiles1/ojjdp/213691.pdf.

○ Staff often overreact to developmentally appropriate displays of affection, such as hugging or handholding, between girls in particular.

- Staff may respond to harassment of LGBT youth by "blaming the victims" for being open about their SOGIE or expressing their gender in nonconforming ways. This response creates a hostile environment by implicitly condoning abusive conduct and punishing youth for being themselves.

4. **Lack of Understanding of Transgender Youth**
Misconceptions and lack of information lead many staff to equate assertion of a transgender identity with misbehavior.
   - A transgender girl is someone who was assigned a male sex at birth but whose gender identity is female. She understands herself to be female and may live as, or desire to live as, a girl, and, later, a woman. She may use a female name that is different from her legal name. Staff who have not been exposed to transgender individuals, or are simply misinformed, may interpret her assertion of her female gender identity as "acting out," and may subject her to discipline for being disruptive or defiant. Policies or practices that prohibit youth from expressing their gender identity violate professional standards of care and subject youth to significant psychological harm.[16]
   - Staff disrespect transgender youth if they refuse to recognize the youth's gender identity. This may include refusing to house youth consistent with their gender identity, refusing to use their preferred name and gender pronoun, forcing them to wear clothing that doesn't match their affirmed gender, or refusing to permit them to continue transition-related medications or treatment.

5. **Punishing, Pathologizing, and Criminalizing LGBT Identity**
Facility staff frequently view and treat LGBT youth as predatory or mentally ill based solely on their SOGIE. Facility staff may improperly classify or treat LGBT youth as sex offenders.
   - LGBT youth are sometimes wrongly labeled as sex offenders based solely on their sexual orientation or gender identity, even if the offense for which they are charged was not a sex crime, and even when no court has ordered sex offender classification or treatment.
   - This misclassification results in inappropriate incarceration and treatment in sex-offender units that are intended to house "sexually aggressive" youth.
   - Improper confinement in sex offender units places LGBT youth at greater risk of victimization and sexual assault.
   - LGB youth may also be charged with sex offenses for consensual sexual conduct with same-sex peers.
   - Facility staff may subject LGBT youth to religious proselytizing or otherwise convey that their identity is sick or wrong.

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16 *See, e.g.*, World Prof'l Ass'n for Transgender Health, Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People 16 (2012), http://www.wpath.org/uploaded_files/140/files/Standards%20of%20Care,%20V7%20Full%20Book.pdf.

6. **Lack of Competent Services and Facilities for LGBT Youth.**
    Lack of LGBT competent community programs or services increases the likelihood that LGBT youth will be detained pre-trial or placed in a secure facility and increases their length of stay in both.
    • The data show that LGB and gender non-conforming youth are twice as likely to have experienced child abuse, foster and group home placement, and homelessness when compared to their heterosexual and gender conforming peers, and twice as likely to be detained for truancy, warrants, probation violations, running away, and prostitution.[17]
    • A lack of competent non-secure programs may prompt judges to order secure confinement of LGBT youth, especially if neither the probation agency nor the defense attorney advocates for alternative placements or community-based services. Youth who would otherwise not be confined should not be punished because the system fails to provide viable alternatives.
    • Although family rejection is the most common risk factor contributing to homelessness and contact with law enforcement, services that help families become more accepting of their LGBT children are not widely available. Failure to address the root causes that marginalize and jeopardize LGBT youth undermines their successful rehabilitation and re-entry.

III. Standards of Care (1 hour 30 minutes)

TRAINER
NOTE

This section of the lesson focuses on the obligations of facility personnel to ensure the safety and well-being of LGBT youth in secure custodial settings. The trainer should explain that legal requirements define minimum standards. Conditions or practices that fall below these minimum standards violate the relevant constitutional or statutory provision, and may subject personnel to liability. However, the point is not just to avoid a lawsuit, but to administer a safe and humane facility that prioritizes the health and well-being of residents. Toward that end, the standards discussed in this training are based on several sources, including federal statutes and regulations, case law, professional standards, and expert opinion. In the facilitation notes that follow, footnotes indicate the source for each standard.

Trainers should also be familiar with local laws, policies, and regulations and how they differ from the standards discussed in this lesson. Well in advance of the day of the training, the trainer should identify any state or local regulations or statutes, as well as any local policies or best practice standards, related to LGBT youth in confinement, and should integrate them into the materials that follow.

The trainer should explain that this training is not a comprehensive overview of *all* standards governing secure facilities, but focuses on conditions and practices that specifically impact LGBT residents. At the same time, ensuring compliance with all applicable standards also protects the safety and well-being of all youth, including LGBT youth. For an overview of relevant detention standards, refer participants to the JDAI Juvenile Detention Facility Assessment.[18]

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17 Angela Irvine, "We've Had Three of Them."
18 Annie E. Casey Found'n, A Guide to Juvenile Detention Reform: Juvenile Detention Facility Assessment, 2014 Update (2014) [hereinafter JDAI 2014 Update], http://www.jdaihelpdesk.org/Featured%20Resources/Juvenile%20Detention%20Facility%20Assessment%202014%20Update.pdf

This section requires participants to absorb a great deal of material. Although many audiences will have some familiarity with this content, the trainer may want to consider providing a handout listing the standards. Projecting the standards on a screen during the presentation may also help participants learn and remember the material. Because of the breadth of the material, this section is designed to be delivered in a lecture format. However, the trainer should tell the participants that they will have a chance to apply the standards to hypothetical scenarios following the lecture. The trainer should also consider providing a brief opportunity for questions following the discussion of each standard.

This section is focused on the standards required of facility staff. Other stakeholders should be aware of these standards, but for groups such as defenders, prosecutors, or judges, the trainer may want to focus on how those stakeholders can use the standards in their advocacy, arguments, or decision making.

A. Intake and Classification

All facilities must have a classification system for screening youth and making housing, bed, program, education, and work assignments.[19] In addition to the myriad factors that influence these decisions for all youth, the following standards have particular relevance to the intake and classification of LGBT youth.

- Initial interview
  - Intake staff should ask youth about their SOGIE, and should not make assumptions based on appearance or stereotypes.
    - In general, the only way to know a person's sexual orientation or gender identity is to ask the person

TRAINER NOTE

This is an opportunity to help participants overcome any reservations they may have about talking to youth about SOGIE. Even if participants do not directly raise these issues, the trainer may ask "Does anyone have any reservations about this standard?" Or, "Can you imagine that your colleagues might have reservations?" The trainer should be prepared to address common reservations, including:
- "This is very personal information and I don't feel comfortable directly asking youth about SOGIE."
- "I don't see how this is relevant to classification or housing."
- "If they are not already out, they are not going to tell us."
- "My religious beliefs would prevent me from having these conversations."

  - Prison Rape Elimination Act (PREA) Juvenile Facility Standards require facilities to assess each resident within 72 hours of arrival at the facility. As part of the screening process, facilities must attempt to learn information about "[a]ny gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse."[20]

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19 *See Koller*, 415 F. Supp. 2d at 1129; *Boyd*, 876 F. Supp. at 797–98. 28 C.F.R. § 115.342.
20 28 C.F.R. § 115.341(c)(2).

When the PREA Standards were first issued, many jurisdictions had questions about how to implement this requirement. In particular, facility personnel were uncertain about whether they were required to ask residents directly about their SOGIE. For this reason, the National PREA Resource Center (PRC) posted a response to the question in the FAQ's on its website, which includes the following pertinent information.[21] If participants have additional questions, refer them to the entire text of this particular FAQ, available on the PREA Resource Center website.

- Q: Do the PREA Juvenile Facility Standards require facilities to affirmatively inquire about lesbian, gay, bisexual, transgender, or intersex (LGBTI) status, in addition to making a subjective determination about perceived status?

- A: Yes. "All inmates/residents shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates/residents or sexually abusive toward other inmates/residents."[22] The screening must consider, at a minimum, and among several other factors "[w]hether the inmate/resident *is or is perceived to be* gay, lesbian, bisexual, transgender, intersex, or gender nonconforming."[23][Emphasis added]. These factors require both an objective (*is*) and a subjective (*is perceived to be*) determination. If a facility determines that a child does identify as LGBTI, there is no action required based solely on that factor. It is one of many factors that may be considered when evaluating the safety of a youth's placement. Additionally, a facility may not compel a youth to answer whether they identify as LGBTI.

○ Intake staff should consult with youth about how they want their SOGIE recorded and with whom they wish this information to be shared.[24]

- Information about a youth's SOGIE should be considered private and confidential.
- Recording this information increases the risk of disclosure, and should be limited to that which is necessary to protect the safety and well-being of the youth who is the subject of the information.
- Involving youth in these decisions conveys respect and builds trust.

This standard is not explicitly required by PREA or case law, but reflects an attempt to balance the "need to know" against the "need to protect" SOGIE information. Unwarranted disclosure of SOGIE information may subject youth to a range of harms. Facility personnel should be thoughtful and cautious about recording or sharing this information, and should only do so when necessary to advance the youth's well-being. The youth is also a critical partner in making these decisions, and should be consulted about how and when information about their SOGIE is disclosed.

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21 *Frequently Asked Questions*, National PREA Resource Center, www.prearesourcecenter.org/faq (last visited Feb. 26, 2015).
22 28 C.F.R. § 115.41, 115.241, 115.341.
23 *See* 28 C.F.R. § 115.41(d)(7), § 115.241(d)(7), and § 114.341 (d)(7)
24 JDAI 2014 UPDATE, Standard IIIC4(c)(7).

- Classification
  - Staff should make housing and classification decisions on a case-by-case basis and should not automatically house youth solely on the basis of their actual or perceived sexual orientation.[25]

  - Staff should not house LGBT youth in units reserved for sexual offenders unless they have been adjudicated delinquent for a sexual offense. Staff should not consider a youth's LGBT identity or gender nonconformity as an indication that the youth is likely to be sexually predatory.[26] However, staff may consider SOGIE, along with other relevant classification data, to determine the safest and most appropriate housing assignment for the youth.[27] LGBT youth are more vulnerable to sexual assault by other residents, and placing youth with offenders who have a history of sexual assault places them at even greater risk for harm.
    - There is no correlation between sexual orientation and psychopathy.[28]
    - Information about a youth's SOGIE may be relevant to determine whether the youth is at risk of harassment or assault by others, but not to conclude that the youth presents a safety risk to others.

- Staff should not automatically house transgender youth according to their sex assigned at birth. They should determine the appropriate housing unit after consideration of the youth's health and safety, potential management or security problems, the youth's perception of where he or she will be most secure, and any recommendations from the youth's health care provider.[29]

TRAINER NOTE The trainer should anticipate that participants may ask how they should determine whether or not a resident is transgender. This question is often asked by people who have little or no actual experience working with transgender youth, and who anticipate scenarios which are not likely to arise. The best answer to the question is that the screener should simply ask the youth how he or she identifies. In the extremely unlikely event that there is some question about the youth's gender identity, facility staff should consult with medical or behavioral health professionals who are experienced in working with transgender youth. The primary focus should be on working with the youth to determine the most appropriate housing assignment.

- Staff should document the reason for the housing decision, and the decision must be reviewed by the facility administrator or designee.[30]
- These decisions must be reassessed every 60 days to review the youth's safety and well-being.[31]

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25 28 C.F.R. § 115.342 (c),(d)(2012).
26 28 C.F.R. § 115.342(c)(2012).
27 *Id*. § 115.342(a)(2012).
28 *See, e.g.*, Statement Submitted by Am. Psychological Ass'n to Secretariat of the Comm'n on Human Rights (Mar. 16, 2004), http://www.apa.org/pi/lgbt/resources/humanrights.pdf (addressing human rights and sexual orientation).
29 *Id*. § 115.342 (d),(f) (2012).
30 JDAI 2014 UPDATE, Standard IIIE8.
31 *Ibid.*

- Confidentiality
  - Staff should only share information about a youth's SOGIE internally on a need to know basis, and never with other youth.[32]
    - Information about a youth's SOGIE should be considered private and confidential.
      - Like other confidential information, it should only be shared internally if necessary to serve the youth or ensure safety.
      - While staff should keep this information confidential, youth should be free to disclose their SOGIE to whomever they choose, whenever they choose.
    - Staff should not disclose information about a youth's SOGIE to anyone, including the youth's parents, without obtaining the youth's consent, unless disclosure is required by a court order.[33]
      - "Outing" youth can subject them to rejection, ridicule, or other harms.
      - Talking with youth prior to disclosure gives them the opportunity to ask questions, assert their wishes, and problem-solve to minimize potential negative consequences.
      - Engaging with youth on these issues conveys respect and sensitivity, and builds trust.

  B. **Health and Safety**
     Youth in state custody have a constitutional right to emotional, mental, and physical safety. The most common basis for liability of juvenile facilities and their personnel is failure to protect the safety and welfare of youth.[34]
     - Staff must receive training on how to recognize, respond to, and prevent harassment of youth based on SOGIE.[35]
       - Staff should promptly intervene to stop name-calling, bullying, or other forms of harassment.
         - Homophobic and transphobic epithets are so common that many staff consider them benign. Like any other expression of bias, anti-LGBT hostility is hurtful and creates an unsafe environment. Staff should respond promptly and consistently, and clarify that verbal harassment based on SOGIE is a violation of the agency's nondiscrimination policy.
         - Staff should not require LGBT or gender nonconforming youth to hide their identities or suppress their gender expression to prevent abuse by other youth.

       - Staff should model respectful behavior.
         - The most powerful reflection of the facility's culture of respect is conveyed by the staff, who should always address each other and youth respectfully.

       - Staff should be alert to the risk of harassment or mistreatment, and regularly check in with LGBT youth.
         - As part of the required training, staff should learn about the heightened risks faced by LGBT youth.
         - Just as they would with any resident who may be at higher risk, the staff should pay close attention and ensure that LGBT youth are emotionally and physically safe.

     - Staff should not isolate LGBT youth to protect their safety.
       - A federal district court in Hawaii held that placing LGBT youth in isolation solely for their protection constitutes punishment and is a violation of due process.[36]

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32 JDAI 2014 UPDATE, Standard VF1.
33 *Id.* Standard IIIF2.
34 *See* R.G. v. Koller, 415 F. Supp. 2d 1129, 1157 (D. Haw. 2006); Alexander S. v. Boyd, 876 F. Supp. 773, 782 (D.S.C. 1995), *aff'd. in part, rev'd in part on other grounds*, 113 F.3d 1373 (4th Cir. 1997).
35 JDAI 2014 UPDATE, Standard IIIC4(c)(7).
36 *Koller*, 415 F. Supp. 2d at 1155-56.

- PREA regulations provide that "residents may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged."[37]
  - During any period of isolation, facilities may not deny residents daily large-muscle exercise and any legally required educational programming or special education services.[38]
  - Residents in isolation must receive daily visits from a medical or mental health care clinician, and must have access to other programs and work opportunities to the extent possible.[39]

- Competent medical and behavioral health services must be delivered by qualified health care professionals who are familiar with SOGIE-related behavioral and medical care, as well as the relevant standards of care.
  - Policies should provide for the continuation of any transition-related therapies and treatments, including hormone blockers or cross-sex hormones, which are deemed medically necessary by the youth's medical provider and the relevant standards of care.[40]
    - Physicians or other health care professionals who treat transgender youth must be familiar with the medical standards of care promulgated by the World Professional Association for Transgender Health (WPATH).[41]

TRAINER NOTE

Facility staff often ask how they should evaluate requests for hormones or other transition-related care. The trainer should explain that facility staff are not responsible for making decisions about the specific medical care needed by residents. They should simply follow the facility's procedure for referring residents with medical issues or health care needs to the designated health care professional. However, the agency that administers the facility must ensure that the medical provider is qualified to provide competent care to transgender residents, or can arrange for the resident to see a qualified health care professional. For additional information regarding the standards of care for the health and safety for transgender youth, see *Toward Equity Lesson Six-Respecting and Supporting Transgender Youth.*

  - Policies should prohibit subjecting youth to any form of conversion therapy or other intervention intended to change the youth's SOGIE.
    - For these purposes, the term "conversion therapy" refers to any intervention, formal or informal, that seeks to alter a youth's SOGIE or suggests that these aspects of identity can or should be changed. Formal conversion therapy is also sometimes referred to as "reparative therapy" or Sexual Orientation Change Efforts (SOCE). Regardless of the term, it is always harmful, improper, and contrary to standards of care.
    - Conversion therapy has been condemned by every major American medical, psychiatric, psychological, and professional counseling organization.[42]
    - Staff should refrain from expressing personal or religious views related to SOGIE. While people are entitled to their own beliefs, professionals are expected to comply with professional standards while at work.

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37 28 C.F.R. § 115.342(b).
38 *Ibid.*
39 *Ibid*.
40 JDAI 2014 UPDATE, Standard IIIC24.
41 The World Professional Association for Transgender Health (WPATH) is an international multidisciplinary professional association that specializes in transgender health care. www.wpath.org
42 *See, e.g.*, Barry S. Anton, Am. Psychological Ass'n, *Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts*, in APA Policy Statements on Lesbian, Gay, Bisexual, & Transgender Concerns 29 (2010), http://www.apa.org/about/policy/booklet.pdf.

C. Fair and Respectful Treatment

Youth in secure confinement are entitled to equal protection and due process under the U.S. Constitution.[43] Under the Equal Protection Clause, facility staff may not discriminate against LGBT youth, or subject them to harsher treatment or different standards than other similarly situated youth. Conditions or practices that amount to punishment or substantially depart from accepted professional standards violate the due process clause.[44]

- Written policies should prohibit discrimination against youth on the basis of SOGIE, and require that LGBT youth are treated fairly and respectfully.
  - At the time of admission or shortly thereafter, youth should receive an orientation to the facility's policies, including the nondiscrimination policy and what it means.
  - The facility should have an accessible grievance procedure that permits youth to confidentially report violations of the nondiscrimination policy.

- Staff should receive training on how to effectively communicate with LGBT youth.
  - Staff should refer to transgender youth by their preferred name and pronoun, even if the youth's name has not been legally changed.[45]
  - Staff should not impose their religious or political views on LGBT youth, and should not permit their personal views to interfere with their professional conduct.

> **TRAINER NOTE** ✏️ For additional information regarding communicating with youth about SOGIE, see *Toward Equity-Lesson Three-Enhancing Communication and Building Trust with LGBT Youth.*

- Facilities should provide youth with clothing and personal hygiene items appropriate to their gender identity, including bras and underwear.[46]

- Staff should apply consistent behavioral standards to all youth, and should not punish behavior that is perceived to defy gender norms.
  - Staff should permit youth to express their gender through clothing, hairstyle and mannerisms.
    - Staff should not require youth to shave their heads, remove hair, weaves or otherwise conform to rigid standards of appearance unless it is necessary to maintain health or safety.

  - Staff should not apply different standards to LGBT youth.
    - Staff should not assume that all interactions between LGBT youth and their peers are sexual overtures.
    - Staff should avoid treating developmentally appropriate displays of affection, such as hugging or handholding, as sexually predatory behavior.

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43 The Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution provides: "No state shall…deny to any person within its jurisdiction the equal protection of the laws."
44 *R.G.,* 415 F.Supp2d at p. 1154.
45 JDAI 2014 UPDATE, Standard IIIB7.
46 JDAI 2014 UPDATE, Standard IIIG3.

- Staff should receive training on appropriate search techniques.
  - Staff should not conduct cross-gender strip searches or visual body cavity searches, except in exigent circumstances, unless performed by medical practitioners.[47]
    - The National PREA Resource Center suggests two options for applying this standard to transgender youth in juvenile facilities: either use medical staff to perform all searches, or, ask youth to identify the gender of the staff with whom they would feel most comfortable conducting the search.[48]

  - Staff should not conduct cross-gender pat down searches, except in exigent circumstances.[49]

  - Staff should document and justify the exigent circumstances surrounding all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches.[50]

  - Staff should not search or physically examine transgender youth for the purpose of determining the youth's genital status.[51]
    - If the youth's genital status is unknown – and is somehow relevant – it may be determined during conversations with the youth, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

  - All searches should be conducted in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.[52]

- The facility must accommodate any youth, including transgender youth, whose physical or emotional condition justifies additional privacy while showering, performing bodily functions, or changing clothing.[53]

IV. Applying the Standards (60 minutes)

ACTIVITY: HYPOTHETICAL SCENARIOS

Ask participants to break into small groups. Keep the groups as small as possible, given the room set-up and total number of participants. Provide each group with one of the following scenarios and guiding questions. Ask participants to discuss the scenario and answer the questions that follow each scenario. The purpose is not so much to find the right answer, but to have a discussion and reach consensus on an approach. If the participants are unable to reach consensus, ask them to report back on the different points of view and reasoning. The small groups should choose a recorder to keep track of their ideas, and a reporter to report back to the larger group. Give the small groups enough time to fully discuss their scenario.

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47 28 C.F.R. § 115.315(a).
48 *See* www.prearesourcecenter.org
49 *Id. at.* § 115.315(b).
50 *Id. at* § 115.315(c).
51 *Id. at* § 115.315(e).
52 *Id. at* § 115.315(f).
53 JDAI 2014 UPDATE, Standard VI3.

Participants should assume that the events in the scenarios take place in their local juvenile facility. For each scenario, there are targeted questions specific to the scenario that will help the small group work through the issues presented. For all scenarios, participants should also consider:
1. What standards from today's training are relevant to this scenario?
2. If your facility has a policy governing this scenario, what is it? Is it different from the standards we discussed today?
3. If you don't have a policy, what is the practice in your facility? What does the group think the policy should be?

It may be helpful to write these questions on a board or projector and have them visible throughout the activity.

The trainer may choose to facilitate one scenario with the entire group to demonstrate the activity before participants break into small groups. After the groups have time to discuss their answers, each group should have about ten minutes to report out and share their scenario and their answers with the other groups.

CAUTION

There is the potential that some participants may report out in a way that is inconsistent with the best practice standards discussed in the lesson. One effective way of addressing that is by asking what other participants feel about what was said. Hopefully, one of the other participants will be able to correct the improper application of the standards, while demonstrating that some in the group have internalized the points from the lesson. If no other participant corrects the misapplication of the standards, the trainer should tactfully remind the participants to the correct standard, rather than let the misperception remain.

TRAINER NOTE

These scenarios and questions are directed primarily at facility personnel who are obligated to meet the standards discussed in the previous section. If the audience consists of other stakeholders, such as attorneys or judges, the trainer may decide to change the scenarios or the questions to more closely track the participants' role in the system. An example of an alternative scenario is included at the end of this section.

A. Intake
K.C. is transported to the detention facility after having been arrested for assault with a deadly weapon. The police report indicates that K.C. is a 15-year-old Vietnamese female who allegedly struck her mother with a hammer during a domestic dispute. The report indicates that K.C. has no prior record, but her mother sustained a concussion and wanted K.C. to be locked up to "teach her a lesson about being a young lady." K.C. is dressed in boy's clothing, and wears a beanie over short cropped hair. If you hadn't read the police report, you would have assumed that K.C. was a slight boy. You are the intake officer on duty when K.C. arrives at the detention center. Because of the nature of the charge, assume that K.C. will be detained pending the initial hearing. You are responsible for assessing, classifying, and housing K.C.

1. What else do you want to know about K.C.?
2. What questions would you ask K.C. about SOGIE?
3. How would you determine whether K.C. is at risk for physical or sexual abuse?
4. What if K.C. identified as transgender and wanted to be housed with the boys? Would K.C. be safe in your facility?
5. What if K.C. identified as "queer" and wanted to be housed in the girls unit, but permitted to wear boys' clothes and underwear?
6. Who would you consult about these questions?

B. Confidentiality

Juan has been held in a secure juvenile facility for 6 weeks, following the disposition in his case. This is his third adjudication for shoplifting groceries and beer, and he is awaiting placement in a group home. Juan's mother is deceased and his father refuses to accept custody of him. You are a shift staff member on Juan's unit. Juan recently told you that he is gay, but he doesn't want you to tell anyone. His father sent him to a Catholic priest, who supported his father's view that homosexuality is a sin. Juan's father kicks him out of the house periodically, and Juan has lived on the streets for several weeks at a time after these incidents. He has not come out to his friends or extended family, nor has he disclosed his sexual orientation to his attorney, probation officer, or judge. No one else in the facility knows that he is gay. He insists that he doesn't want anyone else to know. He is ashamed and depressed, and confided that he sometimes considers suicide.

1. How can you best support Juan? What might you say to him?
2. Can or should you talk to someone else about what Juan disclosed? If so, whom? And for what purpose?
3. What are your concerns about Juan?
4. How could the system players work together to protect Juan's health and well-being?

C. Safety

Jaxon is an openly gay 16-year-old boy who is detained on the boys' unit awaiting a hearing to determine whether he will be transferred to the adult system. His gender expression is very feminine, and he openly talks about his attraction to boys. He has several priors for serious property offenses, but has no history of violence. He has no disciplinary referrals and is doing well in the educational program. You are a supervisor of the unit where Jaxon is housed. One of your responsibilities is to review and respond to written grievances submitted by residents. You received an anonymous written grievance describing a campaign of harassment directed at Jaxon, led by a boy named Terrell. The grievance states that Terrell has been urinating in Jaxon's shoes while he sleeps, threatening to rape him in the shower, whispering "faggot" every time he sees him, etc. When you confront Terrell, he denies most of the behavior, but complains that "Jaxon is asking for trouble! He winks at me in front of the other dudes in here, and he's all up in my face with that gay shit." Jaxon denies winking at Terrell, but agrees that he "thinks he's cute." Your discussions with the other residents lead you to conclude that Terrell and some of the other boys are angry about Jaxon's effeminate behavior, and angry at the staff for letting Jaxon "act like a girl."

1. What questions do you have for the unit staff?
2. What are the behavioral expectations that you convey to both Jaxon and Terrell?
3. What, if anything, do you or your staff communicate to the other unit residents?

D. Culture of Respect

You are the manager of the facility, and you are conducting the annual performance review of Josephine, a well-respected staff member who has worked in the facility for 5 years. Josephine is a reliable employee with no disciplinary infractions, who is a member of the union. You have spoken to her supervisors, whose input caused you to talk with other staff and youth. You have discovered the following:

- Although Josephine speaks respectfully to all youth in her direct interactions with them, she is openly disgusted and judgmental about the LGBT youth in her private discussions with her co-workers. She also refers to PREA as "the devil's work."

- Josephine has filed a grievance with the union asking for a "religious exemption" from the requirement that she talk to youth about SOGIE during intake. She feels that these conversations force her to convey an acceptance of a "deviant lifestyle" that is contrary to Christianity.

- Josephine has a collection of Bibles at her desk that she distributes to youth "upon request." She has highlighted the portions of scripture that she believes support condemnation of homosexuality. When she offers a Bible to a resident who declines to accept it, she does not push the issue.

- In her discussions with the facility physician, Josephine objected to the physician's decision to refill a prescription for hormones for a transgender girl. She vowed that she would never refer another youth so that the physician could "use drugs to change God's perfect creature." She further stated that "no one will ever convince me to treat a girl like a boy, or a boy like a girl."

1. Has Josephine violated any of the standards we discussed? If so, which ones? If not, why not?
2. Has she violated any of your facility policies?
3. How do you support Josephine to comply with her job requirements (whether official policy or best practice)?
4. How do you respond to her request for a "religious exemption?"
5. Should you ensure that the full staff understands agency policy and their responsibilities? If so, how?
6. Should you communicate with the residents about facility policies? If so, how?

E. Optional Scenario for non-facility staff stakeholders

Mike is a 16-year-old boy. His parents kicked him out of the house eight months ago when he came out to them as gay. Mike lived with his older sister for a short period of time, but she has four young children of her own in a small 1-bedroom apartment. While she doesn't have a problem with Mike's sexuality, the cramped living quarters lead to conflict between Mike and his sister. For the last six months or so, Mike has been bouncing around from couch to couch, friend's house to friend's house. He has been unwilling to stay in one place too long because he did not want to wear out his welcome. Some nights, Mike has even slept on the streets.

ACTIVITY: HYPOTHETICAL SCENARIOS (CONT.)

While Mike was typically a good student with A's and B's prior to his family rejection, the instability in his life has led to increased truancy and a lack of focus, even when he is at school. He is currently failing several classes. The lack of daily support has also left Mike feeling as though he had to resort to shoplifting to meet his basic needs. Last night, Mike was arrested for shoplifting a sweatshirt from the local department store. He was held overnight because his family refused to pick him up when contacted by the police. No family members are present in court today at Mike's detention hearing. While Mike has no prior record and is a low-risk for future violent offenses based on the intake risk assessment tool, there is no one to take Mike if he is released.

1. If Mike's parents had not rejected him because he was gay, would detention likely be a serious consideration in this case?
2. Given what you know at the moment, what formal alternatives to detention exist in your jurisdiction that may be possible for Mike to ensure his safety and his return to court?
3. Given what you know at the moment, what informal or creative solutions could the defense attorney, the probation officer, or the court pursue that may answer some of the safety concerns for Mike, short of detention?
4. What other areas of Mike's life would you want to investigate further to help find an appropriate solution?

V. Wrap-Up (10 minutes)

ACTIVITY: HEAD HEART STEP

On a flipchart or white board draw a large circle (head), a large heart below the circle, and two legs with feet, below the heart.

- Ask participants to think about one fact they learned. Write responses for people who wish to share their facts in the circle representing a head.

- Ask participants to think about one value or guiding principle they heard that feels important when it comes to LGBT youth. Write responses for people who wish to share their values/principles in the heart.

- Ask participants to share one manageable and concrete action step they will take in their jurisdiction after this training. Write responses for people who wish to share their steps in the legs.

End the lesson by thanking participants and allowing time for questions.

THE
EQUITY
PROJECT

ensuring fairness & respect for LGBT youth in the justice system

Respecting and Supporting Transgender Youth

INTRODUCTION

PURPOSE
The purpose of this lesson is to increase participants' understanding of transgender youth and explain how to provide transgender youth with equitable, respectful support.

OBJECTIVES
Participants will:
- Examine experiences of transgender youth in the juvenile justice system

- Learn the challenges transgender youth confront in the juvenile justice system

- Discuss health needs of transgender youth and the appropriate means of addressing these needs

- Learn to use appropriate terminology in written and verbal communication

- Identify professionally competent and legally sound strategies to ensure a safe, accepting environment for transgender youth in custody

SUGGESTED AUDIENCE
All juvenile justice providers, advocates, and personnel (*e.g.*, anyone working in the juvenile delinquency system, such as judges, referees, magistrates, prosecutors, probation officers, defenders, detention and secure facility staff, court staff or personnel, facility caseworkers, social workers, mental health professionals, corrections personnel, forensic evaluators, policy advocates, etc.)

ESTIMATED LENGTH OF TIME NEEDED
4 hours 30 minutes

TRAINING MATERIALS
- Flipchart or white board and markers
- Computer with Internet access
- Projector and screen
- SOGIE Scale
- Optional: Photos of celebrities across the SOGIE spectrum

- **Videos and Audio: Available on The Equity Project YouTube Channel,
  accessible via www.equityproject.org**
  - Angie
  - In the Life excerpt (7:45-11:07), March 2011: Our Bodies, Our Rights—*Juvenile Injustice* Segment
  - Living a Transgender Childhood excerpt (0-9:00)
  - Interview with Dr. Johanna Olson
  - Audio, Mariah

- **Handouts**:
  - American Psychological Association Policy Statement on Transgender, Gender Identity,
    and Gender Expression Non-Discrimination, *available at* www.equityproject.org or *at*
    http://www.apa.org/about/policy/transgender.aspx
  - "Transgender Health Care in Correctional Settings, Position Statement," National Commission on
    Correctional Health Care (NCCHC), adopted October 18, 2009, *available at* www.equityproject.org
    or *at* http://www.ncchc.org/transgender-health-care-in-correctional-settings
  - Excerpt from Cyryna, testimony to National Prison Rape Elimination Commission
  - Jane Doe's Letter to Connecticut Governor Malloy
  - Case Summaries:
    - *R.G. v. Koller*
    - *Doe v. Bell*
  - Policy from "Hidden Injustice," *available at*: www.equityproject.org/hiddeninjustice.pdf (Appendix E)
  - Local Policies, if they exist

ADDITIONAL RESOURCES:
- **Optional Alternative/Additional Videos**
  - arts4justice, *Unheard Voices of Transgender Youth*, YouTube (Dec. 4, 2011),
    https://www.youtube.com/watch?v=JN2h6eko4iM.
  - Gnetluvsgreg, *11-Year-Old Transgender Girl JAZZ, Message to Obama*, YouTube (May 24, 2012),
    https://www.youtube.com/watch?v=AelO2L4HneE.
  - SBS2Australia, *Trangender Teen Life | The Feed*, YouTube (Sept. 17, 2013),
    https://www.youtube.com/watch?v=4nGJpLzclr0E.

- **Alternative/Additional Audio Clips:**
  - *Kelly's Story, Resources*, Urban Justice Ctr., https://pcyp.urbanjustice.org/pcyp-resources
    (last visited Oct. 20, 2014).
  - *Amanda's Story, Resources*, Urban Justice Ctr., https://pcyp.urbanjustice.org/pcyp-resources
    (last visited Oct. 20, 2014).

- Am. Psychological Ass'n, Answers to Your Questions about Transgender People, Gender Identity, and
  Gender Expression (2011), http://www.apa.org/topics/lgbt/transgender.pdf.
- Lauren Mizock et al., Fact Sheet: Gender Diversity and Transgender Identity in Adolescents (2013),
  http://www.apadivisions.org/division-44/resources/advocacy/transgender-adolescents.pdf.
- Colt Meier & Julie Harris, Fact Sheet: Gender Diversity and Transgender Identity in Children (2012),
  http://www.apadivisions.org/division-44/resources/advocacy/transgender-children.pdf.

- WORLD PROF'L ASS'N FOR TRANSGENDER HEALTH, STANDARDS OF CARE FOR THE HEALTH OF TRANSSEXUAL, TRANSGENDER, AND GENDER NONCONFORMING PEOPLE 16 (2012), http://www.wpath.org/uploaded_files/140/files/Standards%20of%20Care,%20V7%20Full%20Book.pdf. See Chapters VI and XIV for youth and institutional environment specifics.
- JODY MARKSAMER, A PLACE OF RESPECT: A GUIDE FOR GROUP CARE FACILITIES SERVING TRANSGENDER AND GENDER NON-CONFORMING YOUTH (2011), http://www.nclrights.org/wp-content/uploads/2013/07/A_Place_Of_Respect.pdf.
- KATAYOON MAJD ET AL., HIDDEN INJUSTICE: LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH IN JUVENILE COURTS (2009), http://www.equityproject.org/pdfs/hidden_injustice.pdf. To request a hard copy, email info@equityproject.org.
- NAT'L CTR. FOR LESBIAN RIGHTS, THE LEGAL RIGHTS OF LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH IN THE JUVENILE JUSTICE SYSTEM (2006), http://www.nclrights.org/wp-content/uploads/2013/07/LGBTQ_Youth_Juvenile_Justice_Legal_Rights.pdf.
- THE EQUITY PROJECT, LGBT YOUTH IN JUVENILE COURT: PRACTICE TIPS FOR JUVENILE DEFENDERS (2010) http://www.equityproject.org/pdfs/LGBT_Youth_in_Juvenile_Court.pdf.
- NAT'L CTR. FOR TRANSGENDER EQUALITY, TRANSGENDER AND GENDER NON-CONFORMING STUDENTS: YOUR RIGHTS AT SCHOOL (2012), http://transequality.org/Resources/EducationKnowYourRights_June2012.pdf.
- Katayoon Majd et al., *Redacted Court Order Regarding Transgender Youth*, in HIDDEN INJUSTICE: LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH IN JUVENILE COURTS 157 (2009), http://www.equityproject.org/pdfs/hidden_injustice.pdf.
- *Doe v. Bell*, 754 N.Y.S.2d 846 (N.Y. Sup. Ct. 2003), *available at*: http://www.equityproject.org/pdfs/doe%20v.%20bell.pdf.
- *R.G. v. Koller*, 415 F. Supp. 2d 1129 (D. Haw. 2006), http://www.equityproject.org/pdfs/RG%20v%20Koller%20-%20prelim%20injunction.pdf.
- Nancy Jeffrey, *Transgender Girl:'I Love This Life So Much Better'*, PEOPLE.COM (June 27, 2013, 4:00 PM), http://www.people.com/people/article/0,,20712691,00.html.
- *Transgender Youth*, NAT'L CTR. FOR LESBIAN RIGHTS, http://www.nclrights.org/explore-the-issues/transgender-law/transgender-youth/ (last visited Oct. 20, 2014).
- *Know Your Rights: A Legal Guide for Trans People and Their Advocates*, LAMBDA LEGAL, http://www.lambdalegal.org/know-your-rights/transgender (last visited Oct. 20, 2014).
- *The Name Change Project*, TRANSGENDER LEGAL DEF. & EDUC. FUND, http://www.transgenderlegal.org/work_show.php?id=7 (last visited Oct. 20, 2014).
- TRANS YOUTH SUPPORT NETWORK, http://www.transyouthsupportnetwork.org/ (last visited Oct. 20, 2014).
- GENDER SPECTRUM, https://genderspectrum.org/ (last visited Oct. 20, 2014) (providing education, training, and support to help create a gender-sensitive and inclusive environment for all children and teens).
- FAMILY ACCEPTANCE PROJECT, http://familyproject.sfsu.edu/ (last visited Oct. 20, 2014) (working to decrease health and related risks for lesbian, gay, bisexual and transgender youth, such as suicide, substance abuse, HIV, and homelessness, in the context of their families).
- TRANSYOUTH FAMILY ALLIES, http://www.imatyfa.org/ (last visited Oct. 20, 2014) (serving as a resource for parents, educators, and healthcare practitioners).
- Sample policy provisions from selected states

LESSON OVERVIEW

This lesson overview is intended to be a simple road map for trainers to understand what the lesson covers, which sections are interactive, and how long each section is estimated to last. It should serve as a guide for highlighting key points, as well as a resource for trainers to decide whether they are capable of delivering the lesson, and whether the lesson is appropriate for the intended audience. Trainers may also find it a useful tool for keeping track of time and flow of the lesson as they deliver it.

> **TRAINER NOTE** ✏️ Prior to facilitating this training, it is strongly recommended that the trainer read the Additional Resources materials: APA Q&A, the APA fact sheets, and Chapter 1 of "A Place of Respect" to ensure that they have an understanding of gender identity in youth and adolescence.

I. Introduction (10 minutes)
The trainer will introduce himself or herself to participants, review the lesson objectives, and set the ground rules for the training.

II. Overview of Key Vocabulary and Concepts: What Does "Transgender" Mean? (30 minutes)
The trainer will provide an overview of the key concepts and vocabulary relevant to gender identity and gender expression. The trainer will use visual aids and an interactive activity to reinforce learning.

- **Activity: SOGIE Scale review**. Participants will review the definitions of sex assigned at birth, gender identity, gender expression, and sexual orientation. Participants will also focus more on terminology and concepts related to being transgender.

- **Activity: True/False/It Depends**. The trainer will engage participants in an activity giving them statements about transgender youth to reinforce basic conceptual knowledge.

III. Experiences of Transgender Youth: Personal Stories (55 minutes)
The trainer will present the experiences of transgender youth in the juvenile justice system, using videos and facilitating discussion after each one.

- **Activity: Videos of Transgender Youth**
  - "Angie"
  - Excerpt from "In the Life"
  - Excerpt from "Living a Transgender Childhood"

The trainer will use the discussion questions provided after each video to engage participants in reflection on the experiences of the youth in the videos.

IV. Transgender Youth in the Medical Context—Professional Standards of Care (30 minutes)
The trainer will present information on diagnosis, social transition, mental health, and medical protocols. The trainer will use a video of a pediatrician who works with transgender youth in which she discusses gender identity, social transition, and reversible, irreversible, and partially reversible effects of medical transitions. After the video, the trainer will ask questions to reinforce the key takeaways.

- **Activity: Video Interview of Dr. Johanna Olson**

The trainer will also provide information and literature from leading research organizations about professional standards of care in the medical community.

V. Transgender Youth in School and Out-of-Home Placements (1 hour 15 minutes)

A. Transgender Youth in School
The trainer will share data on the experiences of transgender youth in schools as compared with their lesbian, gay, and bisexual peers.

B. Transgender Youth in Out-of-Home Placement
The trainer will share information about how transgender youth in placement face a high risk of physical and sexual assault, using audio clips and written statements from transgender youth.

- **Activity: Audio Clip, Mariah**

- **Activity: Written Testimony of Cyryna, read aloud**

- **Activity: Written letter from Jane Doe to Governor Malloy, read aloud**

C. Legal Protections
Participants will learn about some of the important legal cases regarding the standards of care for transgender youth in out-of-home placement: R.G. v. Koller, 415 F. Supp. 2d 1129 (D. Haw. 2006) and *Doe v. Bell,* 194 Misc. 2d 774, 754 N.Y. S. 2d 846 (N.Y. Sup. Ct. 2003).

Participants will also discuss relevant provisions of the Prison Rape Elimination Act (PREA) Juvenile Facility Standards.

D. State and Local Protections
If local policies or other standards regarding the standards of care for transgender youth in custody exist in the jurisdiction of the training, the trainer will briefly highlight those provisions for participants.

VI. Putting It into Practice (1 hour)
The trainer will work with participants to identify best practices for serving transgender youth in the juvenile justice system. The trainer will do this through an interactive exercise where participants will review excerpts from a model policy or their own policy if they have one.

- **Activity: Policy Review.** Participants will review a model policy and be assigned a section to discuss in groups, using guiding questions to explore how they might implement such practices or add to them.

VII. Wrap-Up (10 minutes)
The trainer will end with time for questions and an activity.

- **Activity: Head Heart Step.** Participants are given the opportunity to share one fact they learned, one value or guiding principle that is important when it comes to transgender youth, and one manageable and concrete action step they will take from the training.

FACILITATION NOTES

I. Introduction (10 minutes)

TRAINER NOTE ✏️ After introducing yourself to participants, engage in a general introduction of the lesson, reviewing the purpose and objectives of the lesson with participants. Explain the global purpose of this lesson and why there is a stand-alone lesson on transgender youth when there are no stand-alone lessons on gay, lesbian, or bisexual youth. Although information about transgender youth is incorporated throughout each of the lessons in *Toward Equity*, a specialized lesson on transgender youth exists for three reasons:

1. Due to the gender-segregated nature of the juvenile justice system, distinct issues arise for transgender youth.
2. Transgender youth and their needs are more likely to be misunderstood by juvenile justice stakeholders.
3. Because stakeholders are likely to have less exposure to people who are transgender, stakeholders often have many questions about what it means to be transgender and how to best work with transgender youth.

This lesson has three overarching goals:

• First, to explore what it means to be transgender and develop understanding of and sensitivity toward transgender youth.

• Second, to explore the unique issues transgender youth face in out-of-home confinement, both pre-trial and post-disposition, because transgender youth in the juvenile justice system often experience the greatest difficulties and encounter discrimination related to their gender identity or expression in placement facilities.

• Third, to offer resources to assist juvenile justice professionals in providing safe and affirming settings for transgender youth in their care.

II. Overview of Key Vocabulary and Concepts—What does "Transgender" Mean? (30 minutes)

TRAINER NOTE ✏️ This lesson is primarily intended for participants who have completed *Toward Equity: Lesson One – Understanding Sexual Orientation, Gender Identity, and Expression*, or some other introductory training. Ask how many people have ever had any sexual orientation, gender identity, and gender expression (SOGIE) training or training on LGBT youth in the juvenile justice system to determine whether this section is a review or new material. Either way, frame this lesson by briefly going over key concepts and vocabulary relevant to gender identity and gender expression. Although the lesson emphasizes gender identity and expression, the trainer should also discuss sexual orientation terminology, if only to clarify the distinction.
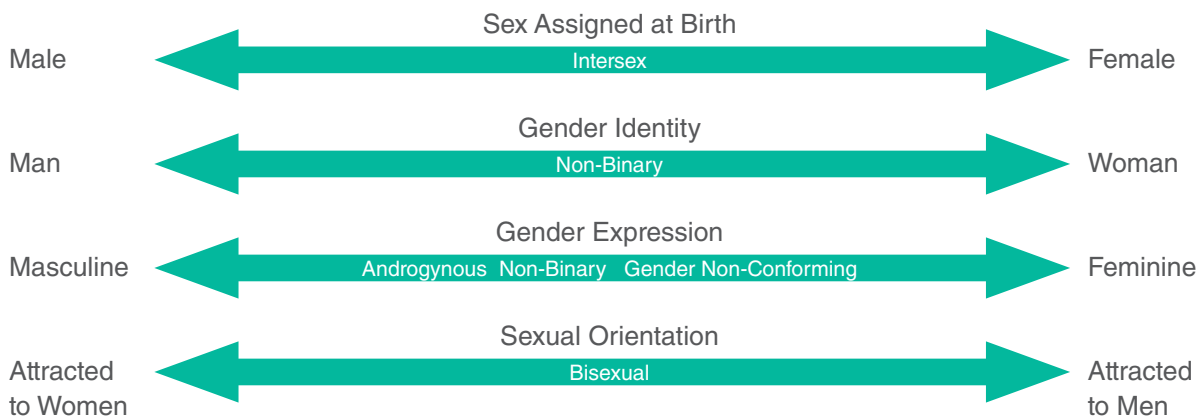
ACTIVITY: SOGIE SCALE REVIEW

Hand out and review the SOGIE Scale. The purpose of this review is to explain and distinguish gender identity, sexual orientation, gender expression, and sex assigned at birth. Provide participants with a handout copy of the image and/or have it projected on a screen. Facilitate a discussion about the image, using the points about each term that follow as a guide. This is a good opportunity to explain that these dimensions of identity exist in every human being, and there is considerable variation within each dimension.

OPTIONAL TOOL

Celebrity Photos: As an additional visual aid, trainers may wish to find photos of celebrities from across the SOGIE spectrum to make these points more vividly. If the trainer chooses to use this tool, it is important to point out that we only know the sexual orientation or gender identity of a celebrity when he or she has come out publicly.

SOGIE CHART[1]

	Sex Assigned at Birth	
Male	Intersex	Female
	Gender Identity	
Man	Non-Binary	Woman
	Gender Expression	
Masculine	Androgynous Non-Binary Gender Non-Conforming	Feminine
	Sexual Orientation	
Attracted to Women	Bisexual	Attracted to Men

Sex: Assigned at birth, a biological construct based primarily on physical attributes such as chromosomes, external and internal genital and reproductive anatomy, and hormones.

Gender Identity: A person's internal identification or self-image as male, female, something in between, or outside of the male/female binary. Everyone has a gender identity. One's gender identity may or may not be consistent with one's sex assigned at birth.

- No one can determine another person's gender identity; we can only know if that person tells us.

- Gender identity is usually established by age three.[2]

- Many people do not think much about their gender identity when it is congruent with their sex assigned at birth. This is not true for every person.

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[1] This chart is adapted from http://www.thetrevorproject.org/pages/spectrum and http://www.gendersanity.com/diagram.html.

[2] Edward L. Schor, Am. Acad. of Pediatrics, Caring for Your School-Age Child: Ages 5–12 (rev. ed. 1999) (excerpt compiled by TransYouth Family Advocates and available http://www.imatyfa.org/permanent_files/american-academy-of-pediatrics-6-2007.pdf).

Transgender: Describes a person whose gender identity and sex assigned at birth do not match. Trans or Trans* is sometimes used as shorthand for transgender.

- A transgender boy is someone whose gender identity is male but who was assigned a female sex at birth. He understands himself to be male and lives as or desires to live as a boy and, later, a man.

- A transgender girl is someone whose gender identity is female but who was assigned a male sex at birth. She understands herself to be female and lives as or desires to live as a girl and, later, a woman.

- A transgender person may know his or her gender identity at a very young age, as early as two or three years old. Some children, with supportive parents and adults, may start to express that gender identity through clothing, hairstyles, chosen names and pronouns, or even taking hormone blockers as children and adolescents. Other transgender people may not do any of these things until they are adults. The steps that people take to begin expressing their authentic gender are often referred to as "transition." This will be covered in more detail later in the lesson.

- The medical community often refers to individuals who wish to alter their bodies to make their anatomy more in line with their gender identities as transsexuals. However, *transsexual* is not a term that is used very often among youth or by transgender community members.

- Transgender people may use different terms to identify themselves.

Gender Expression: Describes how individuals communicate their gender to others. People express and interpret gender through hairstyles, clothing, physical expression and mannerisms, physical alterations of their body, or by choosing a name that reflects their own idea of gender identity.

- Gender expression can be situational (*e.g.*, expressing gender differently when at work or visiting with family than with friends). It may be purposeful, unknowing, or defined for someone by others.

- All people desire to communicate their gender identity through expression in a way that feels comfortable to them.

Gender Non-Conforming: Describes a person who does not subscribe to gender expression or roles imposed by society. Similar terms include: *gender creative*, *gender variant*, *genderfluid*, *genderqueer*, and *pangender*. One example is a girl or woman who, in the past, may have been referred to as a "tomboy."

- Many transgender people after transition have a gender expression that conforms to their identified gender. One cannot tell if someone is transgender based on gender expression alone.

Sexual Orientation: An attraction to others that is shaped at an early age (usually by about the age of ten). Sexual orientation falls on a spectrum that ranges from attraction to only men or only women, to varying degrees of attraction to both men and women, to attraction to neither men nor women.

- Transgender people may be straight, lesbian, gay, bisexual, or asexual, just as cisgender people may be straight, lesbian, gay, bisexual, or asexual.

These four scales (Sex Assigned at Birth, Gender Identity, Gender Expression, and Sexual Orientation) are independent of one another. Cultural expectations are that men/boys occupy the extreme left ends of all of the scales and that women/girls occupy the right ends. However, in reality, a person may occupy different parts of each scale. Thus, a person with a male sex assigned at birth could be attracted to men, could have a gender identity of a woman, could have a feminine gender expression, or could have any combination of these. A person with a female biological sex could identify as a woman, have a more masculine gender expression, and be attracted to women, etc.

ACTIVITY: TRUE/FALSE/IT DEPENDS

This activity is designed to increase the comfort level of the participants by engaging them physically and mentally, encouraging group process, and creating a safe space to ask questions and express uncertainty.

Post signs evenly spaced along one side of the room. On one end, place a sign that reads "True," and on the other end, place a sign that reads "False." In the middle, place a sign that reads "It Depends." Read a series of statements, and ask participants to physically go to the sign that corresponds with their best answer. If there are too many participants for everyone to stand up and move around, ask for a show of hands for each answer (True, False, and It Depends) instead. Give participants who decided on the same answer a minute to discuss with each other why they chose their answer. Then, give the participants the opportunity to change their answer if they wish. After people have selected their final answer, ask for a volunteer who feels confident about his or her answer to explain it to the group. Use this opportunity to discuss each statement and explain any ambiguity, as well as provide additional information to remove ambiguity. Suggested explanatory comments appear in italics.

TRAINER NOTE This may be an opportune time to reiterate that this is a safe space, and this exercise is intended to surface a complete understanding of the terms and answer any questions, so that participants do not feel bad if they get any wrong.

I. **Every person has a gender identity.**
   (True): We all identify as men, women, or some other category. Many people do not think much about their gender identity as distinct from their sex assigned at birth, because these are often congruent. The issue comes up more for people whose "brain sex" and sex assigned at birth are incongruent.

II. **A 12-year-old boy who wears girls' clothes is transgender.**
   (It Depends): Remember that gender identity and gender expression are not the same. Here, we do not know this boy's gender identity. Not every gender non-conforming person is transgender. A person who identifies as female may dress or behave in a stereotypically masculine manner. Likewise, a person whose gender identity is male may have a female gender expression or presentation. The only way we will know if the boy identifies as transgender is if he tells us.

III. **A 12-year-old girl who only wears masculine clothing is a lesbian.**
   (False/It Depends): Remember that gender expression and sexual orientation are also separate aspects of a person's identity. Although there are many gay, lesbian, and bisexual people (GLB) who express their gender in a way that is gender non-conforming, there are also many GLB people who are gender-conforming. Likewise, straight men and women can be gender-conforming or gender non-conforming. This girl may be a lesbian, but the only way we would know would be if she told us.

IV. Children under 12 are too young to know they are transgender.
(False): While transgender people may begin to understand or publicly express their gender identity at any age, research shows that gender identity is formed at a very early age, often emerging around the same time that a child begins to speak. When a child's gender identity and sex assigned at birth are not congruent, the child often begins voicing this discrepancy between the ages of two and four, although very young children are unlikely to use the term "transgender" to describe how they feel.[3]

V. Efforts to change a youth's gender identity are ineffective.
(True): There is agreement among health professionals that a person's gender identity is such an inherent aspect of who they are that efforts to change a person's "brain sex" are both ineffective and likely to cause harm.[4] Although some youth who are chastised or abused when they express their gender incongruity may feel forced to hide who they understand themselves to be, this young person's identity has not changed. Similarly, a teenage girl who has always been very masculine, but has begun presenting herself in a more feminine manner because she wants to fit in with peers, has changed her gender expression not her gender identity.

TRAINER NOTE It may be important here for the trainer to reinforce the difference between sexual orientation, gender identity, and gender expression, referring participants back to the SOGIE scale if necessary.

After the activity, make sure there are no lingering questions about the terminology before continuing.

III. Experiences of Transgender Youth: Personal Stories (55 minutes)

TRAINER NOTE The goal of this section of the lesson is to humanize transgender youth and to increase understanding and empathy. Choose one or more videos to show in this section. The trainer should leave at least ten minutes after the videos for questions and discussion.

This section of the lesson will address the following questions:
• How and when do youth know they are transgender?

• How do parents, siblings, teachers, and friends react to youth coming out as transgender?

• What is the process of social transition like for youth in different settings?

TRAINER NOTE If participants ask for more information, see the Additional Resources section, which contains resources for families, professionals, and transgender youth.

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[3] Stephanie Brill & Rachel Pepper, The Transgender Child: A Handbook for Families and Professionals 16–17 (2008).
[4] Gianna E. Israel & Donald E. Traver II, Transgender Care: Recommended Guidelines, Practical Information & Personal Accounts 13–15 (1997).

ACTIVITY: VIDEOS OF TRANSGENDER YOUTH

Consider screening one or more short videos in which transgender youth discuss their experiences. Three video clips are recommended here with listed timing and discussion questions, but there are many others that are available from various online video services. Additional optional videos are listed after the discussion questions and in the Additional Resources section at the beginning of the lesson. It is important that the trainer view the videos prior to the training and select the specific videos he or she intends to use. All videos are available on The Equity Project YouTube Channel, accessible via www.equityproject.org.

Video 1: "Angie"

Discussion Questions:
I. What does Angie mean when she states she "wasn't born to think the way a man thinks," but "to think the way a woman thinks"?
II. Transgender youth are often met with resistance from outside social influences, such as family, school, and community—especially when they express their gender identity at a young age. What are some things we could do to make Angie's space more welcoming?
III. Angie briefly discusses the difference between sexual orientation and gender identity when she states, "My insides are not boy; they are woman." How is sexual orientation different from gender identity?

Video 2: Show an excerpt from the video "In the Life," March 2011: Our Bodies, Our Rights—Juvenile Injustice Segment (beginning at 7:45 and stopping at 11:07)

Discussion Questions:
I. Lily discusses several instances where the juvenile justice system failed to affirm and protect her identity (*e.g.*, staff at a group home did not intervene in fights, and Lily was placed in an all-boys facility). What could have been done differently?
II. What risks did Lily face by being placed in an all-boys facility?

Video 3: Show an excerpt from "Living a Transgender Childhood" (starting at the beginning and stopping at 9:00)

Discussion Questions:
I. How and at what age did Josie know she was transgender?
II. What difference did having a supportive family make in Josie's life?
III. What issues was Josie struggling with regarding the development of her physical body in relation to her gender identity as a female?

Alternative/Additional Videos

OPTIONAL TOOL

We have not drafted discussion questions for these alternative videos. Watch the videos in advance of the training and use the discussion questions from the other videos as a guide in order to develop your own. Videos are available through www.equityproject.org.
- *Unheard Voices of Transgender Youth from Children's Hospital in Los Angeles*
- *11-year-old Jazz tells her story in a video message to Obama*
- *What's It Like to Be a Teen and Transgender (Australia)*

IV. Transgender Youth in the Medical Context—Professional Standards of Care (30 minutes)

ACTIVITY: VIDEO INTERVIEW OF DR. JOHANNA OLSON[5]

Introduce the video clip by reminding people that being transgender has many psychological and physical implications for youth and telling people that they are going to see an interview with a physician about transgender youth and some common misconceptions.

Show the 13-minute video, available on The Equity Project YouTube Channel, accessible via www.equityproject.org.

After the video, the trainer should engage participants in a discussion by asking:
- What participants thought about the video
- If the participants found anything surprising
- If participants learned anything that they didn't know previously
- If participants know the different types of transition-related medical care
  - reversible
  - partially reversible
  - irreversible
- If participants know what *social transition* is
- If participants know at what age most youth start having an understanding of their gender identity

After the discussion, hand out the following Training Materials:
1. *American Psychological Association Policy Statement on Transgender, Gender Identity, & Gender Expression Non-Discrimination*[6]
2. *NCCHC Position Statement: Transgender Health Care in Correctional Settings*[7]

TRAINER NOTE ✏️   After providing the handouts, the trainer should use the following notes to provide participants with additional information regarding medical support for gender transition:

- Both the American Medical Association (AMA) and the American Psychological Association (APA) have adopted public statements recognizing the necessity of transition-related medical care, and calling for improved access to these treatments.[8] Both groups reject the misconception that these treatments are "cosmetic" or "experimental" and recognize transition-related medical care as effective, therapeutic, and a "medical necessity…for appropriately evaluated individuals."[9]

- In addition, these and other reputable organizations have adopted statements specifically regarding the need for transgender-specific care in institutional settings. For example, the APA has adopted a statement recognizing the necessity of providing transition-related care for transgender people in institutional settings and calls on institutions—including juvenile justice facilities—to provide such care.[10]

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[5] morganwhitemedia, *Transgender Youth 101*, YouTube (Oct. 30, 2013), https://www.youtube.com/watch?v=dELA6CkO7bM&feature=youtu.be (interview with Dr. Johanna Olson, Children's Hospital of Los Angeles).

[6] *Transgender, Gender Identity, & Gender Expression Non-Discrimination*, Am. Psychological Ass'n, http://www.apa.org/about/policy/transgender.aspx (last visited Oct. 20, 2014) [hereinafter *APA Transgender Policy Statement*].

[7] *Transgender Health Care in Correctional Settings*, Nat'l Comm'n on Corr. Health Care, http://www.ncchc.org/transgender-health-care-in-correctional-settings (last visited Oct. 20, 2014) [hereinafter *NCCHC Position Statement*].

[8] *See* Am. Med. Ass'n, Resolution 122: Removing Financial Barriers to Care for Transgender Patients (2008), http://www.tgender.net/taw/ama_resolutions.pdf; *APA Transgender Policy Statement*, *supra* note 6.

[9] *APA Transgender Policy Statement*, *supra* note 6.

[10] *Id.*

- Similarly, the National Commission on Correctional Health Care (NCCHC) has adopted a position statement that provides guidance to healthcare professionals in juvenile justice facilities, prisons, and jails about their responsibility to ensure the physical and mental health and well-being of transgender people in their custody.[11] According to NCCHC, the proper approach to transgender medical management is to follow the World Professional Association for Transgender Health (WPATH) Standards of Care.

> **TRAINER NOTE** ✏
>
> Use the following questions and talking points to explain to participants what their role is with regard to identifying transgender youth and medical care. Participants should be aware of this responsibility and should understand they are *not* responsible for conducting assessments or determining treatment or transition needs themselves.

- Ask participants what their role is in ensuring transgender youth's access to medical care. Use the following points to facilitate a discussion:
  - All juvenile justice professionals play an important role in ensuring that youth in the custody or under supervision of the court have access to adequate medical and mental health care. If a youth says he or she is transgender, is distressed about his or her gender, or has a prior Gender Dysphoria diagnosis,[12] juvenile justice professionals should ensure that the youth has the opportunity to have an evaluation with a mental health provider with appropriate expertise in this area, if desired by the youth.
  - It is crucial to note that most juvenile justice professionals are not responsible themselves for determining a transgender youth's particular treatment needs. Decisions about what, if any, type of treatment a transgender youth should receive are medical decisions and can only be made by appropriately licensed professionals with relevant and current expertise and training in the treatment of young people who are transgender. All treatment decisions should be made in collaboration with the youth themselves.

> ✓ **PRACTICE TIP**
>
> Any specific questions that juvenile justice personnel have about hormone therapies, street drugs, or whether and how they should be continued while in custodial settings should be referred to a medical expert. Similarly, issues related to parental consent will vary from jurisdiction to jurisdiction and can also be addressed by medical personnel and/or an attorney.

After sharing the additional medical information, tell participants that, now that they have a basic understanding of what it means to be transgender, they are going to move to experiences of transgender youth in schools and out-of-home placements, including secure confinement within the juvenile justice system.

V. Transgender Youth in School and Out-of-Home Placements (1 hour 15 minutes)

> **TRAINER NOTE** ✏
>
> Convey to participants the importance of treating youth congruent with their gender identity prior to entry into the juvenile justice system (at home, in school, etc.), using the discussion held after viewing the video of Dr. Johanna Olson to emphasize that point. Point out that treating youth congruent with their gender identity is a protective factor that may assist with preventing entry into the juvenile justice system. Additionally, treating youth according to their gender identity who are in out-of-home care placements is consistent with the rehabilitative goals of the juvenile justice system.

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[11] *See NCCHC Position Statement*, *supra* note 7.

[12] *See* Mark Moran, *New Gender Dysphoria Criteria Replace GID*, Psychiatric News (Apr. 5, 2013), http://psychnews.psychiatryonline.org/newsArticle. aspx?articleid=1676226. Gender dysphoria is a new diagnostic class in the *DSM (Diagnostic and Statistical Manual of Mental Disorders)*, which replaces the previously used "gender identity disorder" diagnoses. A diagnosis of gender dysphoria recognizes individuals who seek treatment related to gender and focuses on gender incongruence rather than cross-gender identification and is intended to limit the stigma previously associated with such a diagnosis.

A. Transgender Youth in School

- Compared to their LGB student peers, transgender students faced the most hostile school climates:
  - More than 50% of cisgender females and more than 50% of cisgender males surveyed reported they felt unsafe because of their sexual orientation.[13]
  - However, over 75% of transgender students nationwide[14] report feeling unsafe at school because of their gender expression.

- Nearly 30% of transgender students report being physically harassed at school because of their gender expression, with one-third reporting they were physically assaulted.
  - Beyond actual safety concerns, this can also lead to poor grades, truancy, dropping out, depression, use of drugs, and low self-esteem.

B. Transgender Youth in Out-of-Home Placement

Transgender youth often also have a very difficult time in out-of-home placements.

- Transgender youth in secure settings are at particularly high risk of physical and sexual assault by staff and other youth.
  - Many transgender girls placed in all-boy facilities have experienced relentless abuse and mistreatment, in addition to being forced to live as a gender with which they do not identify.
    - Too often, facilities have used isolation as the primary way to keep transgender girls safe.

- Safety risks for transgender youth can also occur in non-secure, out-of-home placements. These settings, while they may provide a bit more freedom of movement, are typically gender-specific, can have many of the same challenges with regard to overall gender competency, and are often unable to accommodate the unique privacy concerns of transgender youth. This combination can heighten the safety concerns for transgender youth.

> **TRAINER NOTE** ✏️ — Explain that you are going to share some first-hand accounts from transgender youth who have experienced mistreatment and abuse while incarcerated in juvenile facilities. These youth stories are graphic and may be upsetting. After listening to the audio clip and hearing the written testimony read aloud, participants will be asked to reflect on what they heard. You will also review the legal rights of transgender youth in out-of-home placements and will ask participants to think about these first-hand accounts in the context of the law.

ACTIVITY: AUDIO CLIP, MARIAH

Play the three-minute audio clip of Mariah for participants and ask them to reflect afterwards. Mariah discusses how she was mistreated by the police, abused in a juvenile confinement facility, and forced to shower with the boys.
- Mariah (3 minutes): available on The Equity Project YouTube Channel, accessible via www.equityproject.org.

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[13] Joseph G. Kosciw et al., Gay, Lesbian & Straight Edu. Network, The 2013 National School Climate Survey (2014), http://www.glsen.org/sites/default/files/2013%20National%20School%20Climate%20Survey%20Full%20Report.pdf.=

[14] *See id.*

ACTIVITY: AUDIO CLIP, MARIAH (CONT.)

After a few minutes for reflection (either silently or shared), read out loud the following excerpt from testimony given by Cyryna, a transgender girl, to the National Prison Rape Elimination Commission:

"I endured…verbal harassment nearly every day. When we were in the common area watching television, the boys would touch and rub my legs without my permission….They would say things like, 'Why don't you touch this?' and threateningly say 'I am going to touch you.' On several occasions, they even masturbated in front of me. Other times they would come up from behind, grab my waist, and rub up against my buttocks. Staff were always present when these things were happening, but usually ignored it or failed to pay attention. In some instances [staff] heard what was being said and laughed or encouraged the boys' conduct in some other way.[15]

Ask participants for any reactions or thoughts based on the testimony and use the following discussion questions:
- What went wrong for Cyryna and Mariah?

- If professionals had become aware that this was going on in a juvenile facility in their jurisdiction, what are some things various stakeholders could have done to address it?

OPTIONAL TOOL

Jane Doe Letter to Ct. Governor: If time allows, hand out "Jane Doe's letter to Connecticut Governor Malloy," and ask participants to take turns reading it aloud. Another way to facilitate this is to provide one or two sentences of the letter on individual index cards to participants and have them read those aloud. You may choose to use this instead of Cyryna's testimony or Mariah's audio clip. The trainer should tell participants that Jane Doe is a transgender girl who was in the custody of the Connecticut Department of Child and Family Services, with no criminal adjudication, who was held in an adult women's prison and in a juvenile male facility. Also note that, because neither an adult prison nor a juvenile male facility was appropriate or safe placements, Jane Doe was housed in isolation during her entire stay.

Dear Governor Malloy, I am writing you to let you know that today is my anniversary. I have been sitting in this prison for a month now and there is no plan to get me out. I am suffering in here. I'm having trouble sleeping and I'm not eating much. I cry in bed every night. I can't be myself in this place. I feel forgotten and thrown away. As you probably know, these feeling are not new for me. This is the way my life has been going since I was a little kid. My lawyer says that Commissioner Katz is the only one who can fix this but when I wrote her a letter it didn't help. She has given up on me. If you're her boss you can do something, right? Everyone says I need to be somewhere where I can get help and Katz keeps telling everyone that she is working to get me out of here but I don't believe her. I think this is just another one of her stories that isn't true. I want to call her a liar but people tell me that I shouldn't say that about someone important like her. All I know is that she has said a lot of things about me that aren't true. She was on TV telling people I blinded someone and broke their jaw. That was a lie. She said that she never asked that I go to Manson.

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[15] Jody Marksamer, A Place of Respect: A Guide for Group Care Facilities Serving Transgender and Gender Non-Conforming Youth 37 (2011), http://www.nclrights.org/wp-content/uploads/2013/07/A_Place_Of_Respect.pdf.

That was a lie. She told everyone that I should be going to that new girls program at Riverview. That was a lie. Now she is telling people she is trying to get me out of here but nothing is happening. I hear people talking and they are saying that I am going to be here till I'm 18. I am done with DCF. They just want to make up stuff about me so that everyone thinks I am some kind of wild animal. Is it Ok for them to do this? To just lie about me and throw me in prison and forget about me? If I was in charge I wouldn't let this happen. If you're the Governor then you are in charge of everyone who works for the state. DCF is supposed to be helping me, right? If this is helping me then I'm all set with being helped. I would be a lot better off being on my own. It seems like you're my last chance to get out of here. Don't forget about me. I can't take another month of this.

Jane Doe

Allow participants an opportunity to reflect on the letter, either silently or sharing any thoughts aloud that they volunteer.

Use the following talking points to share information about transgender youth in out-of-home placement:
- Transgender youth have legal rights in out-of-home placements. While rights of incarcerated youth may be more limited, they do not disappear.

- The law has been clear for many years that youth in custody have the constitutional right to:
  ○ be free from unreasonable conditions of confinement
  ○ be safe from assault by other youth or adults
  ○ have equal access to programs, education, and facilities
  ○ have access to necessary medical care[16]

- A handful of court cases in recent years, as well as some new federal regulations, have helped explain how the law applies to the specific circumstances of transgender youth.

C. Legal Protections

TRAINER NOTE

Provide the following case summaries as a handout. If you are familiar with the cases and are comfortable discussing them, you can ask if there are questions. If not, refer participants to The Equity Project if they want more information or have specific questions. In either case, point out that, increasingly, the courts and the federal government are looking at how transgender youth are treated in the juvenile justice system, and that understanding transgender youth and the laws that protect them can inform how we as juvenile justice stakeholders approach our work with an eye toward best practices.

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[16] Nat'l Inst. of Corr., U.S. Dep't of Justice, A Quick Gide for LGBTI Policy Development for Youth Confinement Facilities 5 (2012), https://s3.amazonaws.com/static.nicic.gov/Library/026701.pdf.

- ***R.G. v. Koller,* 415 F. Supp. 2d 1129 (D. Haw. 2006)** In 2005, a 17-year-old transgender girl, an 18-year-old lesbian, and an 18-year-old boy perceived to be gay filed a lawsuit in federal court challenging the failure of the Hawaii Youth Correctional Facility (HYCF) staff to protect them from relentless harassment and verbal, physical, and sexual abuse that they suffered at the hands of staff and other youth. In 2006, the court granted the youth's motion for preliminary injunction on due process grounds, finding that the conditions at HYCF were physically and psychologically unsafe for the youth. The court ruled that the defendants were deliberately indifferent to the health and safety of the youth in failing to provide (1) policies and training necessary to protect LGBT youth; (2) adequate staffing and supervision; (3) a functioning grievance system; and (4) a classification system to protect vulnerable youth. The court found that HYCF's practice of isolating LGBT youth, ostensibly for their protection, violated the facility's legal obligation to the youth. The court explained: "Consistently placing juvenile wards in isolation, not to impose discipline for violating rules, but simply to segregate LGBT wards from their abusers, cannot be viewed in any reasonable light as advancing a legitimate non-punitive governmental objective." Experts for HYCF also noted in their report to the court that housing transgender girls on male wards was unsafe and inappropriate.

- ***Doe v. Bell*, 194 Misc.2d 774, 754 N.Y.S.2d 846 (N.Y. Sup. Ct. 2003)** In 2003, a New York State Supreme Court found that a boys' group home was required to make an exception in its dress code policy to allow the plaintiff, a transgender girl housed in the home, to wear skirts and dresses. The court explained: "The evidence before the Court establishes that… Jean Doe experiences significant emotional distress if denied the right to wear…feminine clothing. Indeed, the treatment she has received for her [Gender Dysphoria] calls for her to wear feminine clothing."

Share the following summary of key provisions of the Prison Rape Elimination Act (PREA) Juvenile Facility Standards that are particularly relevant to transgender youth:

- The 2012 Juvenile Facility Standards of PREA[17] provide some very specific protections for transgender youth in confinement, which facilities across the country are required to implement, including:
  - Facilities must identify within 72 hours of arrival youth who may be vulnerable to sexual abuse because of their transgender status, gender non-conformity, sexual orientation, or intersex condition.
  - Decisions about whether to house a transgender youth in a girls' or boys' facility or unit must be made on a case-by-case basis, with the goal of ensuring the youth's health and safety, and cannot be based solely on the youth's physical anatomy or sex at birth. In addition, a transgender youth's perception of his or her own safety must be given serious weight when making this determination.
  - Placement determinations for transgender youth must be reassessed at least twice per year to consider whether a change is necessary because of a lack of safety or other circumstances.
  - Transgender youth may only be placed in isolation for their safety on a temporary basis and as a last resort when all other less restrictive options are inadequate to keep them safe.
  - Facilities cannot consider transgender status as an indicator of likelihood of being sexually abusive.

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[17] Juvenile Facility Standards, 28 C.F.R. pt. 115 (2014), http://www.prearesourcecenter.org/sites/default/files/library/preafinalstandardstype-juveniles.pdf.

- Transgender youth should have the opportunity to shower separately from others in all circumstances.
- Staff cannot search or physically examine transgender youth for the sole purpose of determining their genitalia.
- Facilities cannot conduct cross-gender (*i.e.*, female staff and male youth, or male staff and female youth) visual body cavity searches, strip searches, or pat-down searches, except in exigent circumstances, which must be documented. In addition, cross-gender viewing of youth while unclothed is prohibited in most circumstances.
  - Staff must receive training on conducting cross-gender pat-down searches and searches of transgender and intersex youth in a professional and respectful manner and in the least intrusive manner possible.
  - Although PREA gives no clear guidance on what constitutes a cross-gender search or cross-gender viewing for transgender individuals, a solution for this has been offered by the PREA Resource Center (PRC), which is to allow the transgender resident to identify the gender or staff with whom they would feel most comfortable conducting the search.[18]

CAUTION

In the experience of The Equity Project staff, some detention staff are very resistant to this idea, believing that this is a violation of the "no cross-gender" search rules in PREA or their own state or local policies. If participants push back, it may be important to review basic terminology and concepts again about what it means to be transgender and encourage additional training. For example, if a girl who was assigned a male sex at birth asks to be searched by a female officer, that officer is not conducting a "cross-gender" search. The trainer may need to make the explicit connection and reiterate that sex assigned at birth is not the same as gender identity or gender expression.

- While the PREA Juvenile Facility Standards do not explicitly say anything about transportation (*e.g.*, transporting youth to and from court and, once in court, transporting youth to and from the courtroom), we believe the Juvenile Facility Standards that apply to housing and searches should be used in transporting transgender youth as well.
  - For example, many states require female corrections officers and court officers to transport girls, but in practice it is often male corrections staff and male court officers.

- Staff must also receive training on how to communicate effectively and professionally with LGBT and gender non-conforming youth.

PRACTICE TIP

Names and Pronouns
- When addressing or referring to youth, professionals should be consistent with all youth. If staff address youth by their first names, they should use the name chosen by the youth, as long as it does not compromise safety (*i.e.*, gang names).

- If professionals address youth by their last names, they should use the title that corresponds to the youth's gender identity (Mr., Miss, Ms.) regardless of the youth's housing or classification (*e.g.*, "Mr." should be used to address a boy or a transgender boy even if he is housed primarily with girls).

- Pronouns (he, she, his, hers, they, ze, zir, zem) should be consistent with the youth's affirmed gender. "It" should never be used to refer to a human being.

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[18] *Cross-Gender Supervision*, Nat'l PREA Resource Ctr., http://www.prearesourcecenter.org/node/1069 (last visited Oct. 20, 2014) (question 3).

TRAINER NOTE ✎

Toward Equity: Lesson Three –Enhancing Communication and Building Trust with LGBT Youth is entirely about communicating with youth about SOGIE. If the trainer wants to address the aspects of communication with transgender youth more explicitly, he or she may want to incorporate aspects of that lesson or facilitate it in conjunction with this lesson.

OPTIONAL TOOL

These are additional audio clips that the trainer may choose to play depending on time and audience.
- Kelly: http://www.urbanjustice.org/oral_history/kelly.mp3
- Amanda: http://www.urbanjustice.org/oral_history/amanda.mp3

D. State and Local Protections

Beyond federal legal standards, there are numerous jurisdictions across the country that have started to develop and implement some very detailed policies over the last ten years to ensure that transgender youth (as well as LGB youth) are treated fairly and respectfully while confined in juvenile facilities. There are also a handful of state non-discrimination laws that protect the rights of confined transgender youth.[19]

Ask participants if they are aware of any state or local laws, standards, regulations, or policies in their jurisdictions that protect the rights of transgender youth in juvenile facilities.
- If no one is aware of any, but the trainer is, then this is the time to hand out a copy of the law or policy to the group and provide a basic overview.

- If there are no local laws or policies, hand out the *Hidden Injustice* model policy and do a basic overview of what the policy addresses (topic headings), letting participants know that during the next exercise they will have the chance to explore the model policy or their own policy in greater detail.

VI. Putting It into Practice (1 hour 20 minutes)

Now that participants have an understanding of the experiences and rights of transgender youth, engage them in a discussion of best practices for serving transgender youth in the juvenile justice system using a sample model policy. If a jurisdiction has a policy, use that, as well. It is critical to tell participants that:
- Best practices are just that: the best way of addressing the issue sensitively, but in a way that still allows one to do his or her job.

- The participants may or may not have policies in place that comport with best practices. Even without a policy in place, professionals should strive to employ best practices as a means of ensuring the health and well-being of all youth in their custody.

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[19] *See, e.g.*, Cal. Welf. & Inst. Code §§ 224.71(i), 224.73. (prohibiting harassment and discrimination based on actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, and HIV status in all California Department of Juvenile Justice (DJJ) facilities); Minn. Stat. § 363A.02(a)(4) (2014) (prohibiting discrimination in public services based on race, color, creed, religion, national origin, sex, marital status, disability, sexual orientation, and status with regard to public assistance); Or. Rev. Stat. § 179.750(2) (2014) (prohibiting discrimination based on sexual orientation and gender identity in state institutions, including juvenile justice facilities); R.I. Gen. Laws § 28-5.1-7(a) (2014) ("Every state agency shall render service to the citizens of this state without discrimination based on race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability. No state facility shall be used in furtherance of any discriminatory practice nor shall any state agency become a party to any agreement, arrangement, or plan which has the effect of sanctioning those patterns or practices.").

- Similarly, even with no local policy, an agency must — at a minimum — meet constitutional and statutory requirements, such as those found in PREA. However, constitutional and statutory provisions generally represent minimum standards. State regulations, local policy, and generally accepted professional practice often go further than these minimum standards.

ACTIVITY: POLICY REVIEW

Divide participants into five to ten groups of between two and five people. Assign each group one of the following headings:
- General Facility Operations
- Confidentiality
- Intake
- Youth Placement
- Names and Language
- Clothing and Gender Presentation
- Bathrooms and Showers
- Medical and Mental Health Care
- Search Issues
- Transportation

Each group will review the *Hidden Injustice* model policy (and the local policy if there is one). Together, they should examine the policies through the lens of their assigned topic area and reflect on specific questions that follow. After the small group has had a chance to discuss, they should prepare to report out to the full group.

Each group should read the assigned section of the policies and discuss using the following guiding questions:
- What are the current practices in your jurisdiction related to the policy?

- Is anything missing from the policy based on what you have learned or your own experiences with this population?

- Are there specific parts of these policies that would be difficult to implement? If so, what would need to happen to overcome these obstacles?

- What is the role of other systems stakeholders in ensuring compliance with this policy?

CAUTION

If there is a local policy in place, trainers need to be sensitive to the fact that front-line staff may not have the ability or willingness to "critique" policies they are required to follow. Also, trainers should be aware that organizers who are not anticipating such a critique may push back. Trainers should understand that a session like this in a competency-building curriculum is not typically the best venue for overt policy change. Instead, exercises like this one are intended to get participants thinking about best practices and, if a policy already exists, how they can use those best practices within the context of the existing policies. If the existing policy is problematic and actual policy reform is needed, efforts beyond working with front-line staff in a training are likely more appropriate.

ACTIVITY: POLICY REVIEW (CONT.)

TRAINER NOTE ✏️

If participants are interested in seeing examples other than the model policy of what varying jurisdictions have implemented, pass out the Additional Resources list of Other Policies/Policy Excerpts. Make sure to tell participants that The Equity Project does not necessarily endorse any one of these policies in their entirety as a model, but that each policy has good provisions.

Model Policy & Practice Guidelines for Providing Non-Discriminatory Services to Lesbian, Gay, Bisexual, and Transgender (LGBT) Youth in Juvenile Justice Facilities, taken from Hidden Injustice.

I. Purpose

In accordance with state and federal laws, each youth under the jurisdiction of [facility] has the right to live in an environment free of harassment and discrimination. [This facility] is committed to providing a healthy and accepting setting for all youth placed in its care by training staff, instituting policies, and educating youth to respect each other. [This facility] does not tolerate discrimination or harassment by employees, volunteers, contract providers, or youth.

The purpose of these Policy and Practice Guidelines is to establish operational practices that reinforce [this facility's] commitment to respect the dignity of lesbian, gay, bisexual, and transgender (LGBT) youth, create a safe environment for all members of the [facility] community, and ensure that all youth have equal access to all available services, placement, care, treatment, and benefits provided by [this facility].

II. Policy

- It shall be the policy of [facility] to maintain and promote a facility that provides the highest quality of services to youth regardless of their actual or perceived sexual orientation or gender identity. LGBT youth confined at [facility] shall receive fair and equal treatment, without bias and in a professional and confidential manner based on principles of sound professional practice.

- Employees, volunteers, and contractors that offer services to youth confined at [facility] shall not discriminate against or harass any youth in their care based on a youth's actual or perceived sexual orientation or gender identity.

- [Facility] employees shall protect youth from discrimination, physical and sexual harassment or assault, and verbal harassment by other youth, based on a youth's actual or perceived sexual orientation or gender identity.

- [Facility] will take all reasonable steps within its control to meet the diverse needs of all confined youth and provide an environment in which all individuals are treated with respect and dignity, regardless of sexual orientation or gender identity.

III. Practice Guidelines for Providing Services to LGBT Youth

A. General Facility Operations

- All youth, regardless of sexual orientation or gender identity, need to feel safe in their surroundings in order to fully benefit from facility programming. [Facility] shall establish and maintain a culture where the dignity of every youth is respected and all youth feel safe. Employees shall create opportunities for dialogue with youth and staff about all forms of diversity to increase tolerance and respect.

- [Facility] will promote the positive adolescent development of all youth in its care. Actions that support positive adolescent development include: modeling desired behavior such as demonstrating respect for all youth; reinforcing respect for differences amongst youth, encouraging the development of healthy self-esteem in youth, and helping youth manage the stigma sometimes associated with difference.

- Employees should model positive behavior when interacting with LGBT youth and remind all youth that anti-LGBT threats of violence, actual violence, or disrespectful or suggestive comments or gestures will not be tolerated.

- [Facility] intends to provide a safe and non-discriminatory environment where youth can learn and grow. Employees of [facility] shall not prohibit or discourage communication or interaction between youth of the same sex that is not also prohibited or discouraged between youth of different sexes. Expressions of romantic or emotional attraction between youth of the same sex that do not include sexual activity are not prohibited and shall not result in punishment.

- [Facility] shall include LGBT-affirming books, magazines, movies, and other materials in [facility] library. All youth shall be made aware of these materials and shall have access to them when requested. Where possible, employees shall display materials, such as "safe zone" or "hate-free zone" posters that convey to youth that the facility maintains an LGBT–friendly environment. [Facility] shall ensure that employees are made aware of local LGBT resources and reach out to the LGBT community to find organizations the facility can contract with to provide supportive services to LGBT youth.

- [Facility] shall provide LGBT youth with access to educational, rehabilitative, recreational, and other programming on the same bases as other youth. Youth shall not be denied qualification for or access to programming based on sexual orientation or gender identity.

B. Confidentiality
- Employees shall not disclose a youth's sexual orientation or gender identity to other youth at the facility or to outside parties, individuals, or agencies, such as health care or social service providers or a youth's family and friends, without the youth's permission, unless such disclosure is necessary to comply with state or federal law.

- Any disclosure of confidential information related to a youth's LGBT identity shall be limited to information necessary to achieve the specific beneficial purpose.

- This confidentiality restriction does not prevent individuals working at [facility] from discussing a youth's needs or services with other staff members or when resolving a grievance.

C. Intake

- Staff should be aware that LGBT youth are in various stages of awareness and comfort with their sexual orientation and gender identity. Youth intake interviewers shall sensitively inquire about fears the youth may have of being harassed in the facility, but intake workers should not directly ask youth if they are LGBT. Some youth will disclose that they are LGBT. If a youth discloses their sexual orientation or gender identity, the intake worker should talk with the youth about it in an open and non-judgmental fashion and determine if the youth has particular concerns or needs related to being LGBT.

D. Youth Placement

- Placement decisions for LGBT youth shall occur as soon as possible after intake so the youth is not at risk while awaiting a decision regarding placement. All classification and placement decisions for youth confined at [facility] shall be individualized, based on good juvenile correctional practices, and shall prioritize the youth's physical and emotional well-being.

- Youth shall not be prohibited from having a roommate based on a youth's actual or perceived sexual orientation. If a youth is fearful of rooming with a particular youth, he or she will be provided a different roommate or a single room, if available. This assignment will be made in accordance with classification procedures and facility safety and security needs.

- LGBT youth shall not be placed in isolation or segregation as a means of keeping them safe from discrimination, harassment, or abuse. LGBT youth shall not be treated or classified as sex offenders unless required by a court.

- Transgender youth shall not automatically be housed according to their birth sex. [Facility] staff shall make housing decisions for transgender youth based on the youth's individualized needs and should prioritize the youth's emotional and physical safety taking into account the youth's perception of where he or she will be most secure, as well as any recommendations from the youth's health care provider. Generally, it is most appropriate to house transgender youth based on their gender identity. If necessary to ensure their privacy and safety, transgender youth shall be provided a single room, if available.

E. Names and Language

- Employees, volunteers, and contractors, when working with youth at [facility] shall use respectful language and terminology that does not further stereotypes about LGBT people.

- Employees, volunteers, and contractors of [facility], in the course of their work, shall not refer to youth by using derogatory language in a manner that conveys bias towards or hatred of LGBT people. In particular, employees of [facility] shall not imply to or tell LGBT youth that they are abnormal, deviant, or sinful, or that they can or should change their sexual orientation or gender identity.

- Transgender youth shall be referred to by their preferred name and the pronoun that reflects the youth's gender identity, even if their name has not been legally changed. All written documentation about a transgender youth shall utilize the youth's preferred name as well noting the youth's legal name recognized by the court.

F. Clothing and Gender Presentation
- Youth shall be allowed to dress and present themselves in a manner consistent clothing, including undergarments, appropriate for the youth's gender identity and gender presentation.

- Grooming rules and restrictions, including rules regarding hair, make-up, shaving, etc., shall be the same in male and female units. Transgender girls shall not be required to have a male haircut, or to wear masculine clothing. Transgender boys shall not be required to maintain a female hairstyle, to wear make-up, or to wear feminine clothing.

G. Bathrooms and Showers
- Consistent with the facility's reasonable and necessary security policies, [facility] shall provide transgender youth with safety and privacy when using the shower and bathroom and when dressing and undressing. Transgender youth shall not be required to shower or undress in front of other youth and shall be permitted to use single occupancy bathrooms and showers, if available. Such accommodation shall be provided in a sensitive manner.

H. Medical and Mental Health Care
- [Facility] shall provide transgender youth with access to medical and mental health care providers who are knowledgeable about the health care needs of transgender youth, if the youth requests assessment or treatment. [Facility] will provide all recommended transition-related treatments in accordance with the medical and mental health assessments performed by the youth's health care provider and will provide transportation for the youth to receive such treatments, if necessary.

- If prior to arriving at the facility a transgender youth has been receiving transgender-related medical care, such as hormone therapy or supportive counseling, [facility] medical staff shall consult with the youth's medical providers and shall continue to provide the youth with all transition related treatments that are medically necessary according to the youth's provider and accepted professional standards. Hormone therapy shall continue at current levels pending this consultation.

- [Facility's] health care providers shall facilitate exploration of gender or sexuality issues with LGBT youth in the same manner as with other youth: by being open and non-judgmental.

- In accordance with accepted health care practice which recognize that attempting to change a person's sexual orientation or gender identity is harmful, [facility] shall not employ or contract with mental health providers who attempt to change a youth's sexual orientation or gender identity.

- LGBT youth shall not participate in sex offender treatment or counseling unless required to do so by a court. All sex offender treatment shall not discriminate based on sexual orientation and gender identity and shall not criminalize or pathologize LGBT identity.

I. Search Issues

• LGBT youth shall not be physically searched in a manner that is humiliating or degrading or for the purpose of determining the youth's physical anatomy.

• Transgender youth may request that either a male or female staff member conduct a strip search, if such search is required. [Facility] shall accommodate this request when possible and consistent with maintaining the security of the facility.

IV. Procedures

A. Training of Employees, Volunteers, & Contractors

• In order for employees, volunteers, and contractors to have the awareness and capacity to effectively work with LGBT youth in this facility, all facility administrators, employees, volunteers, and contractors are required to attend training on working with LGBT youth. This training should teach participants: 1) the goals and requirements of the facilities Nondiscrimination Policy and Practice Guidelines Regarding LGBT Youth; 2) how to work with LGBT youth in a respectful and nondiscriminatory manner; and 3) how to recognize, prevent, and respond to harassment against LGBT youth.

• All employees and administrators of [facility] shall receive training about LGBT youth during their orientation and as part of their continuing education requirements. These trainings shall be taught by a qualified trainer with expertise in working with LGBT youth.

• All new facility administrators, employees, volunteers, and contractors shall receive a copy of the Policy and Practice Guidelines with their orientation materials. Current administrators, employees, volunteers, and contractors shall receive a copy of the Policy and Practice Guidelines before it is to go into effect.

B. Policy Dissemination to Youth

• At the time of intake, [facility staff] shall verbally inform all youth about the facility's Policy and Practice Guidelines, including the youth's rights and responsibilities under this policy and the procedures for reporting violations. Each youth shall receive a copy of the Policy and Practice Guidelines [and all other policies related to grievance procedures] during intake. Additional copies of the policy shall also be provided to youth when requested.

C. Responsibilities of Employees and Contractors to Respond to and Report Harassment

• Employees of [facility] shall promptly and appropriately intervene when a youth physically, verbally, or sexually abuses or harasses another youth based on the youth's actual or perceived sexual orientation or gender identity.

• All employees and contractors shall be required to report all incidents in violation of this policy in accordance with facility operating procedures. Failure to report an incident may result in disciplinary or other consequences.

• [Facility] employees have an obligation to report conduct by other employees and contractors that may be in violation of this policy to the other individual's supervisor and the [facility] administration.

ACTIVITY: POLICY REVIEW (CONT.)

D. Reporting Procedures for Youth
- Youth shall be able to report violations of this policy following established facility grievance procedures. Grievance procedures shall protect confidentially of youth and contain other measures to prevent retaliation.

E. Enforcement
- Supervisory and management staff shall treat all reports of violations of this policy seriously. The [facility] administration shall promptly and effectively respond to grievances filed by youth and shall take swift action according to established procedures when employees or contractors report violations.

F. Scope
- This policy shall apply to all employees and volunteers of [facility], to employees or representatives of any agency providing services on behalf of youth at [facility], including but not limited to the Department of Health, Department of Education, their contractors, volunteers, and any other relevant agencies or departments which have contact with youth confined at [facility].

VII. Wrap-Up (10 minutes)

ACTIVITY: HEAD HEART STEP

On a flipchart or white board draw a large circle (head), a large heart below the circle, and two legs with feet, below the heart.
- Ask participants to think about one fact they learned about transgender youth. Write responses for people who wish to share their facts in the circle representing a head.

- Ask participants to think about one value or guiding principle they heard that feels important when it comes to transgender youth. Write responses for people who wish to share their values/ principles in the heart.

- Ask participants to share one manageable and concrete action step they will take in their jurisdiction after this training to create safe and affirming environments for trans youth. Write responses for people who wish to share their steps in the legs.

The trainer should conclude the lesson by answering any questions and offering any additional resources.

THE
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ensuring fairness & respect for LGBT youth in the justice system

SOGIE GLOSSARY

No list of SOGIE terms could ever be completely comprehensive. Language is ever evolving, and different terms are used among different cultural groups, generationally and regionally. This is a list of commonly used terms intended for reference purposes.

Agender: Describes a person who does not identify with a specific gender.

Ally: Describes a person who confronts and challenges heterosexism, sexism, homophobia, transphobia, and heterosexual privilege in herself or himself and others.

Androgynous: Describes a person with physical and/or presentational traits ascribed to both men and women.

Asexual: Describes a person who does not feel sexual attraction or a desire to engage in sexual behavior with either men or women.

Bias: A personal, generalized preference for or against something that has the tendency to interfere with one's ability to be impartial or objective.

Bigendered: Describes a person having two genders; exhibiting cultural and/or physical characteristics of male and female roles.

Biphobia: Fear or hatred of, or prejudice against, bisexual people.

Bisexual: Describes a person who is attracted to both men and women.

Butch: Describes a person who identifies as masculine, physically, mentally, or emotionally. Both men and women who present as masculine can be characterized as "butch."

Cisgender: Describes a person whose gender identity matches his or her sex assigned at birth.

Cisgenderism: Assuming that every person is cisgender, and marginalizing people who are gender non-conforming. Also believing cisgender people are superior, and holding others to traditional or stereotypical gender-based expectations.

Coming Out: The act or process of voluntarily disclosing one's sexual orientation or gender identity.

"Down-low" or "D/L": A slang term for a person (generally male) who identifies publicly as heterosexual, but who secretly engages in sexual behavior with people of the same sex.

Femme: Describes a person who identifies as feminine, physically, mentally, or emotionally. Both men and women who present as feminine can be characterized as "femme."

Gay: Describes a person who is attracted to individuals of the same gender. While historically used to refer specifically to men, it is often used to refer to women attracted to other women, as well.

Gender: A social construct used to classify a person as a man, a woman, or some other identity. Fundamentally different from the sex assigned at birth, it is often closely related to the role that a person plays or is expected to play in society.

Gender Binary: The idea that there are only two genders—male and female—and that a person can only be either male or female. Many people find this dichotomy inaccurate, as it does not acknowledge the full spectrum of gender identities.

Gender Expression: Describes how individuals communicate their gender to others. People express and interpret gender through hairstyles, clothing, physical expression and mannerisms, physical alterations of their body, or by choosing a name that reflects their own idea of gender identity.

Genderfluid: Shifting naturally in gender identity and/or gender expression. The term may be used to refer to a specific gender identity or the fluidity between identities. Other similar terms include: gender creative, gender non-conforming (GNC), genderqueer, gender variant, and pangender.

Gender Identity: A person's internal identification or self-image as male, female, something in between, or outside of the male/female binary. Everyone has a gender identity. One's gender identity may or may not be consistent with one's sex assigned at birth.

Genderism: The belief that there are—and should be—only two genders, and that one's gender, or most aspects of it, are inevitably tied to one's sex assigned at birth.

Gender Neutral: Describes facilities that any individual can use regardless of gender (*e.g.* gender-neutral bathrooms); can also be used as a synonym for androgynous, or someone who does not identify with a particular gender.

Gender Non-Conforming (GNC): Describes a person who does not subscribe to gender expression or roles imposed by society. Similar terms include: *gender creative*, *gender variant*, *genderfluid*, *genderqueer*, and *pangender*. One example would be a girl or woman who, in the past, may have been referred to as a "tomboy."

Gender Role: A societal expectation of how people should act, think, look, dress, sound, and/or feel based upon the gender corresponding with their sex assigned at birth.

Heteronormativity: The assumption, by individuals or institutions, that everyone is heterosexual, and that heterosexuality is superior to other sexual orientations.

Heterosexuality: Describes a sexual orientation in which a person feels physically and emotionally attracted to individuals of the opposite sex.

Heterosexual Privilege: A term describing the benefits derived automatically from being heterosexual, which are denied to people of other sexual orientations. Also the benefits gay, lesbian, and bisexual people receive when they deny their sexual orientation or when others perceive them as heterosexual.

Homophobia: The irrational hatred or fear of lesbian or gay people, or disapproval of other sexual orientations, regardless of motive. Homophobia includes prejudice, intolerance, discrimination, harassment, and acts of violence against people on the basis of their gay or lesbian identity. It occurs on

personal, institutional, and societal levels, and is closely linked with transphobia and biphobia. Internalized homophobia is the fear and self-hate of one's own gay or lesbian identity, which can occur for individuals who have been conditioned throughout childhood with negative ideas about sexual orientations other than heterosexuality.

Homosexuality: Describes a sexual orientation in which a person feels physically and emotionally attracted to people of the same sex. This term is disfavored in LGBT communities because of its historical association with mental illness.

Intersex: Describes a set of medical conditions that feature congenital anomaly of the reproductive and sexual system. That is, intersex people are born with sex chromosomes, external genitalia, or internal reproductive systems that are not considered "typical" for either males or females. [Note: *Hermaphrodite* is an offensive and out-of-date term for an intersex person.]

"In the Closet": Refers to a lesbian, gay, bisexual, transgender, or intersex person who chooses not to disclose his or her sex, sexual orientation, or gender identity to friends, family, co-workers, or society. There are varying degrees of being "in the closet." For example, a person can be "out" in his or her social life, but "in the closet" at work or with family. Also known as "Down-low" or "D/L."

Lesbian: Describes a woman who is attracted to other women.

LGBT: An acronym used to describe lesbian, gay, bisexual, and transgender persons, or the community as a whole. There are many other variations or extensions of the LGBT/GLBT acronym that include initials to represent terms such as allied, asexual, gender non-conforming, intersex, queer, questioning, and two-spirited—some of which are defined within this glossary. Please note that when the Equity Project uses the acronym "LGBT" in its lessons or materials, it is intended to be inclusive of these other identities.

MSM: An abbreviation for "men who have sex with men," which refers to men who engage in sexual behavior with other men, but who may not necessarily self-identify as gay or bisexual.

Post-Op: A transgender person who has received sex-affirming surgery, aligning the sexual organs with the person's gender identity.

Pre-Op: A transgender person who has not received sex-affirming surgery. [Note: Not all transgender people will want or choose to have sex-affirming surgery].

Prejudice: A preconceived negative or hostile opinion or judgment about another social group.

Queer: An umbrella term used to refer to all LGBT people; the term can be a political statement as well as an identity, seeking to expand upon limited sexual and gender-based categories. For some, "queer" has a negative connotation, given its historical use as a pejorative term. Many LGBT people, however, have reclaimed the word and now use it in a positive light. Many people use the term "queer" because other terms do not accurately describe them.

Questioning: People who are unsure of, or in the process of, discovering their sexual orientation, gender identity, or gender expression.

Same-Gender Loving: A term used in some communities (often African-American) for people who love, date, and/or have attraction to people of the same gender. Often used by those who prefer to distance themselves from the terms they see as associated with primarily white LGBT communities or movements.

Sex: Assigned at birth, a biological construct that is based primarily on physical attributes such as chromosomes, external and internal genital and reproductive anatomy, and hormones.

Sexual or Gender Minority: A person whose sexual orientation or sexual behavior is not part of the mainstream. May also refer to members of gender groups that do not fall into the binary categories of male or female.

Sexual Orientation: An attraction to others that is shaped at an early age (usually by about the age of ten). Sexual orientation falls on a spectrum that ranges from attraction to only men or only women, to varying degrees of attraction to both men and women, to attraction to neither men nor women.

SOGIE: An acronym for sexual orientation, gender identity, and gender expression. Everyone has a sexual orientation, gender identity, and gender expression.

Stereotype: A preconceived, generalized, and oversimplified opinion, belief, or judgment applied to an entire group of people. It is also an assumption that people, groups, or events conform to a general pattern and lack any individuality.

Stigma: A mark of humiliation or shame associated with a particular circumstance, quality, or group of people.

Straight: Describes a man who is attracted to women or a woman who is attracted to men.

Transgender: Describes a person whose gender identity and sex assigned at birth do not match.

Transgender man: A person who was assigned a female sex at birth, but identifies as and is living as a man. Similar terms include: "trans man," "trans boy," and "transgender boy." [Note: Some transgender people object to the use of "FTM" or "F2M," abbreviations for "female-to-male."]

Transgender woman: A person who was assigned a male sex at birth, but identifies as and is living as a woman. Similar terms include: "trans woman" and "trans girl." [Note: Some transgender people object to the use of "MTF" or "M2F," abbreviations for "male-to-female."]

Transition: A process by which transgender people align their anatomy (medical transition) or gender expression (social transition) with their gender identity.

Transphobia: Fear or hatred of, or prejudice against, transgender people.

Transsexual: A term used by the medical community to refer to individuals who wish to alter their bodies to make their anatomy more in line with their gender identities. *Transsexual* is not a term you will hear very often among youth or transgender community members. [Note: *Transvestite* is an out-of-date and offensive term for a transsexual person.]

Two Spirit: A term used in some Native American communities for persons who identify with gender roles of both men and women, and/or are considered a separate or third gender.

Ze: A gender-neutral pronoun that some people use instead of *he* and *she*, or as an alternative to the gender binary.

Zir: A gender-neutral possessive pronoun that some people use instead of *his* and *her*, or as an alternative to the gender binary.