

LGBTQI and GNC Youth in JDACs and TFs (Title 15, Section 1350, 1352, 1352.5 and National Commission on Correctional Health Care (NCCHC))

619.1 PURPOSE:

To establish compliance with the standards of the Prison Rape Elimination Act (PREA) and Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex (LGBTQI) and Gender Non-Conforming (GNC) youth.

619.2 DEFINITIONS:

Bisexual: Describes a person who is emotionally, romantically and sexually attracted to both males and females.

Cisgender: A person whose gender identity corresponds to the gender they were assigned at birth.

Consent: To permit, approve, or agree; comply or yield to a request or act of an individual.

Contractors: A person who provides services on a recurring basis pursuant to contractual agreement with the Probation Department.

Discrimination: Any practice towards Sexual Orientation and Gender Identity and Expression (SOGIE), LGBTQI and GNC youth that disadvantages or penalizes youth (for the purpose of this procedure).

Exigent: An urgent and unanticipated event that requires immediate action.

Gender Expression: The manner in which gender is expressed through clothing, appearance, behavior, speech, etc.

Gender Fluidity: A gender identity which can vary over time. A gender fluid person may at any time identify as male, female, neutrois, any other non-binary identity, or some combination of identities. Their gender can also vary at random or vary in response to different circumstances. Gender fluid people may also identify as multi-gender, non-binary, and/or transgender.

Gender Identity: A person's sense of being male, female, some combination of male or female, or neither male or female.

Gender Non-Conforming (GNC): A person whose appearance or manner does not conform to traditional masculine and feminine gender norms.

Harassment: Unwanted and repetitive behaviors or actions towards the same person which includes, but is not limited to name-calling, slurs, disrespectful gestures, jokes or comments of a sexual nature, inappropriate touching, verbal, physical and emotional threats, being approached for sex, picked on, touched, stared at, labeled abnormal, sinful and sick or being punished based

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the youth's sex or SOGIE. Repeatedly attempting to change a youth's SOGIE is also a form of harassment.

Hate Crime: Crimes committed due to the offender's perceptions about the victim's traits. These characteristics include:

- Mental or physical disability of the victim
- Stereotyping the gender of the victim
- The national origin of the victim
- The race of the victim, or even the ethnic group
- The religious beliefs of the victim
- The sexual orientation of the victim

Homosexual/Gay: Describes a sexual orientation in which a person feels physically, emotionally romantically and sexually attracted to the same sex.

Intersex: A youth whose sexual or reproductive anatomy or chromosomal pattern does not fit typical definitions of male or female.

Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex (LGBTQI): A diversity of sexuality and gender identity-based cultures. It may be used to refer to anyone who is non-heterosexual or non-cisgender, instead of exclusively to people who are lesbian, gay, bisexual, or transgender. To recognize this inclusion, the letter Q is for those who identify as queer or are questioning their sexual identity. The letter "I" stands for "intersex" which is defined above.

Lesbian: Describes a female who is attracted emotionally, romantically and sexually to other females.

Medical Treatment Plan: A written plan designed by a Supervising Correctional Nurse based on the physician/provider order which outlines the medical diagnosis, needs, treatment, modalities, implementation of physician/provider/nursing orders, and discharge plans for youth with significant health care concerns.

Non-Binary: Denoting or relating to a gender or sexual identity that is not defined in terms of traditional binary oppositions such as male and female or homosexual and heterosexual.

Physical Abuse: An act of a person involving contact of another person intended to cause feelings of physical pain, injury, or other physical or bodily suffering.

Questioning: Describes a person who is exploring or questioning their sexual orientation, gender identity or gender expression.

SOGIE: Sexual Orientation, Gender Identity and Gender Expression.

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Sexual Abuse: Sexual activity or voyeurism by one or more persons upon another person who does not consent, is unable to refuse, or is coerced into the act by manipulation, violence, or by overt or implied threats.

Sexual Orientation: A person's emotional, romantic and sexual attraction to individuals of the same sex, opposite or both genders.

Transgender Youth: A youth whose gender identity is different from the youth's assigned sex at birth.

Volunteers: An individual who donates time and effort on a recurring basis to enhance the activities of the Probation Department.

Voyeurism: An invasion of privacy of a youth by another individual during private activities such as using the toilet or undressing, or by staff for reasons unrelated to official duties, such as peering at a youth who is using a toilet in his or her room to perform bodily functions; requiring the youth to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a youth's naked body or of a youth performing bodily functions. Exceptions would include exigent circumstances or when such viewing is incidental to routine room safety checks.

Youth: Any person who is in the custody of the juvenile facility. This person may be a youth under the age of 18 or a person over 18 years of age. This includes persons whose cases are under the jurisdiction of the juvenile court and persons whose cases are under the jurisdiction of the Adult Court.

619.3 GUIDELINES:

- A. It is important for all staff to respect each youth's right to confidentiality. Staff will not disclose a youth's sexual orientation or gender identity to other youth, friends, or family members, outside individuals, or agencies without the youth's permission.
- B. Any disclosure of confidential information related to a youth's LGBTQI or GNC identity will be limited to information necessary to achieve the specific beneficial purpose.
- C. This confidentiality restriction does not prevent individuals working at the JDAC/TF from discussing a youth's needs or services with other staff members when resolving a grievance.

619.4 RESPONSIBILITIES:

- I. Booking Probation Correction Officer (PCO):
 - A. Staff shall respect every youth's gender identity, and shall refer to the youth by the youth's identified pronoun, regardless of the youth's legal name. Staff shall prohibit the use of gang or slang names or names that otherwise compromise the facility operations as determined by the facility manager or designee, and shall document any decision made on this basis.
 - B. Ask youth if they identify as a male or female in a non-judgmental manner prior to searching.

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- C. A wand may be used as an initial search.
 - D. Staff shall not conduct physical searches of any youth for the purpose of determining the youth's anatomical sex.
 - E. If youth identifies as a transgender, contact the area Supervisor prior to conducting a search.
 - F. If the youth identifies as transgender, the youth may request that either a male or female staff member conduct the search. Staff will accommodate this request and be consistent with maintaining safety and security. If youth has no preference, they will be searched by a staff member of the same biological sex. A whole body search must be conducted by one (1) person. Searching of the youth cannot be divided into upper or lower quadrant based on known or perceived anatomy. Whenever feasible, the staff shall respect the youth's preference regarding the gender of the staff member who conducts any search of the youth.
 - G. Officers will document youth's search preference in CE and which area Supervisor was notified/response of area Supervisor.
- II. Intake Probation Officer (PO):
- A. After the youth has been accepted into the facility, conduct an intake interview with the youth.
 - B. Ask the youth how they identify. Do not assume that a youth identifies as male, female or straight without asking. (Youth are not required to disclose their sexual orientation or gender identity).
 - C. If a youth discloses they are LGBTQI or GNC, talk with the youth in an open and non-judgmental manner to determine if the youth has particular concerns or needs related to being LGBTQI or GNC. Gather reliable and accurate information from the youth.
 - D. If the youth refuses to answer questions about their sexual identity, then they will be identified by their biological gender at birth.
 - E. Contact parents, schools, placements, and probation officers to gather information regarding the youth's SOGIE.
 - F. If youth identify as transgender, they will be identified by their preferred name and gender pronoun.
 - G. Document related information in CE and share verbally with booking PCO in a confidential manner.
- III. Probation Corrections Supervisor I/II (PCS I/II):
- A. Notify the Facility Manager (DDI/DDII) regarding Transgender and Non-Conforming youth.
 - B. Initiate notifications to the DCPO regarding Transgender and Non-Conforming youth.

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- C. Initiate notifications to Forensic Adolescent Services Team (FAST), Probation Officer, School, Compliance Officer, and Medical Services personnel after intake process has been conducted for a Special MDT Meeting; which will be held within twenty-four (24) hours of youth's detainment.
 - D. The unit Supervisor will make sure the youth's privacy is maintained.
 - E. Supervisory and Management staff will treat all reports of violations of this policy seriously. The facility administration will promptly and effectively respond to grievances filed by youth and will take swift action according to established procedures when employees or contractors report violation.
- IV. Division Directors I/II (DDI/II):
- A. Insure PCS I/II initiate required notifications.
 - B. Insure a Special MDT Meeting is held within twenty-four (24) hours of youth's detainment.
- V. Classification Housing:
- A. Staff shall house youth in the unit or room that best meets their individual needs, and promotes their safety and well-being. Staff may not automatically house youth according to their external anatomy, and shall document the reasons for any decision to house youth in a unit that does not match their gender identity. In making a housing decision, staff shall consider the youth's preferences, as well as any recommendations from the youth's health or behavior health provider. Staff will not discriminate against or harass any youth in their care based on the youth's actual or perceived SOGIE.
 - B. If a youth discloses their sexual orientation or gender identity, staff will speak with the youth in an open and non-judgmental manner and determine if the youth has particular concerns or needs related to being LGBTQI and GNC.
 - C. Classification decision for LGBTQI or GNC youth will occur as soon as possible after intake. Staff will attempt to ascertain information about the youth's SOGIE and whether the youth may be vulnerable to sexual abuse or sexual harassment.
 - D. Transgender youth will not automatically be housed according to their sex at birth. Housing decisions for transgender youth will be considered on a case-by-case basis, based on the current classification procedures and should take into consideration the youth's emotional and physical safety, as well as whether the selected housing unit would present programming or security concerns. Housing will take into account the youth's perception of where they will be most secure, as well as any recommendations from the youth's healthcare professional. Generally, it is most appropriate to house transgender youth based on their gender identity.
 - E. Youth will not solely be prohibited from having a roommate based on a youth's actual or perceived sexual orientation.
 - F. If a youth is fearful of rooming with a particular youth or having a roommate, alternate means of keeping the youth safe can be arranged.

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- G. Youth will not be placed in isolation or segregation as a means of keeping them safe from discrimination, harassment, or abuse. However, LGBTQI and GNC youth may be provided with alternate means of housing until additional information is gathered that will benefit all youth.
 - H. In incidents where alternate housing has been arranged, the Watch Commander (WC) or Designee will clearly document the basis for the facility's concerns for the youth's safety and the reason why no alternative means of housing could be arranged. The youth will not be denied any required amount of recreation activity per policy or legally required educational programming and/or special education services. The youth will meet with Medical Services and FAST personnel daily and also have access to other programs and work opportunities as available. A review of the youth's housing status will be conducted no less than one (1) time per week to ensure all of their needs and concerns are being addressed.
 - I. Youth will not be treated or classified as sex offenders unless required by the Court.
 - J. When housed on the living unit, transgender youth will be given the opportunity to participate in all unit activities and functions established by the Probation Department Policies and Procedures.
 - K. Prior to housing a transgender youth:
 - 1. A Special Multidisciplinary Team (MDT) shall be conducted within twenty-four (24) hours of the youth being booked into the facility or prior to being placed on a housing unit.
 - 2. The youth's input, previous SOGIE history, safety implications, psychological impact and additional information received will be considered.
 - 3. Transgender youth will be referred to by their preferred name and pronoun that reflects the youth's gender identity, even if their name has not been legally changed.
 - 4. The final decision on housing transgender youth will be made by the Division Director II after conferring with the Deputy Chief Probation Officer.
- VI. Names and Language:
- A. Employees, volunteers, and contractors, when working with youth at all facilities will use respectful language and terminology that does not further stereotype people identified as LGBTQI or GNC.
 - B. Employees, volunteers, and contractors, in all facilities, in the course of their work, will not refer to youth by using derogatory language in a manner that conveys bias towards or hatred of people identified as LGBTQI or GNC. In particular, employees will not imply or tell LGBTQI or GNC youth that they are abnormal, deviant, or sinful or that they can, or should, change their sexual orientation or gender identity.

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- C. Transgender youth will be referred to by their preferred name and pronoun that reflects the youth's gender identity, even if their name has not been legally changed.
 - D. All written documentation about a transgender youth will utilize the youth's preferred name as well noting the youth's legal name recognized by the Court.
- VII. Clothing and Gender Presentation:
- A. Staff shall permit youth to dress and present themselves in a manner consistent with their gender identity, and shall provide youth with the institution's clothing and undergarments consistent with their gender identity.
- VIII. Bathrooms and Showers:
- A. Consistent with the facility's reasonable and necessary security considerations and physical plant, facility staff shall make every effort to ensure the safety and privacy of transgender and intersex youth when the youth are using the bathroom, or dressing or undressing.
 - B. Transgender youth will not be required to shower or undress in front of other youth and will be permitted to use single occupancy bathroom and showers, if requested by the youth. Such accommodations will be provided in a sensitive manner.
- IX. Health/Medical Services:
- A. Medical Services will provide comprehensive medical care, in accordance with National Commission on Correctional Health Care (NCCHC) Standards.
 - B. Medications and medication administration will be provided to all youth housed on the unit in accordance with the Medical Services Operations and Inter-Bureau Procedures for Psychotropic Medications and Pharmaceutical Responsibility for Medical Services.
 - 1. For those youth who have been identified as having already begun medications for hormone treatments, those medications will be reviewed based on the same policy practice. Once approved by the physician/provider, the medications will continue.
 - 2. If there is no evidence that a youth has started hormone treatment, under no circumstances will hormone treatments be initiated.
 - C. The JDAC/TF staff shall ensure that transgender and intersex youth have access to medical and behavioral health providers qualified to provide care and treatment to transgender and intersex youth.
 - D. Clinical decisions and actions regarding healthcare that is provided to the youth are the sole responsibility of qualified healthcare professionals. The implementation of healthcare procedures will be in compliance with established physician approved Clinical Protocols and Standardized Nursing Procedures.
 - E. All youth with significant health care concerns and those with a chronic health condition will be evaluated, treated and monitored based on the needs of the

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youth. This may include referrals to an appropriate contracted specialist when the youth requires medical services that are not within the scope of practice or not available in the JDAC clinic. Medical Care that is through the youth's private physician/ provider will be reviewed for consideration based on approval by the Health Services Manager and Superintendent of the JDAC. Medical staff will evaluate its continuation and determine appropriate action according to accepted professional standards.

- F. Health services for youth that require urgent medical care beyond the scope of a Correctional Nurse, will be referred to the on-site medical provider and/or transported to the nearest acute care hospital through the Emergency Medical System/911.
- X. Training:
 - A. In order for employees, volunteers, and contractors to have the awareness and capacity to effectively work with LGBTQI and GNC youth in the JDACS, all facility administrators, employees, volunteers, and contractors are required to attend training on LGBTQI and GNC youth.
 - B. All employees and administrators will receive training about LGBTQI and GNC youth during their orientation and as part of their continuing education requirements. These trainings will be taught by a qualified trainer with expertise in working with LGBTQI and GNC youth.
- XI. Forensic Adolescent Services Team (FAST):
 - A. Facility administrators shall ensure that transgender and intersex youth have access to medical and behavioral health providers qualified to provide care and treatment to transgender and intersex youth.
 - B. Mental health and medical staff will be aware of the increased risk of suicide and emotional difficulties faced by LGBTQI and GNC youth in the process of coming out to family, friends or staff.
 - C. Shall facilitate the Special MDT meeting.
- XII. Compliance Officer:
 - A. Will respond promptly to grievances by youth and concerns by family members, friends or third party reporting, who allege discrimination, sexual harassment or sexual abuse.
 - B. Will include in the monthly Grievance Report, grievances made regarding issues involving LGBTQI and GNC incidents or concerns and the steps made to address these matters.
 - C. Will be included in the Special MDT Meetings conducted for the benefit of LGBTQI/GNC youth.

619.5 ATTACHMENTS:

[Lexipol 7-2019\).pdf](#) See attachment: [LGBTQI and GNC in JDACs and TFs Attachment A \(Lexipol 7-2019\).pdf](#)

Attachments

LGBTQI and GNC in JDACs and TFs Attachment A (Lexipol 7-2019).pdf

San Bernardino County Probation Department Juvenile Detention Assessment & Classification

CASEWORK NEEDS

1. Substance Abuse: YES NO _____
(Drug Type and Treatment History)

- None known/infrequent/no impairment 1
- Occasional/frequent 2
- Dependency 3 _____

2. Victimization: YES NO _____
(If yes by Whom/Date)

Physical Abuse YES NO

- No physical abuse noted 1
- Some physical abuse but never removed from home 2
- Physical abuse and removed from home 3 _____

Prior Sexual Abusiveness YES NO

- No sexual abusiveness 1
- Some sexual abuse but never removed from home 2
- Sexual abuse and removed from home 3 _____

Reported to CFS: YES NO _____
(If yes by Whom/Date)

Commercial Sexual Exploitation YES NO

- None known 1
- Minimal or related arrest history 2
- Self admission/arrest history 3 _____

Reported to CFS: YES NO _____
(If yes by Whom/Date)

3. Self-Esteem/Social Skills/Emotional Stability

Social Skills YES NO

- Generally positive peer relationships (some negative influences) 1
- Has difficulty communicating/making friends 2
- Feels isolated/has no positive peer/adult relationships 3 _____

4. Aggression/Anger Issues YES NO _____

- No history or admission of aggression 1
- Has arguments school/family 2
- Fights at school/home-arrests for anger/assault 3 _____

5. Family Relationship/Support YES NO _____
(List name of Parent/Guardian/Relative youth identifies as strongest support)

- General family support (either one or both parents present) 1
- Minimal family support (parental emotional detachment) 2
- Removed from parental care, placed in Foster Care System 3 _____

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CASEWORK NEEDS

6. Sex Offense History YES NO _____

- No known history 1
- Known/admitted past sex offender history/past history of acting out sexually nothing active/no charges found true 2
- Active charge for sex offense or previous charge found true/actively acting out sexually 3 _____

7. Sexual Orientation, Gender Identification and Gender Expression

- What was your sex at birth?
 Male Female Intersex
- What is your sexual orientation?
 Bisexual Gay Heterosexual/Straight
- What is your gender?
 Girl/Woman Boy/Man Transgender
 Other: _____
- What is your gender expression?
 Masculine Feminine Other: _____

Based on staff's observation, are there any factors based upon the youth's appearance or manner that would place them at risk? If yes what are the identifiers: _____

8. Physical, Developmental, Intellectual Disabilities: YES NO _____
(Describe-consult with FAST/school/medical as needed)

- Minimal impairment (requiring some assistance) 1
- Moderate impairment (requiring significant assistance) 2
- Severe impairment (requiring on-going treatment/assistance) 3 _____

Education based on disability 504 Plan: YES NO _____
(Also see Medical and Educational Assessment)

9. Education: Individual Education Plan (IEP) YES NO _____

Juvenile Court Schools Mandatory Special Education Questionnaire in file: YES NO

Other school information: _____

Job related skills _____ ILSP _____ Vocational _____

10. Prior/Current Mental Health History/Treatment Needs: YES NO _____
(List the name and telephone number of therapist and /or doctor/psychiatrist)

Psych Meds YES NO _____
(List specific medications currently/previously taken)

- Minimal or no prior mental health counseling/treatment 1
- Moderate prior mental health treatment (medications) 2
- Significant/severe prior mental health treatment/hospitalization 3 _____

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CASEWORK NEEDS

11. MAYSI 2: Date administered _____

			Caution	Warning	INV
AD	Alcohol/Drug Use	(0-3)	(4-5)	(6-8)	
AI	Angry - Irritable	(0-4)	(5-7)	(8-9)	
DA	Depressed - Anxious	(0-2)	(3-5)	(6-9)	
SC	Somatic Complaints	(0-2)	(3-5)	(6)	
SI	Suicide Ideation	(0-1)	(2)	(3-5)	
TD	Thought Disturbance (Boys)	(0)	(1)	(2-5)	
TE	Traumatic Experiences	(0-5)			

12. Suicide Prevention:

- SOS level 1 SOS level 2 SOS level 3
 Not Applicable Prior Current

Explain: _____

13. Are there mental health concerns? Are there indications the youth needs psychological treatment or assessment? YES NO

(If youth has been marked yes for victimization or sex offense history, make FAST referral)

(Explain)

- FAST Referral YES NO Referral Date: _____

14. Medical Concerns: YES NO _____

(List Medical Concerns and also see Nurse's Assessment)

- No medical concerns 1
- moderate medical concerns 2
- Severe medical impairment 3 _____

15. Nutritional Concerns: YES NO _____

(List specific nutritional concerns and also see Nurse's Assessment)

- No nutritional concerns 1
- Moderate nutritional concerns 2
- Severe nutritional concerns 3 _____

16. Other/Special Treatment Needs:

