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LGBT Youth in Juvenile Justice System

FACTS

- LGBT youth comprise a significant portion (up to 13%) of youth in detention nationwide
- Remain invisible to many juvenile justice professionals



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Barriers to Fair and Effective Juvenile Justice Systems

- Common misconceptions and biases
- Attempts to change, control, or punish
- Family rejection
- Pervasive harassment at schools
- Lack of competent services and placements
- Unnecessarily and disproportionately detained



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Barriers to Fair and Effective Juvenile Justice Systems (con't)

- Egregious conditions of confinement in detention and other secure facilities
- Delinquency courts fail to protect the due process rights of LGBT youth, particularly the right to effective counsel



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“Lesbian, gay and bisexual (LGB) adolescents are about 40 percent more likely than other teens to receive punishment at the hands of school authorities, police and the courts, according to research published in the January, 2011 issue of Pediatrics and released online today”

~GSA Network (December 6, 2010)



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LGBT Youth and Sexual Abuse in Detention

- Youth with a sexual orientation other than heterosexual reported significantly higher rates ~ BJS
- Youth who had experienced any prior sexual assault were more than twice as likely to report sexual victimization in the current facility (24.1%), compared to those with no sexual assault history (10.1%) ~ BJS



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From the Youth standards:

§ 115.314 Limits to cross-gender viewing and searches.

The facility shall not examine a transgender resident to determine the resident's genital status unless the resident's genital status is unknown. Such examination shall be conducted in private by a medical practitioner.

The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.



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From the Youth standards (con't):

§ 115.331 Employee training.

(9) How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, or intersex residents; and

§ 115.341 Obtaining information from residents.

(a) During the intake process and periodically throughout a resident's confinement, the agency shall obtain and use information about each resident's personal history and behavior to reduce the risk of sexual abuse by or upon a resident.

(b) (c) At a minimum, the agency shall attempt to ascertain information about:

(c) (1) Prior sexual victimization or abusiveness;

(d) (2) Sexual orientation, transgender, or intersex status;



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From the Youth standards (con't):

When determining housing, bed, program, education and work assignments for

residents, the agency must take into account:

- (4) Any history of sexual victimization or engaging in sexual abuse;
- (5) His or her level of emotional and cognitive development;
- (6) His or her identification as lesbian, gay, bisexual, transgender, or intersex

(d) Lesbian, gay, bisexual, transgender, or intersex residents shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status.

(e) The agency shall make an individualized determination about whether a transgender resident should be housed with males or with females. ;



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Recommendations

- Treat all LGBT youth with fairness, dignity, and respect
- Promote the well-being of transgender youth
- Training
- Develop individualize responses (no cookie cutter approaches)
- Develop, adopt, and enforce antidiscrimination policies



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Recommendations (con't)

- Avoid unnecessary detention and incarceration
- Maintain a continuum of programs, services, and placements
- Ensure adequate development, oversight, and monitoring of programs, services, and placements
- Timely appointment of qualified and well-resourced counsel



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Recommendations (con't)

- Protecting the civil rights of LGBT youth, and ensuring their physical and emotional well-being and safety in out-of-home placements
- Adhere to all confidentiality and privacy protections afforded LGBT youth



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About Candy shop

- Target Population:
 - Transgender Youth of Color
- Scope of Work:
 - HIV counseling and testing services to 300 Trans Youth of color (Primarily Latinas/os and Blacks)
 - 95% Trans Youth of color tested positive linked to appropriate HIV care and services
 - 95% Trans Youth of color at risk of HIV assessed and referred to appropriate resources such as emergency shelter, medical and case management



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