





San Francisco Juvenile Probation Department

Juvenile Hall Policy and Procedures Manual

Chapter 5 - Youth Rights

Policy Number:	5.11
Policy Name:	Transgender and Intersex Youth
Authority:	Title 15, 1352.5
Replaces:	
Effective Date:	January 1, 2019
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Related Policies and Procedures:	3.01 - Admission, Referral, Screening and Classification 3.03 - Suicide Prevention Plan 3.06 - Screening for the Risk of Sexual Abuse 5.02 - LGBTQQI Youth Protocol 5.07 - PREA 10.10 - Searches
Related Forms:	PREA Referral
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I. POLICY

It is the Policy of Juvenile Hall to ensure respectful and equitable treatment of transgender and intersex youth. Juvenile Hall Policy is trauma informed.

The policies shall provide that:

- A. Juvenile Hall staff shall respect every youth's gender identity and shall refer to the youth by the youth's preferred name and gender pronoun, regardless of the youth's legal name. The use of gang or slang names that compromise facility operations as determined by the Director of Juvenile Hall or designee are prohibited. Staff shall document any decision made on this basis.
- B. Juvenile Hall 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.
- C. Juvenile Hall staff shall house youth in the living 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 reason for any decision to house youth in a living 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 behavioral health care provider.
- D. Juvenile Hall 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.
- E. Consistent with Juvenile Hall policy, reasonable and necessary security considerations and physical plant, Juvenile Hall staff shall make every effort to ensure the safety and privacy of transgender and intersex youth when the youth are using the bathroom, shower, or dressing or undressing.

Juvenile Hall staff shall not conduct physical searches of any youth for the purpose of determining the youth's anatomical sex. Whenever feasible, Juvenile Hall staff shall respect the youth's preference regarding the gender of the staff member who conducts any search of the youth. (See Policy 3.07, Gender Inclusion Policy).

II. PURPOSE

Youth are legally protected from discrimination and harassment based on actual or perceived sexual orientation, gender identity, and gender expression. Though LGBTQQI youth represent just 5 to 7 percent of the nation's overall youth population, they compose 13 to 15 percent of those currently in the juvenile justice system. These high rates of involvement in the juvenile justice system are a result of a host of complex issues, including gay and transgender youth abandonment by their families and communities, and victimization in their schools. These are realities that place this group of young people at a heightened risk of entering the school-to-prison pipeline.

III. PROCEDURES

Best Practices for Working with LGBTQQI Youth

A. Disclosure of gender identification or sexual orientation

- i. Staff should not assume to know the sexual orientation or gender identity of a youth. The only way to know a youth's sexual orientation or gender is for them to disclose it to you.
- ii. Staff should not directly ask a youth to identify their sex, sexual orientation, or gender. Direct questioning can make it more difficult for a youth to disclose due to past experiences with discrimination, harassment, and harm.

B. Language and Communication

- i. Once a youth discloses, staff should take a moment to discuss with the youth what their gender or sexual orientation means to them and how it impacts how they would like to be communicated with and assisted. For example:
 - a. Some youth may express a preferred pronoun. Staff should respect a youth's pronoun choice and ensure that other youth do as well if that is the youth's preference. Some youth may prefer traditional pronouns (he, his, she, her) while others may prefer more neutral pronouns like "they" as is being used in this protocol.
- ii. When youth do not identify with the sex assigned to them at birth, they often wish to be referred to by a chosen name that reflects the gender that they identify with. The ability to choose a preferred name and/or pronoun that is consistent with the youth's identified gender, rather than the youth's sex at birth, is often especially important to transgender youth.
- iii. Many youths of all sexual orientations, genders, and backgrounds are in the process of establishing their identities as individuals. For some youth, this may mean that they want to change the language that they use to identify themselves as well as the language they would like others to use to identify them. This process should be respected and supported (using preferred pronouns, chosen name, etc.) by Juvenile Hall staff and other youth if that is the youth's preference.
- iv. When discussing sexual orientation or gender identification with youth, try to use up-to-date language such as gay, lesbian, and queer instead of outdated or

value laden terms such as “homosexual”. To know what terms are most relevant and familiar to youth, ask them (once dialog on the subject has been opened) or refer to them as they refer to themselves while speaking.

- v. Preferred names and pronouns should be used in addressing youth and in documentation. In court reports and referrals for services, they should be referred to by the first name and pronoun that they request with the name recognized by the court indicated as “Also Known As” or “AKA”.
- vi. Names that are affiliated with gangs or that otherwise present safety issues will not be permitted. The youth should be notified of the reasoning behind the decision and given an opportunity to choose a name that does not have connotations to violence, drugs, or affiliation to a gang.

C. Confidentiality

- i. Respecting confidentiality of gender and sexual orientation is an important safety precaution.
- ii. Some youths have not disclosed their gender or sexual orientation to their family, guardians, friends, or peers. Often, they do not disclose due to a fear of rejection, harassment, or physical harm. Talk with the youth before disclosing any information about gender, sexual orientation, or individual preferences to family, guardians or before discussing it in front of others.
- iii. Upon initial disclosure of preferred name or pronoun, Juvenile Hall staff should inquire about the individual’s comfort with the use of the name and pronoun around other youth.

D. Behavioral Health

- i. Staff should never assume any pathology simply because a youth expresses a different gender identity or sexual orientation.
- ii. It is illegal to engage in sexual orientation change efforts with a person under the age of 18. [SB 1172] If a Juvenile Hall staff member observes or hears of any such programming or medical intervention, he or she shall report it to the Officer of the Day, the Director of Juvenile Hall or designee.
- iii. Many LGBTQQI youth have experienced discrimination and harassment throughout their life because of the discomfort of others with their sexual orientation or chosen gender. Due to this prevalence of mistreatment, there is a higher rate of suicidal thoughts, depression, anxiety, drug/alcohol abuse, and truancy among these youth. All youth should be referred to appropriate services if they exhibit any need for support around these issues (See Policy 8.05 – Counseling and Supporting Youth).
- iv. LGBTQQI youth may benefit from referrals to resources and outside organizations that offer services and provide a safe and supportive community.

E. Other Considerations

- i. Throughout the Juvenile Hall Policy Manual, staff will find information on special considerations for LGBTQQI youth. Areas of importance include:
 - a. Housing and Classification (See Policy 3.01 – Classification)
 - b. Searches (See Policy 10.10 Searches)

- c. Youth Rights including the right to self-expression and freedom from harassment (See Policy 5.03 – Youth Rights and Responsibilities)
- d. Safety: LGBTQQI youth shall not be separated or denied access to programming to address safety concerns rather those youth posing the safety concern shall be subject to a reintegration and safety plan.