



# OJJDP LISTENING SESSION REPORT

Creating and Sustaining Fair  
and Beneficial Environments  
for LGBTQ Youth



The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance; the Bureau of Justice Statistics; the National Institute of Justice; the Office for Victims of Crime; and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.

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**JUNE 2016**  
**NCJ 245321**

This report was prepared under contract number 2010C–10031 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions expressed in this document are those of the listening session participants and do not necessarily represent the official position or policies of the U.S. Department of Justice.

## Foreword

Lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth need families, communities, and schools that ensure safety and promote their healthy development. Too often, however, LGBTQ youth face serious challenges as a result of living with a stigmatized identity. Other youth often target them for bullying. Many LGBTQ youth are rejected by their families; they may become homeless and forced to survive on the streets. If these youth become involved with law enforcement or the courts, they are often placed in close, unsupervised contact with other youth, which in turn often leads to harassment or assault. To protect LGBTQ youth in their care, those who work with youth in juvenile justice programs and facilities must be trained to provide respectful, informed, and effective support for these young people.

In recent years, laudable progress has been made to address the challenges that this population faces. A number of states have enacted policies, statutes, and regulations to guarantee the rights and safety of LGBTQ youth. Local organizations and advocacy groups and state and federal agencies have developed resources and guides for family members, friends, or other individuals who wish to offer support to youth. And research is raising public awareness and knowledge about LGBTQ youth and the juvenile justice system.

To build on this progress, renowned experts from across the country and youth with firsthand experience in the justice system gathered in November 2014 at an OJJDP-sponsored listening session in Washington, DC, to share their expertise. Their presentations covered a range of topics, including current approaches to policy and practice, the criminalization of LGBTQ youth, data collection, LGBTQ youth and the courts, and LGBTQ youth in tribal communities. My expectation is the information shared at the listening session and summarized in this report will enhance the national conversation on LGBTQ issues and improve the lives of young people for years to come.

Robert L. Listenbee  
Administrator

Office of Juvenile Justice and Delinquency Prevention

## Acknowledgments

Many individuals, groups, and organizations contributed to the development of the “Creating and Sustaining Fair and Beneficial Environments for LGBTQ Youth” listening session and the preparation of this report.

OJJDP wishes to acknowledge the Listening Session Planning Team, including, in alphabetical order: Karen Bachar, Hernan Carvente, M. Currey Cook, Anthony Capizzi, Se-ah-dom Edmo, Shaena Johnson, Jody Marksamer, Steve Mendelsohn, Carolyn Reyes, and Mykel Selph; Management Solutions Consulting Group; the National LGBTQ Task Force (Meghan Maury) and the National Juvenile Defender Center (Christina Gilbert) and their individual affiliates; the devoted OJJDP staff; the Lockheed Martin editorial group; and all participants in the listening session who contributed their time, talent, and expertise to this project (see appendix B for a list of participants).

Their collective effort and dedication made the listening session and this report possible.

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## Executive Summary

This report summarizes the information, ideas, and perspectives that were shared at a listening session entitled, “Creating and Sustaining Fair and Beneficial Environments for LGBTQ Youth.”

Organized by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the session was held on November 6–7, 2014, at the U.S. Department of Justice’s Office of Justice Programs in Washington, DC. Participants included researchers, practitioners, and youth experts from across the nation. The listening session agenda and a list of participants appear in appendixes A and B, respectively.

Recommendations offered throughout the listening session were designed to lay the foundation for a strategic framework composed of actionable items that OJJDP can take to address the unique needs of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth; help states and localities develop appropriate policies and practices; develop interagency agreements with other federal partners; leverage and enhance OJJDP’s current training and technical assistance; and encourage research to identify promising programs for this special population. A summary of the recommendations offered at the listening session is presented in appendix C.

Topics covered in the 2-day session included:

- State and local policies and practices currently in place to protect LGBTQ youth who come into contact with the child welfare and juvenile justice systems.
- Strategies for addressing homelessness among LGBTQ youth.
- LGBTQ youth and survival sex.
- Tribal resolutions and codes to support LGBTQ justice in Indian country.
- The Office for Victims of Crime toolkit, “Responding to Transgender Victims of Sexual Assault.”
- LGBTQ youth of color and law enforcement.
- Judicial leadership and LGBTQ youth.
- A case study: LGBTQ policy and practice at the Administration for Children’s Services in New York City.

The gathering also featured youth panel discussions and breakout sessions on a range of other subjects, including juvenile justice reform, leadership development, research and data gathering, and training needs in the area of LGBTQ youth.



## Thursday, November 6, 2014

### Welcome and Introductions

In his welcoming remarks, OJJDP Administrator Robert L. Listenbee thanked participants for attending the listening session and emphasized that he expects the session to inform the development of new policies and practices within the Office. He went on to say that the ultimate goal is to create a roadmap and a set of actionable objectives for OJJDP and the Office's public and private partners at the federal, state, and local levels. Mr. Listenbee introduced Karol V. Mason, Assistant Attorney General for the Office of Justice Programs (OJP), who spoke briefly about OJP's ongoing commitment to enhancing justice and safety for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth.

### Justice for LGBTQ Youth

#### OJJDP Administrator Robert L. Listenbee

Mr. Listenbee's presentation focused on recommendations for fair and equitable treatment of LGBTQ youth in the juvenile justice system contained in the *Report of the Attorney General's National Task Force on Children Exposed to Violence*.<sup>1</sup> Mr. Listenbee served as co-chair of the task force, along with Joe Torre, the former professional baseball player and manager, and chairman of the board of Safe at Home, an organization that works to stop domestic violence.

In its public hearings and listening sessions held across the nation over a 1-year period, the task force heard forceful testimony about the experiences of many LGBTQ youth: bullying and violence, rejection by their families, isolation from their communities, and suicidal ideation and attempts. Juvenile justice system involvement often compounds the trauma youth may have experienced in their homes, schools, and communities. LGBTQ youth in detention or confinement may experience discrimination and violence at the hands of other youth and corrections staff.

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<sup>1</sup> Available at [www.justice.gov/defendingchildhood/cev-rpt-full.pdf](http://www.justice.gov/defendingchildhood/cev-rpt-full.pdf).

In its report, the task force emphasized that juvenile justice personnel and facilities must provide consistent therapeutic supervision to ensure the safety of LGBTQ youth and thus protect them from further exposure to violence by peers or adults. Law enforcement and court, detention, and corrections staff should receive training on providing therapeutic supervision that does not further traumatize these youth and helps put them on the path to healing and wellness. Mr. Listenbee said OJJDP is committed to acting on the report’s recommendations and supporting efforts to create a juvenile justice system that treats all youth fairly and supports their healthy growth and development. Findings from the latest neuroscience research on the developing brain—and the deleterious impact of trauma on normal social, emotional, and cognitive development—must be incorporated into discussions about and responses to the needs of LGBTQ youth, Mr. Listenbee said.

OJJDP is the only agency within the federal government that focuses solely on the needs of youth in the juvenile justice system. Although there are other agencies that focus on the needs and special circumstances of LGBTQ youth, OJJDP is the only agency that addresses these issues within the context of the juvenile justice system.

For this reason, Mr. Listenbee said, the Office would be listening closely to what session participants say about the challenges and needs of this population and recommendations for improving the juvenile justice system’s response to LGBTQ youth. “The time has come for OJJDP to take a closer look at issues affecting LGBTQ youth, including their unique challenges and their disparate treatment in the juvenile justice system, particularly in those instances where sexual orientation, gender identity,<sup>2</sup> ethnicity, and race intersect,” Mr. Listenbee said.

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<sup>2</sup> “Gender identity” refers to a person’s internal sense of self as male, female, no gender, or another gender.

## **LGBTQ Policy and Practice**

### **M. Currey Cook, Esq., Director, Youth in Out-of-Home Care Project, Lambda Legal**

*Karen J. Bachar, OJJDP Senior Policy Advisor, thanked the planning committee for organizing the listening session and introduced M. Currey Cook.*

Mr. Cook said Lambda Legal's Youth in Out-of-Home Care Project works to ensure justice and safety for LGBTQ youth and youth living with HIV who are experiencing homelessness or who are involved in the juvenile justice or child welfare systems. As director of the project and a senior staff attorney at Lambda Legal, Mr. Cook works to achieve those goals through policy advocacy, training, and litigation. He also advocates on behalf of LGBTQ foster and adoptive parents involved with out-of-home care systems, LGBTQ youth who are at risk for commercial sexual exploitation, and undocumented LGBTQ youth.

### **Milestones: Ensuring Justice and Safety for LGBTQ Youth**

Mr. Cook offered a summary of the significant progress that has been made since the early 2000s in raising awareness about the needs of LGBTQ youth in the juvenile justice system, identifying areas for improvement, and developing guidelines for improving juvenile justice practice. Following are just a few examples:

- 2001: The Urban Justice Center released *Justice for All? A Report on the Lesbian, Gay, Bisexual and Transgendered Youth in the New York Juvenile Justice System*,<sup>3</sup> the first published report documenting the experiences of LGBTQ youth in the juvenile justice system.
- 2003: The Juvenile Justice Coalition, coordinated by the Juvenile Justice Project, formed a working group to raise awareness, develop policy proposals, and advocate for change to address the harm that system-involved LGBTQ youth face.

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<sup>3</sup> Available at [www.hivlawandpolicy.org/resources/justice-all-report-lesbian-gay-bisexual-and-transgendered-youth-new-york-juvenile-justice](http://www.hivlawandpolicy.org/resources/justice-all-report-lesbian-gay-bisexual-and-transgendered-youth-new-york-juvenile-justice).

- 2005: As part of its Juvenile Detention Alternatives Initiative, the Annie E. Casey Foundation published *Lesbian, Gay, Bisexual, and Transgender Youth in the Juvenile Justice System*,<sup>4</sup> a practical guide that covers a wide range of policies and practices, including nondiscrimination policies, staff training, and making individualized classification and housing decisions.
- 2006: Massachusetts established the Commission on LGBTQ Youth to recommend and advocate to all branches of state government effective policies, programs, and resources for LGBTQ youth.
- 2007: The Juvenile Justice Project in Louisiana, a network of organizations and individuals supporting juvenile justice reform, established the LGBTQ Project.
- 2009: The Equity Project released *Hidden Injustice: Lesbian, Gay, Bisexual and Transgender Youth in Juvenile Courts*.<sup>5</sup>
- 2010: The *Columbia Journal of Gender and Law* published “We’ve Had Three of Them: Addressing the Invisibility of Lesbian, Gay, Bisexual and Gender Non-Conforming Youths in the Juvenile Justice System.”<sup>6</sup> The article, authored by Dr. Angela Irvine of the National Council of Crime and Delinquency, presented national survey data showing that the prevalence of LGBTQ youth in the juvenile justice system was much higher than previously estimated.
- 2011: The National Juvenile Defender Center published the *Juvenile Defender Resource Guide*,<sup>7</sup> which included specific practice guidelines for juvenile defenders representing LGBTQ youth.

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<sup>4</sup> Available at [www.aecf.org/resources/lesbian-gay-bisexual-and-transgender-youth-in-the-juvenile-justice-system](http://www.aecf.org/resources/lesbian-gay-bisexual-and-transgender-youth-in-the-juvenile-justice-system).

<sup>5</sup> Available at [www.equityprojects.org/wp-content/uploads/2014/08/hidden\\_injustice.pdf](http://www.equityprojects.org/wp-content/uploads/2014/08/hidden_injustice.pdf).

<sup>6</sup> Available at [www.nccdglobal.org/sites/default/files/content/weve-had-three-of-them.pdf](http://www.nccdglobal.org/sites/default/files/content/weve-had-three-of-them.pdf).

<sup>7</sup> Available at <http://njdc.info/wp-content/uploads/2013/12/2011-Resource-Guide.pdf>.



- 2015: The Equity Project developed *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*.<sup>8</sup> The curriculum provides comprehensive, interactive training lessons for practitioners working with LGBTQ youth in the juvenile justice system.

### **Statutory and Regulatory Protections and Policies**

An ever-increasing number of organizations and public agencies are producing LGBTQ youth-related research findings and guidelines for equitable treatment and strategies to meet the unique needs of LGBTQ youth. This growing commitment to address the needs of this community and the resulting heightened public awareness about LGBTQ issues are fueling statutory and regulatory protections and policy change.

Currently, a patchwork of state and local child welfare and juvenile justice systems have explicit statutes, regulations, and policies to protect LGBTQ youth in government custody from discrimination and abuse, and to ensure competent and supportive care for this population. These provisions reflect the recognition that professional standards of care and legal requirements compel safe, nondiscriminatory, and competent services for LGBTQ young people in government care. The presence of some degree of legal protection and policy in 39 states, including Utah, Texas, and Mississippi, shows that recognition of the need to protect the rights of LGBTQ children in government care or custody is not just a “coastal” or urban phenomenon; it exists in many areas of our nation.

In the juvenile justice context, many state systems include some degree of protection for LGBTQ children and youth in short- and long-term detention facilities as a result of Prison Rape Elimination Act (PREA) mandates, but most of those states do not have a separate, detailed LGBTQ policy. Some systems have nondiscrimination protections at the health and human

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<sup>8</sup> Available at [www.equityprojects.org/training-type/curricula](http://www.equityprojects.org/training-type/curricula).

services/social services departmental level that cover both child welfare and juvenile justice programs where both operate under the human services/social services umbrella.<sup>9</sup>

### **Agency Guidelines for Implementing Policy**

Some organizations and agencies have adopted practice guidelines to help employees implement policy. In 2014, the Administration for Children’s Services in New York City published *Safe & Respected: Policy, Best Practices & Guidance for Serving Transgender & Gender Non-Conforming Children and Youth Involved in the Child Welfare, Detention, and Juvenile Justice Systems*.<sup>10</sup> The guide features an overview of the barriers that transgender and gender-nonconforming youth<sup>11</sup> face in foster care and juvenile detention; a glossary of terms; and an overview of affirming resources, policies, and best practices.

### **Training**

Training on how to work effectively with LGBTQ youth and ensure their safety is essential. Even if policies are in place, training on how professionals and staff can translate them into practice is the only way to ensure that the policies are implemented. Many jurisdictions that have implemented policy have also required training. New York City, New Jersey, many parts of Louisiana, and many counties in California, just to name a few, have provided training to juvenile justice professionals and facility staff.

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<sup>9</sup> More extensive information regarding juvenile justice- and child welfare-related state law, regulation, and policy (including model policy); protections in educational settings; and social work standards related to sexual orientation and gender identity and expression (SOGIE) can be found in the Center for the Study of Social Policy’s getR.E.A.L. project report, *State Policies Concerning LGBTQ Youth* ([www.cssp.org/reform/child-welfare/get-real/State-Child-Welfare-Policies-Concerning-LGBTQ-Youth.pdf](http://www.cssp.org/reform/child-welfare/get-real/State-Child-Welfare-Policies-Concerning-LGBTQ-Youth.pdf)); in *Restoring Justice: A Blueprint for Ensuring Fairness, Safety, and Supportive Treatment of LGBTQ Youth in the Juvenile Justice System* (<https://cdn.americanprogress.org/wp-content/uploads/2014/12/LGBTJJPpolicy-brief7.pdf>) by the Center for American Progress, the Equity Project, and FIRE (Fighting Injustice to Reach Equality); and at the Equity Project’s website ([www.equityprojects.org/type/policy](http://www.equityprojects.org/type/policy)).

<sup>10</sup> Available at [www1.nyc.gov/assets/acs/pdf/lgbtq/FINAL\\_06\\_23\\_2014\\_WEB.pdf](http://www1.nyc.gov/assets/acs/pdf/lgbtq/FINAL_06_23_2014_WEB.pdf).

<sup>11</sup> “Gender nonconforming” refers to individuals whose gender presentation, whether by nature or by choice, does not align in a predicted fashion with gender-based expectations.

## **Data**

The juvenile justice system should gather demographic data related to sexual orientation and gender identity as a young person enters the system. This data is critical to effectively address the needs of LGBTQ youth. Dr. Angela Irvine (principal investigator of a national study of LGBTQ youth in the juvenile justice system) and many others have been expanding demographic data related to LGBTQ youth in the juvenile justice system. Unfortunately, ethical considerations preclude data collection on LGBTQ youth in the many jurisdictions where legal and policy protections still are not in place. Until those essential protections are in place, data collection cannot take place nationwide.

## **Alternatives to Confinement**

Diversion programs could—and should—be more widely used for LGBTQ youth. Many LGBTQ youth have experienced violence, trauma, and abuse, and a range of social services other than arrest, detention, and confinement would more effectively address their mental health and substance abuse challenges. Seamless statutes, regulations, and policies in place throughout the nation would better protect LGBTQ youth and diversion programs could more easily collect the information to determine whether a youth's involvement with the system is associated with circumstances such as family rejection and/or homelessness, and an alternative response could be developed.

## **Conclusion**

The over-representation of LGBTQ youth in the juvenile justice system compared to their non-LGBTQ peers and the mistreatment of these youth underscore the urgent need for cultural competency, protections, and appropriate services. In addition, youth voices historically have not been part of the information-gathering and system-reform process. Their voices must be included because these youth can provide vital input—based on firsthand experience—to inform the development of appropriate services and supports.

*The floor was opened for a general discussion, which included the following observations.*

- The Prison Rape Elimination Act (PREA) as a national policy has been a catalyst for change. Because PREA standards enforce data-collection activities, jurisdictions are now required to ask about sexual orientation and gender identity. Twelve counties in California are taking the lead in this area.
- The National Council on Crime and Delinquency (NCCD) cooperated with the Bureau of Justice Assistance to develop the National PREA Resource Center and has developed LGBTQ-specific training. NCCD has completed eight trainings involving several hundred people. Although PREA has opened the door to conversing about LGBTQ issues, it is not enough. Best practices should be expanded and implemented for serving this population while they are in confinement. For example, PREA does not address the need for hormone therapy for youth in transition to another gender or the right to wear clothes that comport with one's gender identity.
- There are now juvenile detention facilities that house youth according to their gender identity. Some facilities provide hormone therapy when a court order directs them to do so.

### **We Deserve Better! Youth Panel**

*Carolyn Reyes, getR.E.A.L. (Recognize, Engage, Affirm, Love) Project Director with Family Builders, facilitated a panel discussion with youth who were formerly involved with the juvenile justice system.*

#### **Panelists**

- Hernan Carvente, program analyst at the Vera Institute of Justice.
- Shaena Johnson, program director at BreakOUT!, a New Orleans organization that seeks to end the criminalization of LGBTQ youth.
- Jack Storti, then a college senior majoring in human services at Metropolitan State University in Denver, CO.



- Mitchyll Mora, researcher at Streetwise and Safe, an organization in New York City that builds leadership skills, knowledge, and community among LGBTQ youth of color.
- Captain Young, an LGBTQ youth advocate based in Oakland, CA.

### **Summary of Comments**

- LGBTQ youth often are forced to live on the streets because they do not have a safe place to go.
- These young people frequently are arrested for minor charges (e.g., sleeping in a public place or public urination), and it is not uncommon for youth to have been arrested 20–30 times.
- Many youth come into the system because of fights at school. This is especially true for LGBTQ youth who are bullied. LGBTQ youth habitually get charged after they act in self-defense in a bullying incident. The system often deems them to be “troublemakers.”
- Youth of color disproportionately come into contact with the juvenile justice system, and LGBTQ youth of color are even more likely to come into contact with the system. The intersection of sexual orientation, gender identity, gender expression, and race can compound the problem of disparate treatment. “It is difficult to be a person of color and not go to jail at some point.”
- More professionals in the juvenile justice system should receive mandatory training in cultural competency and the issue of disproportionality (the disproportionate number of African Americans and Latinos in the system).
- Many youth from these cultures and communities have come from adverse childhoods and are battling posttraumatic stress disorder. Trauma-informed care is of paramount importance.

- Giving the young person decisionmaking power in ongoing services and treatment is an effective tool on the road to healing and recovery.
- Attitudes of correctional staff can have a powerful effect on the behavior of youth in juvenile justice facilities. Staff attitudes can signal whether discrimination toward and maltreatment of LGBTQ youth are acceptable behaviors.
- Substance abuse is rampant among LGBTQ youth. Pain—whether physical, mental, or emotional—is the root of addiction. When treating substance abuse in this population, caregivers should ensure that youth feel safe and respected (e.g., when LGBTQ youth are asked to provide urine samples, they are asked whether they would like to be monitored by someone of the same biological sex or the same gender identity).
- Gender identification and sexual orientation should be specified on all intake forms.
- The manner in which LGBTQ issues are addressed in court is critically important to positive outcomes for youth. Defense attorneys must be trained to more effectively advocate for LGBTQ youth and ensure equitable treatment.
- Pre- and post-adjudication practices also are important: “Our youth are sitting in prison, often with no guidance. New and updated resources are necessary to help these youth while they are in the system.”
- Do not underestimate the importance of aftercare. Services provided in the juvenile justice system are only one step. It is also essential to provide youth with the skills and resources to navigate life’s challenges successfully after they are no longer involved with the system.
- Mentoring programs can be helpful for LGBTQ youth. Mentors should be paired with mentees of similar background and age, and mentors should provide safe environments for mentees to speak about any topic.

## What We Heard, What We Learned: An Open Discussion

*Carolyn Reyes, getR.E.A.L. Project Director with Family Builders, facilitated a general question-and-answer session in which participants outlined recommendations for practice, program, and policy reform.*

- Training should be mandatory for all programs focused on the needs of the entire LGBTQ youth community rather than “siloining” them.
- The field must focus on policy that creates overall “culture change” in the juvenile justice system, so that the system as a whole respects young people regardless of their sexual orientation, gender identity, or gender expression.
- Data collection is important. All 50 states collect data on gang involvement, but only 17 collect data about sexual orientation. Only one state collects information on transgender status. There are ways to collect this information without compromising confidentiality.
- Relevant data should be gathered at intake in all juvenile detention facilities. In Louisiana, the Juvenile Detention Standards “prohibit discrimination, poor treatment, or harsh disciplinary practices against queer and transgender youth.” This allows the intake person to ask many more questions during intake.
- All child and family services departments should establish a policy to protect lesbian, gay, bisexual, and transgender youth. This creates a safe environment in which to collect data and information. However, “if a youth comes out to you, it is not your job to tell the whole world.” Confidentiality should always be the number one priority in any policy.
- PREA provides that transgender people should be able to choose where they want to be placed while in custody. They can be placed either by their birth genital status or their current gender identity preference. Since PREA collects this housing information, this can be leveraged to help with data collection.

- How many people have thought about family-centered initiatives to address issues of LGBTQ youth? If so, what do those initiatives look like? For family therapy sessions, is there a particular curriculum in place for LGBTQ youth? Also, the definition of “family” should be broad; it should not be limited to the young person’s immediate family.
- Judges see family rejection and want family services to support young LGBTQ people. New York has an LGBTQ project that works the goal of family acceptance into the Multi-Systemic Therapy model that they use.
- The federally funded Los Angeles LGBTQ Center’s RISE Project is looking at increasing permanency and supporting homeless LGBTQ youth. The purpose of the project is to improve relationships with families, address rejection, and increase support, with the goal of reuniting LGBTQ youth with their family members or others who they consider to be family.
- The National Council on Crime and Delinquency (NCCD) has a module in its LGBTQ training on family engagement and kinship networks. The module asks trainees to focus on who is supportive in the child’s life. NCCD also is working on an out-of-home placement decisionmaking grid that includes families in the decisionmaking process.
- An LGBTQ Homeless Initiative in Houston, TX, has a policy that supports families in accepting the youth as he or she is and helps the youth transition out of the child welfare system.
- The field must ensure oversight for programs and organizations that provide out-of-home placements. “You can do trainings . . . and . . . write policy all day long, but until people feel the need to follow these policies or . . . listen to the training so that the youth are taken care of, I’m not sure that anything will change.”
- It is important for state youth-serving agencies to understand the range of services for LGBTQ youth that are available in their communities. There needs to be a closer connection between the state agencies and these service providers.
- The field should make sure that LGBTQ youth are informed of their rights at every contact point in the juvenile justice system.

- Develop best practices to support LGBTQ youth before they enter the juvenile justice system.
- Outcomes are best when a young person is in regular contact with a competent adult who has a meaningful connection to the young person. Ideally, that adult should stay in touch with the young person through every stage of his or her life.
- There should be a complete reworking of disciplinary practices in schools, so that youth are kept in school and out of court, to the extent possible. Schools should partner with juvenile detention centers to ensure that youth who are in the juvenile justice system do not fall behind academically while they are in detention.
- The school system should be more connected with the juvenile justice system. “The school systems no longer consult counsel; they just ship them off to jail and expect the court system to be the disciplinarian.” The school-to-prison pipeline is due to automatic suspension and expulsion; the school systems throughout the United States do not properly manage or address the needs of youth.
- School systems should commit funding to LGBTQ services and resources, just as they commit funding to athletic and arts programs.
- The issue of reentry is often ignored. Case managers should provide addresses and other contact information for services that reentering youth can use in the community.
- Everyone in the field should become familiar with the language and terminology used in the LGBTQ community.
- Having preferred pronouns listed on all nametags—not just at special-interest group meetings—would be helpful to the cause.
- Delete the gender boxes on all forms; specific boxes for gender are too limiting, as there are various ways to identify.

Participants watched a short documentary produced by BreakOUT! presenting youth perspectives on police interactions with the LGBTQ community in New Orleans.

Afterward, OJJDP disseminated *We Deserve Better: A Report on Policing in New Orleans By and For Queer and Trans Youth of Color*.<sup>12</sup> The BreakOUT! report outlines policy recommendations for advancing justice for LGBTQ youth of color in New Orleans. For more information on BreakOUT!, see the section entitled, “Ending the Criminalization of LGBTQ Youth,” on page 18 of this listening session report.

### **LGBTQ Youth Experiencing Homelessness**

#### **Dr. Jeff Poirier, Principal Researcher, American Institutes for Research**

*Dr. Poirier presented on “LGBTQ Youth and Homelessness: Working Together To Address This Need.”<sup>13</sup> Following is a summary of his remarks.*

In collaboration with federal agencies, American Institutes of Research (AIR) is working to prevent homelessness among LGBTQ youth. According to findings from a [national survey](#)<sup>14</sup> of service providers who work with LGBTQ youth who are homeless or at risk of becoming homeless, LGBTQ youth represent approximately 40 percent of the youth served in the homeless youth organizations included in the survey sample. Family rejection on the basis of sexual orientation and gender identity was the most frequently cited factor contributing to LGBTQ homelessness.

The U.S. Department of Housing and Urban Development has established pilot programs to address LGBTQ homelessness in Hamilton County, OH, and Harris County, TX. With AIR and other providers, the counties have completed a 6-month strategic planning process. Local plans were developed with input from additional federal partners.

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<sup>12</sup> Available at [www.youthbreakout.org/content/we-deserve-better-report-policing-new-orleans-and-queer-and-trans-youth-color](http://www.youthbreakout.org/content/we-deserve-better-report-policing-new-orleans-and-queer-and-trans-youth-color).

<sup>13</sup> Available at [www.msrginc.com/ojjdp/lgbtq/documents/LGBTQ%20Youth%20and%20Homelessness-Working%20Together%20to%20Address%20this%20Need.pptx](http://www.msrginc.com/ojjdp/lgbtq/documents/LGBTQ%20Youth%20and%20Homelessness-Working%20Together%20to%20Address%20this%20Need.pptx).

<sup>14</sup> Available at [www.williamsinstitute.law.ucla.edu/wp-content/uploads/Durso-Gates-LGBT-Homeless-Youth-Survey-July-2012.pdf](http://www.williamsinstitute.law.ucla.edu/wp-content/uploads/Durso-Gates-LGBT-Homeless-Youth-Survey-July-2012.pdf).

Both pilot sites have established steering committees and developed plans promoting cultural competency and the ability to provide trauma-informed care. Harris County also has developed a strategy for supporting permanency and acceptance regarding the LGBTQ population.

The key objectives of the pilot programs are to:

- Facilitate local collaboration and plan development and implementation.<sup>15</sup>
- Measure and improve outcomes by permanently involving in the process agencies that oversee housing, education, and employment.
- Inform national strategies to prevent LGBTQ youth homelessness.

Both communities are implementing their strategies. They are documenting the process, and AIR will examine the data to determine whether the rates of homelessness decrease among LGBTQ youth going forward. AIR believes that at least 1 year of technical assistance is required to make progress. After 2 years, AIR will analyze the results and develop best practices for the field, although it may take more than 2 years before any results are seen. AIR believes that ample opportunities exist to make an impact. The goals of technical assistance in the next year are to build local capacity so that when AIR exits, the programs will be self-sustaining.

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<sup>15</sup> Law enforcement and juvenile justice professionals have been involved in the planning from the onset. Even though it is difficult to prevent homelessness in the LGBTQ youth population, the field can document what does and does not work and replicate effective strategies in other communities.

## Youth Who Engage in Survival Sex

**Dr. Meredith Dank, Senior Research Associate, Justice Policy Center, Urban Institute**  
**Mitchyll Mora, Researcher, Streetwise and Safe**

*Dr. Dank and Mr. Mora presented on “[How LGBTQ Youth, YMSM, and YWSW Engage in the Commercial Sex Market](#).”<sup>16</sup> Following is a summary of the presentation.*

A 2008 [study](#)<sup>17</sup> funded by the U.S. Department of Justice focused on a range of issues related to youth in New York who become involved in commercial sexual exploitation to meet their needs for money, food, and shelter, commonly referred to as “survival sex.” The study found that:

- Youth ranged in age from 16 to 29, with most of them falling in the 18- to 21-year-old range.
- 11 percent identified as transgender female; 3 percent identified as transgender male.
- The majority identified as black/African American or Hispanic/Latino.
- 40 percent identified as gay or lesbian.
- 36 percent identified as bisexual.

Many of these young people became involved in survival sex after leaving the foster care system for various reasons (e.g., aging out, running away) and have lost many services they previously received. They felt survival sex was their only option for obtaining food and/or shelter.

Youth became involved in survival sex in different ways. Some were told by a friend where to post an ad, while others got introduced to someone by a friend, or had a friend place an ad for them. Youth in the study indicated that they would usually receive money (anywhere from \$5 to \$250) or drugs (usually marijuana) in exchange for sex.

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<sup>16</sup> Available at [www.msginc.com/ojdp/lgbtq/documents/LGBTQ%20Youth%20Engaged%20in%20Survival%20Sex%20and%20the%20Justice%20System%20Response.pptx](http://www.msginc.com/ojdp/lgbtq/documents/LGBTQ%20Youth%20Engaged%20in%20Survival%20Sex%20and%20the%20Justice%20System%20Response.pptx).

<sup>17</sup> Available at [www.policeprostitutionandpolitics.net/pdfs\\_all/PDFS%20for%20USC%20Cal%20Lutheran%20Class/2008%20Ric%20Curtis%20Meredith%20Dank%20study.pdf](http://www.policeprostitutionandpolitics.net/pdfs_all/PDFS%20for%20USC%20Cal%20Lutheran%20Class/2008%20Ric%20Curtis%20Meredith%20Dank%20study.pdf).



The presenters emphasized that many strategies exist for making progress in addressing the needs of homeless LGBTQ youth who engage in survival sex. The following recommendations can be implemented by researchers, data collectors, and interviewers:

- For those youth who cannot be dissuaded from engaging in survival sex, provide them with safety strategies (e.g., write down license plate numbers).
- Conduct data analysis and pay the respondents for interviews.
- Conduct field observations.
- Conduct court observations.
- Document the narratives and needs of these young people.

### **Ending the Criminalization of LGBTQ Youth** **Shaena Johnson, Program Director, BreakOUT!**

Established in 2011, BreakOUT! is involved in a range of activities aimed at fair and equitable treatment of LGBTQ youth. Among other activities, the group:

- Works to end the school-to-prison pipeline.
- Provides guidance to transgender youth on how to be safe in school and the community.
- Provides GED and basic literacy instruction to out-of-school youth and young adults ages 16–24 from the Greater New Orleans region. The instruction program ensures a safe environment for LGBTQ youth.
- Collaborates with the New Orleans Gay/Straight Alliance Network.
- Advocates for the needs of LGBTQ youth in court.
- Offers trainings (e.g., "Know Your Rights") on how to avoid discriminatory policing practices.
- Disseminates critical data about policy and policing strategies through Get Yr Rights!, a national network of LGBTQ youth and youth-serving organizations committed to improving police-youth interactions. The initiative is coordinated with Streetwise and Safe in New York.

- Publishes reports and produces documentaries to deepen understanding of LGBTQ issues and promote equitable treatment for LGBTQ youth.

In her presentation, Shaena Johnson focused on "From Vice to ICE," a workshop that BreakOUT! sponsored in 2012. The workshop explored how black transgender women in the New Orleans area experienced criminalization in ways similar to undocumented immigrant communities and discussed ways that the two communities have worked together and supported one another.

During the workshop, the two groups identified many shared experiences:

- Difficulty getting and keeping meaningful employment on account of gender identity or expression, immigration status, race/ethnicity, and nationality.
- Poor working conditions with few or no protections.
- Lower wages.
- Criminalization of survival strategies, including survival sex work.
- Raids from vice squads or Immigration and Customs Enforcement on day-laborer corners.
- Street harassment and profiling by law enforcement on the basis of gender identity or expression, immigration status, race/ethnicity, and nationality.
- Longer hold times or higher bonds in Orleans Parish Prison due to the prison's collaboration with Immigration and Customs Enforcement and the belief that transgender women are a "flight risk."
- Regulated movement in public spaces:
  - Prohibiting those who previously have been charged with sex work from the French Quarter by court order.
  - Both groups described being afraid to walk to the store out of fear of harassment by the New Orleans Police Department or Immigration and Customs Enforcement.

## **Strategic Framework Breakouts**

*The participants divided into small groups to discuss different aspects of a comprehensive strategy for ensuring justice and safety for LGBTQ youth. The headings below represent the titles of the breakout sessions. Following are summaries of recommendations from those sessions.*

### **Policy Development and Implementation**

- Create model policies and guidance.
- Require nondiscrimination clauses in the areas of sexual orientation, gender identity, and gender expression to qualify for federal funding; include contractors and subcontractors in that requirement.
- Map the interactions between juvenile justice systems and the institutions with which they operate within jurisdictions (i.e., education, reentry, health care).
- Provide training in multiple domains, including the judiciary.

### **Community Collaboration and Youth Engagement**

- Collect comprehensive data and ensure its accuracy.
- Make LGBTQ resources readily available for people who work with youth.
- Include more meaningful racial/ethnic and tribal representation when forming state advisory groups.
- Make eligibility for federal grants contingent on a commitment to incorporate LGBTQ youth engagement into program design and assessment.
- Train the field on the proper language to use when addressing LGBTQ individuals, as misuse of terms may cause harm.

### **Juvenile Justice Reform and Organizational Responses**

- Reauthorize the Juvenile Justice and Delinquency Prevention Act with a sexual orientation and gender identity and expression (SOGIE) framework and add the

requirement that states incorporate in their plan how they will include sexual orientation in their data collection.

- Infuse a SOGIE “lens” into OJJDP’s training.
- Ask foundations to provide seed funding for LGBTQ programs.
- Increase the use of alternatives to detention for all vulnerable young people, including LGBTQ youth.
- Be innovative in creating programs; be prepared to think outside the box.

### **Leadership Development**

- Condition federal funding on compliance with prohibitions on discrimination on the basis of sexual orientation and gender identity.
- Reauthorize the Juvenile Justice and Delinquency Prevention Act, and if it does not get reauthorized, OJJDP needs to examine juvenile justice reform issues with a SOGIE lens.
- Train and educate the community on LGBTQ issues; include youth leaders, judges, and law enforcement in the trainings.
- Include the reform from the juvenile justice system into schools and within the culture of law enforcement.
- Increase housing availability for LGBTQ homeless youth.

### **Research Needs and Data Gathering**

- Identify existing local, state, and federal data systems and add questions regarding sexual orientation and gender identity to intake forms.
- Collect SOGIE data to identify disparity at every level in the juvenile justice system.
- Evaluate the viability of linking the SOGIE data with decision matrices, and use tools to reduce disparities that arise as a result of cultural biases or teacher expulsion grids. Cross-tabulate SOGIE data with all data elements collected in survey instruments, and make this data available to advocates and researchers. Evaluate trainees to determine whether they have altered their thinking or behavior as a result of trainings they have received.

- Evaluate community-based programs for cultural competence regarding race/ethnicity, poverty, gangs, and other issues.
- When conducting the Youth Risk Behavior Survey in all 50 states, make the optional modules that ask questions regarding sexual orientation and gender identity mandatory. Only 17 states ask about sexual orientation, and only 1 (Massachusetts) addresses gender identity.
- The practical experience and voices of youth must inform policy, but it is important to realize that some youth do not feel safe responding when asked about sexual orientation and gender identity.

### **Training**

- Develop and disseminate multidisciplinary curriculums for all stakeholders (including families and state and federal legislators) on the basics of addressing the needs of LGBTQ youth.
- Incorporate sustainability into all programs.
- Train on LGBTQ issues, but also provide ongoing coaching/technical support on those issues.
- Arrive at a consensus on how to deliver training (e.g., webinars versus in-person training).
- Assess the political climate of local communities to determine content needs for training modules.

**Friday, November 7, 2014**

**LGBTQ Justice in Indian Country**

**Se-ah-dom Edmo, Coordinator, Indigenous Ways of Knowing Program, Lewis & Clark College**

*Following is a summary of Se-ah-dom Edmo's presentation titled, "Overview of a Tribal Equity Toolkit, Tribal Resolutions and Codes To Support Two Spirit and LGBTQ Justice in Indian Country."*<sup>18</sup>

The Indigenous Ways of Knowing Program at Lewis & Clark College, based in Portland, OR, focuses on breaking down structural and institutional racism and discrimination.

Ms. Edmo showed a video titled, "Our Families: LGBT/Two Spirit: Native American Stories."<sup>19</sup>

The video was made in 2012 in collaboration with Basic Rights Oregon, a national LGBTQ rights organization based in Portland. Ms. Edmo has used the video as a conversation-starter with communities. The first time the video was shown at a tribal justice meeting, tribal leaders had positive comments on it, Ms. Edmo said. Support from tribal leadership and a shift in community narratives and attitudes often give rise to substantive policy reform. Changes in both community attitudes and the policies of tribal governments are essential to ensure lasting progress, she said.

With respect to marriage equality in Indian country, the Coquille and Suquamish tribes were the first tribes in the nation to pass marriage equality laws. However, the process was not easy, as there was disagreement within the communities on this issue.

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<sup>18</sup> "Two spirit" is a term that American Indian and Alaska Native communities use to describe the identity of individuals who identify as both male and female. Ms. Edmo's PowerPoint presentation materials are available at [www.msccinc.com/ojjdp/lgbtq/documents/overview%20of%20a%20tribal%20equity%20toolkit.pptx](http://www.msccinc.com/ojjdp/lgbtq/documents/overview%20of%20a%20tribal%20equity%20toolkit.pptx).

<sup>19</sup> Available at [www.youtube.com/watch?v=geFgT-X7Ajc](http://www.youtube.com/watch?v=geFgT-X7Ajc).

Ms. Edmo stated that in 2013, the Indigenous Ways of Knowing Program published the second edition of its *Tribal Equity Toolkit: Tribal Resolutions & Codes to Support Two Spirit & LGBT Justice in Indian Country*.<sup>20</sup> Many positive changes have occurred as a result of the implementation of the toolkit's guidance and resources, she said.

The program conducted tribal community "scans," or surveys, to assess the climate of Indian country in the Northwest region of the United States and to gauge readiness to implement the toolkit. Program staff disseminated a 15-question survey, and conducted and transcribed more than 40 hours of interviews. Interviewees, the majority of whom live on reservations, included 31 tribal leaders, executive tribal employees, and cultural leaders/elders. Questions addressed included interviewees' understanding of two spirit/LGBTQ Native issues, tribal historical perspectives, and policy initiatives.

According to Ms. Edmo, the number one theme that emerged from the surveys was the negative influence of colonization. Colonization, which reinforced stigma, scapegoating, and the rejection of two spirit and LGBTQ tribal peoples, heavily impacted cultural narratives and institutional policies of tribal governments, Ms. Edmo said. She indicated that tribal sovereignty is critical. In addition, marriage and domestic partnership were critical issues; for two spirit respondents, the definition and protection of family were important.

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<sup>20</sup> Available at [www.graduate.lclark.edu/live/files/12737-tribal-equity-toolkit](http://www.graduate.lclark.edu/live/files/12737-tribal-equity-toolkit).

## Transgender Victims of Sexual Assault Loree Cook-Daniels, Policy and Program Director, FORGE

Loree Cook-Daniels presented on the “Office for Victims of Crime Toolkit: Responding to Transgender Victims of Sexual Assault.”<sup>21</sup>

Approximately half of transgender individuals have experienced sexual violence.<sup>22</sup> To address this serious problem, the Office for Victims of Crime in 2013 released the “Responding to Transgender Victims of Sexual Assault Toolkit.”<sup>23</sup> FORGE, an organization that addresses violence affecting the transgender community, created the documents on which the toolkit is based.

It is important for service providers who do not know much about transgender people to start with the section of the toolkit entitled, “Transgender 101, Ms. Daniels said, to reduce the risk of asking counter-productive and possibly offensive questions (e.g., “Have you had the surgery?”; “What sex are you really/legally?”). These questions can seriously interfere with the establishment of an effective working relationship between the service provider and the transgender person, she said.

It is also important to understand that there are three types of transition from one gender to another—the social transition, the medical transition, and the legal transition. Understanding that people may make different choices and steps when they transition will help service providers know what are the *right* questions to ask people. For example, a service provider may need to know and record someone’s legal name (i.e., what is on their identification documents)

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<sup>21</sup> Available at [www.msginc.com/ojdp/lgbtq/documents/ovc%20toolkit-%20responding%20to%20transgender%20victims%20of%20sexual%20assault.pptx](http://www.msginc.com/ojdp/lgbtq/documents/ovc%20toolkit-%20responding%20to%20transgender%20victims%20of%20sexual%20assault.pptx).

<sup>22</sup> The Survivor Project’s 1998 *Gender, Violence, and Resource Access Survey* of transgender and intersex individuals found that 50 percent of respondents had been raped or assaulted by a romantic partner, though only 62 percent of these individuals (31 percent of the total) identified themselves as survivors of domestic violence when explicitly asked. (Courvant, D. and Cook-Daniels, L. 1998. *Trans and Intersex Survivors of Domestic Violence: Defining Terms, Barriers and Responsibilities*. Portland, OR: Survivors Project. Available at [www.survivorproject.org/defbarresp.html](http://www.survivorproject.org/defbarresp.html).)

<sup>23</sup> Available at [www.ovc.gov/pubs/forge/index.html](http://www.ovc.gov/pubs/forge/index.html).



for court papers, but that is not necessarily the name service providers should use when interacting with transgender people under their care.

The toolkit also offers helpful tips on disclosure and confidentiality, insurance and financial matters, documentation of the assault, segregation of services, and crime victim compensation.

### **Profiling LGBTQ Youth of Color**

**Bernadette Brown, JD, senior program specialist, National Council on Crime and Delinquency**

**Carolyn Reyes, getR.E.A.L. Project Director, Family Builders**

*Bernadette Brown and Carolyn Reyes gave a PowerPoint presentation titled “One Too Many Targets: The Profiling and Criminalization of LGBTQ Youth of Color.”<sup>24</sup>*

Bernadette Brown stated that “any listening session that does not address youth of color would be remiss.” Eighty-five percent of LGBTQ and gender-nonconforming youth in detention facilities nationwide are youth of color.<sup>25</sup>

Quoting the feminist writer, Audre Lorde, Ms. Brown said that “there is no such thing as a single-issue struggle, because we do not live single-issue lives.” “Intersectionality”— the study of the intersection between systems of oppression, domination, or discrimination—is important because:

- No one experiences themselves as one thing.
- Everyone’s issues are complex.
- Services and interventions must serve the entire person.
- Bias is often unconscious, and people should look at themselves, their own biases, and the biases in the systems in which they work.

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<sup>24</sup> Available at [www.msginc.com/ojdp/lgbtq/documents/%20one%20too%20many%20targets-%20the%20profiling%20and%20criminalization%20of%20lgbtq%20youth%20of%20color.pptx](http://www.msginc.com/ojdp/lgbtq/documents/%20one%20too%20many%20targets-%20the%20profiling%20and%20criminalization%20of%20lgbtq%20youth%20of%20color.pptx).

<sup>25</sup> Irvine, A., 2014. Dispelling myths: Understanding the incarceration of lesbian, gay, bisexual, and gender nonconforming youth. Unpublished.

It is important to note how a young person’s sexual orientation or gender identity intersects with his or her family, culture, race, and ethnicity. For example, there are varying expectations of masculinity in different cultures. In the African American culture, males are expected to be “macho,” so it is particularly difficult to be a young person who is both black and gay. This is changing, however. The Brown Boi Project is working to build gender justice in the black community.

According to the presenters, judges are often taught that there is an association between masculinity, violence, and danger. Gender-nonconforming girls of color are therefore often perceived as dangerous, and society enforces these stereotypes. There is frequent profiling of gender-nonconforming African American girls. Police officers will talk to the more “feminine” girls and have them sit in the front of the police car, while they put gender nonconforming girls in the back of the cruiser.

Racial biases often compound the problem of gender bias. In one case study, three black transgender girls and one white transgender girl were arrested. The prosecutor ensured that the white girl stayed out of detention, but that same prosecutor placed the three black girls in detention. Everybody has unexamined, unconscious biases, and we must be mindful of them so that they are not dictating how we treat people, Ms. Brown said.

### **Promoting Judicial Leadership**

#### **Anthony Capizzi, Montgomery County (Ohio) Juvenile Court Judge**

*The Honorable Anthony Capizzi gave a PowerPoint presentation titled, “A Judge’s Perspective: Enhancing Judicial Leadership for LGBTQ Youth.”<sup>26</sup>*

The goals of Judge Capizzi’s presentation were to:

- Increase understanding of how judges can recognize bias and reduce the negative impacts of decisions based on stereotypes.

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<sup>26</sup> Available at [www.msccinc.com/ojdp/lgbtq/documents/a%20judges%20perspective-%20enhancing%20judicial%20leadership%20for%20lgbtq%20youth.pptx](http://www.msccinc.com/ojdp/lgbtq/documents/a%20judges%20perspective-%20enhancing%20judicial%20leadership%20for%20lgbtq%20youth.pptx).

- Make connections between trauma-responsive justice and services provided to LGBTQ youth in the juvenile justice system.
- Understand judicial leadership in the context of creating and sustaining fair and beneficial environments for LGBTQ youth.

Judge Capizzi suggested that the majority of judges are not adequately trained regarding LGBTQ issues. To combat bias and effectuate change in their courtrooms and their communities, judges must become informed about the unique issues that LGBTQ youth present.

In Montgomery County, OH, there are approximately 600,000 constituents, and Judge Capizzi may see as many as 30–40 youth daily in his courtroom. He expressed concern that implicit bias affects judges on every level of the bench and all other participants, including lawyers, probation officers, and other court personnel.

It is important for judges to understand their individual bias and how it affects their courtroom. Most judges' caseloads are overwhelming, which increases stress. Lowering caseloads would relieve judicial stress and allow judges to better understand and compensate for implicit bias. Most judges appreciate bench cards that specifically instruct them on how to interact with different communities, he said.

Most youth do not trust the system. Judges are a part of that system, and therefore it is difficult for youth to trust the judges. In a perfect world, society must find a way to convince youth and families that judges are in fact focused on their well-being and rehabilitation versus punishment.

Studies have shown that a juvenile's experiences in court can be traumatic. Judges must strive to lessen the level of trauma that youth experience. Trauma-informed systems are relatively new, and judges must look at how to turn courts into trauma-informed systems, making resources available and ensuring that the courtroom collaborates with the entire juvenile justice system. Too often, judges restrain youth in courtrooms, an approach that can add to the

traumatic experience. Judge Capizzi emphasized that a child should never be restrained in the courtroom except in extreme circumstances.

Judges should insist that the goal of intervention specialists, law enforcement, probation officers, and other stakeholders is to mainstream these youth back into the community. Furthermore, judges should encourage stakeholder partnership to ensure that LGBTQ youth receive appropriate services in the community.

LGBTQ youth are disproportionately arrested and charged with crimes and are more likely to be rejected by family and become homeless, Judge Capizzi said. Family rejection is very traumatic for a teenager. LGBTQ youth are likely to commit crimes to survive. It would be wonderful to have more foster parents and families to help these young people and keep them out of the criminal justice system. Hawaii is the first state to have a policy specifically geared to LGBTQ youth and should serve as a model for other states.

Many youth who come into the court system have not been treated with respect, most especially LGBTQ youth. Judges should consider whether the youth came into the system because of their LGBTQ status. Judges need to look out for red flags (e.g., “acting out”) and review all of the issues for better case management. Judges in juvenile or family court should actively educate the community about LGBTQ issues. Judges can and should encourage prosecutors, the defense bar, and law enforcement personnel to attend LGBTQ trainings. Although judges cannot raise money, a judge should reach out to stakeholders, and encourage their support to fund LGBTQ trainings. Judges should “get off the bench” and educate the entire community. Lack of understanding of issues affecting LGBTQ youth can affect the efficient management of a court.

Judges can make a difference. Judge Capizzi teaches a course on the role of judges in the community. Some judges question whether being outspoken in their community is ethical, but Judge Capizzi believes it is ethical. Judge Capizzi is a strong advocate for community outreach

after receiving appropriate judicial training. It is established that judicial training is most successful when the presenters are other judges from outside their own jurisdiction.

### **Case Study**

#### **Rhodes Perry, Director, New York City Office of LGBTQ Policy and Practice, Administration for Children's Services**

*Rhodes Perry gave a presentation on “Putting Policy Into Practice: Case Study Examining NYC Children’s Services’ Office of LGBTQ Policy and Practice.”<sup>27</sup>*

Mr. Perry provided a brief overview of the history behind the development of the Office of LGBTQ Policy and Practice at the Administration for Children’s Services. He described strategic planning to improve services, policy changes to enshrine best practices, and training and coaching opportunities to equip staff with the skills and expertise to affirm LGBTQ youth involved with the agency. Community engagement, data collection, and resource development were cited as key elements in the Office of LGBTQ Policy and Practice’s work.

During his time at the Administration for Children’s Services, Mr. Perry has crafted LGBTQ policies, designed a model training curriculum for thousands of staff and provider agencies, implemented a reporting and monitoring system, chartered a LGBTQ youth advisory council, and authored resources to equip staff with the skills to address the specific needs of LGBTQ populations involved with the child welfare and juvenile justice systems.

The initiatives and activities of the Office of LGBTQ Policy and Practice will not “go away” after 2–3 years because they have been institutionalized, Mr. Perry said. Staff, service providers, youth, and all stakeholders work together to develop policies and showcase best practices that address professional responsibility versus personal beliefs. Cultural competency and listening to the needs of LGBTQ youth are key.

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<sup>27</sup> Available at [www.msginc.com/ojdp/lgbtq/documents/putting%20policy%20into%20practice-%20case%20study%20examining%20nyc%20childrens%20services%20office%20of%20lgbtq.pptx](http://www.msginc.com/ojdp/lgbtq/documents/putting%20policy%20into%20practice-%20case%20study%20examining%20nyc%20childrens%20services%20office%20of%20lgbtq.pptx).

In 2014, the Mr. Perry's office released the nation's first-ever best practices guide developed by a child welfare and juvenile justice government agency for transgender and gender-nonconforming youth. It is titled, *Safe & Respected: Policy, Best Practices, & Guidance for Serving Transgender & Gender Non-Conforming Children and Youth Involved in the Child Welfare, Detention, and Juvenile Justice Systems*.<sup>28</sup>

The challenges related to this issue are inherent because it is a vast system, Mr. Perry said. It is difficult to train everyone, and the work never stops. Since providers in New York City are getting savvier at identifying youth who are involved in survival sex, they are more aware of how to divert them to different programs. However, there are no specific service providers to help intervene with these young people; the ideal situation would be to talk directly with youth to learn what would be most helpful to them, Mr. Perry said.

### **Next Steps: Moving Forward Together OJJDP Administrator Robert L. Listenbee**

Mr. Listenbee initiated a round of applause for staff who organized the listening session and for the participants. He said that it is going to take a long time to address all of the issues raised in a comprehensive way. He applauded the work being done in the juvenile justice system in New York City. As Administrator, Mr. Listenbee said, he would like to discourage criminalization of minor offenses. Detention centers, he believes, should have proper protocols, training, and supervision to deal with LGBTQ youth, and the needs of LGBTQ youth should be addressed when they first come into the system. Mr. Listenbee stated that OJJDP works with every state, territory, tribal community, and the District of Columbia, and the Office is committed to moving policy and practice forward to ensure justice and safety for our nation's LGBTQ youth.

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<sup>28</sup> Available at [www1.nyc.gov/assets/acs/pdf/lgbtq/FINAL\\_06\\_23\\_2014\\_WEB.pdf](http://www1.nyc.gov/assets/acs/pdf/lgbtq/FINAL_06_23_2014_WEB.pdf).

## Appendix A. Agenda

Thursday, November 6, 2014

- 8:30 a.m.     **Welcome and Introductions**  
Robert L. Listenbee, Administrator, OJJDP  
Karol V. Mason, Assistant Attorney General, Office of Justice Programs
- 8:50 a.m.     **Justice for LGBTQ Youth**  
Robert L. Listenbee, Administrator, OJJDP
- 9:05 a.m.     **Session Overview**  
Karen J. Bachar, Senior Policy Advisor, OJJDP
- 9:15 a.m.     **Current Approaches to Policy and Practice Across the Nation**  
M. Currey Cook, Esq., Director, Youth in Out-of-Home Care Project, Lambda Legal
- 10:00 a.m.    **We Deserve Better! Youth Panel**  
Facilitator  
• Carolyn Reyes, Director, getR.E.A.L. Project
- Panelists
- Shaena Johnson, Program Director, BreakOUT!
  - Mitchyll Mora, Researcher and Campaign Staff, Streetwise and Safe
  - Jack Storti, Colorado State Advisory Group, Youth Member
  - Hernan Carvente, Youth Justice Club, John Jay College of Criminal Justice
  - Captain Young, LGBTQ Technical Assistant/Youth Advocate
- 10:45 a.m.    **Break**
- 11:00 a.m.    **Youth Perspective: What We Heard, What We Learned, an Open Discussion**  
Facilitator: Karen J. Bachar, Senior Policy Advisor, OJJDP
- 1:00 p.m.     **LGBTQ Youth and Homelessness: Working Together To Address This Need**  
Jeff Poirier, Principal Researcher, American Institutes for Research
- 1:40 p.m.     **LGBTQ Youth Engaged in Survival Sex and the Justice System Response**  
Meredith Dank, Senior Research Associate, Justice Policy Center, Urban Institute  
Mitchyll Mora, Researcher and Campaign Staff, Streetwise and Safe
- 2:20 p.m.     **Fighting the Criminalization of LGBTQ**  
Shaena Johnson, Program Director, BreakOUT!
- 3:00 p.m.     **Break**

3:15 p.m.      **Strategic Framework Breakouts**

**Policy Development and Implementation**

Facilitators

- Ricco Hall, State Program Manager, OJJDP
- M. Currey Cook, Director, Youth in Out-of-Home Care Project, Lambda Legal

Invited Expert Members

- Meghan Maury
- Aisha C. Moodie-Mills
- Madeline Parker

**Community Collaboration and Youth Engagement**

Facilitators

- Jaime Koppel, Senior Fellow, OJJDP
- Hernan Carvente, Youth Justice Club, John Jay College of Criminal Justice, Vera Institute of Justice

Invited Expert Members

- Se-ah-dom Edmo
- Meredith Dank
- Joy Zollinger
- Captain Young

**Juvenile Justice Reform and Organizational Responses**

Facilitators

- Robin Delany-Shabazz, Associate Administrator, State and Community Development Division, OJJDP
- Jody Marksamer, LGBT Child Welfare and Juvenile Justice Policy Consultant

Invited Expert Members

- Mykel Selph
- Judy Yu
- Jack Storti
- Malachi Larrabee-Garza

**Leadership Development**

Facilitators

- Stephanie Rapp, Program Manager, OJJDP
- Honorable Anthony Capizzi, Montgomery County Juvenile Court, Ohio



Invited Expert Members

- Mitchyll Mora
- Christina Gilbert
- Dawn McRae

**Research Needs and Data Gathering**

Facilitators

- Karen J. Bachar, Senior Policy Advisor, OJJDP
- Carolyn Reyes, getR.E.A.L. Project Director, Family Builders

Invited Expert Members

- Jeff Poirier
- Angela Irvine
- Sean Cahill

**Training**

Facilitators

- Kara McDonagh, Program Manager, OJJDP Advisor, OJJDP
- Shaena Johnson, Program Director, BreakOUT!

Invited Expert Members

- Bernadette Brown
- Rhodes Perry
- Loree Cook-Daniels

4:15 p.m. **Strategic Framework Report Out**

4:45 p.m. **Resource Overview and Wrap-Up of the Day**

Karen J. Bachar, Senior Policy Advisor, OJJDP

## **Friday, November 7, 2014**

- 8:30 a.m.      **Welcome and Overview of Day 2**  
Karen J. Bachar, Senior Policy Advisor, OJJDP
- 8:45 a.m.      **Overview of a Tribal Equity Toolkit, Tribal Resolutions and Codes To Support Two Spirit and LGBTQ Justice in Indian country**  
Se-ah-dom Edmo, Coordinator at Indigenous Ways of Knowing Program at Lewis & Clark College, Portland, OR
- 9:30 a.m.      **Office for Victims of Crime Toolkit: Responding to Transgender Victims of Sexual Assault**  
William H. Petty, Ph.D., Office for Victims of Crime Visiting Fellow  
Loree Cook-Daniels, M.S., Policy and Program Director, FORGE
- 10:15 a.m.     **Break**
- 10:30 a.m.     **One Too Many Targets: The Profiling and Criminalization of LGBTQ Youth of Color**  
Bernadette Brown, Senior Program Specialist, National Center on Crime & Delinquency  
Carolyn Reyes, getR.E.A.L. Project Director
- 11:15 a.m.     **A Judge's Perspective: Enhancing Judicial Leadership for LGBTQ Youth**  
The Honorable Anthony Capizzi, Montgomery County Juvenile Court, Ohio
- 1:30 p.m.      **Putting Policy into Practice: Case Study Examining NYC Children's Services Office of LGBTQ**  
Rhodes Perry, Director of LGBTQ Policy and Practice for Administration for Children's Services in New York City
- 2:15 p.m.      **Next Steps: Moving Forward Together (Interactive Discussion)**  
Karen J. Bachar, Senior Policy Advisor, OJJDP
- 3:00 p.m.      **Closing**  
Robert L. Listenbee, Administrator, OJJDP

## Appendix B. Participant List

### Nonfederal Participants

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## Appendix C. Recommendations From Participants

Following is a summary of recommendations offered by participants during discussions at the OJJDP-sponsored listening session, “Creating and Sustaining Fair and Beneficial Environments for LGBTQ Youth.” The recommendations are those of the participants and do not necessarily represent the official position or policies of the Office of Juvenile Justice and Delinquency Prevention.

### Policy and Program Development

- OJJDP must examine juvenile justice reform issues with a sexual orientation and gender identity and expression (SOGIE) “lens.”
- Develop a strategic plan to address the needs of LGBTQ youth and share with state advisory groups and other key stakeholders.
- Create model policies and guidance.
- Incorporate findings from the latest neuroscience research on the developing brain—and the deleterious impact of trauma on normal social, emotional, and cognitive development—into discussions about and responses to the needs of LGBTQ youth.
- Require nondiscrimination clauses in the areas of sexual orientation, gender identity, and gender expression to qualify for federal funding; include contractors and subcontractors in that requirement.
- States should accept all 40 policy recommendations issued by the National Council on Crime and Delinquency for addressing LGBTQ youth.
- The practical experience and voices of youth must inform policy.
- Make eligibility for federal grants contingent on a commitment to incorporating LGBTQ youth engagement into program design and assessment.
- The field must focus on policy that creates overall “culture change” in the juvenile justice system, so that the system as a whole respects young people regardless of their sexual orientation, gender identity, or gender expression.
- Increase the use of alternatives to detention for all vulnerable young people, including LGBTQ youth. Diversion programs should be more widely used.
- A child should never be restrained in the courtroom except in extreme circumstances.

- New and updated resources are necessary for pre- and postadjudication practices.
- Ensure oversight for programs and organizations that provide out-of-home placements.
- Raise public awareness, conduct research, and offer training and technical assistance to improve the treatment and services offered to LGBTQ youth who come into contact with the justice system.
- Treatment and services must address the special challenges that LGBTQ youth face.
- Have consumer-driven solutions that are appropriate for LGBTQ youth.
- The justice system must address the developmental needs of youth and provide specialized services to ensure that each young person gets appropriate and individually tailored treatment, services, and supports.
- Confidentiality should always be the number one priority in any policy.
- Demographic data related to sexual orientation and gender identity should be gathered as each young person enters the juvenile justice system.
- Gender identification and sexual orientation should be specified on all intake forms.
- Ensure that LGBTQ youth are informed of their rights at every contact point in the juvenile justice system.
- Transgender people should be able to choose where they want to be placed while in custody. They can be placed either by their birth genital status or their current gender identity preference.
- When treating substance abuse, caregivers should ensure that youth feel safe in the environment. That may mean that, when youth are asked to provide urine samples, they are asked whether they would like someone of the same biological sex or the same gender identity to monitor them.
- In therapy to treat addiction, there should first be an open conversation about whether the environment is safe for all identifications.
- Giving the young LGBTQ person decisionmaking power in ongoing services and treatment is an effective tool on the road to healing and recovery.
- The definition of “family” should be broad and should not be limited to the young person’s immediate family.

- The issue of reentry is often ignored; case managers should provide addresses and other contact information for services that reentering youth can use in the community.
- Provide youth with the skills and resources to navigate life's challenges after they are no longer involved with the system. Greater stability for young people who are leaving the system is necessary.
- Develop best practices to support LGBTQ youth *before* they enter the system.
- Outcomes are best when a young person is in regular contact and has a meaningful connection with a competent adult. Ideally, that adult should stay in touch with the young person through every stage of his or her life.
- Mentors should be paired with mentees of similar background and age who can connect with the youth. Mentors should provide safe environments for mentees to speak about any topic.
- Be innovative in creating programs.
- Incorporate sustainability into all programs.

## Training and Technical Assistance

- Provide training in multiple domains, including the judiciary.
- Make LGBTQ resources readily available for people who work with youth.
- Train the field on the proper language to use when addressing LGBTQ individuals, as misuse of terms may cause harm.
- Infuse a SOGIE “lens” into OJJDP’s training.
- Train and educate the community on LGBTQ issues; include youth leaders, judges, and law enforcement in the trainings.
- Train on LGBTQ issues, but also provide ongoing coaching/technical support on those issues.
- Arrive at a consensus on how to deliver training (e.g., webinars versus in-person training).
- Law enforcement, the courts, and correctional staff must receive specialized training and technical assistance to put LGBTQ youth on the path to health and well-being.
- More professionals in the juvenile justice system should be required to be trained in cultural competency and the issue of disproportionality (the disproportionate number of African Americans and Latinos in the system).
- Everyone in the field should become familiar with the language used in the LGBTQ community.
- Training should be mandatory for all programs focused on the needs of the entire LGBTQ youth community rather than “siloeing” them.
- The manner in which LGBTQ issues are addressed in court is critically important to positive outcomes for youth. Defense attorneys must be trained to more effectively advocate for LGBTQ youth and ensure equitable treatment.
- Educate judges in understanding their individual bias and how it affects their courtroom.
- Judges can and should order prosecutors to attend LGBTQ training.
- Judges also can meet with police to educate them on why not to bring certain youth into the courtroom.

## Partnerships (Federal/State/Local/Nongovernmental Organizations)

- Reauthorize the Juvenile Justice and Delinquency Prevention Act with a SOGIE framework and add the requirement that states incorporate in their plan how they will include sexual orientation in their data collection.
- Map the interactions between juvenile justice systems and the institutions with which they operate within jurisdictions (i.e., education, reentry, health care).
- Include more racial/ethnic and tribal representation to form more meaningful state advisory groups.
- Ask foundations to provide seed funding for LGBTQ programs.
- Include the reform from the juvenile justice system into schools and within the culture of law enforcement.
- Increase housing availability for LGBTQ homeless youth.
- When conducting the Youth Risk Behavior Survey in all 50 states, make the optional modules that ask questions regarding sexual orientation and gender identity mandatory.
- Develop and disseminate multidisciplinary curriculums for all stakeholders (including families and state and federal legislators) on the basics of addressing the needs of LGBTQ youth.
- Assess the political climate of local communities to determine content needs for training modules.
- Develop a curriculum about sexuality that can be presented in schools, therapy sessions, and other places.
- Children and family services departments should establish a policy to protect lesbian, gay, bisexual, and transgender youth.
- It is important for state youth-serving agencies to understand the range of services for LGBTQ youth that are available in their communities. There needs to be a closer connection between the state agencies and these service providers.
- Schools need support, training, policy, and disciplinary practices.

- There should be a complete reworking of disciplinary practices in schools so that youth are kept in school and out of court to the extent possible. Schools should partner with juvenile detention centers to ensure that youth who are in the juvenile justice system do not fall behind academically.
- School systems should commit funding to LGBTQ services and resources, just as they commit funding to athletic and arts programs.
- Government funding to schools should be contingent on the school having certain LGBTQ requirements.
- Strategies for addressing the needs of homeless LGBTQ youth who engage in survival sex:
  - Do not encourage the behavior of exchanging sex for money, but if the young person engages in such behavior, provide him or her with safety strategies (e.g., write down license plate numbers).
  - Conduct data analysis and pay the respondents for interviews.
  - Conduct field observations.
  - Conduct court observations.
  - Document the narratives and needs of these young people.

## Research

- Collect comprehensive data and ensure its accuracy.
- Identify existing local, state, and federal data systems and add questions regarding sexual orientation and gender identity to intake forms.
- Collect SOGIE data to identify disparity at every level in the juvenile justice system.
- Evaluate the viability of linking the SOGIE data with decision matrices, and use tools to reduce disparities that arise as a result of cultural biases or teacher expulsion grids. Cross-tabulate SOGIE data with all data elements collected in survey instruments and make this data available to advocates and researchers. Evaluate trainees to determine whether they have altered their thinking or behavior as a result of trainings they have received.
- Evaluate community-based programs for cultural competence regarding race/ethnicity, poverty, gangs, and other issues.
- Youth voices must be included in the data collection process, as youth can provide vital input—based on firsthand experience—to the development of appropriate services and supports.
- Best practices should be expanded and implemented for serving this population while they are in confinement.
- Use young people from local neighborhoods to collect the data.
- Relevant data should be gathered at intake in all juvenile detention facilities.



