

Transgender and Intersex Youth

1054.1 PURPOSE AND SCOPE

The purpose is to establish and implement policy and procedures that reinforce the Probation Department's commitment to ensure respectful and equitable treatment of all youth, including youth that are transgender or intersex, by creating a safe environment for all youth, and ensuring that all youth have equal access to all available services, care and treatment.

1054.1.1 DEFINITIONS

Definitions related to this policy include:

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

Transgender - A youth whose gender identity is different from their assigned sex at birth.

Intersex - A youth whose sexual or reproductive anatomy, or chromosomal pattern, does not seem to fit typical definitions of male or female.

Gender Non-Conforming - A youth whose appearance or manner does not conform to traditional masculine and feminine gender norms.

1054.2 AUTHORITY AND REFERENCES

- Board of State and Community Corrections Title 15 §1352.5;
- Department of Justice Standards on Prison Rape Elimination Act (PREA) 2003;
- Policy: Separation Policy;
- Policy: Searches.

1054.3 POLICY

Juvenile facility staff shall respect every youths gender identity, allowing them to dress and present themselves in a manner consistent with their gender identity. Housing decisions will be based upon what best meets the youths individual needs and promotes their safety and wellbeing. All youth shall have fair and equal access to all available services, placement, care, treatment, and benefits. Juvenile facility staff shall ensure the safety and privacy of transgender and intersex youth when using the restroom, showering, dressing, and undressing.

1054.4 HOUSING

Facility staff shall house youth in the unit or room that best meets their individual needs, and promotes their safety and well-being. Staff may not automatically house youth according to their external anatomy, and shall document the reasons for any decision to house youth in a unit that

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does not match their gender identity by documenting the contact in the Client Management System (CMS). In making a housing decision, staff shall consider the youths preferences, as well as any recommendations from the youths health or behavioral health provider.

A youths sexual orientation and/or gender identity is not an indicator of the likelihood of the youth being sexually abusive towards others. Staff shall not consider a youths identification status as a reason to isolate the youth or withhold programming options.

All transgender/intersex youth may be provided a single room in order to ensure their privacy and safety for the following:

- (a) A room may allow the youth the ability to dress and perform bodily functions without youth of the opposite gender viewing them;
- (b) A room may reduce a transgender youths vulnerability to violence and harassment, avoid some other difficulties associated with sleeping in a dorm setting, and decrease the transgender youths privacy concerns.

All transgender and intersex youth shall be given the opportunity to shower separately from other youth. Privacy accommodations shall not prevent transgender/intersex youth from full integration into daily programming.

Housing determination for transgender or intersex youth shall consider whether the placement would ensure the youths health and safety, and whether the placement would present management or security problems.

Any youth, including transgender and intersex youth may be placed in protective custody as a last resort when less restrictive measures are inadequate to keep them safe, and then only until an alternative means of keeping all youth safe can be arranged. Refer to Policy: Separation Policy.

1054.5 SEARCHES

Prior to being searched, a transgender/intersex youth may request either a male or female staff member to conduct the search. Whenever feasible, the facility shall respect the youths preference regarding the gender of the staff member who conducts any search of the youth. A second staff member shall be present to observe the staff conducting the search. Staff shall not conduct physical searches of any youth for the purpose of determining the youths anatomical sex. Refer to Policy: Searches.

1054.6 ADDRESSING TRANSGENDER/INTERSEX YOUTH

Facility staff shall respect every youths gender identity, and shall refer to the youth by the youths preferred name and gender pronoun, regardless of the youths legal name. Facilities may prohibit the use of gang or slang names or names that otherwise compromise facility operations as determined by the facility manager(s) or designee, and shall document any decision made on this basis in the CMS.

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1054.7 CLOTHING

Facility 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.

1054.8 MEDICAL AND BEHAVIORAL HEALTH PROVIDERS

Facility administrators shall ensure that transgender and intersex youth have access to medical and behavioral health providers qualified to provide care and treatment to transgender and intersex youth.

Date last reviewed: 05/29/2024

Date(s) reviewed: 05/29/2024; and 08/02/2022.

Created: 09/19/2019

Attachments: None