Governor Dannel P. Malloy  
State Capitol  
210 Capitol Avenue  
Hartford, CT 06106

October 2, 2014

Dear Governor Malloy:

We are members of the Advisory Committee of the Equity Project, a national initiative to ensure that lesbian, gay, bisexual and transgender (LGBT) youth in juvenile delinquency courts are treated with dignity, respect, and fairness. We write this open letter to you because we are deeply troubled by the Department of Children and Families' (DCF) ongoing egregious mistreatment of Jane Doe, a sixteen year-old transgender girl, and we ask that you immediately intervene on her behalf.

Jane herself said in a letter to you a few months ago, “I really do want help but I just have a hard time seeing a better future for myself... I feel forgotten and thrown away. As you probably know, these feelings are not new for me. This is the way my life has been going since I was a little kid.” The “help” provided to Jane for the past seven months consists of DCF placing her in a male youth prison when she identifies as female, a female youth prison with significant issues that led the Office of the Child Advocate (OCA) to report this facility for suspected child abuse, and an adult female prison although she has never had any criminal charges. Jane has spent the majority of her time in isolation at these facilities, which research shows is harmful for developing adolescent brains and which, according to the American Academy of Child and Adolescent Psychologists, puts youth at risk for depression, anxiety, and psychosis.

The inappropriate and harmful decisions DCF has made about Jane Doe’s care stand in stark contrast to your state’s recent and rightly lauded progressive juvenile justice reforms. These achievements include an outstanding 65 percent reduction in the confinement of youth from 2001 – 2011; raising the age of criminal responsibility to 18; and enacting significant measures to keep youth from ever entering the system. It is disheartening that DCF is unable or unwilling to utilize a progressive and compassionate vision when treating an abused transgender youth. Connecticut is now, frankly, a prime example of damaging and discriminatory mismanagement of an abused transgender youth. DCF’s treatment of Jane Doe, marked by its inappropriate and dangerous misuse of isolation, has subjected this already traumatized child to further serious harm and degradation, and deprived her of the educational programming and therapeutic treatment she needs and publicly stated that she wants. We are also disturbed at how DCF has made numerous public statements portraying Jane as uniquely dangerous to justify its decision to ask the Court to place her in an adult prison and later as a reason for placing her in a male facility. The OCA aptly described DCF’s public announcement of its decision to transfer Jane to a male facility following a fight at a female facility as an act of “public shaming.” Considering there were no transfers for the four other girls who, by all accounts, were equally culpable and involved in the fight, this is another instance where DCF unfairly singled out Jane for harsher treatment. Unfortunately, such discriminatory treatment is all
too common for transgender youth: correctional facilities frequently and inappropriately place transgender youth in isolation and sanction them more harshly than their non-LGBT peers.

What is truly dangerous is not the behavior of a traumatized 16 year-old girl in state custody, but DCF’s appalling lack of competence in providing this child with the respectful care and appropriate treatment she deserves and needs. The Prison Rape Elimination Act (PREA) and model policies for LGBT youth in correctional settings all assert that placement of transgender youth should consider the youth’s assessment of their own safety needs and their gender identity, not their sex assigned at birth. DCF continues to endanger Jane with her current placement in a male facility, and with its persistent failure to provide trauma informed care for a severely abused youth – a youth who has also reported that some of her abuse occurred at the hands of staff and youth at DCF facilities. Many of us on the Equity Project Advisory Committee are all too familiar with the challenges of working with severely traumatized youth. We are outraged that DCF has portrayed Jane to the public as exceptionally difficult, when her story and her behavior are sadly common for children who have suffered severe and long standing physical, emotional, and sexual abuse. Jane’s story is also far too typical of many transgender youth of color, who routinely encounter racist and transphobic discrimination, stigmatization, and violence by law enforcement, the courts, and correctional facilities. We also know from our individual and collective professional experience that there are far more effective and humane options for Jane’s care that DCF has not exercised, such as keeping Jane in the least restrictive environment possible – ideally a caring family environment – with clinical and educational programming that can address her needs. Furthermore, DCF has failed to identify a setting and services that affirm her gender identity and provides her with the safe space to heal, and to explore and express all aspects of her identity – a developmentally appropriate task that all youth, of all gender identities, expressions, and sexual orientations, need.

Jane’s most recent attempt to flee from the custody of DCF is unsurprising in light of the harmful treatment she has endured for the past seven months, and it is extremely troubling, as it suggests this already traumatized youth is now in considerable distress due to your agency’s failure to care for and protect her. We urge you to intervene immediately and in the following ways:

- Require DCF to reach out to expert consultants to help create a new plan for Jane, that will provide her with trauma informed, LGBTQ affirming care in a supportive and least restrictive environment possible.

The Equity Project Advisory Committee is comprised of lawyers, judges, advocates, medical and mental health experts, researchers, and juvenile justice system administrators. We know one member of our Board, the Chief of a large county probation department designated as one of two model sites nationally for the treatment of LGBT youth in the juvenile justice system, had reached out to DCF to express deep concern over the treatment of Jane, and offered to provide assistance with this case. We would be happy to help connect DCF with experts and consultants who can assist in identifying, planning, and implementing a new treatment plan for Jane.

- Require DCF to work with advocates and community members to develop and implement an LGBTQ policy and training for its agency and its contracted providers.

DCF’s actions in this case point to the need for a policy to ensure that no other LGBT youth in care suffers the discrimination, stigmatization, and inequities that Jane continues to endure. With the
passage and implementation of PREA, and with studies that show that being LGBT and being an adolescent are both risk factors for sexual abuse in correctional facilities, a growing number of jurisdictions have adopted robust policies and guidelines to protect LGBT youth in their custody from harm. Connecticut must also enact such policies and practices. Furthermore, research shows that a disproportionate number of youth in the juvenile justice system are LGBT, with one groundbreaking study by our board member, Dr. Angela Irvine, finding that up to 15 percent of youth in detention are lesbian, gay, bisexual, or gender nonconforming, and the vast majority of these youth in the study are also Black or Latino/Latina. Therefore, Jane is not a unique case, and there are undoubtedly a sizable number of other youth in Connecticut’s juvenile justice system who are LGBT youth of color. These youth and their families deserve to be treated with respect, dignity, and equity, and having an LGBT anti-discrimination policy in place is an important first step toward achieving that.

- Require DCF to engage system and community stakeholders to assess the availability of, and develop as needed, community-based alternatives to incarceration that meet the needs of LGBT youth.

Finally, we urge you to continue on the promising path of your recent progressive juvenile justice reforms that prioritize community-based interventions and focus on reducing the incarceration of youth. Research shows that incarceration of youth leads to poor outcomes for all youth, and it is also far more costly than investing in culturally competent prevention services and community-based interventions. All youth in DCF’s care should have access to appropriate services and interventions. DCF must undertake an inclusive service evaluation and development process to ensure that it is able to provide alternatives to incarceration that meet the needs of LGBT youth. We echo the OCA’s statement that Jane is not “an anomaly” and that Connecticut has the responsibility to “engage in a rigorous and public assessment of what it is we can accomplish for the most vulnerable and challenging of our youth.” The answer clearly does not lie in using punishment, public shaming, and stigmatization when working with youth in care – all tactics DCF employed in its mistreatment of Jane Doe.

Jane Doe stated in an affidavit that “I need to be given treatment and services specific to my needs. I need to deal with the traumas I’ve experienced in my life. This prison cannot do that for me.” Governor Malloy, we ask you to heed Jane’s clear request for help.

Sincerely,

Garry Bevel, Ombudsperson, Partnership for Child Health, Jacksonville System of Care Initiative
Bob Bidwell, Associate Clinical Professor of Pediatrics, University of Hawaii John A. Burns School of Medicine
Tom Burrows, Esq.
Linn Chiu, Wellness Project Director & Senior Social Worker, Legal Services for Children
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Kim Forte, Supervising Attorney, LGBT Law and Policy Initiative, Juvenile Rights Practice, Legal Aid Society
Laura Garnette, Chief Probation Officer, Santa Clara County Probation Department
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Gabrielle Horowitz-Prisco, Director, Juvenile Justice Project, Correctional Association of New York
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Shannan Wilber, Youth Policy Director, National Center for Lesbian Rights
Rob Woronoff, Rob Woronoff Consulting
Judy Yu, Associate Director of LGBTQ Youth Issues, Juvenile Justice Project, Correctional Association of New York

cc: Joette Katz, Commissioner, Department of Children and Families
    Sarah Eagan, Child Advocate, Office of the Child Advocate