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
The mission of Legal Services for Children (LSC) is to ensure that all children and youth in the San Francisco Bay Area have an opportunity to be raised in a safe environment with equal access to a meaningful education and the services and supports they need to become healthy and productive young adults. Through a holistic team approach utilizing legal advocacy and social work services, our goal is to empower clients and actively involve them in the critical decisions that impact their lives. www.lsc-sf.org.

The National Center for Lesbian Rights (NCLR) is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, legislation, policy, and public education. It litigates precedent-setting cases at the trial and appellate court levels, advocates for equitable public policies affecting the LGBT community, provides free legal assistance to LGBT people and their legal advocates, and conducts community education on LGBT issues. www.NCLRights.org

The National Juvenile Defender Center (NJDC) is a non-profit, non-partisan organization dedicated to promoting justice for all children by ensuring excellence in juvenile defense. NJDC provides support to public defenders, appointed counsel, law school clinical programs, and non-profit law centers to ensure quality representation in urban, suburban, rural, and tribal areas. NJDC also offers a wide range of integrated services to juvenile defenders, including training, technical assistance, advocacy, networking, collaboration, capacity building, and coordination. To learn more about NJDC, please visit www.njdc.info.

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The Equity Project is a collaborative initiative of:

Legal Services for Children, www.lsc-sf.org
National Center for Lesbian Rights, www.nclrights.org
National Juvenile Defender Center, www.njdc.info
Understanding Sexual Orientation, Gender Identity, and Gender Expression, and Developing Competency to Serve Lesbian, Gay, Bisexual, and Transgender Youth in the Juvenile Justice System

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THE EQUITY PROJECT MISSION AND VISION STATEMENT

The Equity Project envisions a fair and rehabilitative juvenile justice system that treats every young person with dignity, respect, and fairness, regardless of sexual orientation, gender identity, or gender expression (SOGIE). The Equity Project seeks to understand the needs, strengths, and experiences of lesbian, gay, bisexual, and transgender (LGBT) youth involved in the juvenile justice system; identify obstacles to the equitable treatment of LGBT youth in the juvenile justice system; recommend concrete strategies for promoting the equitable treatment of LGBT youth in the juvenile justice system; and educate juvenile justice system professionals through training and dissemination of policy and practice recommendations and tools.
The Equity Project Advisory Committee (EPAC) is composed of individuals representing a diverse range of professional experiences, geographical locations, race, sexual orientations, gender identities, and gender expressions. EPAC members are the leading experts on LGBT youth in the juvenile justice system. EPAC members serve as resources and help guide the work of The Equity Project, and each member made invaluable contributions to the drafting and review of this curriculum.

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*Toward Equity* is a combined effort by leading experts in the fields of juvenile justice and LGBT rights. It is the result of over two years of development and testing in a variety of venues across the country and would not have been possible without the assistance of all of the juvenile justice professionals and advocates who graciously shared their insights with The Equity Project staff.

The EPAC is a diverse group of individuals with expertise relevant to LGBT youth in the juvenile justice system that guides the work of The Equity Project, and was instrumental in reviewing, testing, and providing feedback on this curriculum. *Toward Equity* would not have been possible without those steadfast leaders. We are immensely grateful for the work of the EPAC and other individuals who contributed to this training curriculum for their time, dedication, and ongoing commitment to this work. The Equity Project would also like to thank: Laura Austen, Breanna Diaz, Andrew Longhi, Michael Kramer, Josh Jacobs, and Shannon McNeil for their assistance with this project; Amy Woolard and Mulan Cui for their editing assistance; and Rubén Mercado for his design work on this curriculum.

Finally, we offer many thanks to the following individuals who created graphics, gave us permission to reproduce their materials, and/or provided access to their videos and resources for the educational purposes of this curriculum: Fabian Gomez, Valentino Luna, Emily Villas, Kevin West, Mishi Faruqee, and Dr. Johanna Olson.
Very little information about lesbian, gay, bisexual, and transgender (LGBT) youth in the juvenile justice system is available, partly because these youth are often socialized to hide their identities. However, the existing data demonstrates that LGBT youth are disproportionately represented in the juvenile justice system, are primarily charged with status offenses or other nonviolent crimes, and are subjected to disproportionately harsh detention decisions. Like their heterosexual and cisgender \(^1\) counterparts, most LGBT youth in the juvenile justice system are poor youth of color. It is imperative to address racial and ethnic disparities, socioeconomic disadvantage, and other aspects of identity while addressing disparities for LGBT youth, and view system reform and recommendations through an intersectional lens, recognizing the multiple marginalized identities of many youth in the juvenile justice system.

Despite the outstanding work of many dedicated juvenile justice system professionals who have tirelessly advocated on behalf of LGBT youth, many LGBT youth across the country continue to face bias, harassment, and unfair treatment throughout the course of their delinquency cases. In addition, many juvenile justice professionals lack an understanding of the unique challenges confronting LGBT youth, which limits their ability to fulfill their professional and ethical responsibilities. Collaborative action is needed to address the systemic deficiencies that undermine fairness and equity for LGBT youth in the nation’s juvenile justice systems.

The Equity Project\(^2\) envisions a fair and rehabilitative juvenile justice system that treats every young person with dignity, respect, and fairness, regardless of sexual orientation, gender identity, and gender expression (SOGIE). In 2009, The Equity Project published *Hidden Injustice*, an in-depth report about the experiences of LGBT youth in the juvenile justice system, with concrete recommendations for systemic reform. Following the release of that report, The Equity Project received increasing numbers of training requests from a variety of juvenile justice stakeholders around the country. With heightened public awareness of the disproportionate representation of LGBT youth in the juvenile justice system and their unique vulnerability, these training requests continue to increase. *Hidden Injustice* remains the fundamental report used among advocates and juvenile justice professionals to educate juvenile justice professionals about the criminalization and unfair treatment of LGBT youth.

We developed this national training curriculum in response to the growing call for training and to fill a gap in existing resources. *Toward Equity* is the first comprehensive, interactive program dedicated to LGBT youth in the juvenile justice system (as opposed to other youth-serving systems) and flows from the information and recommendations in *Hidden Injustice*.

We hope this training curriculum serves as the foundation for increased knowledge about SOGIE issues within the juvenile justice system and will lead to safe, inclusive, affirming, and welcoming environments for LGBT youth, as well as the promotion of healthy and positive outcomes for all youth.

Legal Services for Children  
National Center for Lesbian Rights  
National Juvenile Defender Center

\(^1\) Describes a person whose gender identity matches his or her sex assigned at birth.  
\(^2\) The Equity Project is a collaborative initiative of Legal Services for Children (LSC), the National Center for Lesbian Rights (NCLR), and the National Juvenile Defender Center (NJDC).
I. Introduction
The Equity Project is pleased to release Toward Equity: Understanding Sexual Orientation, Gender Identity, and Gender Expression, and Developing Competency to Serve Lesbian, Gay, Bisexual, and Transgender Youth in the Juvenile Justice System (“Toward Equity”). This training curriculum provides comprehensive, interactive training lessons designed to increase competence about sexual orientation, gender identity, and gender expression (SOGIE), while providing practitioners with increased knowledge, tools, and resources for working with lesbian, gay, bisexual, and transgender (LGBT) youth in the juvenile justice system.

Toward Equity aims to improve the experiences and outcomes of LGBT youth in the juvenile justice system by providing juvenile justice personnel with a deeper understanding of terms and concepts related to SOGIE, normative adolescent development, and the data relating to LGBT youth in the juvenile justice system. It will also increase professionals’ capacity to understand bias and stigma related to SOGIE, and their impact on the well-being of youth in the juvenile justice system. Additionally, the curriculum will provide participants with skills for communicating with youth about SOGIE and increase knowledge of the common circumstances leading LGBT youth into the juvenile justice system. Toward Equity illustrates methods by which juvenile justice system stakeholders can support LGBT youth to increase their resiliency and prevent their re-entry into the system. The curriculum also covers specific conditions of confinement issues and promotes a greater understanding of transgender and gender non-conforming youth.

II. Terminology
Toward Equity uses the acronym “LGBT” in the broadest sense possible. While there are many other acronyms that reflect a more nuanced understanding of the breadth of identities that exist within the SOGIE spectrum (e.g. LGBTQQIAA2-S), we chose LGBT for the sake of brevity and uniformity. Because terminology is constantly evolving and because certain groups may gravitate to certain terms and abbreviations over others, it is difficult to come to a commonly agreed-upon acronym that reflects all perspectives. The Equity Project’s use of LGBT is intended to be as inclusive of all other identities as possible, unless otherwise specified (e.g., with regard to research that focuses on particular demographics).

Additionally, Toward Equity uses the pronouns “he” and “she,” recognizing that some people identify outside of this gender binary language. The gender neutral pronouns “ze,” “zir,” and “zey” are not commonly recognized, and the English language does not provide any other term that is not gender specific other than “they,” which is only grammatically correct in the plural. This forces a choice between being grammatically incorrect in order to acknowledge the non-binary nature of gender and following the English grammar rules that do not provide for a gender-neutral option. For publishing reasons, The Equity Project chose to be grammatically correct in its printed materials. Because the spoken word is often much more forgiving with respect to grammar than the written word, trainers should feel free to use “they” and the gender neutral pronouns “ze,” “zir,” and “zey” when speaking, if that makes them more comfortable.

III. Purpose and Scope of Toward Equity
Toward Equity is designed specifically to address SOGIE-related issues in the juvenile justice system and to provide stakeholders with the tools they need to create a safe, rehabilitative, and affirming environment for all children. While every youth has a sexual orientation, gender identity, and gender expression, LGBT youth often face particular challenges when service systems and individual stakeholders do not understand or fail to acknowledge their identities. Although there are other curricula and trainings that
focus on LGBT youth in the child welfare system, schools, and other systems of care, the juvenile justice community expressed a need for a training curriculum specifically designed for those who work in the juvenile delinquency system.

The curriculum is adaptable for a broad audience of juvenile justice system stakeholders, such as judges, referees, magistrates, prosecutors, probation officers, defense attorneys, detention facility staff, corrections personnel, court personnel, caseworkers, social workers, mental health professionals, forensic evaluators, and policy advocates. While some SOGIE competency trainings may be held for mixed groups of stakeholders, the distinct roles and perspectives of different groups may make some mixed trainings less effective.

The lessons in Toward Equity are designed to promote professional competency; they are not designed to be a practice manual. Each lesson contains competency goals and an overview of national best practices, but these lessons are not a “how-to” guide. No two stakeholder groups and no two jurisdictions have the same obstacles, procedures, or strengths. This curriculum is designed to provide a common level of information and knowledge related to SOGIE, and demonstrates how SOGIE—and the ways SOGIE intersect with other aspects of identity—may affect a youth’s experience within the juvenile justice system. Toward Equity provides participants with targeted and concrete examples of issues that may arise, and challenges trainers and participants to think critically about how to provide safe, healthy and affirming environments. Beyond Toward Equity, The Equity Project provides technical assistance and maintains other tools and resources that may be of use in areas not addressed by the Toward Equity lessons. If trainers or participants are interested in practice-related materials or additional information, they should contact The Equity Project by emailing info@equityproject.org.

IV. Who Can Use This Curriculum?
The Equity Project is providing this training curriculum to the general public, free of charge, in an effort to reach as many stakeholders in the juvenile justice system as possible. However, these lessons are intended to be delivered only by experienced trainers who have specific competency in SOGIE issues and who have the necessary skills to facilitate sessions that have the potential for raising discomfort—or even hostility—among the participants, without losing sight of the training goals. Anyone wishing to use Toward Equity, who does not already have a competent and experienced trainer identified, may contact The Equity Project at info@equityproject.org for suggestions.

V. Structure of Toward Equity
This curriculum targets six topic areas that are essential to appropriately address SOGIE and competently serve LGBT youth in the juvenile justice system. These six lessons and topic areas are:

- Lesson One: Understanding Sexual Orientation, Gender Identity, and Gender Expression
- Lesson Two: Dismantling Bias and Fostering Equity
- Lesson Three: Enhancing Communication and Building Trust with LGBT Youth
- Lesson Four: Reducing Risk and Promoting Protection
- Lesson Five: Ensuring Safety and Equity in Secure Settings
- Lesson Six: Respecting and Supporting Transgender Youth

Toward Equity is structured so that each lesson builds upon the previous lessons and the concepts are delivered in a logical and systematic sequence. Training organizers may also use individual lessons as their needs dictate, rather than delivering the entire curriculum. Each lesson is designed to stand on its
own. However, Lesson One – Understanding Sexual Orientation, Gender Identity, and Gender Expression should be the starting point for any program in which the participants have not yet had sufficient exposure to SOGIE concepts.

While we encourage fidelity to the substance of each lesson, we recognize that trainers may need to change or adapt some items for a particular audience. Where appropriate, the curriculum provides optional tools, alternate activities, or key points to highlight for specific audiences. For example, a particular stakeholder group may have ethical or professional obligations that impact the way the information should be delivered, such as a judge's responsibility to act in the child's best interest as compared to a defender's obligation to act in the client's stated interest. Experienced trainers who understand their audience should adjust these lessons as needed, without sacrificing the substance of the lessons.

The lessons in Toward Equity are designed to be comprehensive, and we believe that all of the included information is essential. We recommend adjusting training times to the curriculum, rather than cutting portions of lessons in order to fit a shorter training period. These lessons are not intended to be a lecture or a PowerPoint presentation, but an interactive learning experience with time for questions, discussion, and reflection.

Toward Equity is designed to take into account adult learning theory and the variety of adult learning styles. Given the subject matter, trainers should give participants time to process and reflect. Although the curriculum strives to provide trainers with everything they will need to deliver each lesson, trainers may want to adapt some activities. For example, many people are highly visual learners, and trainers may want to create additional handouts or develop PowerPoint slides to highlight particular concepts that they or the organizers feel need additional emphasis.

Structure of Individual Lessons
Each lesson in Toward Equity uses the same organizational structure, and contains the following sections:

A. Purpose and Objectives: Each lesson begins with a one- to two-page summary of the lesson that outlines the lesson's purpose, objectives, suggested audience, and approximate length of time, as well as a list of training materials necessary for delivering that lesson and a list of additional resources that the trainer and/or participants may find useful.

B. Lesson Overview: The lesson overview provides an outline of each section within a given lesson, describes what each lesson covers, which sections are interactive, and the estimated length of each section. It should serve as a guide for highlighting key points, as well as a resource for determining the appropriate trainer for the material, and whether the lesson is appropriate for the intended audience. Trainers may also find it a useful tool for keeping track of time and flow of the lesson.

C. Facilitation Notes: The substance of the lesson is included in the facilitation notes. These notes are not intended for participants, but serve as a “teacher’s guide” and include detailed, substantive information, training prompts, questions trainers should anticipate from participants, cautions, activities, and trainer questions for discussion and reflection. Handouts are duplicated within these facilitation notes, so it is clear how the trainer should use them.
D. Prompts: Within the Facilitation Notes are a few prompts designed to attract the trainer’s attention. These prompts are not meant to be read aloud. The prompts used are:

1. **Training Note**: These notes provide information or reminders for the trainer about how to convey the information that follows in the lesson, key points to cover, and/or questions he or she may want to anticipate from the audience.

2. **Caution**: These prompts identify issues that may be controversial or challenging for participants, so that trainers can be prepared to guide the discussion away from personal opinions and back to professional obligations.

3. **Practice Tip**: While this curriculum is not a practice manual, there are times that a sample “how-to” may be appropriate, and these prompts offer concrete suggestions about how to implement best practices.

4. **Optional Tool**: Because not every concept or activity works with every audience, the curriculum sometimes offers additional suggestions or alternative activities that trainers may want to use to expand understanding of particular portions of the lesson. Be aware that choosing to substitute or add these optional tools to the lesson will likely affect the length of the lesson.

In addition to the prompts, each lesson is also designed so that each activity and its instructions are clearly distinguished from the rest of the facilitation notes, so that trainers can properly transition between segments. All activities are identifiable as they are boxed off from the rest of the text in the facilitation notes.

E. Training Materials and Additional Resources: Each lesson in the curriculum includes training materials and additional resources.

1. “Training Materials” are items that will be needed for the lesson, including handouts or visual aids. Anything the trainer will need to facilitate the lesson is listed as a Training Material. All handouts are duplicated within the lesson and appended to the curriculum so that they can be printed and provided to the participants. Video and audio clips are available on The Equity Project YouTube channel, accessible via: www.equityproject.org.

2. “Additional Resources” are not essential but may provide substantive background information, or may be provided to participants as resources for further self-directed learning and reference.

VI. Accessing Curriculum Materials
All curriculum documents are available on The Equity Project website at [www.equityproject.org](http://www.equityproject.org) under the “Training and Technical Assistance” tab. Anyone seeking a trainer, more information, or with outstanding questions, may also email [info@equityproject.org](mailto:info@equityproject.org).
VII. Planning a Training
Trainers and training organizers should consider the following issues in advance of the training.

A. Lesson Selection
While each lesson is intended to stand on its own, the curriculum can also be delivered as a comprehensive competency training program. Training organizers should consider the goals of the training program, and allot sufficient time to achieve them.

A careful review of the objectives and substance of each lesson will help training organizers determine what kind of training and which curriculum lessons their group or agency may need. Many organizations may be starting their exploration of SOGIE issues, and should start with Lesson One in order to develop basic competency. When participants have basic competency, they will have a better foundation for understanding the subsequent lessons. The information, especially the data and research, used in this curriculum is quickly evolving as understanding of social science and child and adolescent development increases. We will endeavor to supplement lessons as new information becomes available. Please contact The Equity Project if you have any questions or concerns about the materials.

B. Trainer Selection
This curriculum is intended to be used by experienced trainers who are familiar with the research on LGBT youth in the juvenile justice system, and understand SOGIE and its relevancy to youth in the delinquency system. Trainers must be able to explain best practices for working with LGBT youth in the juvenile justice system. Additionally, trainers must be experienced in working within an intersectional framework that acknowledges youth's multiple identities and how various forms of oppression—such as homophobia, classicism, and racism—work together to marginalize youth in the system. Moreover, trainers must assume a posture of cultural humility when training populations whose race, ethnicity, or culture they do not share.

Although each lesson is written for “a” or “the” trainer, many trainers find working in pairs to be an advantage. Discussions about SOGIE can be emotionally charged for some participants, and it is often useful to have a facilitation partner to help with those situations. Training pairs are also useful given the length of some of the lessons in this curriculum.

C. Participants
This training curriculum is intended for a broad audience of participants who work in the juvenile justice system. The ideal training size is a group of approximately 25 or fewer people. If the group is too small or too large, people may feel uncomfortable participating. Large groups also make it difficult to field questions, manage challenging behaviors, or keep participants focused on the topic.

Trainers should work closely with the organizers to understand the audience and intended goals, especially if the trainer does not work regularly with the group being trained. Trainers who understand the participants’ level of experience and understanding of SOGIE, and the demographic make-up of the audience, are better able to ensure that the material is as effective as possible. Trainers should make an effort to use examples that are culturally relevant to the audience or the demographic of the area. For example, knowing that a group works with a large population of Native American youth may mean that two-spirit identities need greater focus than they would if the training group works primarily with Latino youth in an urban area. While this curriculum uses examples, videos, and resources that reflect a wide range of racial, cultural,
and socioeconomic backgrounds, it is not always possible to provide resources as diverse as the communities in which participants work, or that reflect the identities of youth in the juvenile justice system around the country. Trainers should remember and remind participants that LGBT youth in the juvenile justice system mirror other youth in the juvenile justice system; that is, in most jurisdictions, they are predominantly poor youth of color who may experience multiple levels of oppression and disadvantage.

D. Factoring in Breaks
The timeframes provided in the lesson are estimates, and do not factor in breaks. Most people need breaks to process information or to reenergize and prepare for further learning. It is up to the trainers and the organizers to schedule appropriate breaks, and to factor this into the overall planning of the training.

E. Before Beginning
Prior to facilitating any lesson, trainers should review the following:

1. **Anticipating questions about why this group is having training on LGBT youth.**
The topic of this curriculum often arouses strong emotions and opinions. The trainer should anticipate the questions and concerns that participants may raise and be prepared to offer responses that respectfully, but clearly, assert the rationale, and endeavor to move participants toward greater understanding of, and sensitivity to, SOGIE issues. Examples of questions to anticipate may include:

   • Q: Why dedicate an entire separate training to a very small group of youth?
     A: LGBT youth are over-represented in the juvenile justice system when compared with LGBT youth in the general population. LGBT and LGBT-perceived youth have historically been more vulnerable and more likely to confront unique challenges that are commonly misunderstood.

   • Q: If we are supposed to treat youth equally, why are you telling me to give LGBT youth special treatment?
     A: Treating youth equitably requires that we understand and respond to each youth's individual needs. Subjecting youth to different conditions or rules for unfair, irrational, or prejudicial reasons is discriminatory.

   • Q: You say that you are not trying to change my personal beliefs, so why do you keep saying things that conflict with my personal beliefs?
     A: The information we are presenting today is consistent with existing laws, regulations, agency policies, and professional standards of care. We also want to clearly describe this department's/system's/agency's/jurisdiction's policies and procedures, so that you understand your obligation. Although your employer cannot tell you how or what to think, people working within a given system are not free to violate its policy, or state and federal law, even if it conflicts with personal beliefs.

   • Q: Isn’t a youth’s SOGIE private information? I am not talking about SOGIE with them. It is too personal.
     A: The purpose of this training is not to “out” a youth. Some young people will be out; some will not; and some will be out in certain contexts but not others (e.g., they may be out at school and to their peers, but not at home with their families, or the reverse may be true.)
This training is provided so that if a youth wants to disclose that information to you, you have the best knowledge and resources available. It is also important that youth who are not out still feel safe and comfortable. Moreover, for those youth who are LGBT and may not be out, this training will help to create an environment that is not unconsciously hostile to them.

2. **Group Agreements/Ground Rules for Training**
   The trainer should establish group agreements or ground rules at the start of each lesson that will support participants’ best thinking and participation. Examples include:
   
   • This is a safe space: anything participants share about themselves, including their questions and opinions, should be treated as confidential.
   
   • Step up; step back. Take note of whether you are the one speaking all the time or not saying anything at all. If you are doing a lot of talking, try to spend more time listening and giving others space to participate. If you have not said anything yet, try to find an opportunity to participate.
   
   • There is no such thing as a stupid question; every person may be at a different level of understanding on this subject. One way to push forward is to ask questions. Odds are that someone else has the same question.

3. **Reviewing Terminology**
   While Lesson One of this curriculum reviews SOGIE terminology in depth, it is important to review, at least briefly, SOGIE terminology at the beginning of each lesson. Therefore, a review of key terms is included at the start of each lesson. Regardless of which lesson the trainer is facilitating, the trainer should provide participants with handouts of definitions and/or the curriculum’s supplemental SOGIE Glossary.

**VIII. Further Assistance**
For more information, assistance in planning or delivering training, questions, or help finding trainers, email The Equity Project at info@equityproject.org.