

Chapter: Juvenile Rights and Responsibility
Subject: Non-Discriminatory, Developmentally-Sound Treatment of Lesbian, Gay, Bisexual and Transgender (LGBT) Youth
Policy: 12.3

Purpose

It is the policy of the Department of Human Services and the New Orleans Juvenile Detention Center to establish operational guidelines and training to respond to the gender identity and sexual orientation of the youth in our care. Lesbian, Gay, Bisexual and Transgender (LGBT) youth shall receive fair and equal treatment without bias. LGBT youth shall be safe and accepted and not treated as abnormal or bad. The detention center recognizes that LGBT youth are in the midst of adolescent development and have complex needs that require the sensitivity and awareness of well-trained staff in performing their duties without bias toward or criticism or judgment of LGBT youth.

Policy

Staff shall not discriminate against or harass, physically or verbally, any youth in our care because the juvenile is lesbian, gay, bisexual or transgender or because a staff member perceives a juvenile to be LGBT. Staff must also protect youth from being discriminated against or harassed, physically or verbally, by other youth for being LGBT, or because juveniles believe, another juvenile is LGBT. All staff will ensure that LGBT juveniles are safe and accepted and will support LGBT juveniles with fair and equal treatment, without bias and in a professional and confidential manner.

Definitions

LGBT - means youth who have identified themselves as lesbian, gay, bisexual or transgender and youth who others perceive as lesbian, gay, bisexual or transgender (it is unacceptable, for example, to use a slur in referring to a young person's sexual orientation because of his/her appearance even when it is acknowledged that the youth is not LGBT).

Harassment - includes name-calling, slurs, disrespectful gestures, being joked about, being picked on, being touched or stared at, being labeled abnormal, sinful or sick, being approached for sex, and being told one can or should choose to not be LGBT. Attempting to change a youth's sexual orientation or gender identity is a form of harassment.

Abuse - means physical or emotional harm; a youth can be seriously harmed by verbal comments even when there is no physical abuse. During adolescence when youth are gradually developing an identity, many do not have the cognitive maturity or self-confidence to ignore negative comments made about them. As teenagers, they value the opinions of peers and adults, and are vulnerable to feeling unacceptable. If they have been rejected by their families, as many LGBT youth have, they do not have strong support to tolerate the hurt of being labeled. If they have been maltreated as a younger child, emotional abuse is likely to make them continue to blame themselves.

Discrimination - means any practice that penalizes or disadvantages youth based on their sexual orientation or gender identity.

Scope

This policy shall apply to all employees of the New Orleans Juvenile Detention Center or representatives of any agency providing services on behalf of youth at the New Orleans Juvenile Detention Center.

Procedures

A. The juvenile detention center will provide an inclusive organization culture where the dignity of every youth is respected and all youth are safe. When youth arrive, at the detention center, they will be told, in intake and on their unit by staff and other youth, that name-calling and other harassment is disrespectful and not accepted. Employees will remind juveniles that harassment of LGBT juveniles is not acceptable every time they are aware of an incident of harassment.

B. Staff may not in the course of their employment use terms that convey hatred, contempt, or prejudice toward LGBT juveniles, including in their own conversations while on the grounds of the Detention Center. LGBT juveniles must not be made to feel that they are abnormal, bad, or unacceptable or be told that they can or should choose to change their sexual orientation or gender identity. Staff members who violate this policy may be subject discipline. Staff must promptly and consistently intervene to stop other youth from using terms that convey hatred, contempt, or prejudice toward LGBT juveniles, and initiate disciplinary action against youth who harass others.

D. Respectful and inclusive terminology that does not make assumptions about sexual orientation or gender identity will be used in interviews with all youth at the juvenile facility. All direct care staff, Shift Supervisors, Social workers, Medical, staff and Administrators will be trained to be sensitive in questioning LGBT youth without embarrassing them or making them feel judged. Staff will be aware that youth are in various stages of awareness and comfort with their sexual orientation and gender identity. At intake youth interviews will sensitively inquire about fears the youth has of being picked on in the facility.

E. Staff will not disclose a youth's sexual orientation or gender identity to family, friends, and the court or outside agencies without the youth's permission.

F. Classification and housing decisions will be individualized based on the particular youth's physical and emotional well-being. A male to female transgender youth will not be treated as a male guest on the girls' unit, but as a girl. Recognizing that some youth identify as lesbian or gay before they identifying as transgender, during their stay youth will have access to counseling.

G. Transgender youth will be called by the first name and pronoun they request even if their name has not been legally changed.

H. LGBT youth will not be placed in isolation as a means of keeping them safe from discrimination, harassment or abuse. Staff will actively intervene in behaviors by other youth that make the youth feel unsafe or disrespected

I. Transgender youth will not be required to use the shower or bathroom or dress in front of youth or staff, and staff efforts to ensure privacy will be done in a way that is not humiliating. LGBT youth will not be treated as sex offenders unless they have been found guilty of nonconsenting sexual behavior.

J. Books about being LGBT and LGBT-inclusive magazines will be made available to youth. LGBT youth will be offered counseling by non-judgmental individuals knowledgeable about sexual orientation and gender identity. If a transgender youth has been receiving hormone treatment prior to arriving at the juvenile detention center and requests maintenance of the treatment, medical staff will evaluate its continuation and provide authorization for transition-related treatments when they are medically necessary according to accepted professional standards. The detention center will provide referral to programs that are sensitive to and trained in serving LGBT youth.

K. Staff shall not prohibit or discourage communication between youth of the same sex that is not also prohibited or discouraged between youth of different sexes. Staff shall not otherwise hold LGBT youth to a different standard than other youth at the facility.

L. All direct care staff, supervisors, social services and service providers will be trained and affirmatively demonstrate their commitment to creating and maintaining a safe and accepting environment. This commitment will be a condition of being hired and continued employment at the detention center. This policy will be provided to all new staff, and new staff training will include understanding and protecting LGBT youth.