

Juvenile Justice Vision 20/20 June 2017 Training Event
LGBTI Youth: Improving Outcomes for Youth, Families and Communities
June 8, 2017
Presenter: Mykel Selph

This highly-informative presentation began with discussion of the acronym “SOGIE”, its meaning, and its importance in identifying clients that might need accommodation to ensure their physical and sexual safety in custody settings. SOGIE—something each person has—stands for sexual orientation, gender identity, and gender expression. PREA juvenile standards require that juvenile justice professionals communicate effectively with all residents, including LGBTI and gender non-conforming residents, and that all residents be screened to identify vulnerability or predatory tendencies. Information obtained from screening must be used to inform placement of youths in particular housing, bed, program, education, and work assignments. Screening and formulation of appropriate responses by professionals is different from “labeling” a youth.

Ms. Selph, echoing Grand Valley State University Dean George Grant’s welcoming statement, stressed that the power to name is the power to control. Youth may be subjected to multiple forms of discrimination on the basis of distinct aspects of their gender identity or sexual orientation. Also, these different forms of prejudice, such as homophobia, transphobia, sexism, classism, and racism do not act independently, but instead interact and are shaped by one another, creating unique and magnified manifestations of disadvantage. Understanding this dynamic, known as “intersectionality”, is important because it offers juvenile workers insight into the experiences of young people that have multiple oppressed identities. By increasing workers’ self-awareness, a healthier culture of systemic equity can exist, ensuring that services and interventions do not sacrifice one aspect of a young person’s life in service of another.

Dispelling common myths about LGTB youth encompassed another segment of the keynote presentation. A higher percentage of LGTB youth, about 20 percent, are represented in the juvenile justice system than in the general population, where between five to seven percent of youth identify as LGTB. Data shows that LGTB youth are more likely to enter juvenile detention for status offenses such as running away or truancy, and for crimes, such as prostitution or theft, committed by youth that are rejected by family and/or schools and end up living on the streets.

LGTB persons were, and in many cases still are, considered predatory or mentally ill by society, or at least by certain elements of society. To the contrary, more than 35 years of objective scientific research shows that LGTB identities fall well within the range of normal development and are not associated with any mental illness. Research further shows that LGTB identities are not caused by prior sexual abuse or trauma. Finally, experts concur, and PREA requires, that LGTB persons not be considered more likely to commit sexual assault in corrections settings. In fact, because they are more likely to be *victimized* in correctional settings, PREA requires that special attention be made to placement, program, and housing of LGTB youth to ensure additional protections for them. Other facts presented included:

- Individuals become aware of their sexual orientation and sexual identity at very young ages. The average age when a gay or lesbian teenager “comes out” is 16, however

children have an understanding of their sexual orientation (which gender they are attracted to sexually) much earlier, usually by age 10, and most children have an understanding of their gender identity by age three.

- Transgender youth are not “acting out” to get attention through non-conforming hair styles, clothing, and name choices. The medical and mental health fields recognize that when transgender youth experience incongruence between their sex as assigned at birth and their gender identity, the appropriate response is to allow the youth to express their gender identity. Suppression of these behaviors can have severely negative effects on a youth’s mental health.
- People’s gender expression (the gender they show to others through dress, names, styles, etc.) does not always reflect their gender identity. Some people, for example, choose to “stay in the closet” because of societal pressure or other reasons. This is more common in juvenile justice settings where issues of physical safety or short-term convenience may be driving factors. Workers should not make assumptions about a person’s gender identity based solely on that person’s gender expression.

Additional lessons presented focused on dismantling bias and fostering equity. In everyday interactions with LGTB youth, heteronormative language and environment can reflect deep bias, often unintentionally. “Heteronormative” is the assumption, in individuals or in institutions, that everyone is heterosexual, and that heterosexuality is superior to homosexuality and bisexuality. This is often manifested in language, images, and symbols that reinforce the notion that everyone is or should be heterosexual. Both in the media and in public discourse, individuals are bombarded with images and messages that favor heterosexuality and gender conformity.

Learning to identify our own heteronormative language, as juvenile justice workers, and subsequently modify it, is not done to demonstrate political correctness. It is done so that workers use language that facilitates effective communication with LGTB youth. Youth in general are already sensitive to criticism and so are even more likely to read subtle cues from peers and adults about how others perceive their SOGIE. For a worker, that might mean being shut out by the youth, lessening effective care, safety, and treatment. Some words should be avoided with all youth. They include:

- Lifestyle
- Choice
- Friend (when referring to someone’s romantic partner)
- Homosexual
- Incorrect names and pronouns
- Possibly transgender in certain situations; a younger generation of self-proclaimed genderqueers explicitly reject ‘transgender’ as an identifier

PREA specifies not only that youth be screened for vulnerability to sexual assault and harassment, but also that a facility’s internal protocols protect confidential information, sharing a youth’s SOGIE only on a need-to-know basis, and that decisions on housing, classification, and other daily living assignments be made on a case-by-case basis. Youth may not be housed solely

on the basis of their actual or perceived sexual orientation. Further, a transgender or intersex youth should be allowed to give input into what gender they be housed with, and while safety and security concerns *might* require that a youth be housed with others of their same birth-assigned gender, facilities can sometimes find creative solutions that come closer to providing both equity and safety. For example, at least one Michigan facility facilitated housing for a youth with one gender, but daily programming with the other gender. Transgender and intersex youth must be allowed the opportunity to shower separately.

Various other of the PREA Standards as applicable to LGTBI were discussed, including the basic premise of PREA:

- Youth in custody have a constitutional right to emotional, mental, physical, and sexual safety.
- The most common basis for liability of juvenile facilities and their personnel is failure to protect the safety and welfare of youth.
- Staff must promptly intervene to stop name-calling, bullying, and other forms of harassment.
- Staff should model respectful behavior.
- Staff should not isolate LGBTI youth to protect their safety.

The day-long session by Ms. Selph utilized a multi-media approach that included didactic sessions interspersed with audience involvement, educational videos supporting the theme of the presentation, small group exercises, and a question and answer period.