

Be On The Look Out:



A Briefing on Youth and Sexual Orientation and Gender Identity and Expression (SOGIE)

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 Juvenile Justice Vision 20/20
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Today's objectives

Through this presentation, you should:

- △ increase your knowledge of terms, concepts, and demographics related to LGBT+ communities;
- △ improve your awareness of different Sexual Orientation and Gender Identity and Expressions (SOGIEs) of youth in juvenile justice settings; and,
- △ enhance your understanding of the challenges of collecting LGBT+ information in child welfare and juvenile justice systems.
- △ BONUS: Stay awake!



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Before we begin our adventure together



- △ This should be a safe space while learning about creating a safe space
- △ Recognize the topic we will be exploring may be very new to some of us
- △ Understand that each of us comes to this training from difference backgrounds and with different values and beliefs
- △ Be patient with ourselves and others as we are learning
- △ Our common goal is to serve all youth in the juvenile justice system

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Terminology

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**What do the initials
LGBTQQIAP2S+ mean?**

- L** Lesbian: a girl/woman whose primary, emotional, sexual and romantic attraction is to other girls/women
- G** Gay: this is an overarching term, but usually refers to a boy/man whose primary emotional, sexual and romantic attraction is to other boys/men
- B** Bisexual or "Bi": a person who is emotionally, romantically and sexually attracted to both men and women
- T** Transgender: a person who identifies more strongly with the opposite gender to the one they were assigned at birth
- Q** Questioning or queer (take caution in using this term)

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And there are more. . .

- I** Inquiring or Intersex: General term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male
- A** Asexual: a person who is not interested in or does not desire sexual activity, either within or outside of a relationship
- P** Pansexual: not limited in sexual choice with regard to biological sex, gender, or gender identity
- 2-S** Spirited: Native American term for gay or lesbian person
- GNC** (Gender non-conforming) – does not conform to binary gender roles
- Gender Fluid** May embrace different identities along the gender continuum
- Cisgender** is a term for people whose gender identity matches the sex that they were assigned at birth

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So, how do I know what term to call someone?

ASK



Usually people are happy to tell you what they prefer

You don't need to be the expert on all things LGBT+ to be supportive to a youth

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Sexual orientation, gender identity, & gender expression (aka SOGIE)

Δ Sexual or romantic orientation:

- A person's alignment with hetero-, homo-, a-, or pan-sexuality.
- Sexual orientation is on a continuum.

Δ Gender identity:

- Refers to a person's internal sense of being male, female, or something else.
- This is also on a continuum between female and male.

Δ Gender expression:

- Refers to the way a person communicates gender identity to others through behavior, clothing, hairstyles, voice, or body characteristics.

(American Psychological Association, 2013)

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The Gender Unicorn Gifted to TSER



Gender Identity

Male/Trans/Male
Male/Trans/Female
Other (Specify)

Gender Expression/Presentation

Male
Female
Other

Sex Assigned at Birth

Female Male Other/Trans

Sexually Attracted To

Male
Female
Other (Specify)

Romantic/Platonic/Emotionally Attracted To

Male
Female
Other (Specify)

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www.thegenderunicorn.com
The Gender Unicorn

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Things to consider when working with LGBT+ youth:
Many stressors = Many risks factors

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What are today's youth worrying about?

Human Rights Campaign (2012). *Growing up LGBT in America: HRC youth survey*

When asked to identify their most important problem(s) in their lives...

- △ LGBT+ youth reported nonaccepting families (26%), bullying (21%), and fear of being out and open (18%)
- △ Non-LGBT+ youth identified classes and grades (15%), college/career plans (14%), and financial pressures (11%) as their most important problems

**Percents are rough estimates*

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Stressor – Identity development

- △ Research shows that young people first become aware of being sexually attracted to another person at around age 10.
- △ The average age that youth realized they were LGBT+ is a little over age 13.
- △ Adapting to an LGBT+ identity is often a prolonged process.
- △ Adolescents and young adults may struggle with conflicts around sexual orientation well before they are able to label themselves as LGBT+ to helpers or other adults (Troiden, 1989).

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Cass model - 6 stages of LGBT identity formation

- 1. Identity Confusion**
 - See self as member of mainstream group
 - Denial of inner feelings
- 2. Identity Comparison**
 - Begin to come out of the “fog.”
- 3. Identity Tolerance**
 - Encounter someone or something that confirms their suspicions
- 4. Identity Acceptance**
 - Exploring subculture activities, readings, etc.

Adapted from: Cass, V. (1984). Homosexual identity formation: Testing a theoretical model. Journal of Sex Research, 20, 143-167.

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Cass model - 6 stages of LGBT+ identity formation

- 5. Identity Pride**
 - Feel arrogance/pride in new identity and deep rage toward majority culture
 - May adopt/heighten stereotypical behaviors or characteristics
 - May isolate self from mainstream values and activities

Many youth enter the JJ system during this stage

Adapted from: Cass, V. (1984). Homosexual identity formation: Testing a theoretical model. Journal of Sex Research, 20, 143-167.

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Cass model - 6 stages of LGBT+ identity formation

- 6. Identity Synthesis**
 - Acceptance and integration of new identity.
 - May go through five stages of grief to let go of old identity and all advantages of heterosexual privilege.
 - Internalize pride/positive feelings about identity.
 - Typically is “out” (with friends, family, at work).
 - More at peace with self.

Unfortunately, this doesn't typically happen until much later than adolescence

Adapted from: Cass, V. (1984). Homosexual identity formation: Testing a theoretical model. Journal of Sex Research, 20, 143-167.

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Another stressor: Unfinished brain development

5 year old Pre-teen Teen 20 year old

Red/yellow: Less mature Blue/purple: More mature

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Another stressor: Unfinished brain development

- △ Research is showing that a youth's brain is still developing and does not mature until the mid-20s.
- △ The part of the brain that performs executive functions -- such as reasoning, decision-making, impulse control, emotions, and understanding consequences -- is the last to develop.
- △ Many times, this is long AFTER some youth have already made some "life-changing" decisions.

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Next time we ask, "Where is their brain?" . . . We know it's there, it's just not fully grown yet!

Executive Function
- reasoning
- problem solving

The Cerebellum
- judgement
- impulse control
- emotions

Frontal Lobe
under development
The last part of the brain to mature (at about 25 years old)

Parietal Lobe
under development

Occipital Lobe
visual processing

Temporal Lobes
hippocampus - long-term memory
amygdala - emotional center

Cerebellum
- numbers
- processing sensory input
- language
- analytical abilities

supports higher learning
- math, music, advanced social skills
under major development

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How are we doing so far?

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Let's Talk Numbers

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How many LGBT+ youth are in the juvenile justice system?

- △ Available research has estimated that LGBT+ youth represent 5% to 9% of the nation's overall youth population, but they compose anywhere from 13% to 20% of those currently in the juvenile justice system (Hunt and Moodie-Mills 2012; Majd, Marksamer, and Reyes 2009).
- △ Findings on the disproportionality and disparate treatment of LGBT+ youth in the foster care system are replicated in the juvenile justice system
- △ Other researchers argue this percentage is even greater (Jacobs & Freundlich, 2006) because LGBT+ youth do not benefit as much from permanency efforts

(Annie E. Casey Foundation, 2015)

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How many LGBT+ youth are in the juvenile justice system?

- △ Youth of color are overrepresented among LGBT+ youth in the justice and the foster care systems
- △ Gender-nonconforming and transgender youth are significantly overrepresented in the justice system
- △ Many youth end up in the foster care and/or juvenile justice systems because they have been kicked out of their homes

(Annie E. Casey Foundation, 2015)

What we know so far

LGBT+ YOUTH OVERREPRESENTED IN THE CRIMINAL JUSTICE SYSTEM

Category	Percentage
All Youth in Criminal Justice System	20%
LGBT Youth in Criminal Justice System	85%

OF LGBT AND GNC YOUTH IN JUVENILE JUSTICE FACILITIES

Category	Percentage
LGBT and GNC Youth in Juvenile Justice Facilities	25%
Youth of Color	25%

Center for American Progress & Movement Advancement Project

Why don't we know how many LGBT+ youth are in the system?

- △ We do not know the exact number of LGBT+ youth in care in the U.S. or in Michigan, because . . .
 - Providers & personnel don't ask about sexual orientation or gender identity at intake or discharge
 - Until recently, information was not tracked at the national, state, or local level
 - No centralized data collection system exists in Michigan, nor at the federal level
 - Health care is currently the leader in collecting this data, but efforts are still in fledgling state



Some barriers to data collection

△ In addition . . .

- Youth are often reluctant to volunteer this information for fear of reprisal or negative consequences
- Many youth do not know they are LGBT+ until after they are involved with juvenile justice or child welfare
- Youth don't trust the system – any system!

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Risk Factors for Youth Who Identify as LGBT+

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An LGBT+ youth is at higher risk for:

- **Teasing or bullying** (Cochran et al., 2002; D'Augelli, 2003; Russell, 2003; Russell & Joyner, 2001; Saltzburg, 2005)
- **Physical violence from family members** (Wilber, Ryan & Marksamer, 2006)
- **Hostility, violence, absenteeism, isolation and dropping-out of school** (GLSEN, 2009)
- **Poor physical and mental health** (Mallon, 2001; Ryan, Russell, Huebner, Diaz, & Sanchez, 2010; Udry & Chantala, 2002; Van Leeuwen et al., 2006)
- **Homelessness** - 25-40% of homeless youth are LGBT+. **The #1 reason they end up on the streets is family rejection.**

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And for mental health issues and suicide

- **30% of all completed suicides** in the U.S. are by LGBT+ individuals
- **4x more likely** to attempt suicide than non-LGBT+ youth
- **More depressive symptoms** due to feeling like they do not fit into the world
- **Grief issues** about the life they could have had (marriage, children, etc.)
- **Isolation** as they distance themselves from their support network (parents, teachers, relatives, other adults and friends)
- **Pregnancy** – 2 to 3 times more likely to get pregnant or get someone pregnant than heterosexual youth

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LGBT+ youth experiences in the Juvenile Justice system

- △ Nearly 14% of justice-involved boys identify as lesbian, gay, bisexual, questioning, transgender or gender non-confirming. For girls, this figure jumps to almost 40%.
- △ Youth in detention and correctional settings who identify as lesbian, gay, bisexual or other report being sexually victimized by peers at a rate that is nearly 10 times higher than their heterosexual counterparts.
- △ Relative to their peers, LGBT youth are more likely to experience physical, sexual and emotional abuse – particularly in secure settings. Understanding these risks and the signs of anti-LGBT bias are critical to ensuring that juvenile justice systems are set up to advance the safety and well-being of all youth.

Annie E. Casey Foundation, 2015

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LGBT+ youth experiences in the Juvenile Justice system

- △ Biases and misconceptions about LGBT+ youths' behavior may factor into detention decisions.
- △ LGBT+ youths may come across as aggressive or hostile, and court personnel may view them as at greater risk of reoffending.
- △ LGBT+ youth may face higher risks of detention or residential placement for numerous reasons.
 - For example, a perceived lack of family support was found to be a significant factor in the courts' decisions to detain youth.
 - Judges or court personnel may believe youths lack the support from family members to return home, or believe it is in the youths' best interest to remove them from what could be a hostile environment at home.
 - Instead, kinship care, foster care, or even detention is viewed as a more appropriate option

(Majd, Marksamer, and Reyes 2009)

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Pathways
Examining the overrepresentation of LGBT+ youth involved in the juvenile justice system

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Why do so many LGBT+ youth get involved in the system?

Robert Agnew's General Strain Theory

- △ Various strains (stressors) in kids' lives can lead to offending/ JJ system involvement
- △ Sexual harassment, sexual abuse, or discrimination based on sex, race, religion, or sexual orientation
- △ Losses in employment (because of SOGIE), family relationships, safety, and mental health issues that result from "living in a homophobic world with built-in heterosexual privileges and protections"

(Holsinger &Hodge, 2016)

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Why do so many LGBT+ youth get involved in the system?

Edwin Schur's Labeling theory

- △ Kid's self-identities and behaviors are influenced or shaped by the terms used to describe or classify them
- △ Labels are imposed on youth by the negative judgments and rejection they experience from their families, schools, and communities.
 - Family rejection can lead to homelessness
 - Rejection at school can lead to truancy
 - Community rejection can lead to lack of ties to the community, impact a youth's willingness to adhere to the laws and lifestyles the community, and increase motivation to engage in delinquent activity

(Holsinger &Hodge, 2016)

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Pathways to JJ and CW system involvement

Pathway 1: Family conflict leading to homelessness and housing instability.

- △ Family Rejection
e.g. Parent or guardian throws youth out of the house, overt conflict, minimizing/denying when a youth comes out, and withdrawing love or support are things which lead to running away
- △ Abuse or neglect leads to child welfare placement
- △ On the street, LGBT+ youth face obstacles and dangers that can deepen their system involvement (e.g. sex work, theft, selling drugs)

34 (Fedders, 2014)



Pathways to JJ and CW system involvement

Pathway 2: Being pushed out of school/ school exclusion

- △ Alienation or marginalization from the educational process through heterosexist or homophobic practices
- △ Excluding LGBT+ experiences or identities from sex education curriculums
- △ Unaddressed harassment and bullying (e.g being met with indifference when they report being bullied by their peers)

35 (Fedders, 2014)



Pathways to juvenile justice system involvement

Pathway 3: Heightened scrutiny by law enforcement, court personnel, and facility directors and staff

- △ LGBT+ youth are disproportionately arrested, charged, and convicted of sex offenses which fall under "crimes against nature" laws and age of consent statutes. In addition, they are more likely to be charged with a status offense
- △ In out of home placements, staff more often tend to enforce rules and regulations barring romantic and sexual relationships between youth more strictly when of the same sex
- △ LGBT+ youth are disproportionately more likely to be detained pending trial and placement, no matter what crime(s) they are charged with

36 (Fedders, 2014)

“Once adjudicated into the system, LGBT+ youth are likely to face greater bias and discriminatory treatment by organizations that are ill-prepared to respond to their unique experiences and circumstances.”

(Hunt & Moodie-Mills, 2012, cited in Holsinger & Hodge, 2016)

This is why it is important as a practitioner to have some level of cultural humility in engaging with LGBT+ youth!



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Current Policies

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Prison Rape Elimination Act (PREA)(2003):

- △ Preventing , detecting and responding to sexual abuse in confinement facilities—2012 DOJ memorandum:
 - Prevention: “Incorporate unique vulnerabilities of lesbian, gay, bisexual, transgender, intersex and gender nonconforming inmates into training and screening protocols”
 - No established guidelines for enforcement

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Prison Rape Elimination Act (PREA)(2003):

- △ PREA created protections to address the issues surrounding LGBT+ individuals in custody.
 - For example, correctional agencies are now required to make individualized housing and program placements for all transgender and intersex individuals.
 - This is a departure from previous practice, when people were assigned to male or female facilities based solely on genital characteristics or sex assigned at birth (ACLU 2013).

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Example of a model policy (NYC)

A Roadmap for Change: Federal Policy Recommendations to Address Criminalization of LGBT People and People Living With HIV (2015)

- △ Streetwise and Safe (SAS), Center for American Progress, Columbia University Center for Gender and Sexuality Law, and the Center for HIV Law and Policy
- △ Women and LGBT+ people of color
- △ Deficiencies in police policies, training, education, and oversight with respect to interactions, searches, and placement of LGBT people in police custody which contribute to routine violations of the rights of women and LGBT+ people

https://cops.usdoj.gov/pdf/taskforce/submissions/Ritchie_Andrea_Testimony.pdf

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A roadmap for change (con't)...

1. Establish federal and nationwide standards and training with respect to treatment of LGBT+ people in police custody
2. Establish federal and national standards and training for prevention, documentation, and responding to sexual assault by law enforcement officers
3. Pass, effectively implement, and enforce LGBT+-inclusive anti-profiling measures

https://cops.usdoj.gov/pdf/taskforce/submissions/Ritchie_Andrea_Testimony.pdf

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One step at a time

The following states and jurisdictions have at least one type of written policy that applies to LGBT youth in the juvenile justice system:

- California;
- Michigan;
- Cook County, Illinois;
- New Jersey;
- Hawaii;
- New Orleans, Louisiana;
- Louisiana;
- New York City, New York;
- Washington, D.C.;
- Ohio;
- Massachusetts;
- Philadelphia, PA

43 *Based on 2014 research by Moodie-Mills & Gilbert

Recommendations at the System Level

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OJJDP Current Policy

△ **Vision Statement:**
 "...contact with the juvenile justice system... should be rare, fair, and beneficial to [the youth it serves]"

△ **Mission Statement:**
 "to improve the juvenile justice system so that it protects public safety, holds justice-involved youth appropriately accountable, and provides treatment and rehabilitative services tailored to the needs of juveniles and their families"



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Recommend: OJJDP Reform

- △ Include publications and resources that discuss working with LGBT+ youth on the OJJDP website
 - “LGBTQ+” is not an available topic, and there are not any programs specific to the LGBT+ population in the *Model Programs Guide*
- △ After some digging...OJJDP has **5 total** documents listed on their website regarding LGBT+ youth
- △ **The positive: OJJDP’s Federal Advisory Committee on Juvenile Justice has an LGBT+ subcommittee**

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Recommend: OJJDP Reform

- △ Facilitate **widespread adoption of LGBT-supportive juvenile justice policies and procedures** and advise all jurisdictions to include **practice guidelines** about the following:
 - Classification and housing placement
 - Nondiscrimination provisions
 - Screening and intake
 - Confidentiality
 - Privacy and safety for transgender youth
 - Respectful communication
 - Access to LGBT supports
 - Medical and mental health services and treatment
 - Staff training and policy dissemination
 - Youth education and policy dissemination
 - Enforcement

(Moodie-Mills & Gilbert, 2014)

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Current Policy: JJDPA Act

- △ The **only** federal law that sets out national standards for the custody and care of youth in the JJ system, provides direction and support for state JJ system improvements, and supports programs and practices that have significantly contributed to the reduction of juvenile crime and delinquency
- △ It hasn’t been reauthorized or updated since 2002!
- △ **Recommendation:** Update to include explicit provisions protecting youth from discrimination based on SOGIE and addressing the needs of LGBT youth in the JJ system

(Act 4 Juvenile Justice, 2014)

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Current Policy: JJDP Act

Congress should:

- Amend findings sections to include existing data on disproportionate representation of LGBT youth in the juvenile justice system
- Include provision stating that no funding will be allotted to any programs that discriminate based on race, sex, gender, religion, national origin, disability, age, or SOGIE
- Require that JJDP State Advisory Groups include experts on LGBT+ youth
- Pass federal protections against discrimination in all settings based on actual or perceived SOGIE and create incentives for States to appropriately and effectively respond to LGBT youth involved in the justice system

(Act 4 Juvenile Justice, 2014)

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Recommend: JJDP Act Reform

OJJDP:

- Require all programs incentive grants to adopt policies prohibiting discrimination based on actual or perceived sexual orientation, gender identity, and gender expression
- Not provide funding to any system or program engaged in reparative therapy or any efforts to attempt to change a youth's sexual orientation or gender identity
- Include prohibitions on discrimination based on SOGIE in any new Request for Proposals (RFPs) issued
- Issue an RFP to make training and technical assistance on the experiences of this population available for any juvenile justice system

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Recommend: Data collection reform

- △ No data or statistics regarding LGBT+ individuals exist in the BJS or NCJRS databases
- △ Provide funding and support to state and local jurisdictions to expand data collection to include SOGIE
- △ Support the creation of a national LGBT+ Data Committee that would establish best practices for monitoring and collecting data on LGBQ+ youth nationwide

(OJJDP Federal Advisory Committee on Juvenile Justice, 2012)

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Recommendations at the Individual Level

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Recognize the many strengths of LGBT+ youth

- △ Resilience
- △ Emotional and physical "survival skills"
- △ Greater sense of personal insight & understanding
- △ Increased appreciation for family & community
- △ Courage



(www.lambdalegal.org)

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Become a supportive person for LGBT+ youth

- △ When it comes to serving LGBT+ youth, knowledge and acknowledgement are key
- △ On an individual level, professionals must treat all youths, including those who identify as LGBT+ or nongender conforming, with respect and fairness.



Annie E. Casey Foundation, 2015

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Be a safe place

- △ Let LGBT+ youth know that you are a safe person to talk to:
 - Wear something that lets them know without having to ask, such as a pin, button, sticker on your clothing or notebook
 - Display a “gay friendly” or ally sticker in your office



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Keep learning and challenging bias

- △ Have accurate information – not hearsay
- △ Acknowledge that your own experience may have been inaccurate or negative
- △ Be humble about the limits of your training, personal experience and expert knowledge
- △ Seek expert consultation
- △ Develop comfort with love and sexuality between same gender people

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Know what to do if a youth “comes out” to you

- △ Recognize that it takes courage to come out
- △ Be yourself
- △ Repeat the terms/labels they use
- △ Respect privacy: People need to control who they tell
- △ Thank the person for trusting you
- △ Have resources available for them
- △ Keep it about them, not your reaction to it
- △ Process your own thoughts and feelings later

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Know what to do if a youth “comes out” to you

Δ Use culturally sensitive terminology

- Use “sexual orientation” instead of “sexual preference”
- Use “partner” instead of “husband” or “wife”
- Use “gay” or “lesbian” instead of “homosexual”
- Ask if they are “in a relationship” rather than if they have a boyfriend or girlfriend
- Ask them what pronouns they prefer
- When in doubt about what terms to use, ask them what terms they want you to use and become comfortable with using these terms.

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National resources

- **ACLU:** <http://www.aclu.org/lgbt-rights/lgbt-basic-rights-and-liberties>
- **Gay & Lesbian Anti-Defamation League (GLAAD):** <http://www.glaad.org/>
- **Gay & Lesbian Advocates & Defenders (GLAD):** <http://www.glad.org/rights/topics/c/anti-lgbt-discrimination>
- **Human Rights Campaign (HRC):** <http://www.hrc.org/>
- **Live Out Loud – List of Youth Organizations:** <https://www.liveoutloud.info/resources/lgbt-youth-organizations/>
- **National Gay & Lesbian Task Force:** <http://www.thetaskforce.org/>
- **And there are many, many more . . .**

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Local organizations & centers

- **The Pride Center (formerly Lesbian and Gay Community Network of Western Michigan) -** <http://www.grlgbt.org/>
Provides peer social support Youth Group, for LGBTQ youth between the ages of 13 and 17
- **Grand Valley State University’s Milton E. Ford LGBT Resource Center -** <http://www.gvsu.edu/lgbtrc/>
- **GLSEN (West Michigan Chapter) -** <https://www.glsen.org/>
Their mission is to create safe and affirming schools for all, regardless of sexual orientation, gender identity, or gender expression
- **Grand Rapids Red Project -** <http://redproject.org/>

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Local shelters & drop-in sites

- **Grand Rapids HQ** - <http://hggr.org/>
HQ is a drop-in center for youth ages 14 thru 24 who are experiencing unsafe or unstable housing
- **The Bridge at Arbor Circle** - <http://www.arborcircle.org/programs-services/youth/bridge>
A safe shelter program for youth who are facing homelessness or considering running away

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Local supportive faith groups

- **Bridge Evidence** - <http://www.bridgeevidencegroup.org/>
- **PFLAG (Lakeshore Chapter)** - <http://www.pflaglakeshore.org/>
- **GIFT (Gays In Faith Together)** - <http://gaysinfaithtogether.org/>

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Questions?

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