

North Carolina Coalition Against Sexual Assault

NCCASA

EDUCATION ♦ ADVOCACY ♦ LEGISLATION

Providing Competent Services to LGBTQI+ Youth in Detention Settings

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Housekeeping

- This is NOT an LGBTQI+ 101; for further questions, you can contact Jen at NCCASA.
- Creating a safe virtual space means asking respectful questions and assuming good intentions.

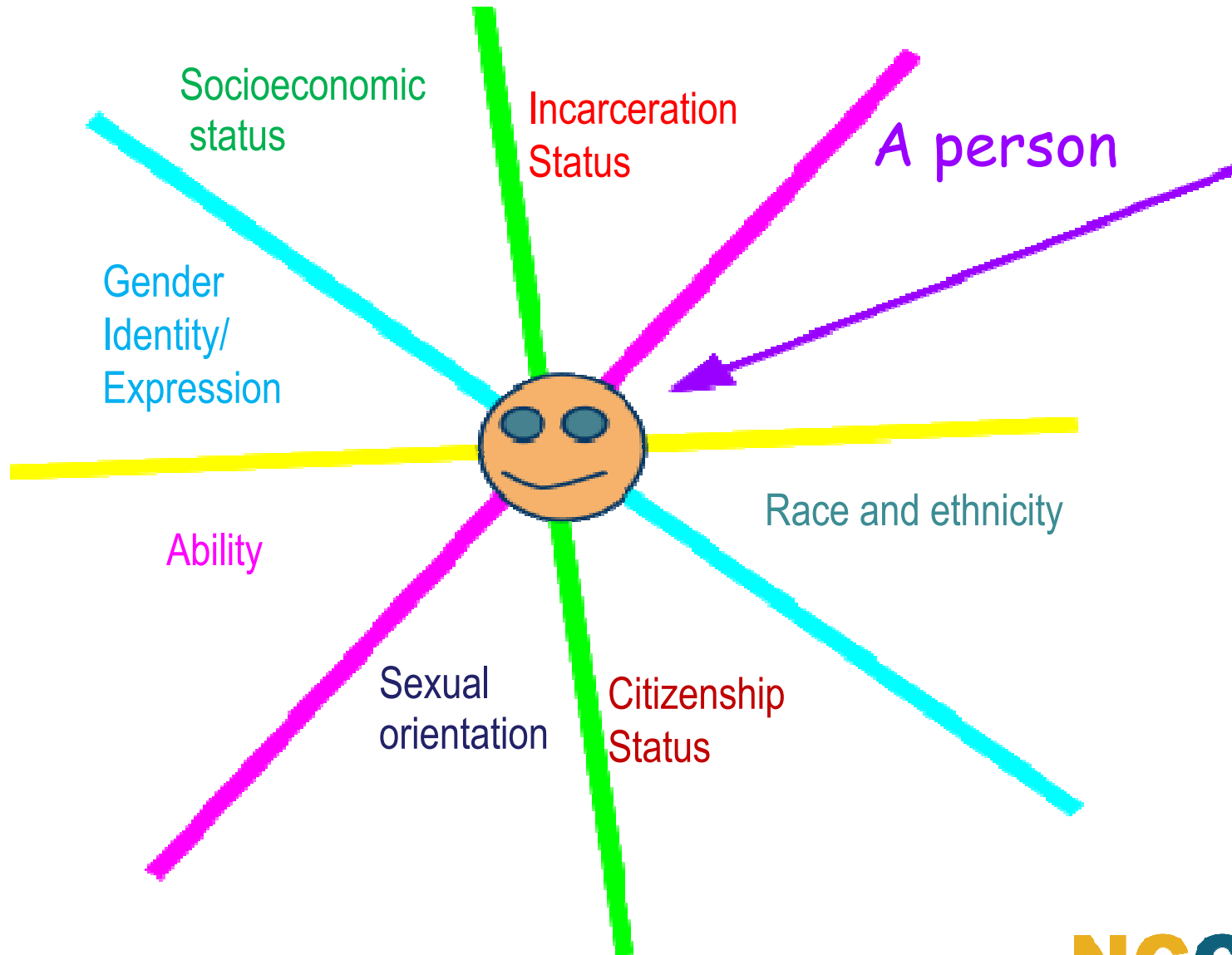
Language

- Sexual orientation, gender identity, and gender expression are all different things.
- Avoid homogeneous stereotypes.
- Heterosexism/cissexism, heteronormativity, and homo/transphobia are real and they inform our perceptions.
- Language is always fluid and contested.

Terminology

- **Sexual orientation** means the internal experience that determines one's physical, emotional or other attraction to men, women, both, or neither. Everyone has a sexual orientation.
- **Gender Identity** means a person's internal, deeply felt sense of being male or female, or in between, regardless of the person's sex assigned at birth.
- **Gender Expression** means the manner in which a person expresses his or her gender identity to others.
- **Gender nonconforming** means a person whose appearance or manner does not conform to traditional societal gender expectation.
- **Transgender** means a person whose gender identity (ie, internal sense of their gender) does not match their sex assigned at birth.
- **Intersex** means a person whose sexual or reproductive anatomy does not seem to fit typical definitions of male or female.

Understanding Intersectional Oppression



Original graphic created by Rob Powell

Who are LGBTQI+ Youth?



LGBTQI+ People and Sexual Violence: A Snapshot

- In the first systematic review on the subject, Rothman and colleagues (2009) found that 43% of lesbian and bisexual women and 30% of gay and bisexual men report experiencing sexual violence in their lifetime.
- 1 in 8 lesbian women and 1 in 2 bisexual women have been raped at some point in their lives. 4 in 10 gay men and 1 in 2 bisexual men have experienced SV other than rape at some point in their lives (NISVS, 2011).
- 64% of transgender people have experience sexual violence in their lifetime (Nat'l Transgender Discrimination Survey, 2011).
- Transgender women, undocumented LGBT people and HIV-affected people, LGBT and HIV-affected people of color, and gay men have the greatest risk of experiencing severe violence (NCAVP, 2014)

LGBTQI+ Youth and Sexual Violence

- 58.7% of LGBT homeless youth have been sexually victimized.
- 14% to 31% of gay and lesbian students and 17% to 32% of bisexual students had been forced to have sexual intercourse at some point in their lives (YRBS, 2001-2009).
- 12% of trans* and gender non-conforming respondents report experiencing sexual violence in K-12 school settings (Nat'l Transgender Discrimination Survey, 2011).

LGBTQI+ Youth Experiences with Law Enforcement and Criminal Justice

**STOP POLICE BRUTALITY
AGAINST WOMEN OF COLOR
& TRANS PEOPLE OF COLOR!**

POLICE BRUTALITY INCLUDES:

- + RACIAL PROFILING + SEXUAL VIOLENCE & SEXUAL HARASSMENT
- + "QUALITY OF LIFE" & "ZERO TOLERANCE" POLICING + PHYSICAL ABUSE
- + GENDER/SX POLICING + WAR ON DRUGS + IMMIGRATION RAIDS + BORDER PATROL
- + ATTENDING & ARRESTING DOMESTIC VIOLENCE SURVIVORS + STOP & CREDIT SEARCHES
- + POLICED MOTHERHOOD + MALTREATMENT OF COMMUNITIES OF COLOR IN THE U.S. & ABROAD

**LET'S ORGANIZE SAFE &
SUSTAINABLE COMMUNITIES!**



The Criminalization of LGBTQI+ People: A History



“When we say criminalization, LGBT youth are over-represented in every single feeder into the juvenile justice system or the criminal justice system. So if it’s homelessness or substance abuse or facing violence on the street, being kicked out or expelled from school, all of these different risk factors lead kids into the criminal justice system.”

Wes Ware, ED, BreakOUT!

Criminalization of LGBT Youth: Drivers of Incarceration

- **The School-to-Prison Pipeline**
- **Homelessness**
- Stop and Frisk
- Condoms as an indicator of sex work.
- “Walking while trans*” (particularly a trans* woman of color).
- Self-defense against hate crimes.
- Lack of access to and discrimination within youth-focused social service settings

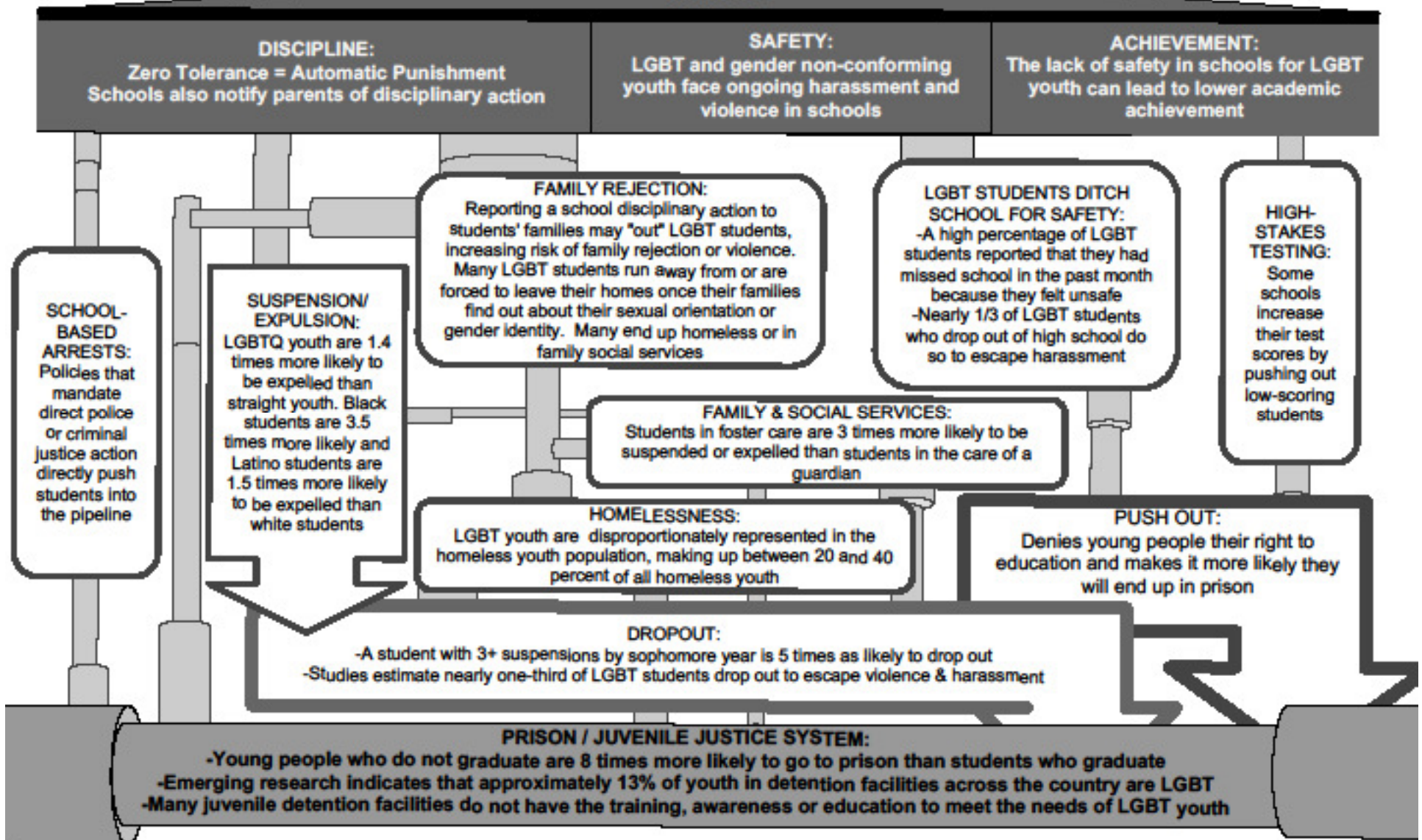
The School-to-Prison Pipeline

- Refers to policies and practices that push students, particularly the most vulnerable and at-risk, out of the classroom and into the juvenile and criminal justice system.
- Some anti-bullying policies intended to make schools safer actually make matters worse with zero tolerance policies, as evidence suggests the most marginalized kids receive disproportionate punishments compared to their white, straight counterparts in schools.

THE SCHOOL TO PRISON PIPELINE: and the pathways for LGBT youth



SCHOOL



SOURCES:

Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts, by: Majd Katayoon, Jody Marksamer, and Carolyn Reyes; Legal Services for Children, National Juvenile Defender Center, and National Center for Lesbian Rights, 2009.

Test, Punish, and Push Out: How Zero Tolerance and High Stakes Testing Funnel Youth into the School to Prison Pipeline, Advancement Project, 2010.

LGBTQI Youth Experiences with the School to Prison Pipeline

“My mom told the judge I was gay. She told him I wouldn’t go to school and I got kicked out. [But the problem was] I was getting harassed at school. My probation officer lied and said it wasn’t as bad at school as it was.

-Andrew, a 17 year old gay Latino male

Asante Cotman, a 17-year-old junior was suspended for three days after refusing an order from a school official to take off the high heels he was wearing.

“Each year the US spends \$10,500 per child on education and \$88,000 on each child incarcerated.”

- Kids for Cash



LGBTQI+ Youth and Homelessness

- While LGBTQI+ youth comprise only 5-7% of the youth population in the US, they account for up to 40% of homeless youth (Williams Institute, 2012).
 - 68% of youth in this same study cite family rejection as the top reason for becoming homeless.
 - **Homeless is the greatest predictor of involvement in the juvenile justice system for LGBT youth** (Center for American Progress, 2012).
- Once LGBT youth become homeless, they often resort to “survival crimes,” such as theft and sex work.
 - In a study of Midwestern cities, 58% of homeless gay youth had been sexually victimized.
- Homelessness is increasing criminalized in the US, with 18% of US cities banning sleeping outside and 42% sleeping in vehicles.
- Programs designed to get youth off the street are often ill-prepared or unsafe for LGBTQI+ youth.

LGBTQI+ Youth Experiences with Juvenile Justice



LGBTQI+ Youth in Detention

- Gay and transgender youth entering into the juvenile justice system are 2x as likely to have experienced family conflict, child abuse, and homelessness as other youth (Center for American Progress, 2012).
- Though gay and transgender youth represent 5-7% of the youth population, they represent 13-15% of those currently in the juvenile justice system.
- From the moment gay and trans* youth enter a detention facility, they are at risk of being inappropriately classified and housed, including being labeled as a sex offender.
- Reparative or conversion therapy is still sometimes mandated by courts and clinicians even though it has been condemned by every major health organization.

Conversion Therapy

- A judge hospitalized a gay youth to stop his same-sex attractions.
- A judge with parent's approval had a young lesbian who was caught having sex with another girl placed in a private hospital to be "treated and diagnosed for this behavior."
- A 15-year-old boy was given a women's lingerie catalog with the purpose of teaching him "appropriate" sexual desires.
- A transgender girl, who was placed in a boy's facility, was placed on a Treatment Plan to "help with gender confusion and appropriate gender identity."

Sexual Violence among LGBTQI+ Youth in Juvenile Justice Facilities

- In a 2012 national BJS study, 10% of LGB youth reported youth-on-youth sexual violence compared to 1.5% of heterosexual youth.
- LGBT youth in a Louisiana study report being frequently approached for sexual favors by both peers and staff (BreakOUT, 2012).
- Trans* and gender nonconforming youth are often misgendered and placed at high risk for victimization in opposite gender facilities.
- Guards have been identified as “setting up” youth to get victimized and using LGBTQI+ youth as bait or as currency.

“The staff think if the youth is gay, they want to have sex with all of the other boys. It’s not true. They wouldn’t help me when the other youth abused and raped me.”

Accounting for the High Rates of Victimization

- Persistent and severe societal discrimination gets replicated in prisons.
- The hypermasculinity of the prison environment.
- Sex acts are treated as currency by prison staff and inmates.
- LGBTQI+ people are oversexualized and dehumanized, making them “unrapeable.”
- Rape culture in prison plays out through denial, disbelief, minimization, and condoning.
- There is a lack of understanding about the needs and safety concerns of LGBTQI+ incarcerated people.

North Carolina's Proactive PREA Compliance Strategies Regarding LGBTQI Incarcerated Survivors

CHARLOTTE JORDAN WILLIAMS, PRESENTER

North Carolina's PREA related Standards Regarding LGBTI Incarcerated Survivors- Juvenile Residents

CHARLOTTE JORDAN-WILLIAMS, PRESENTER

§ 115.315 Limits to Cross Gender Viewing and Searches

- (e) The facility shall not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
- (f) The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

§ 115.331 Employee Training

- How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents;

§ 115.341 Obtaining Information from residents.

The agency shall obtain and use information about each resident's personal history and behavior to reduce the risk of sexual abuse by or upon a resident. Examples of information the agency shall attempt to ascertain include:

- Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse;
- The resident's own perception of vulnerability;
- Any other specific information about the individual resident that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents.

§ 115.342 Placement of residents in housing, bed, program...assignments.

(a) The agency shall use information from the risk screening required by § 115.341 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive.

(b) LGBTI shall not be placed in particular housing, bed or other assignments solely on the basis of identification or status....

(c) In deciding whether to assign a transgender or intersex resident to a facility for male or female residents, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether the placement would present management or security problems.

§ 115.342 Placement of residents, con't.

(d) Placement and programming assignments for each transgender or intersex resident shall be reassessed at least twice each year to review any threats to safety experienced by the resident.

(e) A transgender or intersex resident's own views with respect to his or her own safety shall be given serious consideration.

(f) Transgender and intersex residents shall be given the opportunity to shower separately from other residents.

Questions and Answers

CONCLUSION