

Juvenile Rehabilitation Division Policy

4.60 Providing LGBTQIA+ Health and Safety

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Approved by: Jody Becker, Deputy Secretary of Children & Families

Purpose

The purpose of this policy is to establish guidance and employee expectations for creating a fair, unbiased, and inclusive environment, and treatment of lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual, or other gender non-conforming (LGBTQIA+) youth and young adults.

Scope

This policy applies to all Juvenile Rehabilitation Division employees.

Laws

RCW 49.60.030 Freedom from discrimination – Declaration of civil rights
28 CFR Part 115 PREA Placement of residents in housing, bed, program, education, and work assignments

Policy

1. Employees must:
 - a. Follow Chapter 06 DCYF Administrative policies to create an environment free from discrimination or harassment.
 - b. Treat all youth and young adults with respect, dignity, and embrace diversity and differences.
 - c. Support lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual and other gender non-conforming (GNC) youth and young adults who are in various stages of awareness and comfort with their sexual orientation and gender identify by providing fair and equal treatment, without bias, in a professional and confidential manner.
 - d. Make every effort to protect youth and young adults from discrimination, physical, and sexual harassment or assault, and verbal harassment by others, based on their sexual orientation, gender identity, or gender expression.
 - e. Model positive behavior when interacting with LGBTQIA+ youth and young adults.
 - f. Remind youth and young adults when needed that anti-LGBTQIA+ threats or violence, including derogatory or suggestive comments or gestures, will not be tolerated.
 - g. Use inclusive and respectful language and terminology when speaking, including but not limited to, during intake and programming.
 - h. Attend required LGBTQIA+ training.
 - i. Provide youth and young adults:
 - i. Information on:
 - A. non-discrimination and rights to protection from harassment, bullying, and violence
 - B. sexual orientation and gender identity

- C. the Handling Youth Complaints policy and access to submit complaints or grievances
 - ii. Gender-confirming health care, if requested, according to the Providing Health Care to JR Youth policy.
- 2. Employees are prohibited from:
 - a. Discriminating against or harassing any youth or young adults based on their sexual orientation or gender identity.
 - b. Referring to youth or young adults using derogatory language or terminology, or conveying bias or hatred of LGBTQIA+ people, including stating or implying they are abnormal, deviant, sinful, or they can or should change their sexual orientation or gender identity.
 - c. Disclosing a person's sexual orientation or gender identity to other youth and young adults, friends, family members, outside individuals, or agencies. Disclosure to others or "coming out" is the responsibility of the individual.
 - d. Treating LGBTQIA+ as an indicator of sexual abusiveness or sex offense.
 - e. Using isolation or transferring to a jail or detention center to keep youth and young adults safe from discrimination, harassment, or abuse. Medical isolation is allowed in emergency situations as a short-term measure to prevent harm provided in the Providing Health Care to JR Youth policy.
 - f. Treating LGBTQIA+ youth and young adults different from non-LGBTQIA+ with communication, physical interactions, or rule violations.
 - g. Making decisions based on assumptions about, or solely on, a youth or young adult's sexual orientation or gender identity.
- 3. Superintendents and regional administrators or designees will provide employees with training and resources on how to support LGBTQIA+ youth and young adults.
- 4. To report policy violations:
 - a. Employees must report any conduct violating this policy to a supervisor, program manager, or administrator. Any anti-LGBTQIA+ threats of or actual violence, disrespectful or suggestive comments or gestures will not be tolerated.
 - b. Leadership must:
 - i. Take all reported incidents of discrimination and harassment seriously, and investigate promptly, per the DCYF Administrative 11.13 Preventing and Addressing Discrimination and Harassment policy.
 - ii. Determine and take appropriate corrective or disciplinary action, immediately if needed, in consultation with Human Resource Division's recommendation.
 - iii. Immediately address any retaliation against youth or young adults making complaints, or employees filing incident reports.

Procedures

1. During intake, screening, or placement:
 - a. Employees must follow the Assessing and Placing Youth in JR policy when determining if a youth or young adult has specific needs or concerns about being victimized because they are LGBTQIA+ or gender non-conforming.
 - b. Employees must support youth and young adults who disclosed their sexual orientation or gender identity in an open and non-judgmental manner, and take appropriate steps to address any identified concerns or needs. This includes:
 - i. Determining facility placement and housing on a case-by-case basis to address health and safety concerns, including identified management or security challenges.
 - ii. Transgender and intersex placement will be based on:
 - A. their individualized needs.
 - B. prioritizing their emotional and physical safety.
 - C. their perception of where they are the most secure.
 - D. recommendations from the medical employees or other staff on the team of care.
 - E. availability to provide a single room.
 - c. Employees must provide appropriate undergarments for a transgender or intersex youth or young adult:
 - i. Upon arrival, with advanced notice or if available.
 - ii. Within 24 hours if not available or identified after intake.
2. Throughout an LGBTQIA+ youth or young adult's time in JR:
 - a. Employees must provide:
 - i. Support and address identified concerns or needs when someone discloses their sexual orientation or gender identity.
 - ii. A meeting with a facility medical or mental health provider to facilitate exploring their gender or sexuality in an open, and non-judgmental space.
 - iii. Gender-confirming health care, if requested, by following the Providing Health Care for JR Youth policy.
 - iv. Facilitated conversations by parole counselors if needed or requested between LGBTQIA+ at-risk youth or young adults and their family.
 - b. Employees may make decisions that consider, but are not based solely on, sexual orientation or gender identity factors.
 - c. Employees must address transgender and intersex youth and young adult's specific needs with care and concern. This includes but is not limited to:
 - i. Asking for and using their requested name and pronoun, even if their name has not been legally changed. When documenting names:
 - A. Add their preferred name to the "Also Known As" section of the Client Information module in ACT.
 - B. Use their preferred name on internal records and logs.
 - C. Include or use their legal name:
 - a. for all required notifications in Notifying the Community of Youth Placement, Transfer or Release.
 - b. for sex offender registration
 - c. when required to access documents or benefits.
 - ii. Providing clothing or uniforms, including undergarments, appropriate for their gender identity and gender expression.
 - iii. Providing safety and privacy when using the bathroom, shower, and when dressing and undressing, except as required in Assessing and Treating Youth Suicide and Self-Harm Risk and Assigning Room Confinement and Isolation.
 - iv. Following Conducting Searches policy for searches or physical examinations.

- v. Reassessing placement and programming assignments at least twice a year to identify and address any safety concerns and document in ACT.

Resources

ACA Standard – Discrimination: 4-JCF-3A-03

ACA Standard – Equal Access: 4-JCF-3A-04

DCYF Administrative 6.05 Culturally Relevant Services policy

DCFY Administrative 6.06 Nondiscrimination in Direct Client Services policy

DCYF Administrative 11.13 Preventing and Addressing Discrimination and Harassment policy

JR 2.10 Handling Youth Complaints policy

JR 3.10 Assessing and Placing Youth in JR policy

JR 4.30 Providing Health Care for JR Youth policy

JR 5.50 Managing Room Confinement and Isolation policy

JR 5.70 Conducting Searches policy

JR 5.90 Applying PREA Juvenile Standards in JR policy

National Institute of Corrections. “A Quick Guide for LGBTI Policy Development for Youth Confinement Facilities”

National PREA Resource Center “Model Policy: Transgender, Gender Nonconforming, and Intersex Youth in Confinement Facilities”

NCCHC Standards

Policy Definitions