



<p>COLORADO DEPARTMENT OF HUMAN SERVICES DIVISION OF JUVENILE CORRECTIONS</p> 	<p>POLICY S 13.9</p>	<p>PAGE NUMBER 1 of 9</p>
<p>THIS POLICY RELATES TO:</p> <p>State Owned Privately Operated Secure Detention Facilities State-Operated Detention Facilities State Owned Privately Operated Secure Treatment Facilities State-Operated Treatment Facilities Regional Offices Central Office</p>	<p>CHAPTER: Juvenile Rights</p>	
	<p>SUBJECT: Non-Discriminatory Services to Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex (LGBTQI) Juvenile</p>	
	<p>EFFECTIVE DATE: February 24, 2017</p>	
	 <p>Anders Jacobson, Director</p>	

I. POLICY

The Division of Youth Corrections is committed to providing a healthy and accepting setting for all juveniles placed in its care by training and evaluating staff, instituting policies, and educating juveniles to respect each other. The Division of Youth Corrections does not tolerate discrimination or harassment by employees, volunteers, contract providers, or juveniles. The purpose of this policy is to establish operational practices that reinforce our commitment to respect the voice and dignity of Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex (LGBTQI) juveniles, create a safe environment for all employees, volunteers, contract providers, and juveniles, and ensure that all juveniles have equal access to all available services, placement, care, treatment, and benefits provided by the Division.

The Division shall take all reasonable steps within its control to meet the diverse needs of all juveniles and provide an environment in which all individuals are treated with respect and dignity, regardless of sexual orientation, gender identity or expression, or other protected categories.

II. KEY TERMS:

- A. BISEXUAL: A PERSON WHO IS EMOTIONALLY, ROMANTICALLY, AND SEXUALLY ATTRACTED TO BOTH MALES AND FEMALES.
- B. GAY: A PERSON WHOSE EMOTIONAL, ROMANTIC, AND SEXUAL ATTRACTIONS ARE PRIMARILY FOR INDIVIDUALS OF THE SAME SEX, TYPICALLY IN REFERENCE TO MALES BUT WOMEN CAN ALSO EXPRESSLY IDENTIFY THEMSELVES AS GAY. IN SOME CONTEXTS, IT IS STILL USED AS A GENERAL TERM FOR GAY MEN AND LESBIAN WOMEN.

CHAPTER	SUBJECT	POLICY	PAGE 2 of 9
Juvenile Rights	Non-Discriminatory Services to Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex (LGBTQI) Youth	S13.9	9/15/14, 2/24/17

- C. GENDER DYSPHORIA: A DIAGNOSABLE MEDICAL CONDITION IN WHICH AN INDIVIDUAL HAS A STRONG AND PERSISTENT CROSS-GENDER IDENTIFICATION, WHICH IS THE DESIRE TO BE, OR THE INSISTENCE THAT ONE IS, OF THE OPPOSITE SEX, AS WELL AS A PERSISTENT DISCOMFORT ABOUT ONE’S ASSIGNED BIRTH SEX OR A SENSE OF INAPPROPRIATENESS IN THE GENDER ROLE OF THAT SEX. TO BE DIAGNOSED, THE INDIVIDUAL MUST BE EVIDENCING CLINICALLY SIGNIFICANT DISTRESS OR IMPAIRMENT IN SOCIAL, OCCUPATIONAL, OR OTHER IMPORTANT AREAS OF FUNCTIONING.
- D. GENDER EXPRESSION: A PERSON’S EXPRESSION OF THEIR GENDER IDENTITY, INCLUDING THEIR CHARACTERISTICS AND BEHAVIORS SUCH AS APPEARANCE, DRESS, MANNERISMS, SPEECH PATTERNS, AND SOCIAL INTERACTIONS.
- E. GENDER IDENTITY: A PERSON’S INTERNAL, DEEPLY FELT SENSE OF BEING MALE OR FEMALE, OR SOMETHING OTHER OR IN-BETWEEN.
- F. GENDER NON-CONFORMING: GENDER CHARACTERISTICS AND/OR BEHAVIORS THAT DO NOT CONFORM TO THOSE TYPICALLY ASSOCIATED WITH A PERSON’S SEX AT BIRTH.
- G. INTERSEX: A TERM USED TO REFER TO AN INDIVIDUAL BORN WITH REPRODUCTIVE OR SEXUAL ANATOMY THAT DOES NOT CONFORM EXCLUSIVELY TO MALE OR FEMALE NORMS IN TERMS OF PHYSIOLOGICAL SEX (THIS MAY INCLUDE VARIATIONS OF GENETICS, GENITAL OR REPRODUCTIVE STRUCTURES, OR HORMONES).
- H. LESBIAN: A WOMAN WHOSE EMOTIONAL, ROMANTIC, AND SEXUAL ATTRACTIONS ARE PRIMARILY FOR OTHER FEMALES.
- I. QUESTIONING: ACTIVE PROCESS IN WHICH A PERSON EXPLORES HIS OR HER OWN SEXUAL ORIENTATION AND/OR GENDER IDENTITY AND QUESTIONS THE CULTURAL ASSUMPTIONS THAT THEY ARE HETEROSEXUAL AND/OR GENDER CONFORMING.
- J. SEXUAL ORIENTATION: A TERM DESCRIBING A PERSON’S EMOTIONAL, ROMANTIC, AND SEXUAL ATTRACTION, WHETHER IT IS FOR MEMBERS OF THE SAME SEX OR A DIFFERENT SEX.

CHAPTER	SUBJECT	POLICY	PAGE 3 of 9
Juvenile Rights	Non-Discriminatory Services to Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex (LGBTQI) Youth	S13.9	9/15/14, 2/24/17

- K. TRANSGENDER: AN UMBRELLA TERM THAT CAN BE USED TO DESCRIBE PEOPLE WHOSE GENDER EXPRESSION IS NON-CONFORMING AND/OR WHOSE GENDER IDENTITY IS DIFFERENT FROM THEIR SEX AT BIRTH, REGARDLESS OF WHETHER THEY HAVE CHANGED THEIR BIOLOGICAL OR HORMONAL CHARACTERISTICS. A DIAGNOSIS OF GENDER DYSPHORIA IS NOT REQUIRED TO BE CONSIDERED TRANSGENDER.
- L. TRANSGENDER MALE: A PERSON WHOSE BIRTH SEX WAS FEMALE BUT WHO UNDERSTANDS HIMSELF TO BE, AND DESIRES TO LIVE HIS LIFE AS A MALE.
- M. TRANSGENDER FEMALE: A PERSON WHOSE BIRTH SEX WAS MALE BUT WHO UNDERSTANDS HERSELF TO BE, AND DESIRES TO LIVE HER LIFE AS A FEMALE.

III. ASSOCIATED FORMS:

- 1. STATEMENT OF PREFERENCE (LGBTQI)

IV. PROCEDURES:

A. General Facility Operations:

- 1. Employees shall model positive behavior when interacting with all juveniles and remind all juveniles that anti-LGBTQI threats of violence, actual violence, or disrespectful or suggestive comments or gestures, will not be tolerated.
- 2. The FACILITY provides a safe and non-discriminatory environment. Employees, contractors, or volunteers of the FACILITY shall not prohibit or discourage communication or interaction of juveniles who identify as LGBTQI solely on the basis of their sexual orientation or gender identity.

B. Non Discrimination/Non Harassment:

- 1. Discrimination or harassment on the basis of actual or perceived sexual orientation or gender identity shall not be tolerated. If staff, contractors, or volunteers become aware that a juvenile is being subjected to harassment or violence by staff, volunteers, contractors, or other juveniles, staff shall respond according to Colorado Department of Human Services and, Division of Youth Corrections policies.

CHAPTER	SUBJECT	POLICY	PAGE 4 of 9
Juvenile Rights	Non-Discriminatory Services to Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex (LGBTQI) Youth	S13.9	9/15/14, 2/24/17

2. Employees, volunteers, and contractors, during the course of their work, shall not refer to juveniles by using derogatory language in a manner that conveys bias towards or hatred of people who identify as LGBTQI. Staff shall not imply or directly state that such juveniles are abnormal, deviant, sinful, or that they can or should change their sexual orientation or gender identity.

C. Intake:

1. Staff shall be aware that juveniles who identify as LGBTQI are in various stages of awareness and comfort with their sexual orientation and gender identity. If a juvenile discloses their sexual orientation or gender identity during intake, the intake worker shall talk with the juvenile about it in an open and non-judgmental fashion and determine if the juvenile has particular concerns or needs related to their LGBTQI identity.
 - a. Intake staff shall attempt to ascertain information about any gender non-conforming appearance, mannerisms or identification as LGBTQI, and whether the juvenile may therefore be vulnerable to sexual abuse or sexual harassment.
 - b. The juvenile's gender identity or sexual orientation shall be documented on the SAB/VV Overall Risk Assessment Tool.
2. When there is knowledge that a juvenile identifies as transgender or intersex the intake worker shall complete the Statement of Preference Form, indicating the juveniles preferred identity, preferred name, preferred pronoun, and search preference.
3. Juveniles shall not be disciplined for refusing to answer, for not disclosing complete information, or for later requesting to provide an amended response to inquiries about their LGBTQI identity.
4. During intake when a strip search is required for a juvenile who identifies as transgender or intersex, in the absence of collateral information the search shall be conducted by a staff member of the same sex as the juvenile's biological sex. The initial search shall be performed as part of the intake process in accordance with Search of Juveniles and Facility policy.
 - a. If collateral information (i.e., arresting documentation, notification from parents/legal guardians, notification from prior placements) is available to inform the receiving facility of the juveniles transgender or intersex identification, and the juvenile prefers to be searched by a staff member of the same identified gender, the intake staff shall complete the Statement of Preference Form and conduct the search according to the juveniles stated preference.

CHAPTER	SUBJECT	POLICY	PAGE 5 of 9
Juvenile Rights	Non-Discriminatory Services to Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex (LGBTQI) Youth	S13.9	9/15/14, 2/24/17

- b. If the juvenile had a prior admission to a facility, the admitting staff shall use prior Statement of Preference information and complete the search according to the decision made by the Collaborative Review Team.

D. Confidentiality:

1. Consistent with state law and regulations, it is the policy of the Division of Youth Corrections to respect and maintain the privacy of all juveniles and to protect their information; this includes information about sexual orientation and gender identity.
2. Information regarding a juvenile's sexual orientation or gender identity shall not be shared with other juveniles. Such information shall only be shared with other staff on a need-to-know basis and when determined to be therapeutically or medically necessary to ensure the juvenile's safety. Juveniles shall be informed that such information may be shared with a supervisor or fellow staff.
3. Juveniles shall be informed that under certain circumstances parents/legal guardians may become aware that the juvenile has disclosed that they have identified as LGBTQI or has raised issues relating to gender identity or sexual orientation. Such information may only be shared to assist the facility in making placement and housing decisions, address medical concerns, and address the juvenile's therapeutic needs.

F. Collaborative Review Team:

1. The Collaborative Review Team, for the purpose of determining initial needs and support for LGBTQI youth is comprised of the facility Supervisor, Client Manager for committed youth, Nurse or Midlevel Provider, Behavioral Health Specialist, PREA Compliance Manager, Facility Director, and PREA Coordinator.
2. All juveniles who identify as transgender or intersex require special consideration to address individual circumstances and shall be referred to the Collaborative Review Team (CRT) for determination for the following:
 - a. Placement in a gender based pod/unit or transfer to a facility based upon gender identity.
 - b. The wearing of a uniform (other than undergarments) that is consistent with a juvenile's self-identified gender.
 - i. The juvenile shall have the choice of undergarments they want to wear that are provided by the facility. Shall ensure undergarments are provided in such a way as to protect the

CHAPTER	SUBJECT	POLICY	PAGE 6 of 9
Juvenile Rights	Non-Discriminatory Services to Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex (LGBTQI) Youth	S13.9	9/15/14, 2/24/17

privacy of the juvenile's gender identity and ensure the juvenile's safety.

- c. Requests for the use of a preferred first name and pronoun which match their gender identity rather than their legal name.
 - d. Requests that either a male or female staff member conduct strip and pat search.
3. The Collaborative Review Team shall meet within 24 hours, excluding holidays and weekends of a juvenile's admission and conduct an interview to assess the immediate medical, behavioral health and housing needs for the individual, using and considering the following criteria:
 - a. The Statement of Preference Form, and
 - b. The gender identity of the juvenile, and
 - c. The juvenile's adjustment to the facility, and
 - d. Other factors that may contribute to either the juvenile's resiliency or vulnerability.
4. A juvenile shall be referred to the CRT team any time during their stay when any of the following occurs:
 - a. Self-reporting – a juvenile indicates they identify as transgender or intersex anytime during their admission.
 - b. Complaint – an issue has been raised that focuses on an enhanced risk of a juvenile who identifies as transgender or intersex being abused or abusive during their admission.
5. The facility PREA Compliance Manager or designee shall follow-up with juveniles who identify as transgender or intersex within 72 hours of the Collaborative Review Teams decision to assess risk of victimization or abusiveness since admission.
6. Placement and programming assignments for each juvenile who identifies as transgender or intersex shall be reassessed by the CRT team at the juvenile's current placement at least twice each year to review any threats to safety experienced by the juvenile. The juvenile may request at any time that the CRT reconsider the placement or programming decision.

CHAPTER	SUBJECT	POLICY	PAGE 7 of 9
Juvenile Rights	Non-Discriminatory Services to Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex (LGBTQI) Youth	S13.9	9/15/14, 2/24/17

7. The decision made by the CRT team shall be reviewed by the Facility Director or designee, and shall be clearly documented on the Statement of Preference Form, and a copy maintained in the juveniles file and provided to the juvenile.

G. Juvenile Placement:

1. Placement decisions for LGBTQI youth shall occur as soon as possible after intake, not to exceed four hours.
2. Juveniles who identify as lesbian, gay, bisexual, or questioning shall not be prohibited from having a roommate based on the juvenile's actual or perceived sexual orientation or gender identity. No Double Room assignment shall be made based on the results of the SAB/VV Overall Risk Assessment and facility safety and security needs.
3. Juveniles who identify as LGBTQI shall not be placed in seclusion as a means of keeping them safe from discrimination, harassment, or abuse.
4. Juveniles who identify as LGBTQI shall not be treated or classified as sex offenders unless they have been adjudicated by a court as such.
5. Juveniles who identify as transgender shall not automatically be housed according to their sex at birth. Staff shall make housing decisions on a case-by-case basis for juveniles who identify as transgender. Taking into account the juvenile's perception of the most secure placement, and whether the placement would present management or security issues.
6. To ensure privacy and safety, juveniles who identify as transgender and intersex shall be placed on No Double Room (NDR) status, and be provided a single room on the unit/pod.
7. Juveniles who identify as transgender or intersex have the right to request their housing assignment be re-evaluated by the CRT.

H. Names and Language:

When decided by the CRT team, juveniles who identify as transgender or intersex shall be referred to by their preferred name and pronoun that reflects the juvenile's gender identity, even if their name has not been legally changed. All written documentation about juveniles who identify as transgender or intersex shall use the juvenile's preferred name as well as note the juvenile's legal name recognized by the court, excluding documentation in Trails.

CHAPTER	SUBJECT	POLICY	PAGE 8 of 9
Juvenile Rights	Non-Discriminatory Services to Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex (LGBTQI) Youth	S13.9	9/15/14, 2/24/17

I. Clothing and Gender Presentation:

1. The uniform dress code approved by the CRT shall be provided.
2. Juveniles who identify as LGBTQI shall be allowed to practice the grooming rights that match their gender identity, including having access to gender specific hygiene products.

J. Bathrooms and Showers:

Juveniles who identify as transgender or intersex juveniles shall be permitted to use the bathroom that is consistent with their gender identity and shower separately or in a separate designated area.

K. Medical and Behavioral Health Care:

1. When a juvenile identifies as transgender or intersex, the FACILITY shall offer the access to licensed medical and behavioral health care providers who are knowledgeable about their health care needs.
2. If prior to arriving at the facility a juvenile who identifies as transgender has been receiving gender related medical and/or behavioral health care, such as hormone therapy or supportive counseling, the FACILITY will collaborate with the juvenile's medical and behavioral health care provider to provide the juvenile with all gender-related treatments that are medically necessary. Hormone therapy may continue at current levels pending this consultation. In accordance with accepted health care practices which recognize that attempting to change a person's sexual orientation or gender identity is harmful, the FACILITY shall not employ or contract with medical or mental health providers who attempt to change a juvenile's sexual orientation or gender identity.

L. Search Issues:

1. Juveniles who identify as transgender or intersex shall not be physically searched in a manner that is humiliating or degrading, or for the purpose of determining the juvenile's physical anatomy.
2. Juveniles who identify as transgender or intersex and a decision by a CRT supports the youths request shall have a staff member of the same sex as the juvenile's gender identity conduct strip and pat searches.
3. All strip searches of juveniles who identify as transgender or intersex shall be documented on the Division of Youth Corrections Search Log, and placed in Colorado Trails database Informational Report.
4. The facility PREA Compliance Manager or designee shall document the CRT search preference decision in the Trails Informational report.

CHAPTER	SUBJECT	POLICY	PAGE 9 of 9
Juvenile Rights	Non-Discriminatory Services to Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex (LGBTQI) Youth	S13.9	9/15/14, 2/24/17

M. Notification:

1. The gender identity of a juvenile who identifies as transgender or intersex shall be communicated to all transporting agencies during the release or temporary transfer of a juvenile.
2. All notifications shall be documented on the Division of Youth Corrections Critical Information Advisement Form.

N. Transportation:

Whenever possible, staff of the same sex as a transgender juvenile's gender identity shall be present during transportation.

O. Staff Training:

1. All staff shall receive training on how to communicate effectively and professionally with juveniles who identify as LGBTQI.
2. Training shall be provided during pre-service and annual in-service training sessions, in accordance with the Division of Youth Corrections' training policy.