



HARRIS COUNTY JUVENILE PROBATION

Department Wide Operating Procedure

Date: December 19, 2016	Related Standards:	
Approved by: 	PREA:	TJJD:
Section: Department Wide	Title: Lesbian, Gay, Bisexual, Transgender, Questioning or Intersex Youth	

POLICY

Harris County Juvenile Probation Department (HCJPD) shall promote a safe, inclusive and respectful environment free of abuse, discrimination and harassment for all youth and families. HCJPD will advocate and maintain an environment of dignity and respect for all youth and families regardless of their sexual orientation, gender identity, gender expression, or family association. The agency will empower youth and families by collaborating services and community resources that are strength-based, youth and family focused, and culturally competent.

The agency is committed to providing a healthy and accepting setting for all youth placed in its care by training employees, instituting policies, and educating youth and families to respect each other. LGBTQI youth receiving services shall receive fair and equal treatment, without bias and in a professional and confidential manner based on principles of sound professional practices. The agency does not tolerate discrimination or harassment by employees, interns, volunteers, vendors, community partners, or youth. Employees shall not discriminate against or harass any youth in their care based on a youth’s actual or perceived sexual orientation, gender identity, or gender expression. Employees shall protect youth from discrimination, physical and sexual harassment or assault, and verbal harassment by other youth, based on a youth’s actual or perceived sexual orientation, gender identity, or gender expression. The agency will take all reasonable steps, within its control, to meet the diverse needs of all youth and provide an environment in which all individuals are treated with respect and dignity, regardless of sexual orientation or gender identity.

This policy establishes operational practices which reinforce the agency’s commitment to respecting the dignity of lesbian, gay, bisexual, transgender, questioning and intersex (LGBTQI) youth, while ensuring all youth have equal access to available services, placement, care, treatment, and benefits.

DEFINITIONS

For purposes of the Policy and Practice Guidelines, the following definitions apply:

- Advocate** – *Describes a person who confronts and challenges heterosexism, sexism, homophobia, transphobia, and heterosexual privilege in herself, himself or others.*
- Agender** – *Describes a person who does not identify with either gender.*
- Bisexual** – *Describes a person who is attracted to both men and women.*
- Cisgender** – *Describes a person whose gender identity matches his or her sex assigned at birth.*

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Community Partners – *Any entity that has a Memorandum of Understanding with HCJPD.*

Discrimination – *Any act, policy, or practice that, regardless of intent, has the effect of subjecting any youth to differential treatment as a result of that youth’s actual or perceived sexual orientation, gender identity, or gender expression.*

Employee – *Any person who is employed directly by HCJPD.*

Gay – *Describes a person who is attracted to individuals of the same gender.*

Gender – *A social construct used to classify a person as a man, woman, or some other identity.*

Gender Expression – *Describes how individuals communicate their gender to others. People express and interpret gender through hairstyles, clothing, physical expression and mannerisms, physical alterations of their body, or by choosing a name that reflects their own idea of gender identity.*

Gender Identity – *A person’s internal, deeply felt sense of being male or female, regardless of the person’s sex at birth.*

Gender Identity Disorder (GID) – *A diagnosable medical condition for individuals who are experiencing high levels of distress because they have a strong and persistent desire to be a different sex and a persistent discomfort with their birth sex. According to accepted professional standards, treatments, such as supportive counseling, hormone therapy, and sex reassignment surgery are medically necessary for many youth or adults who have GID.*

Gender Nonconforming – *A person whose appearance or manner does not conform to traditional societal gender expectations.*

Harassment – *Includes, but is not limited to, name-calling; disrespectful gestures, jokes, or comments; inappropriate touching; threats of physical or emotional acts or negative consequences (including religious condemnation); physical abuse; sexual abuse, including unwanted sex acts, touching, pantomime, threats; and emotional abuse, such as shunning or isolation. Attempting to change a youth’s sexual orientation or gender identity is also a form of harassment.*

Intern – *an advanced student or graduate gaining supervised practical and professional experience at HCJPD while earning a class credit.*

Intersex – *A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development. Intersex describes people born with sex chromosomes, external genitalia or internal reproductive systems that are not considered “typical” for either males or females.*

Lesbian – *Describes a woman who is attracted to other women.*

Questioning – *People who are unsure of, or in the process of, discovering, their sexual orientation, gender identity, or gender expression.*

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Sex – *Assigned at birth, a biological construct based primarily on physical attributes such as chromosomes, external and internal genital and reproductive anatomy, and hormones.*

Sexual Orientation – *An attraction to others that is shaped at an early age (usually by about the age of ten). Sexual orientation falls on a spectrum that ranges from attraction to only men or only women, to varying degrees of attraction to both men and women, to attraction to neither men nor women.*

Transgender – *A person whose identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth. A transgender girl is a girl whose birth sex was male but who understands herself to be female. A transgender boy is a boy whose birth sex was female but who understands himself to be male.*

Vendor – *Service providers that contract with HCJPD.*

Volunteer – *Any person who provides services free of charge to HCJPD.*

Youth – *Any person committed to the custody and care of HCJPD, any person who is subject to supervision by HCJPD, or any person who is in the custody of the state who receives services from HCJPD.*

PROCEDURE

Guidelines for Providing Services to LGBTQI Youth

I. Department Wide Guidelines

A. General Guidelines

- a. All youth, regardless of sexual orientation or gender identity, need to feel safe in their surroundings in order to fully benefit from services. HCJPD shall establish and maintain a culture where the dignity of every youth is respected and all youth feel safe.
- b. HCJPD will promote the positive adolescent development for youth in its care. Actions that support positive adolescent development include modeling desired behavior such as: demonstrating respect for all youth; reinforcing respect for differences among youth; encouraging the development of healthy self-esteem in youth and helping youth manage the stigma sometimes associated with differences.
- c. Employees shall model positive behavior when interacting with youth, including LGBTQI youth, and remind all youth that anti-LGBTQI threats of violence, actual violence, or disrespectful or suggestive comments or gestures, will not be tolerated.
- d. HCJPD will provide a safe and non-discriminatory environment where youth can learn and grow. Employees of HCJPD shall not prohibit or discourage communication or interaction between youth of the same sex that is not also prohibited or discouraged between youth of different sexes.
- e. HCJPD shall provide LGBTQI youth with equal access to educational, rehabilitative, recreational, and other services. Youth shall not be denied qualification for or access to services based on sexual orientation, gender identity, or gender expression.

B. Confidentiality

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- a. Employees shall not disclose a youth’s sexual orientation or gender identity to other youth or to outside parties, individuals, or agencies (such as health care or social service providers or a youth’s family and friends), without the youth’s permission, unless such disclosure is directly related to the youth’s safety and/or security (i.e. danger to self or others).
- b. Confidentiality restrictions do not prevent individuals from HCJPD, who are working in the best interest of the youth, from discussing the youth’s needs or services. This also applies when resolving a youth’s grievance.
- c. Employees shall explain to youth the extent and limits of keeping information about the youth’s sexual orientation or gender identity confidential.
- d. HCJPD shall establish appropriate controls to prevent information concerning a youth’s sexual orientation or gender identity from being exploited to the youth’s detriment by employee or other youth.

C. Names and Language

- a. When working with youth, employees, interns, volunteers, vendors and community partners, shall use respectful language and terminology that does not further stereotype LGBTQI people.
- b. Transgender or intersex youth shall be referred to by their preferred name and the pronoun that reflects the youth’s gender identity, even if their name has not been legally changed.

D. Needs, Services and Accommodations

- a. Employees, interns, volunteers, vendors and community partners shall be aware that LGBTQI youth are in various stages of awareness and comfort with their sexual orientation and gender identity. Employees shall sensitively inquire about fears the youth may have of being harassed due to their identification of being LGBTQI.
- b. If a youth discloses their sexual orientation or gender identity, the employee should talk with the youth about it in an open and non-judgmental fashion and determine if the youth has a need for special accommodations or services related to being LGBTQI.

II. Residential Youth Placement (Private and HCJPD Facilities)

A. Housing

- a. All classification and placement decisions for youth confined at HCJPD shall be individualized, based on sound juvenile correctional practices, and shall prioritize the youth’s physical and emotional well-being.
- b. LGBTQI youth are not placed in particular housing, bed, or other assignments solely on the basis of such identification or perceived identification. HCJPD does not consider such identification or perceived identification as an indicator for the likelihood for being sexually abusive. LGBTQI youth shall not be treated or classified as sex offenders unless required by a court.
- c. Housing decisions concerning transgender and intersex youth are made collaboratively by Residential Services Administration, Health Services Administration, and the Facility Administrator. For each transgender and intersex youth, HCJPD:
 - i. makes a case-by-case determination when assigning the youth to a male or female facility and when making other housing and programming assignments, considering the youth’s health and safety and any management or security concerns;

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- ii. gives serious consideration to the youth’s own views concerning his/her own safety when making placement and programming assignments;
- iii. reassesses the placement and programming assignments, at least twice a year, to review any threats to safety experienced by the youth.

B. Clothing and Gender Presentation

On a case by case basis, HCJPD facilities shall consider youth’s accommodation requests concerning clothing, dress and personal hygiene.

C. Bathrooms and Showers

Consistent with the facility’s reasonable and necessary security policies, the agency shall provide transgender youth with safety and privacy when using the shower and bathroom and when dressing and undressing. Transgender and intersex youth shall not be required to shower or undress in front of other youth and shall be permitted to use single occupancy bathrooms and showers, if available. Such accommodation shall be provided in a sensitive manner.

D. Medical and Mental Health Care

HCJPD shall provide transgender and intersex youth with access to medical and mental health care providers who are knowledgeable about the health care needs of transgender and intersex youth.

III. Search Procedures

- a. HCJPD does not search or physically examine a transgender or intersex youth for the sole purpose of determining the youth’s genital status. The status may be determined during conversations with the youth, by reviewing medical records, or as part of a broader medical examination conducted in private by a medical practitioner.
- b. Transgender or intersex youth may request that either a male or female staff member conduct a search, if such search is required. HCJPD shall accommodate this request when possible and consistent with maintaining safety and security.
- c. If the youth has no preference, the youth shall be searched by staff members of the same biological sex.
- d. HCJPD does not conduct “dual gender” pat-down searches, in which the staff of one gender searches the top half of the youth and the staff of the other gender searches the bottom half of the youth.

IV. Training of Employees, Volunteers, Vendors and Community Partners

- a. All employees and administrators of HCJPD shall receive training about LGBTQI youth during their orientation and shall be offered as part of their continuing education requirements.
- b. The level and type of training provided to interns, volunteers, vendors and community partners shall be based on the services they provide and level of contact they have with residents.

V. Responsibilities of Employees, Volunteers, Vendors and Community Partners to Report Harassment

- a. Employees of HCJPD shall promptly and appropriately intervene when a youth harasses another youth based on the youth’s actual or perceived sexual orientation, gender identity, or gender expression.
- b. Interns, volunteers, vendors and community partners shall be required to report all incidents in violation of this policy in accordance with HCJPD policies and state and federal laws.

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- c. HCJPD employees have an obligation to report conduct by other employees, interns, volunteers, vendors and community partners that may be in violation of this policy to HCJPD administration in addition to any reporting requirements mandated by state and federal law. Failure to report an incident may result in disciplinary sanctions up to and including termination.

VI. Concerns/Violations

- a. HCJPD administration will investigate any complaint received regarding this policy.
- b. Youth housed in an HCJPD facility shall be able to report violations of this policy following the established Resident Grievance Policy or by using the available Texas Juvenile Justice Department Abuse, Neglect or Exploitation hotline.