

 <p style="text-align: center;">County of Sacramento Department of Health Services Division of Behavioral Health Services Policy and Procedure</p>	Policy Issuer (Unit/Program)	BHS-CMH-YDF
	Policy Number	04-07
	Effective Date	10/2009
	Revision Date	08/2019
Title: Lesbian, Gay, Bisexual, Transgender, Intersex or Gender Non-Conforming Youth	Functional Area: Legal	
Approved By:		
Matthew Quinley, LCSW Health Program Manager	Christopher Eldridge, LMFT Mental Health Program Coordinator	

Background/Context:

Youth in detention and correctional settings, who identify as lesbian, gay, bisexual, transgender, intersex or gender non-conforming report being sexually victimized by peers at a rate nearly 10 times that of their heterosexual counterparts. Social stigma, family rejection and discrimination subject these youth to increased risk of substance use, homelessness, school exclusion, depression, suicidality and involvement with the Juvenile Justice System.

Some research shows that up to 20% of the youth confined in juvenile detention facilities identify as lesbian, gay, bisexual, transgender, intersex or gender non-conforming; a rate nearly three times their estimated number in the general adolescent population.

The Prison Rape Elimination Act of 2003 (PREA) created important protections for youth identifying as lesbian, gay, bisexual, transgender, intersex or gender non-conforming. The United States Department of Justice Final Rule of May 2012 established national standards for juvenile institutions to prevent, detect and respond to prison rape.

Purpose:

The objective of this policy and procedure is to ensure Juvenile Justice Institutions Mental Health Team (JJIMHT) members understand and comply with standards for the prevention, of discrimination, harassment, maltreatment and promote the health and well-being of lesbian, gay, bisexual, transgender, intersex or gender non-conforming youth detained in the YDF.

Details:

1. Obtaining Information from Youth
 - A. In part to comply with CFR 28, Part 115 § 115.341, Probation Classification Officers evaluate each youth detained in YDF to determine level of security required, special handling requirements, appropriate program activities and proper housing assignment to ensure the safety of youth and staff.

- I. Title 15, Section 1352 requires the facility develop and implement policies and procedures on classification of youth for the purpose of determining housing placement within the facility.
 - II. Title 15, Section 1352.5 requires the facility administrator develop policies and procedures ensuring respectful and equitable treatment of transgender and intersex youth.
 - III. Title 15, Section 1350.5 requires the facility administrator develop and implement written policies and procedures to reduce the risk of sexual abuse by or upon youth.
- B. § 115.341 and Title 15 Section 1350.5 state information regarding a youth's risk of sexual abuse by or upon another youth shall be ascertained through conversations with the youth during the intake process, medical and mental/behavioral health screenings; during classification assessments and by reviewing other relevant documentation.
- I. If the screening indicates that a youth has experienced and/or perpetrated prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure the youth is offered a follow-up with a medical and/or mental health practitioner within 14 days of the intake screening.
 - II. Any information related to sexual victimization or perpetration that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by federal, state or local law.
- C. Title 15, Section 1407 requires provisions for providing information to The Court, youth supervision staff and other Probation staff as appropriate to treatment planning, program needs, protection of the youth or others, management of the facility, maintenance of security, and preservation of safety and order.
- I. Probation staff may request support from JJIMHT clinical staff to validate information about a youth that may indicate heightened needs for supervision, additional safety precautions or separation from other specified youth.
- D. The YDF shall implement appropriate controls on the dissemination within the facility of information obtained pursuant to the PREA standard in order to ensure that sensitive information is not exploited to the youth's detriment by staff or other youth.
- I. The confidentiality of these youth shall be maintained by all JJIMHT members, information related to the youth's identification status shall not be shared with others, including family, legal guardian, etc. without documented permission of the youth.
2. Screening for Appropriate Living Unit Assignment
- A. Probation staff may request JJIMHT assistance and/or consultation in determining whether a youth identified as lesbian, gay, bisexual, transgender, intersex, gender non-conforming or the victim and/or perpetrator of sexual assault or harassment is assigned to an appropriate living unit.
 - B. Youth should only be isolated within the facility as a last resort when less restrictive measures are inadequate to keep them and other youth safe.

- I. The youth shall only be isolated until an alternate safety measure can be arranged.
 - II. During this period of isolation, the youth must have access to daily large-muscle exercise, any legally required educational programming, daily visits from medical or mental health care clinician, and access to other programs to the extent possible.
 - III. The need for continued isolation shall be reviewed every 30 days.
 - C. When considering the unit assignment for lesbian, gay, bisexual, transgender, intersex and gender non-conforming youth, an individual assessment must be made and re-assessed at least twice per year to review any possible threats to the youth's safety.
 - D. Lesbian, gay, bisexual, transgender, intersex or gender non-conforming youth shall not be placed in particular living units based solely on the basis of such identification or status unless there is a specific living unit for them based on a legal settlement or consent decree.
 - E. Absent other indicators, identification or status as lesbian, gay, bisexual, transgender, intersex or gender non-conforming shall not be considered an indicator of the youth being likely to sexually abuse others.
 - F. A transgender or intersex youth's own views with respect to his or her own safety shall be given serious consideration.
 - G. Transgender and intersex youth shall be given the opportunity to shower separately from other youth.
3. Behavioral Health Assessment and Support
- A. JJIMHT clinicians should be familiar with and comply with community standards associated with assessment and treatment of lesbian, gay, bisexual, transgender, intersex or gender non-conforming youth; youth shall not be pathologized for differences in gender identity and/or expression.
 - B. Youth shall not be subject to formal or informal interventions that seek to change a youth's sexual orientation, gender identity and/or gender expression, or suggest that these aspects of identity can or should be changed.
 - C. JJIMHT members will support processes by which treatment of transgender youth is based on an individual's case and determined by medical staff trained in or in consultation with medical staff familiar with transgender health care.
 - D. JJIMHT members will support the avoidance of policies and procedures that restrict transition treatments and/or treatments to maintain previously prescribed transition treatments or non-medical staff making decisions regarding youth being evaluated for or provided transition-related care.
 - E. JJIMHT members will provide care (or refer to knowledgeable colleagues or seek consultation) that affirms the youth's gender identity and reduces the stress related to gender dysphoria when present.
 - F. Upon request or when clinically appropriate, youth shall be provided with support around self-acceptance, disclosure of sexual orientation or gender identity, family relationships, healthy intimate relationships and healthy sexual decision making.

Reference(s)/Attachment(s):

Prison Rape Elimination Act, Juvenile Facility Standards, United States Department of Justice Final Rule, National Standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (PREA), CFR 28, Part 115

Board of State and Community Corrections (BSCC) Title 15 Minimum Standards for Juvenile Facilities, Regulations Effective April 1, 2014

Sacramento County Probation Department Policy and Procedure-Juvenile Institutions Prison Rape Elimination Act (PREA)

Related Policies:

BHS-CMH-YDF-02-01-Basic Rights of Detained Youth

BHS-CMH-YDF-02-03-Confidentiality

BHS-CMH-YDF-02-04-Discrimination Policy

BHS-CMH-YDF-02-06-Grievance Policy

BHS-CMH-YDF-04-01-Child Abuse Reporting

BHS-CMH-YDF-06-09-Response and Recommendations to Probation

BHS-CMH-YDF-08-01-Administrative, Technical and Physical Safeguards

BHS-CMH-YDF-08-09-Release of Protected Health Information

BHS-CMH-YDF-09-07-Probation Issued Code of Conduct

Contact Information:

Christopher Eldridge, LMFT, Mental Health Program Coordinator, (916)876-9339, eldridgec@saccounty.net