Welcome!

Webinar information

• We will begin at 3:00 p.m. Eastern Time.

• The audio for today’s web conference will be coming through your computer speakers. If you do not hear any sound coming from your speakers, or if you’re experiencing any other technical difficulties, please send a Private Chat to Vedan Anthony-North, or email Vedan at vanthonynorth@vera.org

• If you have any questions or comments throughout the presentation, please send those to Kaitlin Kall through Private Chat or via email at kkall@vera.org
PREA in Action Webinar Series

Committing to Safety and Respect for LGBTI Youth and Adults in Correctional Settings: Lessons from the Field

September 25, 2014

Notice of Federal Funding and Federal Disclaimer – This project was supported by Grant No. 2010-RP-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.
National PREA Resource Center (PRC)

PRC was established through a cooperative agreement between the Bureau of Justice Assistance and NCCD. The mission of the PRC is to assist adult prisons and jails, juvenile facilities, lockups, community corrections, and tribal facilities in their efforts to eliminate sexual abuse by increasing their capacity for prevention, detection, monitoring, responses to incidents, and services to victims and their families.
Vera was founded in 1961 and combines expertise in research, demonstration projects, and technical assistance to help leaders in government and civil society improve the systems people rely on for justice and safety.
Webinar Agenda

- **Welcome**
  - Tom Talbot, Senior Policy Advisor, PREA Management Office, Bureau of Justice Assistance

- **Why protecting LGBTI youth and adults in custody matters**
  - Lorie Brisbin, Correctional Program Specialist, National Institute of Corrections

- **Working with the community and developing policy**
  - Major Debra Schmidt, Justice Management Bureau Commander, Harris County Sheriff’s Office

- **Protecting LGBTI youth and training staff**
  - Anne Elwart, Probation Manager, Santa Clara Probation Department, Juvenile Services Division

- **Q & A**
  - Allison Hastings, Senior Policy Analyst, Vera Institute of Justice
Introducing Lorie Brisbin

Correctional Program Specialist
National Institute of Corrections
Definitions

**Intersex** means 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.

**Transgender** means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth.

**Gender nonconforming** means a person whose appearance or manner does not conform to traditional societal gender expectations.
LGBTI populations in adult prisons and jails and juvenile facilities are at higher risk of sexual victimization.

Reports of Inmate-on-Inmate Sexual Victimization/Youth-on-Youth Sexual Victimization (BJS 2013)

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>LGBTI</th>
<th>Heterosexual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prisons</td>
<td>12.2%</td>
<td>1.2%</td>
</tr>
<tr>
<td>Jails</td>
<td>8.5%</td>
<td>1.2%</td>
</tr>
<tr>
<td>Juvenile Facilities</td>
<td>10.3%</td>
<td>1.5%</td>
</tr>
</tbody>
</table>

Training and safety precautions specific to LGBTI populations are required by the PREA Standards.
A Civil Rights Issue

- A correctional official may be held liable under the U.S. Constitution’s Eighth Amendment and its "Cruel and Unusual Punishment" clause, if there is a finding that he or she was deliberately indifferent to a substantial risk of serious harm to an inmate.

- Abuses against LGBTI inmates and youth may also violate civil rights laws.
  - Protections for sexual orientation, gender and gender identity are included in federal and some state civil rights laws.
  - Enhanced penalties may apply when a crime is motivated by bias toward a particular group; commonly known as a ‘hate crime.’
Resources from NIC

Main LGBTI webpage
http://nicic.gov/lgbti

LGBTI Populations: Their Safety, Your Responsibility
A 4-part satellite/internet broadcast
http://nicic.gov/library/026763

LGBTI Populations: Intake – Creating a Culture of Safety
http://nicic.gov/library/027998

Communicating Effectively and Professionally with LGBTI Offenders (online course)
http://nic.learn.com/learncenter.asp?id=178409
Introducing Major Debra Schmidt

Major Debra Schmidt
Justice Management Bureau
Harris County Sheriff’s Office
Houston, Texas
Overview of Harris County Sheriff’s Office

1200 Baker Street Jail

701 N. San Jacinto Street Jail

1307 Baker Street Jail
Average Daily Inmate Population 2009-2014

Source: Harris County Budget Management Department; Revised September 03, 2014
Complaints from LGBTI prisoners initiated the internal review.

• What was the culture in the organization?

• What did our policies say or not say?

• What could we do differently?

PREA

Support from the top of the organization:

LEADERSHIP MATTERS!
Getting Started

Research and Planning

Legal considerations

Community outreach and involvement

Review of existing LGBTI policies from other jurisdictions
Reaching Out to the Community

**Strength in diversity**

- Define your issues
- Start small
- Find the right people to help
- Stay in contact
- Periodic reviews
- Allow the community to be a part of the process
Setting Up Your Committee

Bringing the right people to the table is essential

- Booking
- Classification
- Detention Housing
- Medical
- Legal
- Training
- Public Information Officer
Policy Formulation

- Crafted the policy by taking the best from other policies
- Paid attention to PREA compliance
- Sought input from the community
Identification and Review

**Gender Classification Committee:** A committee established by the HCSO comprised of the Chief Deputy over Detentions or his/her designee, the Medical Director of the Jail or his/her designee, a licensed Mental Health Practitioner, and a certified Gender Classification Specialist.

**Gender Classification Specialist:** An employee of the HCSO who has been specially trained and then certified by the Gender Classification Committee as qualified to conduct interviews with an inmate/detainee to discuss gender issues.
Training

Understanding creates compliance

- The mission and core values of HCSO
- Basic educational information about the LGBTI population
- HCSO policy and zero tolerance policy for violations
- Professional boundaries and avoidance of inappropriate relationships
- Resources
Lessons Learned

**Patience and determination are key!**

- Start early
- Listen
- Know PREA
- Know your limitations
- Plan for the future
- Culture change takes time
- Top down support is critical
Introducing Anne Elwart

Anne Elwart
Probation Manager
William F. James Ranch

Santa Clara County
Department of Probation, California
William F. James Ranch
- Youth are committed to the 6-8 month program by the Juvenile Court based on an adjudicated petition.
- Capacity for 84 youth, ages 13 to 18.
- Programs include counseling, work, recreation, education, and vocational training.
William F. James Ranch
Why a training on LGBTQI Youth?

- In 2011 we had our first transgendered youth come into custody.
  - Required a quick, ad hoc response
  - Taught us how challenging it is for the juvenile justice system to ensure the safety and well-being of LGBTQI youth

- Developed a training to remind staff that we are required to protect all youth.
Training Required by the PREA Standards

- PREA §115.331: Employee Training

  (a) The agency shall train all employees who may have contact with residents on:

  (9) How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents

- PREA §115.31 and §115.231 set analogous requirements for adult prisons and jails and community confinement facilities
What does effective communication mean?

- Maintain an attitude of respect
- Use terminology correctly
- Be aware of own biases, discomfort, and lack of familiarity
- Approach youth with an open mind and avoid making assumptions regarding biological sex, gender, or sexual orientation
- Gender non-conforming expression can be misinterpreted as LGBT or heterosexual
The Importance of Focusing on LGBTQI Youth

**Attempted Suicide Rates**

LGB youth are 4 times more likely, and questioning youth are 3 times more likely, to attempt suicide than their straight peers.

Source: U.S. Center for Disease Control
http://www.cdc.gov/mmwr/pdf/ss/ss60e0606.pdf

The overall suicide attempt rate within transgendered populations is 41% compared to a 5% attempt rate within the general population.

Source: American Foundation for Suicide Prevention and the Williams Institute, UCLA School of Law
LGBTQ youth experiencing family rejection are:

- 8.4 times more likely to have attempted suicide
- 5.9 times more likely to report high levels of depression
- 3.4 times more likely to use illegal drugs
- 3.4 times more likely to report having engaged in unprotected sex

Source: Ryan et. al, 2009: *Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay and Bisexual Young Adults.*
2011 National Survey of LGBTQ youth shows:

- 92% verbal harassment
- 44% physical harassment
- Lower academic achievement/skip school
- Charged with truancy, probation violations, and fighting when defending themselves

What We Know

LGBTQ youth are disproportionately represented in the juvenile justice system

- Family rejection/lack of support
- Abuse
- Running away
- Homelessness
- Survival crimes
- Truancy
- Substance abuse
- Lack of appropriate services

Training topics

- Definitions
- Understanding Terminology
- Personal Values and Beliefs
- Common Myths and Biases
- Family Rejection
- School Harassment
Keys to Success

- Validate staff’s belief system while reminding them how it can cause harm in the work place.

- Must have buy-in from the top executive team.

- Have someone of authority in the class to help with those who act out.

- Have trainers who are from the LGBTQ community and who represent the staff being trained.
Guidelines for Conduct of Staff

We embody integrity, professionalism and fairness and take ownership of the critical role we play in building the character of the young people we serve.

Therefore profanity, obscene, or derogatory language in relationship to actual or perceived race, gender, gender identity, sexual orientation, mental health conditions, and/or cultural or ethnic background, will not be tolerated in the work environment.

Staff should ensure that youth are not degraded or ostracized by their peers.

Every youth is entitled to be addressed in a manner that promotes understanding and personal recognition.

Overcoming staff resistance

- **This takes time. Class needs to be at least 4 hours.**
  - You need time to bring staff along and work with them to overcome resistance

- **Help staff experience some of the things that the LGBT youth go through.**
  - Impact of Silence activity

- **Staff need to understand that this is part of the job**
  - Personal beliefs vs. professional duties
A County-Wide Effort

- Santa Clara County has trained approximately 800 employees
  - Juvenile institution staff
  - Probation officers
  - Judges
  - Public defenders
  - District attorneys
  - Mental health staff
  - School staff
  - Sheriff’s Office

- We are currently working with Equal Opportunity Division to make a county-wide class.
Questions?

We will now take questions from our participants. Please send those to Kaitlin Kall through Private Chat or via email at kkall@vera.org, and we will ask them on your behalf.

A recording of this webinar will be available on the PREA Resource Center in a few days.
For More Information on the PREA Resource Center

For more information about the **PREA Resource Center**, visit [www.prearesourcecenter.org](http://www.prearesourcecenter.org). Direct questions to info@prearesourcecenter.org

Scott Catey  
Sr. Program Specialist  
scatey@nccdglobal.org

Marion Morgan  
Sr. Program Specialist  
mmorgan@nccdglobal.org

Tara Graham  
Sr. Program Specialist  
tgraham@nccdglobal.org

Sarah True  
Program Associate  
strue@nccdglobal.org

For more information about the **Vera Institute of Justice**, visit [www.vera.org](http://www.vera.org). Direct questions to contactvera2@vera.org.

Connect with Vera:

[Facebook](http://www.facebook.com/verainstitute)

[@verainstitute](http://twitter.com/verainstitute)