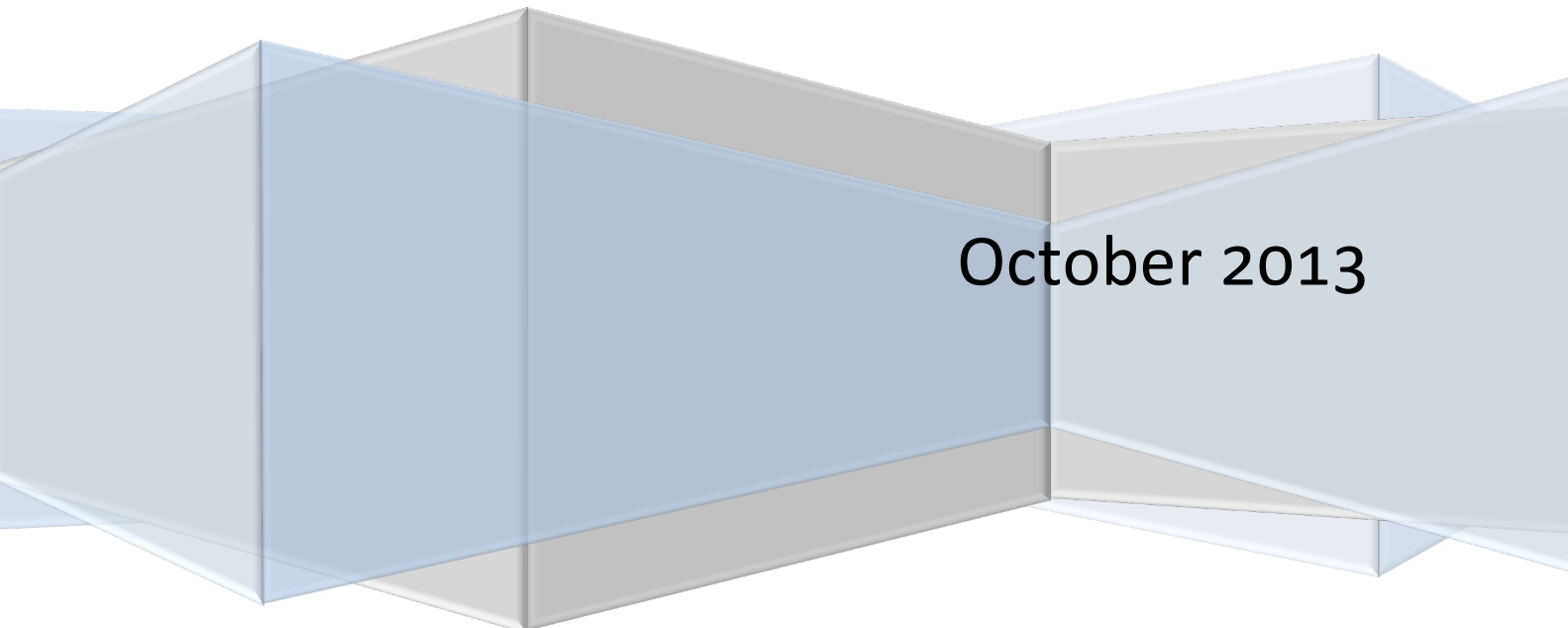


Santa Clara County Probation Department

Juvenile Lesbian Gay Bisexual and Transgender Policy

Administrative Services Manual



October 2013

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Guiding Principles; adopted by the Santa Clara County Equity Project Steering Committee on June 6, 2013.

These principles guide the work of the Juvenile Justice System in Santa Clara County, and represent the values that support our collective commitment to increase our competency to serve and support the development of youth of all sexual orientations and gender identities.

1. We treat all youth and families with respect and fairness, and strive to convey the intrinsic worth and dignity of every person in the course of our work.
2. We believe that youth deserve to feel safe and accepted in their homes, and in the court, institutions, placements, schools and community settings.
3. We affirm and respect the sexual orientation and gender identity of each individual we serve regardless of our personal beliefs.
4. We understand that all youth have the same basic need for safety, acceptance and support, and that some youth experience unique challenges due to external responses to their actual or perceived sexual orientation, gender identity or gender expression.
5. We aim to prevent and work to remedy any bias, injustice or disrespect directed at youth based upon their sexual orientation, gender identity or gender expression within the Juvenile Justice System.
6. 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.
7. We understand the sensitive nature of information related to sexual orientation and identity and respect the youth's right to control disclosure of that information except when necessary to protect the youth's well-being.
8. We understand that any attempt to control or change the sexual orientation or gender identity of any youth is contrary to accepted professional practice and potentially harmful.

Policy

It shall be the policy of the Santa Clara County Probation Department's Juvenile Division to maintain and promote an organization that provides the highest quality of services to youth regardless of actual or perceived sexual orientation or gender identity.

Lesbian, Gay, Bisexual and Transgender (LGBT) youth under the supervision of the Juvenile Divisions of the Probation Department shall receive fair and equal treatment, without bias and in a professional and confidential manner based on principles of sound professional practice.

Employees, volunteers and contractors that offer services to youth shall not discriminate or harass any youth in their care based on the youth's actual or perceived sexual orientation or gender identity.

Probation Department employees shall protect youth from discrimination, physical and sexual harassment by other youth, based on a youth's actual or perceived sexual orientation or gender identity.

The Probation Department will take 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 identity.

Purpose

The purpose of this policy is to establish operational practices that reinforce our commitment to respect the dignity of all minors, including transgender and gender non-conforming youth, create a safe environment for all youth, and ensure that all youth have equal access to all available services, care and treatment.

Scope

This policy shall apply to employees of the Juvenile Services and Institutions Divisions, as well as volunteers and contractors who come into contact with youth.

General Operations

All youth, regardless of sexual orientation or gender identity, need to feel safe in their surroundings in order to fully benefit from programming. Santa Clara Probation Department shall establish and maintain a culture where the dignity of every youth is respected and all youth feel safe.

The Probation Department shall create opportunities for dialogue with youth and staff about all forms of diversity to increase tolerance and respect.

The Probation Department will promote the positive adolescent development of all 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 amongst youth, encouraging the development of healthy self-esteem in youth, and helping youth manage the stigma sometimes associated with difference.

Employees shall remind all youth that anti-LGBT threats of violence, actual violence, or disrespectful or suggestive comments or gestures, will not be tolerated.

The Probation Department intends to provide a safe and non-discriminatory environment where youth can learn and grow. Employees 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.

The Probation Department shall include LGBT-affirming books, where reading materials are made available. Youth shall be made aware of these materials and shall have access to them when requested. Where possible, employees shall display materials that convey to youth that the Probation department maintains a supportive environment for LGBT youth.

The Probation Department shall ensure that employees are made aware of local LGBT resources and reach out to the LGBT community to find organizations that can provide supportive services.

Confidentiality

Employees of the Santa Clara County Probation Department, or employees and volunteers of any agency providing services on behalf of Juvenile Justice youth and their families shall not disclose a youth's sexual orientation or gender identity to other youth or to outside parties, individuals, or agencies, including health care or social service providers, or a youth's parent/legal guardians or other family members without the youth's permission, unless such disclosure is necessary to comply with state or federal law. Further, a youth shall not be compelled by any staff, provider agency and or volunteer to disclose his/her sexual orientation or gender identity to anyone.

Employees shall explain to youth the extent and limits of their ability to keep information about their sexual orientation or gender identity confidential. If staff is not in a position to keep information that a youth discloses confidential, such as information relating to safety issues or needed for appropriate service referrals, they shall inform the youth that such information may need to be shared and why.

Probation staff inside and outside of secure facilities shall communicate information within the agency about a youth's sexual orientation or gender identity only if relevant to treatment, case planning and finding effective services for youth, and any disclosure shall be limited to information necessary to achieve the specific beneficial purpose.

This confidentiality restriction does not prevent staff from discussing a youth's needs or services with other staff members or when resolving a grievance.

Screening and Intake

Staff should be aware that LGBT youth are in various stages of awareness and comfort with their sexual orientation and gender identity. Youth intake interviewers shall sensitively inquire about fears the youth may have of being harassed in the facility. Intake workers will ask youth their sexual orientation and gender identity. Some youth will disclose that they are LGBT. However, no youth shall be compelled to disclose. If a youth discloses their sexual orientation or gender identity, the intake worker should talk with the youth about it in an open and non-judgmental fashion and determine if the youth has particular concerns or needs related to being LGBT.

Transgender youth may be identified during admissions based on:

- A youth's statements that he or she is transgender, is "trapped in the wrong body," or is really a different sex than his or her birth sex;
- A minor's request to be called by a name that is not traditionally associated with his or her birth sex;
- Any statements in arrest reports indicating the youth is transgender or that the police were unsure of the minor's sex.

Specific policies for processing transgender youth in custody can be found in the Juvenile Hall Policy and Procedures Manual.

Names and Language

Employees, volunteers, and contractors, when working with youth shall use respectful language and terminology that does not further stereotypes about LGBT people.

Staff shall respect the choices made by the youth and refer to the youth by the youth's preferred name and pronoun even if their name has not been legally changed. All written documentation about a transgender youth shall utilize the youth's preferred name as well noting the youth's legal name recognized by the court.

In the Juvenile Records System (JRS), the minor's legal name will be used. In the Juvenile Automated System II (JAS II), the minor's legal name will be used along with any preferred name as an AKA.

Employees, volunteers, and contractors of SCCPD, in the course of their work, shall not refer to youth by using derogatory language in a manner that conveys bias towards LGBT people. In particular, employees of SCCPD shall not imply to or tell LGBT youth that they are abnormal, deviant, or sinful, or that they can or should change their sexual orientation or gender identity.

Housing Placement and Treatment

Individual placement decisions prioritize the physical safety and emotional well-being of the youth.

Youth shall not be prohibited from having a roommate based on a youth's actual or perceived sexual orientation.

LGBT youth shall not be placed in isolation or segregation as a means of keeping them safe from discrimination, harassment, or abuse.

Transgender youth shall not automatically be housed according to their birth sex. Housing decisions for transgender youth shall be based on the youth's individualized needs and taking into account the youth's perception of where he or she will be most secure.

Youth shall be allowed to dress and present themselves in a manner consistent with their gender identity.

Youth will be permitted to groom according to their preferred gender expression regardless of housing assignment.

Consistent with the facility's reasonable and necessary security policies, youth shall be provided with safety and privacy when using the shower and bathroom and when dressing and undressing. Transgender youth shall be provided the opportunity to shower at a separate time from other youth.

Medical and Mental Health Care

All LGBT youth confined in Santa Clara County Juvenile Probation facilities shall have access to medical and mental health care as clinically indicated. This includes all recommended transition-related treatments for transgender youth, in accordance with the medical and mental health assessments performed by the youth's health care provider. If a youth requires treatments off-site, the Medical Clinic will also arrange transportation for youth to receive such treatments, as clinically indicated.

If, prior to arriving at the facility, a transgender youth has been receiving transition-related medical care, such as hormone therapy or supportive counseling, the medical staff, in their discretion, shall consult with the youth's medical providers and, if appropriate, continue providing all transition related treatments that are medically necessary according to the medical staff and the youth's provider and accepted professional standards. Hormone therapy may continue at current levels pending this consultation and according to Custody Health Policy.

The medical and mental health staff shall facilitate exploration of gender or sexuality issues with LGBT youth in the same open and non-judgmental manner as with all youth.

The medical and mental health staff shall not attempt to change a youth's sexual orientation or gender identity, as this is contrary to accepted practice, and has been shown to be potentially harmful.

Searches

Youth shall not be physically searched in a manner that is humiliating or degrading or for the purpose of determining the youth's physical anatomy.

If a search is necessary, a transgender youth may request that either a male or female staff member conduct the search. Staff shall accommodate this request when possible and consistent with maintaining safety and security. If the minor has no preference, he or she will be searched by a staff member of the same biological sex.

Training of Employees, Volunteers and Contractors

In order for employees, volunteers, and contractors to have the awareness and capacity to effectively work with LGBT youth they will be required to attend timely training on working with LGBT youth. The employee, volunteer, and contractors training shall consist of but not be limited to the following topics:

- The goals and requirements of the Probation Department's Nondiscrimination Policy and Practice Guidelines regarding LGBT youth.
- How to work with LGBT youth in a respectful and nondiscriminatory manner.
- How to recognize, prevent and respond to harassment against LGBT youth.

Reporting to and Responding to Harassment and Discrimination

Employees of SCCPD, volunteers and contractors shall promptly and appropriately intervene when a youth physically, verbally, or sexually abuses or harasses another youth based on the youth's actual or perceived sexual orientation or gender identity.

All employees, volunteers, and contractors shall be required to report all untimely, absent or inappropriate interventions.

Youth shall be able to report violations of this policy following established grievance procedures. Grievance procedures shall protect confidentiality of youth and contain other measures to prevent retaliation. The youth may also tell a teacher, counselor, a Probation Manager, a supervisor, medical or mental health staff, the Deputy Chief, parent/guardian, or any trusted adult.

Supervisory and management staff shall treat all reports of violations of this policy seriously. The Probation Manager shall promptly and effectively respond to grievances filed by youth and shall take swift action according to established procedures when youth, employees, volunteers, or contractors report violations.