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Understanding LGBTI Inmates and Residents

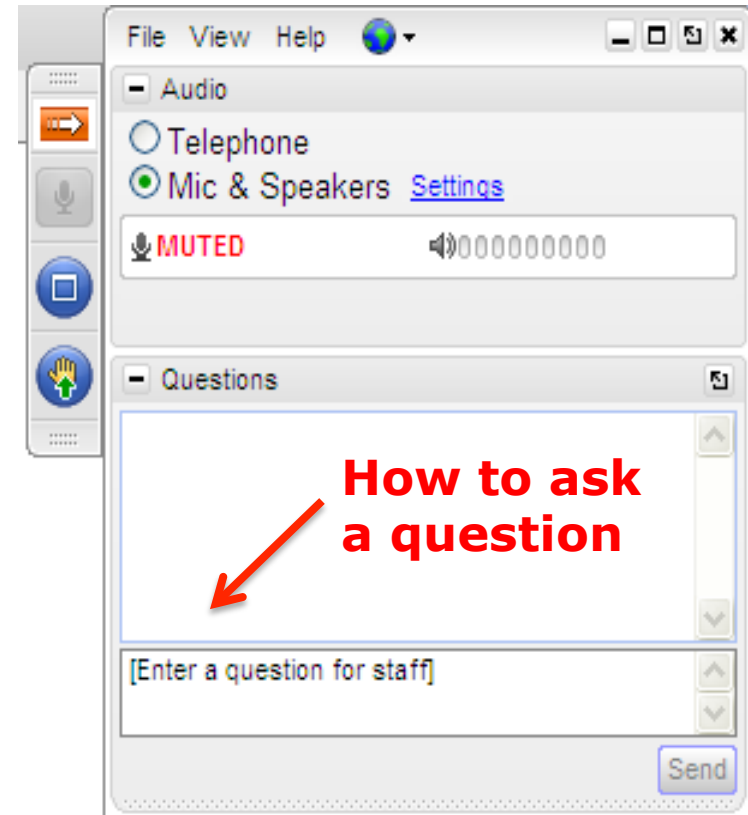
December 9, 2014

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Logistics

Webinar Information

- Use the question box to ask a question, or email Tara Graham at tgraham@nccdglobal.org
- If you have technology issues, call Tara Graham at (510) 874-5921.



Understanding LGBTI Inmates and Residents

Agenda

Welcome From PREA Management Office

Terminology

Research and Background Information

LGBTI PREA Standards

Effective Communication Tips

Q and A



Welcome PREA Management Office

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Understanding LGBTI Inmates and Residents

Terminology

SOGIE: Sexual orientation, gender identity, and/or gender expression.

Sexual orientation is about who you are emotionally, sexually, or romantically attracted to, whether you are lesbian, gay, bisexual, straight, asexual, or other.

Which are different from ...

Gender identity refers to how a person understands their own gender (man, woman, other).

Gender expression is about how a person expresses their gender identity through their manner of dress, speech, behavior, and/or other physical expressions (masculine, feminine, androgynous, other).

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Lesbian: A woman who is emotionally, romantically, and sexually attracted to other women.

Gay: A man who is emotionally, romantically, and sexually attracted to other men.

Bisexual: A man or woman who is emotionally, romantically, and sexually attracted to both men and women.

Straight: A person who is emotionally, romantically and sexually attracted to another person who is of a different sex and/or gender.

Asexual: A person who is not sexually attracted to any sex and/or gender.

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Gender conforming means a person whose appearance or manner conforms to traditional societal gender expectations (e.g., a person who was designated female at birth, identifies as a girl/woman, and dresses in a way that society determines a girl/woman should dress).

Gender nonconforming (GNC) means a person whose appearance or manner does not conform to traditional societal gender expectations (e.g., someone who identifies as a girl/woman but wears clothing typically assigned to boys/men).

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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.

Note: "Gender Identity Disorder" was replaced with "Gender Dysphoria" in the Diagnostic and Statistical Manual (DSM-5).

Cisgender means a person whose gender identity is the same as their sex assigned at birth.

Which are different from ...

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.

Note: Approximately 1 in every 1,500 to 2,000 people are born intersex.

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Intersex

Type	Chromosomes	Sex Assigned at Birth	Gender Identity
Androgen Insensitivity Syndrome	46 XY	C: Female P: Male or female	C: Woman P: Woman or man

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Transgender and Gender Nonconformity

Birth Certificate	Gender Identity	Gender Expression	Transgender?	Gender Nonconforming?
1) Male	Man	Masculine	No	No
2) Male	Man	Feminine	No	Yes
3) Male	Woman	Feminine	Yes, woman (transwoman)	No
4) Female	Woman	Feminine	No	No
5) Female	Woman	Masculine	No	Yes
6) Female	Man	Masculine	Yes, man (transman)	No

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Question 1

Sexual orientation is about emotional, sexual, and/or romantic attraction.

- a) True
- b) False

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Answer 1

a) True

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Question 2

A person whose appearance or manner does **not** conform to traditional societal gender expectations (e.g., someone who identifies as a girl/woman but wears clothing typically assigned to boys/men) is considered to be:

- a) Gay
- b) Gender nonconforming
- c) Neither (a) nor (b)
- d) Both (a) and (b)

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Answer 2

b) Gender nonconforming

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Question 3

Think about the issues that comprise the LGBT movement. Which issue do you hear about the most?

- a) The right to marry for gay and lesbian couples
- b) Criminal profiling and incarceration of LGBT people
- c) The right to serve openly in the military for LGBT people
- d) Bullying in schools with respect to LGBT youth
- e) Homelessness with respect to LGBT youth

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Stonewall and the Beginning of the LGBT Movement



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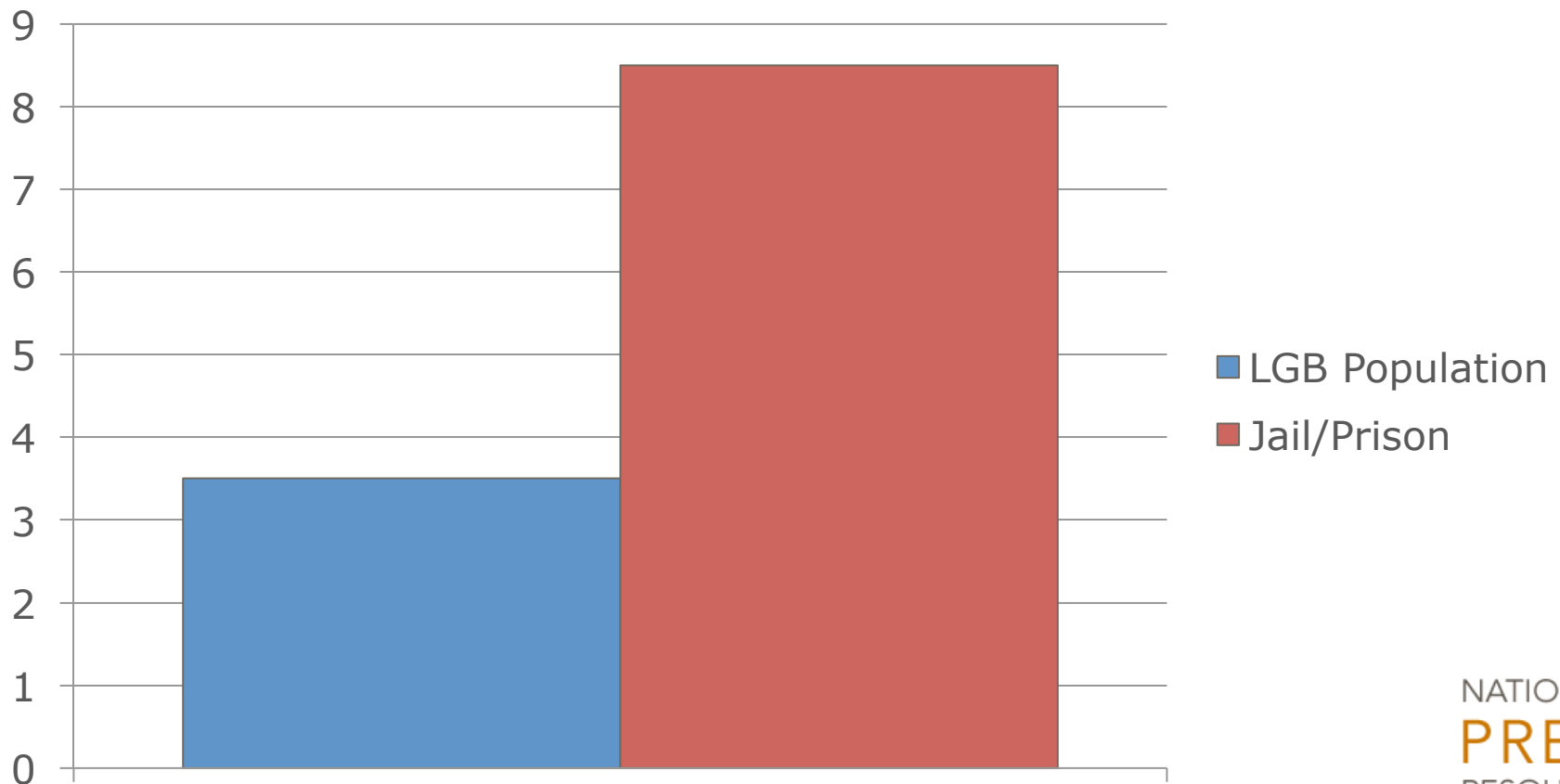
Question 4

Approximately what percentage of the adult population is lesbian, gay, or bisexual (LGB)?

- a) 4%
- b) 7%
- c) 10%

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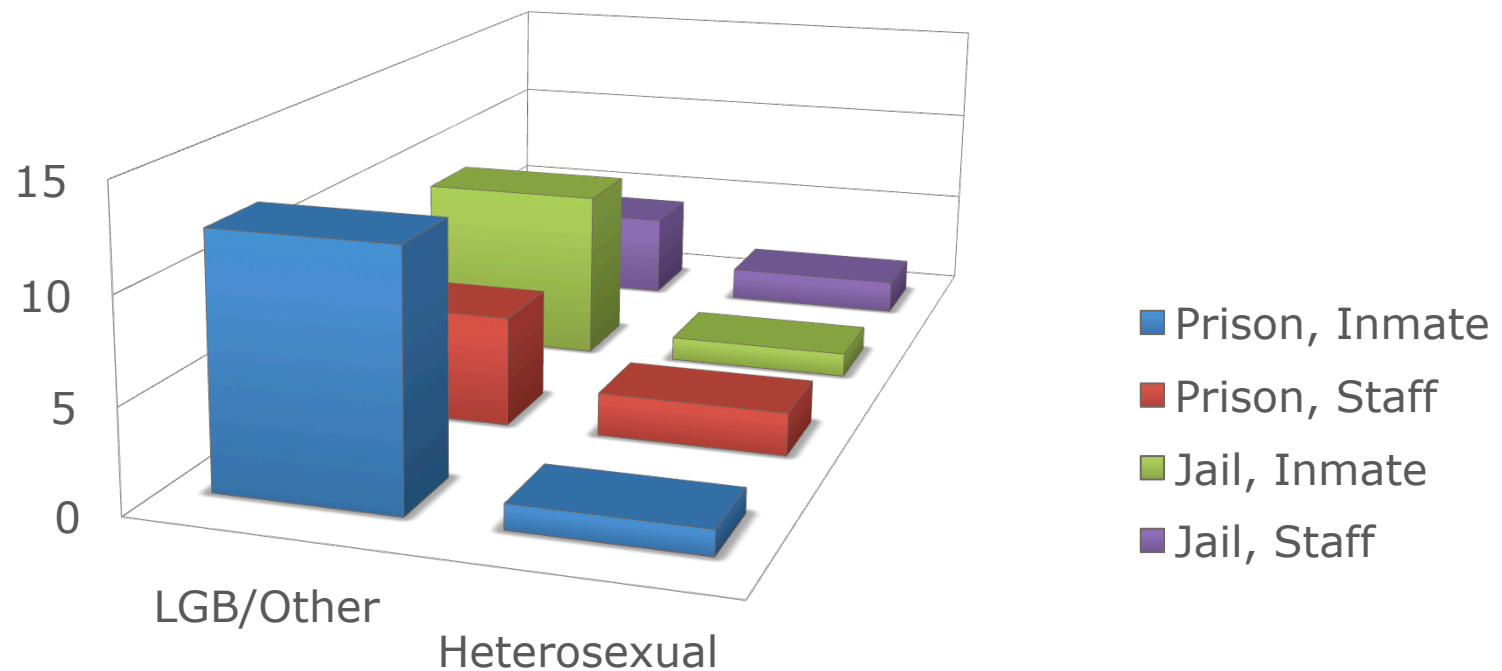
Bureau of Justice Statistics, 2013
Williams Institute, 2011



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Bureau of Justice Statistics, 2013

Sexual Victimization



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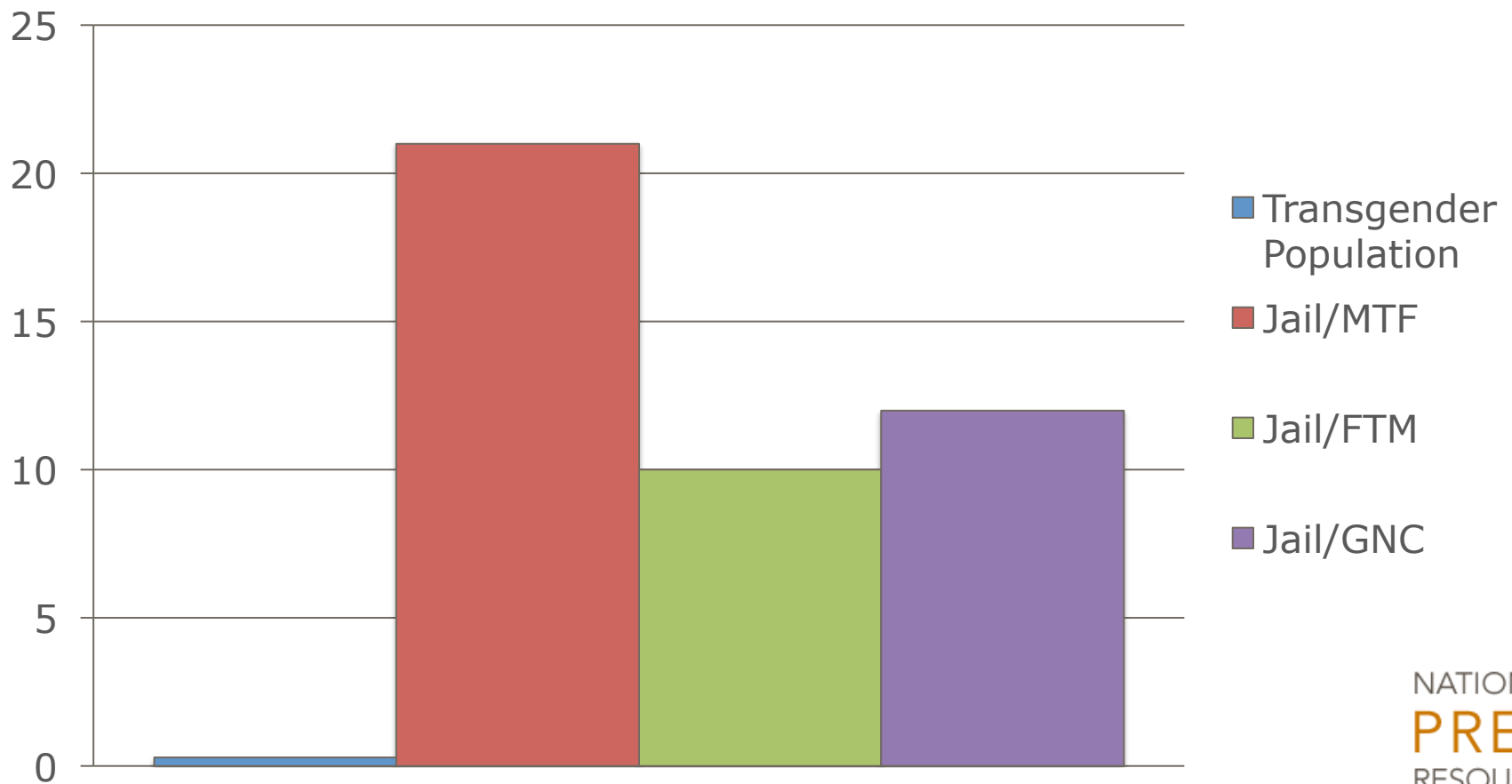
Question 5

Approximately what percentage of the adult population is transgender?

- a) Less than 1%
- b) 2%
- c) 3%

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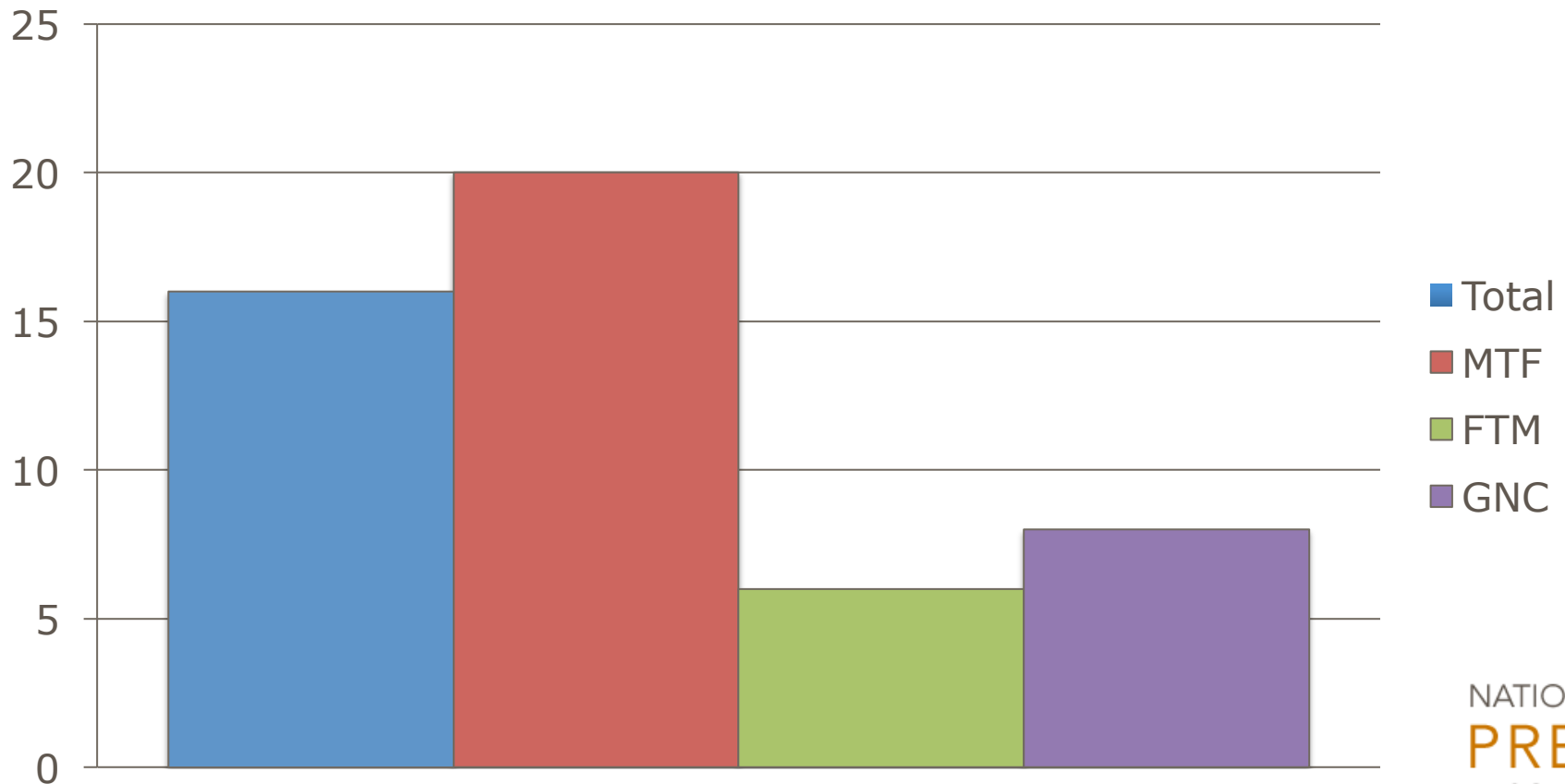
Williams Institute, 2011
National Transgender Discrimination Survey, 2011



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National Transgender Discrimination Survey, 2011

Sexual Assault by Anyone



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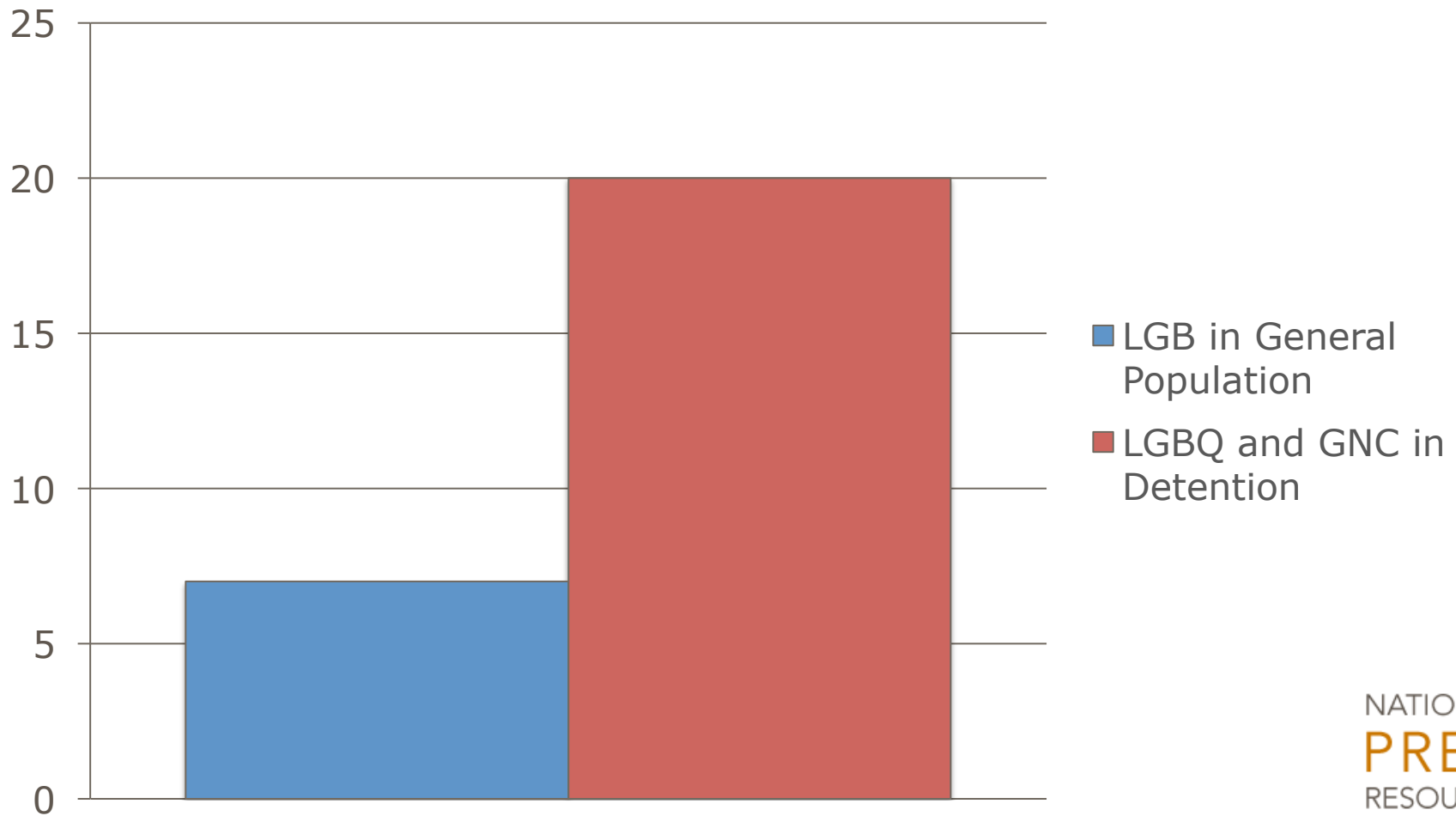
Question 6

About what percentage of the youth population is lesbian, gay, or bisexual?

- a) 7%
- b) 10%
- c) 12%

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LGBQ and GNC Youth in Detention



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Sexual Orientation and Gender Conformity, Girls

	Heterosexual	LBQ
Gender Conforming	60.1%	22.9%
Gender Nonconforming	7.8%	9.2%

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Sexual Orientation and Gender Conformity, Boys

	Heterosexual	GBQ
Gender Conforming	86.4%	3.5%
Gender Nonconforming	7.3%	2.8%

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Question 7

Incarcerated LGB youth reported being sexually abused by other youth _____ than heterosexual youth.

- a) 3
- b) 7
- c) 10

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Answer 7

- b) Seven times higher—youth with a sexual orientation other than heterosexual reported significantly higher rates of sexual victimization by other youth (10.3%) compared with heterosexual youth (1.5%).



Prison Rape Elimination Act Standards

PREA Standards: LGBTI Inmates and Residents

A Note on Perceptions

“Perceived” Status

Typically, “perceived” refers to how outsiders perceive another person’s sexual orientation, gender identity, or gender expression (SOGIE) and not how one perceives oneself.

PREA Standards: LGBTI Inmates and Residents

§ 115.31—Staff Training

- Requires training on effective and professional communication with lesbian, gay, bisexual, transgender, and intersex (LGBTI) and GNC inmates and residents.

Note: This standard does not apply to lockups.

§ 115.41—Screening for Risk of Sexual Victimization and Abusiveness

- § 115.41: Screening to determine if an inmate or resident is, or is perceived to be, LGBTI and/or GNC (language slightly different).

Note: This standard does not apply to lockups.

§ 115.86—Post-Incident Reviews

- § 115.86: Post-incident reviews—Consider whether incident was motivated by gender identity or LGBTI identification, status, or perceived status.

PREA Standards: LGBTI Inmates and Residents

§ 115.42—Use of Screening Information

- Prohibits placement of LGBTI inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

Note: This standard does not apply to lockups.

Unique to Juvenile Facilities

- § 115.342: Prohibits placement of LGBTI residents in particular housing, beds, or other assignments solely on the basis of their identification or status.
- § 115.342: LGBTI identification can NOT be used as a factor to predict sexual abuse.

PREA Standards: LGBTI Inmates and Residents

§115.15—Limits to Cross-Gender Viewing and Searches

- Prohibits searching or physically examining a transgender or intersex inmate or resident for the sole purpose of determining genital status.
- Security personnel must be trained in conducting professional and respectful cross-gender pat-down searches and searches of transgender and intersex inmates or residents.

Best practice: Allow transgender and intersex inmates and residents to choose the gender of the person to search them.

PREA Standards: LGBTI Inmates and Residents

§115.42—Use of Screening Information

- Facility, housing, and programming assignments for transgender and intersex inmates or residents shall be made on a case-by-case basis considering the following:
 - » Inmate or resident's health and safety;
 - » Management or security problems;
 - » Inmate's or resident's own view of their safety.
- Transgender and intersex inmates or residents must be given the opportunity to shower separately from other inmates or residents.

Note: This standard does not apply to lockups.

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Communicating With LGBTI Inmates and Residents

- Self-management: Be mindful of your own beliefs, cultural norms, and gaps in knowledge surrounding SOGIE; pay attention to body language and facial expressions.
- Do not ask sexual abuse questions immediately before or after asking questions about SOGIE.*
- Do not make assumptions based on stereotypes; ask all inmates and residents the same questions.
- Avoid exclusively using “he, him, her, she,” pronouns until you have more information about the inmate/resident:
 - » “What is your preferred name and gender pronoun?”

*See Sexual Minority Assessment Research Team. (2009). *Best practices for asking questions about sexual orientation on surveys*. Retrieved from The Williams Institute website, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/SMART-FINAL-Nov-2009.pdf>

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Thank you!

What's on your mind?

For More Information

Visit the **National PREA Resource Center** at www.prearesourcecenter.org or direct questions to info@prearesourcecenter.org.

For audit assistance, please contact one of the following.

Scott Catey
Senior Program Specialist
scatey@nccdglobal.org

Marion Morgan
Senior Program Specialist
mmorgan@nccdglobal.org

Tara Graham
Senior Program Specialist
tgraham@nccdglobal.org

Sarah True
Program Associate
strue@nccdglobal.org

Please complete the following evaluation:
<https://www.surveymonkey.com/s/WZCT5T8>

Join us for a webinar on February 10, 2014 to learn about asking questions about sexual orientation during screening.
<https://www1.gotomeeting.com/register/290499816>

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Citations

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