

# 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](mailto: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](mailto:kkall@vera.org)

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NCCD | National Council on  
Crime & Delinquency



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

## 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

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# PREA Resource Center

## **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 Institute of Justice



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.

# The Importance of Better Serving LGBTI and Gender Non-Conforming Inmates

- **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)

Facility Type	LGBTI	Heterosexual
Prisons	12.2%	1.2%
Jails	8.5%	1.2%
Juvenile Facilities	10.3%	1.5%

- **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>

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# Introducing Major Debra Schmidt

**Major Debra Schmidt**  
**Justice Management Bureau**  
**Harris County Sheriff's Office**  
**Houston, Texas**



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# Overview of Harris County Sheriff's Office

1200 Baker Street Jail



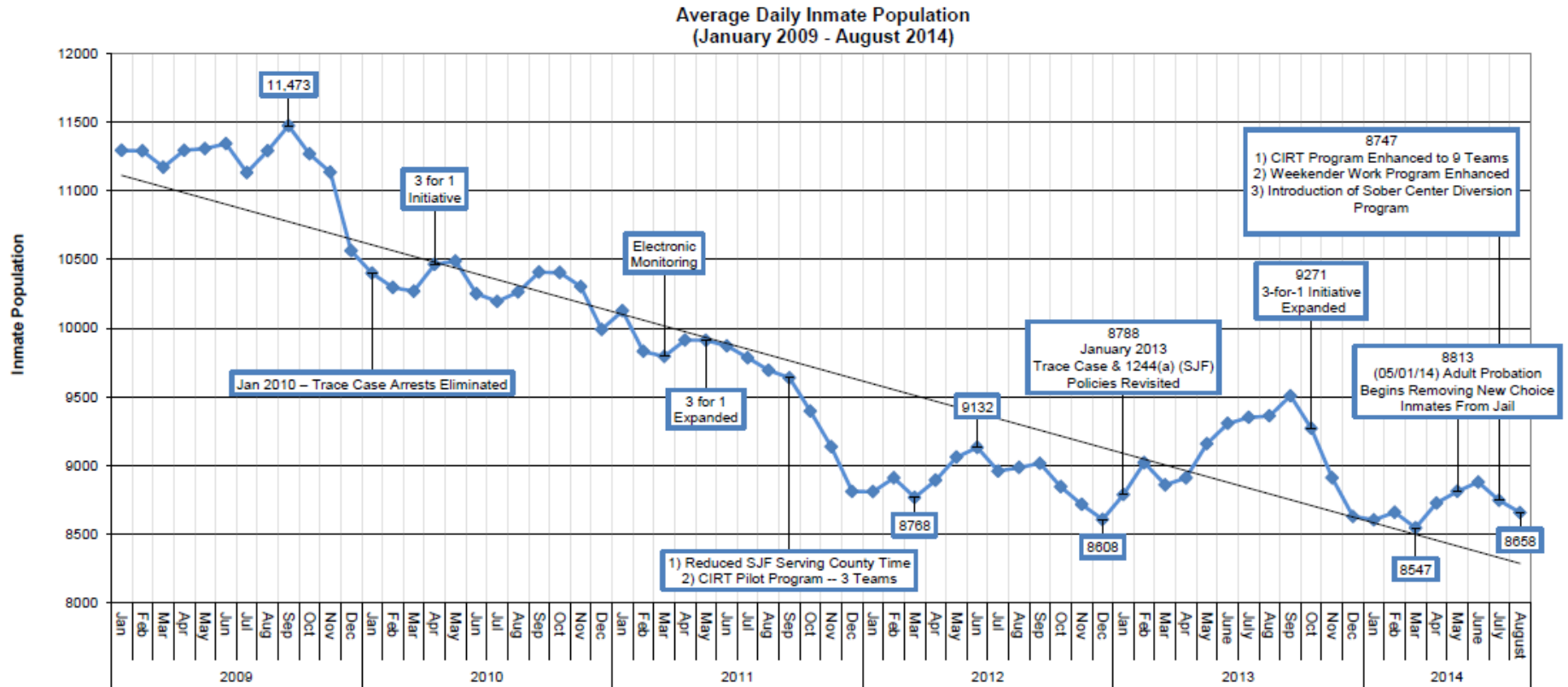
701 N. San Jacinto Street Jail



1307 Baker Street Jail



# Average Daily Inmate Population 2009-2014



Source: Harris County Budget Management Department; Revised September 03, 2014

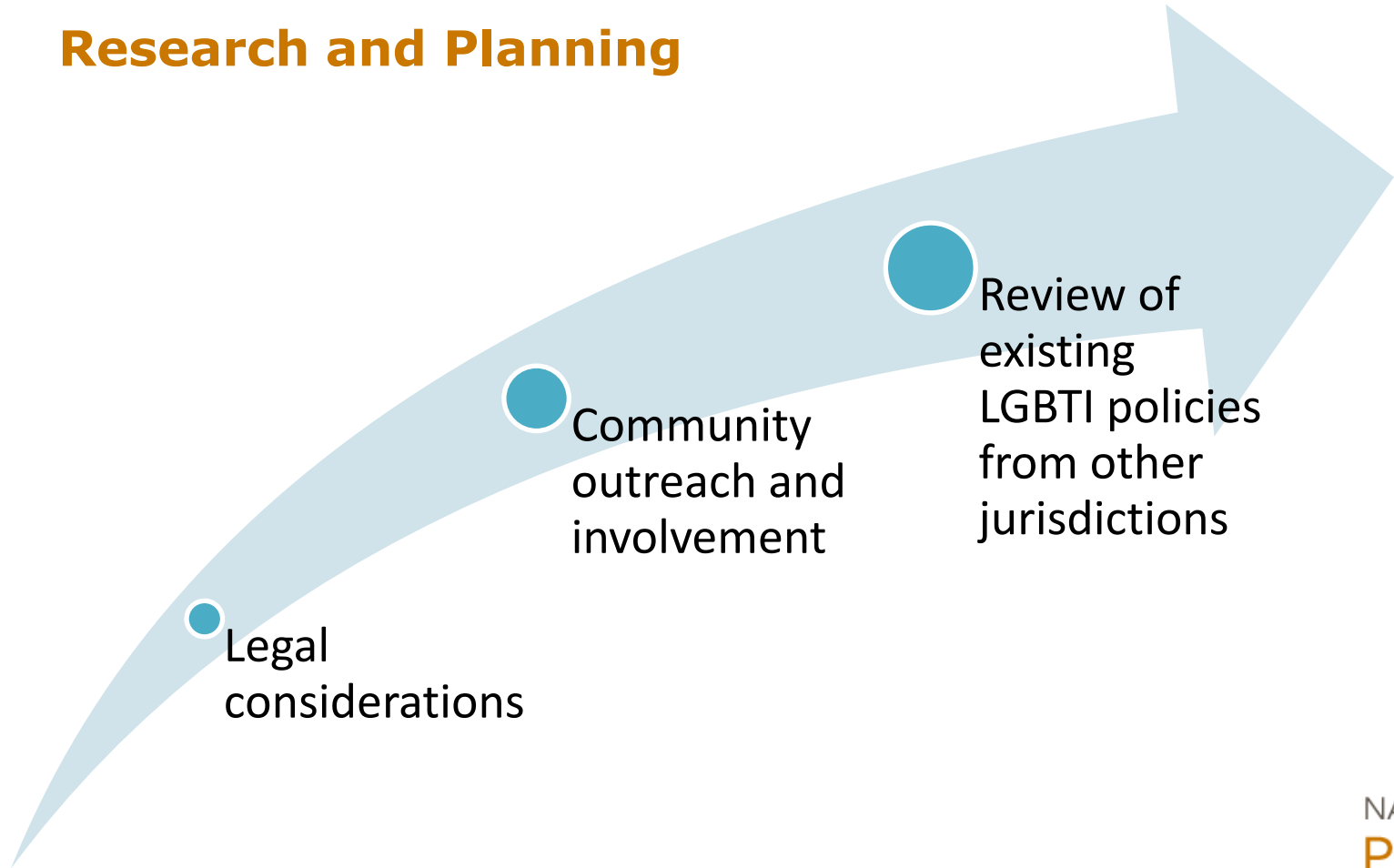
# Catalysts for Change

- **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



# 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

# Gender Classification Committee and Gender Classification Specialist

## 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.

## **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





# 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  
<http://williamsinstitute.law.ucla.edu/wp-content/uploads/AFSP-Williams-Suicide-Report-Final.pdf>

# Family Rejection

## **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.*

# School Harassment

## **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

Source: Gay, Lesbian, & Straight Education Network, 2012: *The 2011 National School Climate Survey* ([www.glsen.org/nscs](http://www.glsen.org/nscs)).

# 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

Source: Angela Irvine, National Council on Crime & Delinquency, 2012: *Finding Permanent Homes for LGBT Youth in the Child Welfare and Juvenile Justice Systems.*



# 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.**

Source: *William F. James Ranch Procedure Manual*

# 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](mailto: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](mailto:info@prearesourcecenter.org)

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

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