



Respectful Classification Practices with LGBTI Inmates

PREPARED FOR THE NEW YORK STATE DEPARTMENT OF CORRECTIONS AND
COMMUNITY SUPERVISION WITH TECHNICAL ASSISTANCE FROM THE NATIONAL
INSTITUTE OF CORRECTIONS

Why LGBTI
Responsive
Intake and
Classification
Matters

LESSON ONE

Overall training goals.....

- ▶ to encourage respectful communication with and about LGBTI correctional populations
- ▶ to provide you with an opportunity to gain knowledge and skills about respectful intake and classification procedures



By the end of the this training, you should be able to

- ▶ Provide the rationale for improving correctional intake and classification practices with LGBTI Inmates
- ▶ Be familiar with LGBTI terminology
- ▶ Be able to describe promising correctional intake and classification practices to ensure a culture of respect and safety with LGBTI Inmates



Good correctional practice with LGBTI inmates builds on.....

Reception staff must have clear guidelines for consistently identifying LGBTI inmates and following up.

- ▶ Strong interviewing skills
- ▶ An understanding of the importance of language and how words are used
- ▶ Knowledge of what to do with information gathered
- ▶ Knowledge of when to make referrals and recommendations to medical, mental health and others supports



We will do this by building on your existing skills, experiences and what you already know.....

and addressing some common myths and frequently asked questions regarding LGBTI populations and correctional practices

EXERCISE 1

MYTH OR TRUTH?

- ▶ Your facilitator will assign you a card with a statement relating to work with LGBTI populations
- ▶ At your table group, introduce yourselves, read the card aloud and determine whether you believe the statement is a MYTH or TRUTH
- ▶ Read the card aloud to the large group and share your thoughts about whether it is MYTH OR TRUTH

“

The agency shall train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates;

”

28 C.F.R. § 115.31: EMPLOYEE TRAINING, PRISON RAPE ELIMINATION ACT STANDARDS

PREA Standards provide federal guidelines regarding intake and classification practices with LGBTI Inmates and require staff training to support effective communication with LGBTI and gender non-conforming inmates.

LGBTI Quick Facts

National Landscape

- ▶ 2011/2012 BJS survey of Inmates noted that 8% of prison and 7% of jail populations identified as something other than "heterosexual"
- ▶ BJS statistics also tell us that LGBTI population is at a higher risk for sexual abuse by both inmates and correctional staff. This is true for all jurisdictions including adults and juveniles in jails, prisons, and community corrections
- ▶ Hate crimes committed against people due to sexual orientation are second only to racially motivated hate crimes

New York in Context

- ▶ In 2002, New York's [Sexual Orientation Non-Discrimination Act](#) (SONDA) took effect. SONDA "prohibits discrimination on the basis of actual or perceived sexual orientation in employment, housing, public accommodations, education, credit, and the exercise of civil rights."
- ▶ The Hate Crimes Act of 2000 covers sexual orientation but not gender identity

EXERCISE 2

LARGE GROUP DISCUSSION

Why is it particularly important that reception staff have clear and consistent terminology and protocols for intake and classification with LGBTI Inmates?

Intake and Classification Set the Stage

- ▶ Intake staff are the first point of contact for the correctional system and the facility
- ▶ Intake and classification BEGIN the reentry process at reception, through gathering accurate information
- ▶ Inaccurate or misleading information can lead to dire consequences for safety

YOU
set the tone

LGBTI Terminology

LESSON TWO

EXERCISE 3

LGBTI Terminology Matching Game

- ▶ Read the list of definitions in the right column
- ▶ Match them with the appropriate term in the left column
- ▶ Circle those that you don't know or have questions about

New York DOCCS New Classification Characteristics

Review NYDOCCS LGBTI Initial Security Classification Guideline Other Security Characteristics.

What questions do you have?





Implementing
Promising Intake
and
Classification
Practices with
LGBTI Inmates

LESSON THREE

Consider your Environment

- ▶ Inmate and Intake person out of ear shot of other Inmates and staff
- ▶ Take measures to maximize and respect privacy during the information sharing process
- ▶ If possible, have visual signs indicating that it is a "safe zone". For example, ADA compliance, PREA signs, etc.

The setting at intake plays a critical role in creating a safe and open environment for dialogue

Consider your Language

- ▶ Communication must be respectful and professional
- ▶ Language can be verbal and non-verbal
- ▶ Be empathetic not sympathetic listeners
- ▶ Be careful about use of pronouns

Creating an environment that supports open dialogue also involves the tone of the interview process

Consider Barriers to Self Disclosure by LGBTI Inmates

- ▶ **Rational calculation** An inmate may calculate that self-identifying as LGBTI may compromise their safety
- ▶ **Etiquette** An inmate may feel that sharing information on his / her sexual orientation may not be kept confidential
- ▶ **Self-esteem** The Inmate may be unwilling to reveal information that makes him / her feel badly about self
- ▶ **Trauma** The events in question may be so painful that the Inmate is reluctant to bring them up

EXERCISE 5

Small Group Discussion

- ▶ What are some examples of appropriate language during an intake interview that might put the inmate at ease and increase the likelihood that they will be honest?
- ▶ How should we ask questions that will put the interviewee and interviewer both at ease, even with some of the tough topics?

New York DOCCS Interview Guide Regarding Sexual Orientation and Gender Identity

- ▶ *Guide is designed to help correctly classify an inmate by properly identifying their sexual orientation, gender identity and related matters.*
- ▶ *Multiple versions of questions are provided to assist you in obtaining the pertinent information based upon the inmate's level of understanding*
- ▶ ***Conduct this interview in a private setting.***

“ We ask everyone questions about their sexual orientation and gender identity. The answers to these questions are important to help us keep you safe.... Are you attracted to men, women or both? ”
What is your sexual orientation ?

INVITING LGBTI POPULATIONS TO SELF IDENTIFY IS AN ESSENTIAL PRACTICE

Classification Questions Regarding Gender Identity

- ▶ *Do you see yourself as a man or a woman?*
- ▶ *Do you consider yourself to be transgender?*
- ▶ *What is your gender identity?*

- ▶ If inmate identifies as transgender, complete section 2

Question regarding intersex medical condition

- ▶ *Have you been told by a medical provider that you have an intersex medical condition?*
- ▶ If yes, complete section 2
- ▶ Ask if the inmate reported this condition during the medical screening. If the inmate did not previously report the condition, notify Facility Medical Director or Nurse Administrator.

Staff Observation

- ▶ *Does inmate appear to be gender nonconforming (i.e., does person's appearance or manner differ from traditional gender expectations)?*
- ▶ If yes, assign Other Security Characteristic 40

Section 2 - Follow-up Questions for Transgender and Intersex Inmates

- ▶ *Do you go by another name other than your given name?*
- ▶ *What pronouns do you prefer? Do you prefer to be called "he" or "she"?*
- ▶ *Do you dress as a man or woman outside of prison?*
- ▶ *How long have you been living as [a man/a woman]?*

Consider Housing with LGBTI Inmates

- ▶ Ask for the Inmate's preference on housing choices regarding where they feel most safe
- ▶ Don't force administrative segregation or protective custody on an Inmate
- ▶ If circumstances require you to do so for short-term until adequate housing can be established, explain to the Inmate why and how that will work

We encourage you to record and make note of the inmate's stated preferences so that they may be evaluated when determining appropriate placement.

While it may not always be possible to honor their wishes, you should collect this information, record it.

Then, convey to the inmate that you have recorded it, but are unable to guarantee where they will be housed.

Additional Resources

- ▶ National Institute of Corrections: <http://nicic.gov/lgbti>
- ▶ American Psychological Association: <http://www.apa.org/topics/lgbt/transgender.pdf>
- ▶ American Jail Association: PREA and LGBTI Rights <http://www.americanjail.org/prea-and-lgbti-rights/>
- ▶ National Center for Transgender Equality: http://transequality.org/PDFs/JailPrisons_Resource_FINAL.pdf
- ▶ NIC Laws and Policies: <http://nicic.gov/library/package/lgbtilegal>
- ▶ NIC Satellite Broadcast: Their Safety, Your Responsibility: <http://nicic.gov/library/026763>

Moving Forward

LESSON FOUR

Training Evaluation

Please take a moment to reflect on this training and provide us with your feedback on what you liked and what we could improve for subsequent trainings.

EXERCISE 5

My Training Take Aways...

In closing, share with the large group, your response to one of the following statements.....

- ▶ One thing I learned about working with LGBTI populations that I didn't know is.....
- ▶ The next thing I will do as a result of this training is.....