Understanding Lesbian, Gay, Bisexual, Transgender, Intersex Inmates, Residents, and Detainees

Training Webinar
Language and Terminology
Language and Terminology

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 another identity.

Which is different from ...

**Gender identity** refers to how a person understands their own gender (man, woman, both, neither, or another identity).

**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, or another expression).
**Sexual Orientation**

**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.

**Pansexual**: A person who is attracted to other people regardless of their gender identity, sex assigned at birth or gender expressions.
Language and Terminology

Gender Expression

**Gender conforming** describes a person’s appearance or manner that 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) describes a person’s appearance or manner that 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).
Transgender is an adjective (always remember to refer to “transgender people” and not “transgenders”) that describes a person’s gender identity when that identity 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 is an adjective that describes a person’s gender identity when that gender identity is the same as their sex assigned at birth.

Which are different from ...

Intersex is an adjective that 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.
Another note on intersex

DSD
New term(s): Disorders of Sex Development and Differences of Sex Development

Controversial:
Some advocates do not like the term “disorder”

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

### Intersex

<table>
<thead>
<tr>
<th>Type</th>
<th>Chromosomes</th>
<th>Sex Assigned at Birth</th>
<th>Gender Identity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Androgen Insensitivity Syndrome (AIS)</td>
<td>46 XY</td>
<td>Complete: Female Partial: Male or Female</td>
<td>Complete: Woman Partial: Woman or Man</td>
</tr>
<tr>
<td>Congenital Adrenal Hyperplasia (CAH)</td>
<td>46 XX</td>
<td>Female or Male</td>
<td>Woman</td>
</tr>
<tr>
<td>(not intersex for those born with 46 XY)</td>
<td>(and more)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Klinefelter Syndrome</td>
<td>47 XXY</td>
<td>Male</td>
<td>Man</td>
</tr>
</tbody>
</table>
## Language and Terminology

### Transgender and Gender Nonconformity

<table>
<thead>
<tr>
<th>Birth Certificate</th>
<th>Gender Identity</th>
<th>Gender Expression</th>
<th>Transgender?</th>
<th>Gender Nonconforming?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Male</td>
<td>Man</td>
<td>Masculine</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>2) Male</td>
<td><strong>Man</strong></td>
<td>Feminine</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>3) Male</td>
<td><strong>Woman</strong></td>
<td>Feminine</td>
<td>Yes, woman (transwoman)</td>
<td>No</td>
</tr>
</tbody>
</table>

*Note: The red circles indicate the highlighted gender identities.*
Language and Terminology Review
Question 1
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) Transgender
D) Both (b) and (c)
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:

**Answer**

B) Gender nonconforming.
Question 2

Gender expression is a good indicator of someone’s sexual orientation?

A) True
B) False
Question 2

Gender expression is a good indicator of someone’s sexual orientation?

Answer

B) False. Someone’s gender expression (how they dress, behave, etc.) is not an indicator of their sexual orientation.
You should always refer to individuals whose current gender identity is not the same as their assigned sex at birth as “transgender”.

A) True
B) False
Question 3
You should always refer to individuals whose current gender identity is not the same as their sex at birth as “transgender”.

Answer 3
B) False. Never assume how someone would like to be referenced. Many transgender individuals only refer to themselves as the gender they have transitioned to. It is best to ask everyone how they identify.
Question 4

A transgender woman is someone who is:

A) A man pretending to be a woman.

B) A man dressed in women’s clothing (“cross-dresser”).

C) A woman dressed in men’s clothing.

D) A woman whose sex assigned at birth is male.
Question 4

A transgender woman is someone who is:

Answer 4

D) A transgender woman is a woman whose sex assigned at birth was male. Conversely, a transgender man is a man whose sex assigned at birth was female.
Population Data
Percentages of Prison and Jail Inmates in the U.S. who Identify as Lesbian, Gay, or Bisexual

- LGB in U.S. Population: 3.5%
- GB Men in Jail: 6.5%
- GB Men in Prison: 9.3%
- LB Women in Jail: 35.7%
- LB Women in Prison: 42.1%

Williams Institute, 2017
Rates of Sexual Victimization Among Heterosexual and LGB Inmates

<table>
<thead>
<tr>
<th>Situation</th>
<th>Heterosexual Inmates</th>
<th>LGB/Other Inmates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff-on-Inmate (Jails)</td>
<td>1.7%</td>
<td>4.3%</td>
</tr>
<tr>
<td>Inmate-on-Inmate (Jails)</td>
<td>1.2%</td>
<td>8.5%</td>
</tr>
<tr>
<td>Staff-on-Inmate (Prisons)</td>
<td>2.1%</td>
<td>5.4%</td>
</tr>
<tr>
<td>Inmate-on-Inmate (Prisons)</td>
<td>1.2%</td>
<td>12.2%</td>
</tr>
</tbody>
</table>
Lesbian, Gay, Bisexual, Questioning and Gender Nonconforming (LGBQ/GNC) Youth in Detention

- **11%** of LGB Youth in U.S. Population
- **20%** of LGBQ Youth and GNC in Detention

## Sexual Orientation and Gender Conformity, Girls

<table>
<thead>
<tr>
<th></th>
<th>Heterosexual</th>
<th>LBQ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender Conforming</td>
<td>60.1%</td>
<td>22.9%</td>
</tr>
<tr>
<td>Gender Nonconforming</td>
<td>7.8%</td>
<td>9.2%</td>
</tr>
</tbody>
</table>

Irvine and Canfield, 2017
**Sexual Orientation and Gender Conformity, Boys**

<table>
<thead>
<tr>
<th>Gender Conformity</th>
<th>Heterosexual</th>
<th>GBQ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender Conforming</td>
<td>86.4%</td>
<td>3.5%</td>
</tr>
<tr>
<td>Gender Nonconforming</td>
<td>7.3%</td>
<td>2.8%</td>
</tr>
</tbody>
</table>

Irvine and Canfield, 2017
Rates of Sexual Abuse on Youth by Staff

- GB Boys: 15%
- LB Girls: 4.6%
- Hetero Boys: 8.9%
- Hetero Girls: 2.2%

Reported Rates of Incarceration for Transgender Individuals

Williams Institute, 2016
National Transgender Discrimination Survey, 2016
National Transgender Discrimination Survey, 2011
Sexual Victimization of Adult Transgender Inmates – Prisons and Jails

**Bureau of Justice Statistics 2011-12 Survey of Inmates**

Prisons - 39.9% of transgender inmates sexually victimized (33.2% inmate-on-inmate, 15.2% staff sexual misconduct)

Jails – 26.8% of transgender inmates sexually victimized (15.8% inmate-on-inmate, 18.3% staff sexual misconduct)

74.3% of incidents were nonconsensual sexual acts by an inmate on another inmate and 85.1% of these incidents involved nonconsensual sexual acts on an inmate by a staff member.

72.2% of incidents were force or threat of force by an inmate on another inmate and 51.1% were force or threat of force by a staff member.
Population Data Review
Question 1
Heterosexual inmates and residents are at highest risk for being sexually abused in facilities.

A) True
B) False
Population Data Review

Question 1

Heterosexual inmates and residents are at highest risk for being sexually abused in facilities.

Answer 1

B). False. LGBT inmates and residents are at highest risk for sexual abuse. Refer to BJS 2013 statistics slide.
Question 2

Incarcerated lesbian, gay, and bisexual youth reported being sexually abused by other youth ____ than heterosexual youth.

A) 3 x more often
B) 7 x more often
C) 10 x more often
Incarcerated lesbian, gay, and bisexual youth reported being sexually abused by other youth ____ than heterosexual youth.

**Answer 2**

B) Seven times more often—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%).

The 2017 Williams Institute report determined that gay and bisexual boys were almost **11 times** more likely to be victimized by other youth.
Question 3
What percentage of girls in detention identify as lesbian, gay, bisexual and/or gender nonconforming?

A) 13%
B) 23%
C) 40%
Question 3
What percentage of girls in detention identify as lesbian, gay, bisexual and/or gender nonconforming?

Answer 3
C) 40% of girls in detention facilities identify as lesbian, gay, bisexual, and/or gender nonconforming.
Population Data Review

Question 4

Approximately what percentage of the adult transgender population will experience incarceration in their lifetime?

A) Less than 1%
B) 16%
C) 25%
Population Data Review

**Question 4**

Approximately what percentage of the adult transgender population will experience incarceration in their lifetime?

**Answer 4**

B) 16% of transgender individuals will experience incarceration in their lifetime.
Question 5

Heterosexual girls are at highest risk for sexual victimization by staff in detention facilities.

A) True

B) False
Question 5
Heterosexual girls are at highest risk for sexual victimization by staff in detention facilities.

Answer 5
B) False. Gay and bisexual boys experience the highest rates of sexual victimization by facility staff.
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.
Effective Communication

Communicating With LGBTI Inmates and Residents

People may see themselves in a way that is different than the way you see them.

Keep in mind that many people do not use labels to define themselves, but you must be aware of behaviors and appearances that place them at risk of discrimination, sexual harassment, and sexual victimization.

Remember that some transgender people will refer to their gender as the one they transitioned to and not use the term “transgender” (e.g., someone assigned “male” at birth who transitioned to being a female or a girl will say she is a “girl” and not a “transgender girl”).
Effective Communication

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, and let them know that you ask everyone the same questions.

Effective Communication

Communicating With LGBTI Inmates and Residents

• Use the language people use to refer to themselves, including names and pronouns. Additionally, do not refer to transgender inmates’ legal names as their “real” names.

• Do not refer to transgender people’s transitions as resulting in looking like a “real” man or “real” woman.

• Do not assume someone is not transgender because he or she has not had gender affirming surgery or made other physical changes to their appearance.

*See resource from Equity project at the end of the webinar for additional best practices. Sexual
Effective Communication

Communicating With LGBTI Inmates and Residents

• Remember “silent” communication: Ensure that your physical space is welcoming by including posters, signs, books, and materials that are affirming of LGBTI people.

• Avoid exclusively using “he, him, her, she,” pronouns until you have more information about the inmate/resident:
  » “What is your name and what pronoun(s) do you use?”
  » Use the pronoun a person prefers
Effective Communication

Communicating With ALL Inmates and Residents

Examples of inclusive screening questions

• What is your gender?
• What was your assigned sex at birth?
• What is your gender expression?
• What is your sexual orientation?
• Who are you attracted to?

• For staff conducting the interview: Does the person’s gender expression match the cultural and societal expectations for that gender in their general community?

Note: It is very important to weave SOGIE-related questions into other demographic questions, such as age and race/ethnicity, to make everyone as comfortable as possible.
Effective Communication
Review
Question 1

It is important that you ask inmates and residents who you perceive to be LGBTI how they identify.

A) True

B) False
Question 1

It is important that you ask inmates and residents who you perceive to be LGBTI how they identify.

Answer 1

Both A) and B). It is important that you ask everyone about their identities, including those you perceive to be LGBTI.
Question 2

When should SOGIE questions be asked?

A) Right before questions about sexual abuse
B) Right after questions about sexual abuse
C) Throughout screening as part of a conversation
D) In their own section
Question 2
When should SOGIE questions be asked?

Answer 2
C) Throughout the screening process. Avoid placing SOGIE questions near sexual abuse questions or in their own section.
Question 3

It is important that you do *not* make the SOGIE questions too conversational to avoid being intrusive.

A) True

B) False
Question 3

It is important that you do not make the SOGIE questions too conversational to avoid being intrusive.

Answer 3

B) False. It is important that the SOGIE questions be as conversational as possible in order to signal safety and acceptance to the inmate, resident or detainee that is responding.
Question 4

When asking about sexual orientation, which one of these questions is most likely to create an inclusive environment and therefore allow the inmate, resident, or detainee to disclose important information to you?

A) “Um, are you…gay?”

B) “So, are you lesbian, gay, bisexual, transgender or intersex?”

C) “What is your sexual orientation?”

D) “What’s up with your outfit?”
Question 4

When asking about sexual orientation, which one of these questions is *most likely* to create an inclusive environment and therefore allow the inmate, resident or detainee to disclose important information to you?

Answer 4

C) “What is your sexual orientation?”
Best Practices
Best Practices

- Anti-Discrimination Policy
- Training and Education
- Collect SOGIE Data
- Adopt PREA Standards and other best practices
Free Training and Technical Assistance

DID YOU KNOW THE PREA RESOURCE CENTER OFFERS

FREE Training and Technical Assistance

- Policy Review
- Coaching: Executive, Curriculum Development and Delivery, Regional Collaboratives
- Specialized Expertise: LGBTI, Investigations, Risk Screening
- Onsite or Regional Training
- Presentations
- Audit Preparation Assistance

Visit www.prearesourcecenter.org for more information
Additional Resources

Additional terminology
http://itspronouncedmetrosexual.com/2013/01/a-comprehensive-list-of-lgbtq-term-definitions/

For survivors of sexual assault in facilities

Best Practices for LGBT youth in the juvenile justice system

LGBT Non-discrimination policies throughout the country
http://www.equityproject.org/type/policy/

Communicating with and supporting transgender individuals
https://transequality.org/sites/default/files/docs/resources/Ally-Guide-July-2016_0.pdf

Youth incarceration statistics
http://www.lgbtmap.org/file/lgbtq-incarcerated-youth.pdf
Additional Resources

Reports of works cited in presentation


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http://www.lgbtmap.org/file/lgbtq-incarcerated-youth.pdf
Citations


Citations


Questions and Answers

PREA requires our departments to collect data on sexual orientation, gender identity and gender expression.

We have a lot of girls that are “gay for the stay”, how do we account for them in our SOGIE data?
There is a transgender woman who comes into my facility frequently. She has requested to be housed with the males. Will this create compliance issues for my facility if we house her with the males?
If a transgender individual comes into the facility, is it appropriate to have an officer of one gender search half of the individual and an officer of the opposite gender search the other half?
PREA requires we collect SOGIE data. I know that these questions are going to offend some of the individuals coming into my facility, particularly the males.

What can we do if they don’t want to answer the questions?
My facility is working to be in compliance, but we can’t house transgender women with the female population without either the transgender women causing fights or the other female inmates complaining. What are our options?
Thank You for Listening!

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

Please take a moment to fill out the evaluation form linked in the description on our website. Your feedback helps us to provide future events and resources.