

	JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 505 KAR 1:170, DJJPP 301
CHAPTER: Prison Rape Elimination Act of 2003 (PREA)		AUTHORITY: KRS 15A.065; 28 C.F.R. 115; 28 C.F.R 115.315; 28 C.F.R 115.331; 28 C.F.R 115.341; 28 C.F.R 115.342; 28 C.F.R 115.386
SUBJECT: Sexual Orientation and Gender Identity		
POLICY NUMBER: 912		
TOTAL PAGES: 3		
EFFECTIVE DATE: 03/09/18		
APPROVAL: Carey D. Cockerell		, COMMISSIONER

I. POLICY

In accordance with state and federal laws, each juvenile under the jurisdiction of the Department for Juvenile Justice (DJJ), shall have the right to live in an environment free of harassment and discrimination. DJJ shall be committed to providing a healthy and accepting setting for juveniles placed in the custody, care, or supervision of DJJ. DJJ staff shall respect the dignity of heterosexual, lesbian, gay, bisexual, transgender, questioning, and intersex (LGBTQI) juveniles and create an environment that is safe and free of discrimination.

II. APPLICABILITY

This policy shall apply to all DJJ staff, interns, volunteers, contractors, and juveniles under the custody, care, or supervision of DJJ.

III. DEFINITIONS

Refer to Chapter 900.

IV. PROCEDURES

- A. DJJ staff shall provide quality services and treatment to juveniles regardless of their actual or perceived sexual orientation, gender identity, or gender expression.
- B. DJJ staff shall provide fair and equal treatment without bias and in a professional and confidential manner based on principles of sound professional practice to LGBTQI juveniles in the care and custody of DJJ.
- C. DJJ staff, contractors, interns, or volunteers shall not disclose the sexual orientation or gender identity of a juvenile to another juvenile, the family or friends of that juvenile, and other outside individuals or agencies, including health care or social service providers, without the permission of the juvenile, unless such disclosure is necessary to comply with state or federal law.

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- D. This confidentiality restriction does not prevent DJJ staff, interns, volunteers, or contractors from discussing the needs or services of a juvenile with other staff members or when resolving a grievance.
- E. LGBTQI juveniles shall not be placed in isolation or segregation as a means of keeping them safe from discrimination, harassment, or abuse. LGBTQI juveniles shall not be treated or classified as a juvenile sex offender (JSO) unless required by a court.
- F. Facility staff shall make housing decisions for all juveniles including transgender and intersex juveniles based on the individualized needs of a juvenile; and shall prioritize the emotional and physical safety of a juvenile, taking into account the perception of where they will be most secure, as well as any recommendations from the health care provider of the juvenile.
- G. DJJ staff, volunteers, interns, religious leaders, and contractors shall show respect to all juveniles in DJJ facilities regardless of sexual orientation or gender identity.
- H. DJJ shall provide transgender and intersex juveniles with safety and privacy when using the shower and bathroom and when dressing and undressing.
- I. DJJ staff shall not require transgender and intersex juveniles to shower or undress in front of other juveniles; and transgender juveniles shall be permitted to use single occupancy bathrooms and showers, if available. Such accommodation shall be provided in a sensitive manner.
- J. DJJ staff shall provide LGBTQI juveniles access to medical and mental health care providers who are knowledgeable about the health care needs of LGBTQI juveniles.
- K. LGBTQI juveniles shall not participate in JSO treatment or counseling, unless required to do so by a court or as necessary to address sexually offending behaviors.
- L. The juvenile sex offender treatment program (JSOTP) shall not discriminate based on sexual orientation, gender expression, intersex condition, or gender identity and shall not criminalize LGBTQI identity.
- M. DJJ staff shall not physically search a LGBTQI juvenile in a manner that is humiliating or degrading or for the purpose of determining the anatomy of a juvenile. Only qualified medical staff may conduct medical exams or searches that involve the removal of clothing revealing breasts, buttocks, or genitalia, except other staff may conduct such exams or searches in exigent circumstances as necessitated by safety concerns.
- N. Staff shall consult a transgender juvenile regarding staff gender preferences for conducting a pat down search and body identification. A transgender juvenile may request the gender of the staff member who will conduct the pat down search and body identification. All special requests shall be documented in the individual client record (ICR) of the juvenile. DJJ shall accommodate a request when possible and consistent with maintaining the security of the facility.

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- O. DJJ staff shall not search or physically examine a transgender or intersex juvenile resident for the sole purpose of determining the resident's genital status. Only qualified medical staff may conduct medical exams or searches that involve the removal of clothing revealing breasts, buttocks, or genitalia, except in exigent circumstances as necessitated by safety concerns.
- P. DJJ staff shall be trained on how to conduct cross-gender pat down searches, and searches of transgender and intersex juveniles, in a professional and respectful manner, and in the least intrusive manner possible that is consistent with security needs.
- Q. Each DJJ program shall provide an inclusive organization culture where the dignity of every juvenile is respected and all youth are safe. When juveniles arrive at the program they shall be informed in intake or orientation that name-calling and other harassment is disrespectful and not accepted. Staff shall remind juveniles that harassment of LGBTQI juveniles is not acceptable. Anytime staff becomes aware of any harassment or disrespectful communications staff shall report it to the next line supervisor and address the behavior immediately. Staff shall promptly and consistently intervene to stop a juvenile from using terms that convey hatred, contempt, or prejudice toward LGBTQI juveniles, and shall initiate disciplinary action against juveniles who harass others.

V. STAFF TRAINING

- A. DJJ staff working directly with juveniles shall be trained to work with LGBTQI juveniles to ensure that staff have the awareness and capacity to effectively work with LGBTQI juveniles in a facility. This training shall include:
 - 1. Goals and requirements of the facility regarding nondiscriminatory practices toward LGBTQI juveniles;
 - 2. Information on working with LGBTQI juveniles in a respectful and nondiscriminatory manner; and
 - 3. Material on recognizing, preventing, and responding to harassment against LGBTQI juveniles.
- B. DJJ staff working directly with a juvenile shall receive training regarding the LGBTQI community. These trainings shall be conducted by a qualified trainer, with expertise in working with the LGBTQI community.
- C. The Agency PREA Compliance Officer shall train all PREA Coordinators regarding this policy.
- D. The PREA Coordinators shall train all DJJ staff in their respective facility or community offices regarding this policy.

VI. MONITORING MECHANISM

The Agency PREA Compliance Officer or designee shall conduct an annual audit to verify that DJJ staff are being trained regarding this policy.