



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF YOUTH REHABILITATION SERVICES  
POLICY AND PROCEDURES MANUAL

<b>POLICY NUMBER:</b>	DYRS-007
<b>RESPONSIBLE OFFICES:</b>	Agency-wide
<b>EFFECTIVE DATE OF POLICY:</b>	May 11, 2012
<b>SUPERSEDES POLICY:</b>	N/A
<b>SUBJECT:</b>	Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Youth

**I. PURPOSE**

The purpose of this policy is to provide a safe, healthy, accepting environment for lesbian, gay, bisexual, transgender, questioning and intersex (LGBTQI) youth, and to prevent harassment and discrimination against youth who self-identify or are perceived as LGBTQI. In addition, the purpose of this policy is to create a system free from organizational and personal biases, both intentional and unintentional, and to establish operational practices that respect the dignity of LGBTQI youth, recognizing and addressing the individual needs of all youth.

**II. POLICY**

DYRS staff shall provide the highest quality of services to youth regardless of actual or perceived sexual orientation, gender identity, or gender expression. Staff shall provide fair and equal treatment to all youth in DYRS care and custody, and shall protect youth from harassment and discrimination. DYRS staff shall work to meet the diverse needs of youth in their care and shall provide a safe, healthy and accepting environment in which all individuals are treated with respect and dignity.

**III. AUTHORITY**

This policy is governed by all applicable District of Columbia and Federal laws including the DYRS Establishment Act, D.C. Official Code §§ 2-1515.01 *et seq.* (2008), the D.C. Human Rights Act, D.C. Official Code §§ 2-1401.01 *et seq.*, and the District of Columbia Personnel Manual (DPM), Chapters 16 and 18, and § 2-1402.73.

**IV. SCOPE**

The policies and procedures herein shall apply to all DYRS employees, volunteers and contractors who provide direct services to youth admitted to the New Beginnings Youth Development Center (New Beginnings) and the Youth Services Center (YSC), and all youth in the care and custody of the Department.

**V. DEFINITIONS**

- A. Bisexual – A person who is emotionally, spiritually, physically, and/or sexually attracted to those of either gender.
- B. Gay – A person who is emotionally, spiritually, physically, and/or sexually attracted to those of the same gender, typically in reference to boys or men.

- C. Gender expression – The manner in which a person expresses his or her gender identity to others; a combination of behavior, hairstyles, voice, body characteristics, or other gender-related behaviors.
- D. Gender identity – A person’s internal, deeply felt sense of being male or female, or in between, regardless of the person’s sex at birth.
- E. Harassment – Conduct that may include, but is not limited to, name-calling; disrespectful gestures, jokes or comments; inappropriate touching; threats of physical or emotional acts or negative consequences (including religious condemnation); pantomiming inappropriate behavior; shunning or isolation; or attempting to change a youth’s sexual orientation or gender identity.
- F. Intersex individual - A person who has sexual or reproductive anatomy and/or a chromosomal pattern that does not fit typical male or female anatomy or chromosomal patterns.
- G. Lesbian – A person who identifies as a woman and is emotionally, spiritually, physically, and/or sexually attracted primarily to members of the same gender.
- H. Questioning – A person, often an adolescent, who is exploring or unsure about issues of sexual orientation or gender identity or expression in his or her life.
- I. Sexual orientation – The internal experience that determines whether we are physically and emotionally attracted to men, women, both, or neither (asexual).
- J. Transgender – A person whose gender identity, expression, or behavior is different from that typically associated with their sex assigned at birth.

## VI. POSITIVE YOUTH DEVELOPMENT

- A. DYRS staff shall promote the positive development of all youth in the care and custody of DYRS. Staff shall model behavior expected of youth, including demonstrating respect for all youth; reinforcing respect for differences among youth; encouraging development of healthy self-esteem; and helping youth manage the stigma sometimes associated with differences.
- B. DYRS staff shall model respectful, accepting behavior and choice of language when interacting with LGBTQI youth. Staff shall remind all youth that anti-LGBTQI threats of violence, actual violence, abuse, harassment and disrespectful or suggestive comments or gestures will not be tolerated, and shall enforce these rules.
- C. DYRS staff shall provide LGBTQI youth with access to educational, rehabilitative, recreational and other programming to the same extent as other youth. Youth shall not be denied opportunities to participate in activities or programming based on their sexual orientation or gender identity.
- D. DYRS staff shall not engage in harassment, discrimination against or abuse of youth.

## VII. CONFIDENTIALITY

- A. DYRS staff shall not disclose a youth’s sexual orientation or identity as a transgender individual to other youth or to outside individuals or agencies, including health care or social service providers or a youth’s family or friends, without the youth’s permission, unless such disclosure is necessary

to comply with state or federal law.

- B. DYRS staff shall explain to youth the extent and limits of their ability to keep information about LGBTQI status confidential.
- C. DYRS staff inside and outside the secure facilities shall communicate information within the agency about a youth's LGBTQI status only if relevant to treatment, case planning and finding effective services for youth.
- D. Any disclosure of confidential information related to a youth's LGBTQI status shall be limited to information necessary to achieve a specific beneficial purpose and shall be communicated only to the individuals necessary to achieve that purpose.
- E. This confidentiality restriction does not prevent individuals working at DYRS secure facilities from discussing a youth's needs or services with other staff members or when resolving a grievance.

### VIII. INTAKE AND CLASSIFICATION

- A. DYRS staff who do not provide medical or behavioral health services shall not directly ask youth residents at DYRS secure facilities if they are LGBTQI. Intake staff at New Beginnings and YSC shall inquire every youth resident, regardless of sexual orientation, gender identity, or gender expression, whether there are any circumstances that make youth concerned about their safety or whether they might be harassed at the facility.
- B. If a youth discloses his or her sexual orientation, gender identity, or gender expression, staff shall talk with the youth about it in an open and non-judgmental, understanding manner and determine if the youth has particular concerns or needs related to being LGBTQI.
- C. The classification committee shall decide on housing assignments for all youth residents at DYRS secure facilities. The committee shall follow the classification policy, taking into account the completed assessments and any information the youth has shared during intake that may indicate a need for a particular housing situation.
- D. All classification and housing decisions at DYRS secure facilities shall be based on youths' individualized needs, prioritizing the youth's physical and emotional well-being. Transgender and intersex youth shall not automatically be housed according to their genitalia. In addition to the general considerations that apply to all classification and housing decisions, DYRS staff shall make housing decisions for transgender youth taking into account the youth's perception of where he or she will be most secure, as well as any recommendations from the youth's health care provider.
- E. Pending a decision of the classification committee, youth at DYRS secure facilities shall be housed and supervised in a manner to keep them safe.
- F. LGBTQI youth at DYRS secure facilities shall not be placed in isolation or segregation as a means of keeping them safe from discrimination, harassment or abuse except under court order or for medical reasons. LGBTQI youth shall not be treated or classified as sex offenders unless required by a court.
- G. If a DYRS secure facility is overcrowded and there is a need for housing youth together in common rooms, LGBTQI youth shall not be prohibited from having roommates or sleeping in overflow areas based on their actual or perceived sexual orientation, gender identity, or gender expression.

- H. All youth at DYRS secure facilities shall have the opportunity to request that the classification committee re-examine their housing situations if they feel unsafe in their current housing. Staff, volunteers and contractors responsible for conducting orientation shall inform youth of this opportunity during orientation. Youth may request reclassification by talking to a staff member or by using the written grievance process.

#### **IX. NAMES AND LANGUAGE**

- A. DYRS staff, volunteers and contractors shall use respectful language and terminology that does not further stereotypes about LGBTQI people, and shall not refer to youth by using language that conveys bias towards or hatred of LGBTQI people. Employees, volunteers and contractors shall not imply to or tell LGBTQI youth that they are abnormal, deviant or sinful based on their sexual orientation, gender identity, or gender expression, or that they can or should change their sexual orientation, gender identity, or gender expression.
- B. Each youth may choose a preferred name and pronoun to be used at the facility that reflects his or her gender identity, even if his or her name has not been legally changed. Youth may indicate whether they want their chosen names to be used in writing and whether they want them shared with anyone outside of the facility.

#### **X. CLOTHING AND GENDER PRESENTATION**

- A. Youth shall be permitted to dress and present themselves in a manner consistent with their gender identities.
- B. DYRS staff shall provide all youth at DYRS secure facilities with institutional clothing, including undergarments, of the youth's choice.
- C. Grooming rules and restrictions, including rules regarding hair, makeup, and shaving, shall be the same in male and female units at DYRS secure facilities. Youth shall not be required to maintain hairstyles or to dress in keeping with a style perceived to be appropriate for one gender or the other.

#### **XI. BATHROOMS AND SHOWERS**

- A. DYRS staff shall provide all youth with safety and privacy when using the shower and bathroom and when dressing and undressing. No youth shall be required to shower or undress in front of other youth.

#### **XII. MEDICAL AND MENTAL HEALTH CARE**

- A. DYRS staff shall provide transgender youth with access to medical and mental health care providers who are knowledgeable about the health care needs of transgender youth, if the youth requests assessment or treatment. DYRS will provide all recommended transition-related treatments in accordance with the medical and mental health assessments performed by the youth's health care provider and will provide transportation for the youth to receive such treatments, if necessary.
- B. If prior to arriving at a DYRS secure facility a transgender youth has been receiving transgender-related medical care, such as hormone therapy or supportive counseling, DYRS

medical staff shall consult with the youth's medical providers and may continue to provide the youth with all transition-related treatments that are medically necessary according to the youth's provider and accepted professional standards.

- C. DYRS health care providers shall facilitate exploration of gender or sexuality concerns with LGBTQI youth in the same manner as with other youth: by being open and nonjudgmental.
- D. In accordance with accepted health care practices which recognize that attempting to change a person's sexual orientation or gender identity is harmful, DYRS shall not employ or contract with mental health providers who attempt to change a youth's sexual orientation, gender identity, or gender expression.
- E. To the extent that LGBTQI youth require sex offender treatment or counseling such treatment shall not discriminate based on sexual Orientation, gender identity, or gender expression, and shall not criminalize or pathologize LGBTQI identity.

### **XIII. SEARCHES**

- A. Consistent with the DYRS policy on searches (DYRS-002), DYRS staff shall not physically search youth in any manner that is humiliating or degrading or for the purpose of determining the youth's physical anatomy.
- B. Transgender youth may request that either a male or female staff member conduct a strip search when such searches are required, using a form provided by DYRS. Staff shall accommodate this request when possible and consistent with maintaining the security of the facility. As soon as staff become aware that a youth is transgender, staff shall explain to the youth that he or she has the option of requesting that searches be conducted by staff of either sex.

### **XIV. TRAINING OF EMPLOYEES**

- A. The Training Director shall ensure that all DYRS staff and contractors receive, at a minimum, training regarding the following topics:
  - How to work with LGBTQI youth in a respectful and nondiscriminatory manner;
  - Creating a safe and trusting environment where youth feel they can discuss LGBTQI issues openly;
  - Confidentiality responsibilities and how to explain limits of confidentiality to youth;
  - What constitutes discrimination and harassment, including what vocabulary is unacceptable;
  - How to prevent harassment and victimization by youth;
  - How to enforce the agency's policy prohibiting discrimination and harassment;
  - Reporting responsibilities and procedures;
  - Respecting a range of family structures and values;
  - Resources for youth; and
  - How to share information about youths' special needs related to LGBTQI status with youths' case managers.

### **XV. YOUTH EDUCATION**

- A. Staff, contractors and volunteers responsible for youth orientation shall inform youth about their rights and responsibilities under this policy, the procedures for reporting violations, resources available, opportunities to talk to staff, and how to communicate special needs.

- B. The Superintendents of DYRS secure facilities shall ensure that youth have access to supportive and age appropriate information, including books, periodicals, community resources, and advocacy groups that provide information to youth about LGBTQI issues.

**XVI. REPORTING AND RESPONDING TO HARASSMENT AND DISCRIMINATION**

- A. DYRS staff shall promptly and appropriately intervene when a youth physically, verbally or sexually abuses or harasses another youth based on the youth's actual or perceived sexual orientation, gender identity, or gender expression.
- B. All employees and contractors and volunteers shall report any violations of this policy by staff, contractors, volunteers or youth. Failure to report a violation may result in disciplinary or other consequences.
- C. Youth shall be able to report violations of this through the facility's grievance process. Staff shall prevent retaliation against youth for reporting violations.
- D. Supervisory and management staff shall treat all reports of violations of this policy seriously. The Deputy Superintendents at DYRS secure facilities or designees responsible for grievances shall respond effectively to grievances filed by youth. Administrators shall take swift action according to established procedures when employees, contractors or volunteers report violations.

**Approval of the Agency Director:**

Director

*Neil A. Stanley*      *11 May 2012*