

LOCKED UP
& OUT

**Lesbian, Gay, Bisexual, & Transgender
Youth in Louisiana's
Juvenile Justice System**

LOCKED UP & OUT

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About the Author:

Wesley Ware has been advocating for the rights of incarcerated youth and the creation of community-based alternatives to incarceration since he came to the Juvenile Justice Project of Louisiana (JJPL) in 2007. At JJPL, Wes monitors the conditions of three secure care facilities in Louisiana, coordinates the investigation of federal litigation against New Orleans' youth detention facility, and coordinates the LGBT HIV Project, which seeks to both reduce the disproportionate number of LGBT youth represented in the juvenile justice system, and to address bias and abuse. He serves on the Advisory Committee for the Equity Project, a national initiative to ensure that LGBT youth in juvenile delinquency courts are treated with dignity, respect, and fairness. Prior to coming to Louisiana, Wes worked on adult criminal justice issues at various social justice organizations in Georgia.

Dedication: Despite the odds, LGBT youth have proven to be some of the strongest, most inspiring youth that advocates have met. Without their courage and fierce determination to be themselves and stand up against a system that was never designed to meet their needs, this report would not be possible. JJPL would like to thank each and every young person who contributed to this report out of a commitment to improve the system for all youth who may find themselves in their position one day.

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“Evidence that lesbian, gay, bisexual and transgender (LGBT) youth are being systematically abused or neglected is sufficient to warrant change, whether affecting ten youth or ten thousand.”¹

- *Justice for All?*
Fienstein, et al. 2001

Introduction

Louisiana, once known to house some of the most brutal youth prisons in the entire country, can now claim a rich history of juvenile justice reform. While just over a decade ago *The New York Times* called Louisiana home to the “most troubled” juvenile public defenders office in the country, and

both Human Rights Watch and the United States Department of Justice (DOJ) detailed brutal and inhumane conditions in Louisiana’s juvenile prisons, in 2003 the Legislature passed sweeping reforms that ushered in a new era of juvenile justice. The state closed two youth prisons, Tallulah Correctional Center for Youth and Jena Correctional Center for Youth, and discontinued the use of privately-run prisons for youth. Conditions in the facilities are significantly improved today than they were ten years ago. However, incarcerated youth continue to report mistreatment and abuse, and stakeholders both inside and outside the system have been frustrated by what they perceive to be a slow pace of reform.

One group in particular, lesbian, gay, bisexual and transgender (LGBT) youth, are disproportionately affected by the troubled juvenile justice system. This report will address how LGBT youth are funneled into the deep end of the juvenile justice system, the particular challenges that they face once there, and the lack of resources available specific to their needs. Most importantly, the report will address policy, administrative, and programming solutions that Louisiana can employ in order to ensure a safe environment for all youth in the state’s care, and in particular those that are the most vulnerable. It will also propose that advocates for racial justice, juvenile justice, and LGBT rights come together more effectively and collaboratively in the future, to ensure justice and equitable treatment for all of Louisiana’s youth.



LGBT 101

Sexual Orientation
It's about who
you're attracted to

LGBT

Common acronym for Lesbian, Gay, Bisexual, and Transgender—people that, despite their differences, are often discriminated against in similar ways. Sometimes written to include “Q” for Questioning and/or Queer (LGBTQ) or “A” for Ally. May also be written as GLBT.

Gender Identity
It's about who you are

Lesbian:

A woman or girl whose emotional, romantic, and/ or sexual attractions are primarily for other women or girls.

Gay:

A person whose emotional, romantic, and/ or sexual attractions are primarily for individuals of the same gender, typically in reference to men. In some contexts, it is still used as a general term for gay men and lesbians.

Bisexual:

A person who is emotionally, romantically, and/or sexually attracted to both men/boys & women/girls.

Transgender:

An umbrella term used to describe people whose gender identity and gender expression does not fit into society's expectations of what it means to be a man or a woman. Some transgender people's gender identities do not match up with their biological sex or the gender they were assigned at birth, and may choose to socially or medically transition, which could include the use of hormones or surgery in order to make their outward appearance in line with their gender. **Transgender people may be gay, lesbian, bisexual or heterosexual.**





“THE IMPARTIAL ADMINISTRATION OF JUSTICE IS THE FOUNDATION OF LIBERTY.”
- Inscribed into Orleans Parish Criminal Courthouse Building

Juvenile Justice in Louisiana

The nation's first juvenile court was established in 1899 in Chicago, Illinois, out of the recognition that young people have a particular capacity for rehabilitation. Thus, the juvenile justice system in this country is meant to provide therapy and services to youth to address underlying issues for their behavior and to help get their lives on the right track. Unfortunately, advocates have seen repeatedly that juvenile justice officials struggle to focus on children as children, and too often revert to a more correctional model based on the adult system of punishment alone. Additionally, institutional biases at different decision-making points in the system have contributed to a justice system that, while focused in theory on the rehabilitation of all youth who have come into conflict with the law, is plagued by racial and ethnic disparities.

Graham v. Florida (2010)

In this recent landmark case, The Supreme Court reaffirmed recognition of youth offenders' emotional and neurological immaturity and increased capacity for rehabilitation.

The Court Stated:

As compared to adults, juveniles have a “lack of maturity and an underdeveloped sense of responsibility” ; they “are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure” ; and their characters are “not as well formed.”

- Graham v. Florida, No. 08-7412, slip. op. at 17, 560 U.S. (2010) (quoted from Roper v. Simmons 543 U.S. at 569-570, 2005).

Louisiana's juvenile justice system exemplified such a model in the late 1990's, when parents and community members came together to organize for reform. Organizations including Families and Friends of Louisiana's Incarcerated Children (FFLIC), the Juvenile Justice Project of Louisiana (JJPL), Agenda for Children, and other faith and community leaders joined together to shut down the most violent youth prisons, see an end to private prison firms running youth jails in the state, and demand that Louisiana's system be remodeled after the "Missouri Model," one of the most effective juvenile justice systems in the country.²

With the support of numerous judges, public defenders, service providers and district attorneys, state elected officials backed the effort and the Juvenile Justice Reform Act of 2003, or Act 1225, was passed. In addition to publicly committing the state to a model based on rehabilitation rather than revenge for youthful offenders, Act 1225 established the Juvenile Justice Implementation Commission, the government body responsible for ensuring that the state moves toward a reform-oriented model like that in Missouri, including smaller, home-like and therapeutic facilities, and increased community-based alternatives to incarceration for non-violent offenders throughout the state.

Heartened by Louisiana's stated dedication to juvenile justice reform, national foundations including the MacArthur Foundation and the Annie E. Casey Foundation invested time and money to support the effort. Various government agencies serving young people in Louisiana joined forces with the Office of Juvenile Justice (previously called the Office of Youth Development) and youth advocates and local Children, Youth, and Planning Boards were formed in jurisdictions across Louisiana. While the Office of Juvenile Justice (OJJ) made significant strides, including decreasing the population in secure care from 2000 youth to less than 500 between 2001 and 2006, the move toward a rehabilitative system still requires much effort from everyone in the state.

In 2008, after media coverage of allegations of renewed abuse in facilities and one death in a youth prison in Baker, Louisiana, the Jetson Center for Youth was significantly downsized and threatened with being closed altogether. Severe budget cuts at the state level rolled back some of the community-based programs that were funded out of the initial push for reform, with fear that further cuts will lead to even

fewer options for non-violent offenders at the community level. Attention has also been turned to conditions at the largest facility in the state, Swanson Center for Youth, where the increased population has resulted in a number of fights and injuries of both staff and youth. Today, there are three secure care facilities for boys: Swanson Center for Youth (SCY) in Monroe, LA; Jetson Center for Youth (JCY) in Baker, LA; and Bridge City Center for Youth (BCCY), just outside of New Orleans.



Myth

LGBT youth are mentally ill. **FALSE!**

FACT!

While LGBT youth are more likely to struggle with mental health problems such as depression, anxiety, substance abuse, and suicide, The National Alliance on Mental Illness clarifies, "...researchers agree that it is not because LGBT youth are more likely to have a mental illness per se. Rather, it is a function of such things as negotiating coming out, fear of or actual familial disapproval and rejection, victimization by peers, and the chronic stress associated with having a stigmatized identity."³

However, youth with mental illness are disproportionately represented in juvenile prison in Louisiana overall. Nearly 40% of youth incarcerated in Louisiana are diagnosed *seriously* mentally ill.

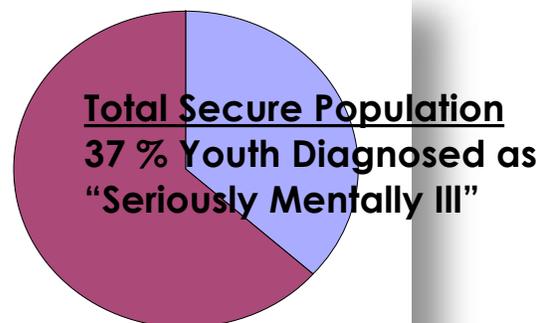
Secure population counts in the state today show SCY with over 240 youth in custody, BCCY with close to 130, and JCY around 80. The ideal size recommended by Missouri is a 48 bed facility, with the maximum recommendation of 100.

Until recently, girls were held in three detention centers across the state that contracted out with OJJ, including one facility, Terrebonne Detention Center, which is currently under federal investigation for rapes of young women by staff. Since then, all girls in OJJ long-term secure care have been transferred to one local detention center, the Ware Center for Youth in Coushatta, LA.

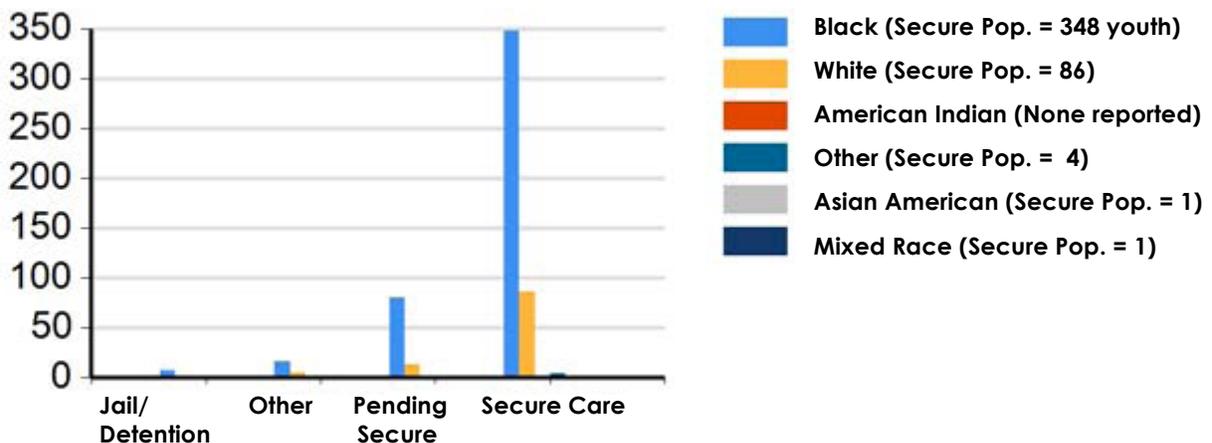
Louisiana still has one of the highest juvenile incarceration rates in the country. On an average, there are 450 youth in Louisiana's juvenile justice system yearly. Nearly 80% of the youth incarcerated are male and African American, many of whom come from poor communities throughout Louisiana. Nearly 50% are incarcerated for non-violent offenses. Almost 40% have diagnosed severe mental illness.

Demographic Profiles of the Louisiana Secure Youth Population

Information from the Louisiana Office of Juvenile Justice for May 2010

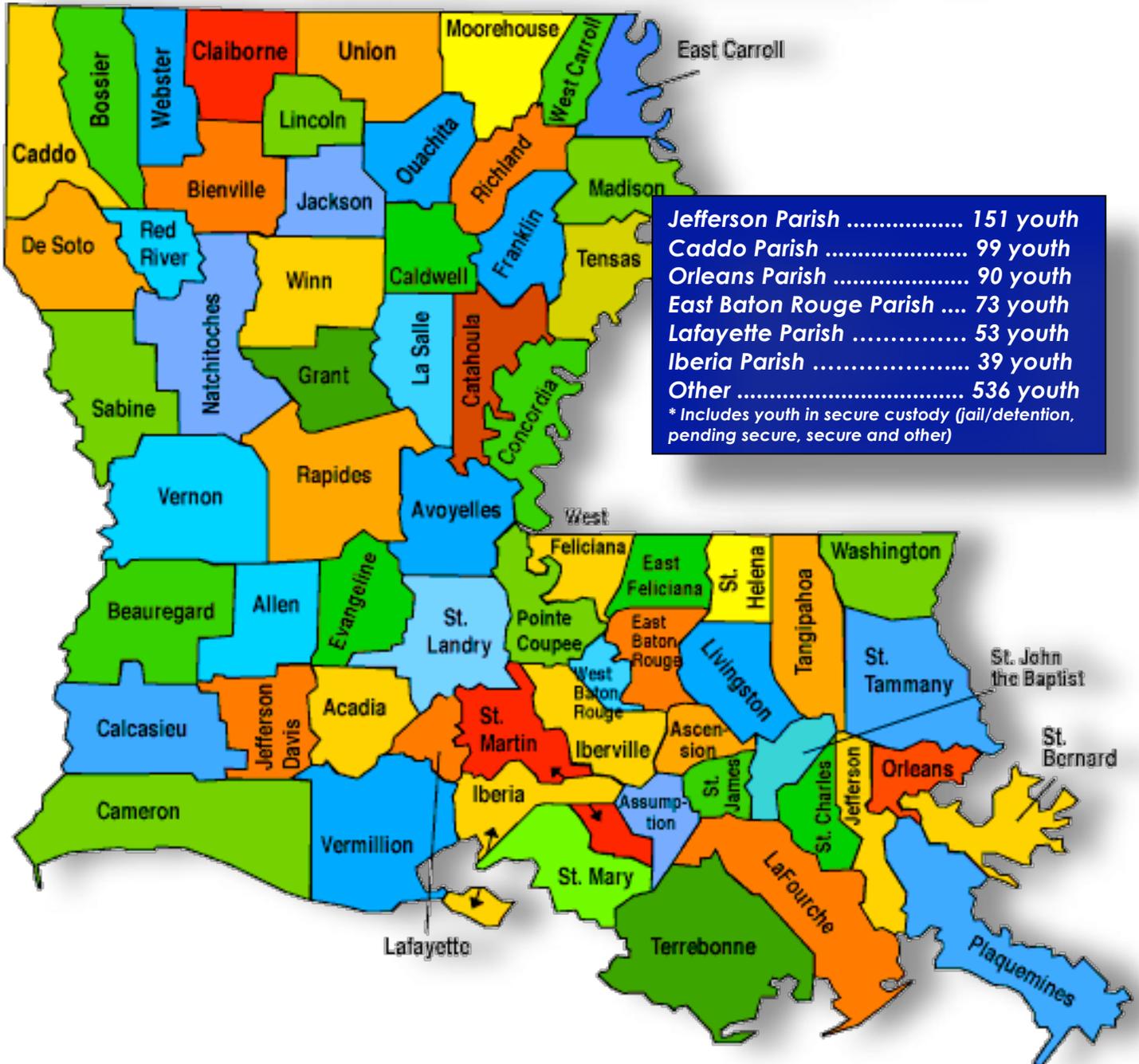


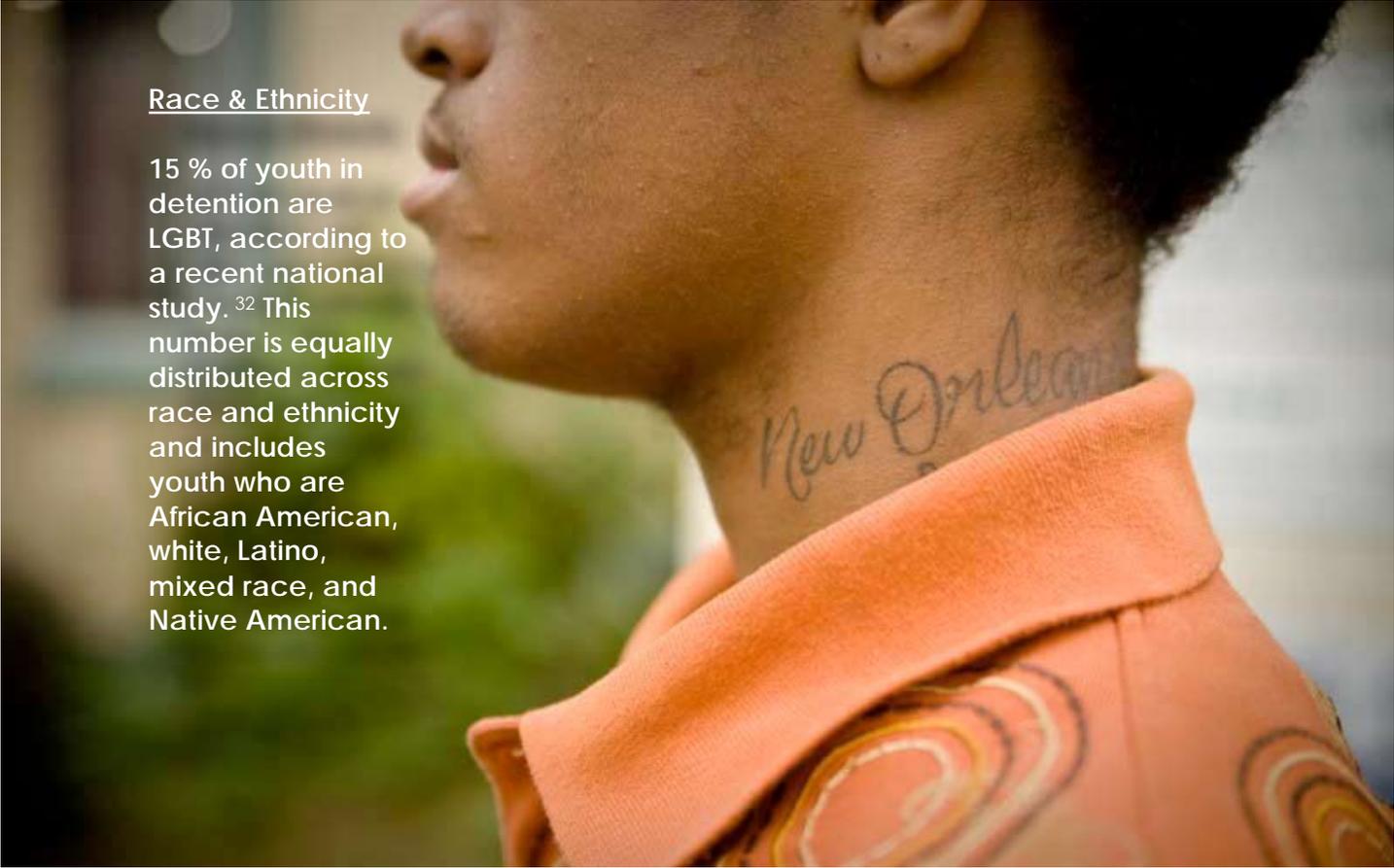
Race/Ethnicity



Youth in Secure OJJ Custody by Parish of Origin

Information from the Louisiana Office of Juvenile Justice for May 2010





Race & Ethnicity

15 % of youth in detention are LGBT, according to a recent national study.³² This number is equally distributed across race and ethnicity and includes youth who are African American, white, Latino, mixed race, and Native American.

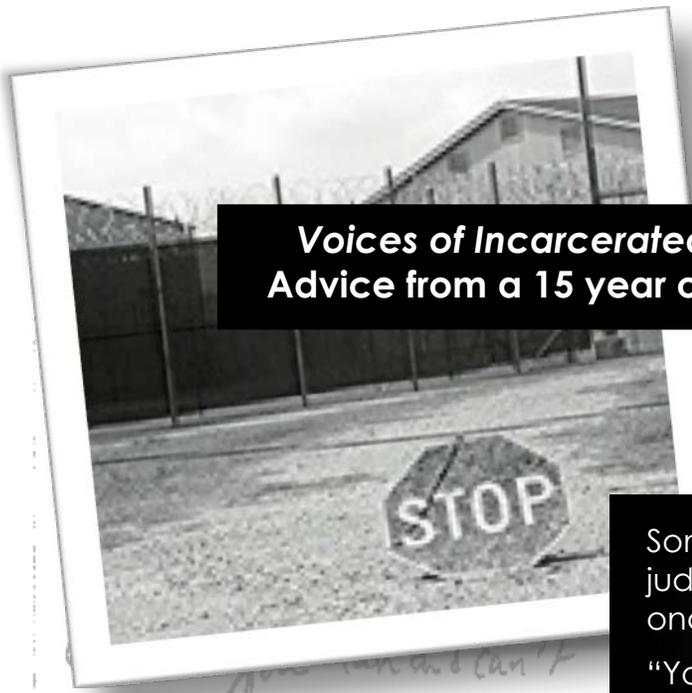
Incarcerated Youth in Louisiana

Experts agree that youth, regardless of sexual orientation or gender identity, are best served by community-based alternatives to incarceration rather than youth prisons. Studies show that incarcerating children neither makes our communities safer nor deters crime. In fact, holding youth in detention may actually increase recidivism rates among youth.³⁴

Youth in juvenile prisons in Louisiana reportedly continue to face:

- ▶ Psychological, physical, and sexual abuse at the hands of prison staff and other youth
- ▶ Inadequate mental and medical health treatment and counseling
- ▶ Excessive handcuffing, shackling, and use of physical restraints
- ▶ Excessive use of isolation and “lockdown” as a form of punishment and/or protection
- ▶ Lack of access to legal counsel and courts
- ▶ Removal from community, family, friends, and community based programs
- ▶ Interruption of education and significant barriers to reentry into school
- ▶ Limited job opportunities upon release and increased chance of re-offending

These issues are especially present for LGBT youth, who gain little relevant rehabilitative services or programming and too frequently become the victims of violence and psychological abuse while incarcerated. Giving voice to these youth—many of whom go unnoticed—will not only make them visible, but will empower them and others like them and provide a valuable tool for social change.



**Voices of Incarcerated Youth in Louisiana
Advice from a 15 year old transgender youth**

and people are judging me.

Sometimes when I'm alone and people are judging me, I remember what someone once told me:

"You know who you are and what you can and can't do. You know your strengths and weaknesses; those things are what make you, you."

So don't let no one tell you who or what you are. Because in the long run, you'll be the one happy in life and they'll be miserable.

So next time you're being picked on and judged, just remember, "I'm me."

~~you~~ ~~is~~ the thing y
what make you yo
you who or what you
you'll be the one
So, next time you're being picked on and judged just remember
"I'm me."

by
LZ.



Krystal, an 18 year old formerly incarcerated transgender youth

Risk Factors for LGBT Youth in Louisiana

Although **LGBT youth make up approximately 15% of detained youth** according to national statistics, they have historically been an underserved population in Louisiana.³³ Often, LGBT advocacy and juvenile justice are seen as two issues with little relevance to one another—but for court-involved LGBT youth in Louisiana, they result in one lived experience. These youth stand where the two issues meet and are therefore survivors of the unique position that results.

Most LGBT youth face frequent discrimination in their daily lives, which can be particularly virulent in Deep South states such as Louisiana.

At School

At school, youth often face harassment by peers, teachers, or other administrators. Ninety percent of LGBT youth are harassed at school.⁴ According to a national study, this harassment results in LGBT high school students being three times more likely to report carrying a weapon to school.⁵ Other times this harassment results in youth simply not attending school and becoming truant or getting into fights with other youth. Sometimes it results in youth dropping out of school. Of course, the links between a lack of education and high incarceration rates have been well documented. While only 2.9% of male high school graduates are incarcerated, 10% of high school dropouts are in jail or detention.⁶ Without appropriate intervention from school administrators and counselors, hostile school environments can become the first path toward court-involvement for LGBT youth.

At Home

Difficulties at home can be another major driving factor for LGBT youth with unsupportive families. A Lambda Legal study indicates more than a quarter of LGBT youth are forced to leave their families as a result of a conflict with a parent regarding their sexual orientation.⁷

Family Court Referrals (FINS)

Unsupportive parents or guardians may turn to family courts if they deem their LGBT child as “ungovernable.”⁸ These youth often have no other history of court-involvement or prior record. With inappropriate dispositions from family and/ or delinquency courts, these youth are often driven deeper into the system. Once they are placed outside of their homes, three-quarters of these youth face additional discrimination.⁹

Runaway/ Homeless Youth

Given the difficulties faced at home and in school, it is not surprising that LGBT youth also are overrepresented among runaway and homeless youth. The National Network of Runaway and Youth Services estimated that 40% of street youth identify as LGBT.¹⁰ Once on the streets, LGBT youth are often arrested for nonviolent crimes of survival like prostitution and shoplifting.¹¹

Substance Abuse/ Mental Health

National statistics show that LGBT youth are at a higher risk for substance abuse and suicide.¹² Sixty percent of gay and bisexual young men are substance abusers, compared with less than 4 percent of the youth population as a whole. Further, thirty percent of gay, bisexual, and transgender adolescent males (male-to-female) have attempted suicide at least once; and thirty percent of all completed suicides in the U.S. are by LGBT youth. LGBT youth are also 4 times more likely to report making a suicide attempt that required medical attention.¹³ Additionally, the odds of substance abuse for lesbian, gay and bisexual youth are on average 190 percent higher than for heterosexual youth.¹⁴



Myth

Kids are too young to know they are LGBT. FALSE!

FACT!

Sexual orientation and gender identity development are an important part of adolescent development, and often occur much earlier than many may realize.

Research shows that gay and lesbian youth are first aware of same-gender attractions at around **age 9** for boys and **age 10** for girls. However, they first begin to self-identify as gay or lesbian at around **16 years old**.¹⁵ According to the American Academy of Pediatrics, before the age of **3 years old**, children are “easily able to label themselves as either a boy or a girl as they acquire a strong concept of self...and by **age 4**, gender identity is stable and [children] know that they will always be a boy or a girl,” even if it differs from the gender they were assigned at birth.¹⁶

The term **questioning** is often used for youth who are still unsure of their sexual orientation or gender identity.

Policing/Charging

Bias against LGBT youth by the police may also factor into their arrest. Some youth are charged for sex offenses for engaging in consensual same-sex behaviors where heterosexual youth are not.¹⁷ Further, especially in more urban areas in Louisiana, police may target LGBT youth in certain areas. Young people in New Orleans, LA have reported being stopped by the police or harassed walking down the street because police suspect them to be sex workers, particularly if they are in an area that is known to be populated by the LGBT community. One study in New York reported that 70% of LGBT youth of color reported police targeting and profiling and 61% reported that no reason was given by the police when they were approached or arrested.¹⁸ A recent national survey which included respondents from Louisiana reflected similar data regarding police profiling and police targeting of LGBT youth.¹⁹

Since issues of substance abuse, familial problems, mental health issues, homelessness or poverty, difficulty in school, and other factors contribute to a young person's chances for entering into the juvenile justice system, it is no surprise that LGBT youth, who often face all of these social risk factors, are actually more likely to enter the justice system. In fact, research suggests that even when no bias exists against LGBT youth in the courtroom and if no outside parties are aware that a youth is LGBT, they may still be more likely to be funneled deeper into the juvenile justice system, given the number of risk factors stacked against them.²⁰

LGBT youth are actually more likely to be funneled into Louisiana's juvenile justice system, even when their LGBT status has not been revealed.

The overrepresentation of LGBT youth in prison in Louisiana was once noted by a LGBT youth who stated there were so many incarcerated LGBT youth, he was afraid the state was "rounding up the homosexuals!"

Of course, the difficulties LGBT youth face once adjudicated or removed from the home, often result in them being driven deeper into the system and facing additional barriers to early release, as well as difficulty finding appropriate services for re-entry back into their communities.

Community-Based Alternatives

Once court-involved, if LGBT youth are determined to be in need of additional supervision, they may be eligible for an alternative community-based program. While these alternatives are specifically designed to keep youth out of the system and in their homes (and many that are evidenced-based have a low recidivism rate to prove their effectiveness)—if they are not supportive of LGBT youth, they may become yet another factor working against LGBT youth in the juvenile justice system. If the environment is hostile toward or not understanding of the needs of LGBT youth, they may be more likely to not attend or to have difficulty completing the programming. This may result in an extension of the length of their court-involvement, their being found in contempt of court and detained, and/or eventual placement in a more restrictive setting.

Detention

Since placing youth in detention has been found to actually increase recidivism, detention should be used as a last resort; only when youth are seen as a flight risk or are in danger of harming others or themselves. However, when judges are not educated about LGBT youth in the juvenile justice system, they may rule for LGBT youth to be detained rather than placed in alternative settings

because they see them as sexually predatory, they feel the youth will not be safe elsewhere, or they hope a brief detention stay will help rehabilitate youth who are seen as “non-compliant.” In addition, when a youth is unable to return to a hostile or abusive home, judges often see no other choice than to place the youth in detention due to a lack of alternative placements or shelter care services in the community. This practice occurs in both urban and rural areas throughout the state and has been exacerbated in areas affected by Hurricane Katrina and Rita, as many parishes lost additional bed spaces after the storms for youth in need of shelter, inpatient mental health treatment, or other services.

Group Homes

Youth who are removed from their homes but not placed in secure care may also go to a group home. In addition, youth who are in secure care but are recommended to be “stepped-down” to a lesser secure placement may also be transferred to a group home. Unfortunately, many of these group homes in Louisiana are poorly run facilities with high levels of violence and inhumane living conditions.

Examples of Courtroom Bias in Louisiana

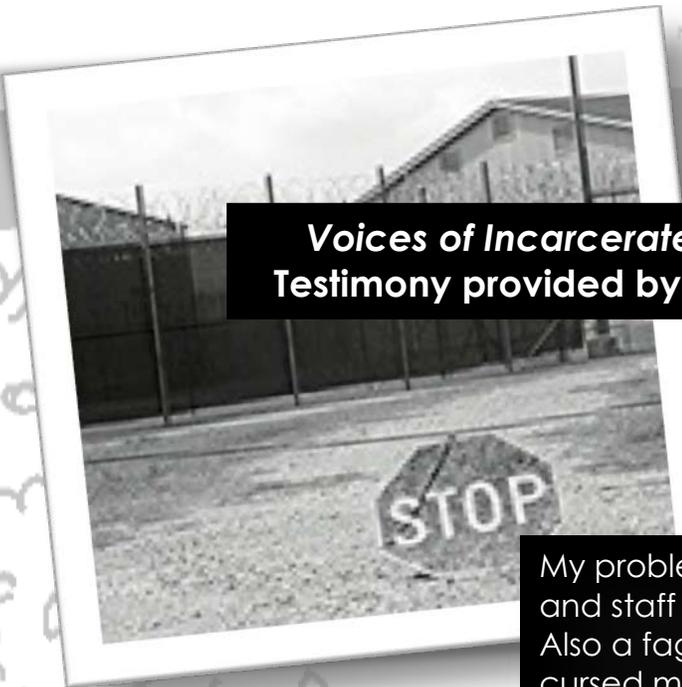
- In 2009, an 11-year-old youth in Louisiana was taken into Judge’s chambers without his attorney to discuss his sexual orientation. His mother was then called in and questioned about his sexual orientation. The 11-year-old, who had no delinquency charges, was placed in detention as his disposition, partly at his mother’s request, who perceived her child to be gay, and thus, “ungovernable.”
- Also in a juvenile courtroom in Louisiana in 2009, a transgender youth was threatened with detention and contempt of court simply for wearing feminine clothing and jewelry at her court hearing.

In 2008, the Advocacy Center of Louisiana published the report, *Out of Control: Louisiana's Failure to Ensure Health and Safety of Children in Residential Facilities* which chronicled many such abuses and health and safety violations. Many LGBT youth in Louisiana have also reported to advocates that several of the group homes were particularly abusive and discriminatory toward them because of their sexual orientation or gender identity.

In 2009, one LGBT youth reported having to sleep on the sofa in the living room at a group home because staff did not know where to place her and was uncomfortable with her being around other young people. Other difficulties faced by LGBT youth in group homes lead to youth running away from such placements. Nearly all self-identified LGBT youth in secure placements in Louisiana that advocates have interviewed since 2007 reported some difficulty at prior placements that led to their being placed in secure care. Many of them were deemed to be a flight-risk (or “runners”) for leaving what they perceived to be as threatening, unsafe, or non-supportive placements.



Voices of Incarcerated Youth in Louisiana
Testimony provided by 16 year old gay youth



My problems in Swanson [are] about what the youths and staff call me. They [call] me a punk and a bitch. Also a faget [sic], homosexual, gay. Youths and staff cursed me and staff told the youths to beat me up. Also, a lot more. The most important thing I like to share is when a youth threw movie tapes at me when I was on the PZT phone [reporting abuse to internal investigators, Project Zero Tolerance], and him saying all kinds of comments, cursing me, threatening me, and a lot more. I think [there] should be better [staff] that should treat people for who they are. They should be more positive about the way [they] act.

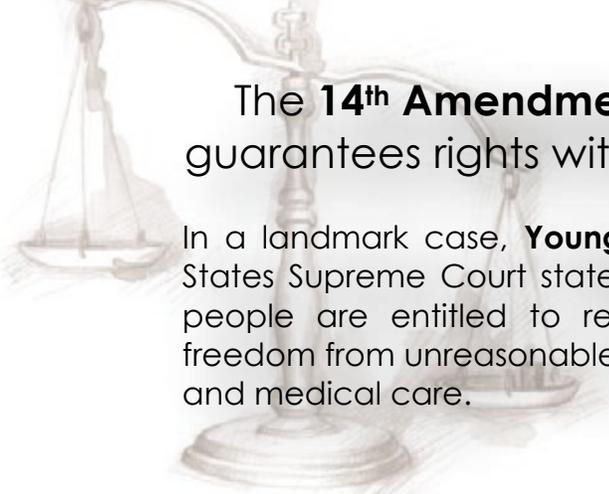
Given the seemingly insurmountable obstacles LGBT youth in Louisiana often face, **it is no surprise that many LGBT youth are not “out” in Louisiana’s juvenile justice placements.** In particular, LGBT youth of color—who likely make up the majority of LGBT youth in secure care—show no significant difference than white LGBT youth in terms of acceptance of their own sexual orientation. However, LGBT youth of color are significantly less likely to have told their parents they are LGBT.²¹

Reports such as *Hidden Injustice*, as well as several other resources, fully explain the path to secure confinement for LGBT youth across the country. This report can be found at: www.equityproject.org.

LGBT youth of color may feel pressure to choose between their ethnic or racial identity and sexual orientation, and may be “less likely to be involved in gay social and cultural activities than their white counterparts.”²¹ This may be further exacerbated in Southern regions, such as Louisiana, where there are few resources for LGBT young people in general and many organizations that do exist have historically neglected the needs of LGBT youth of color.

It should not be assumed, however, that these invisible youth, who likely make up the majority of incarcerated LGBT youth in Louisiana, are any less affected by an anti-LGBT environment. In fact, many of these youth may face additional harm or difficulty with their own mental health or other issues as a result of being forced to hide their own identity and bear witness to anti-LGBT harassment and abuse. Juvenile justice advocates in Louisiana have met numerous LGBT youth over the years who were not “out” to their peers or families and suffered in silence.

LGBT Youth Inside Louisiana’s Secure Care Facilities



The **14th Amendment** to the United States Constitution guarantees rights with due process, and equal protection.

In a landmark case, **Youngberg v. Romeo**, 457 U.S. 307 (1982), the United States Supreme Court stated that under the 14th amendment incarcerated people are entitled to reasonably safe conditions of confinement and freedom from unreasonable bodily restraint, adequate food, shelter, clothing, and medical care.

In addition to increased risk for detention and/ or incarceration, LGBT youth in prison face increased physical, sexual, and psychological abuse and harassment, increased isolation, violations of their right to confidentiality, increased barriers to early release and access to courts, and a general lack of relevant services and understanding of LGBT youth.

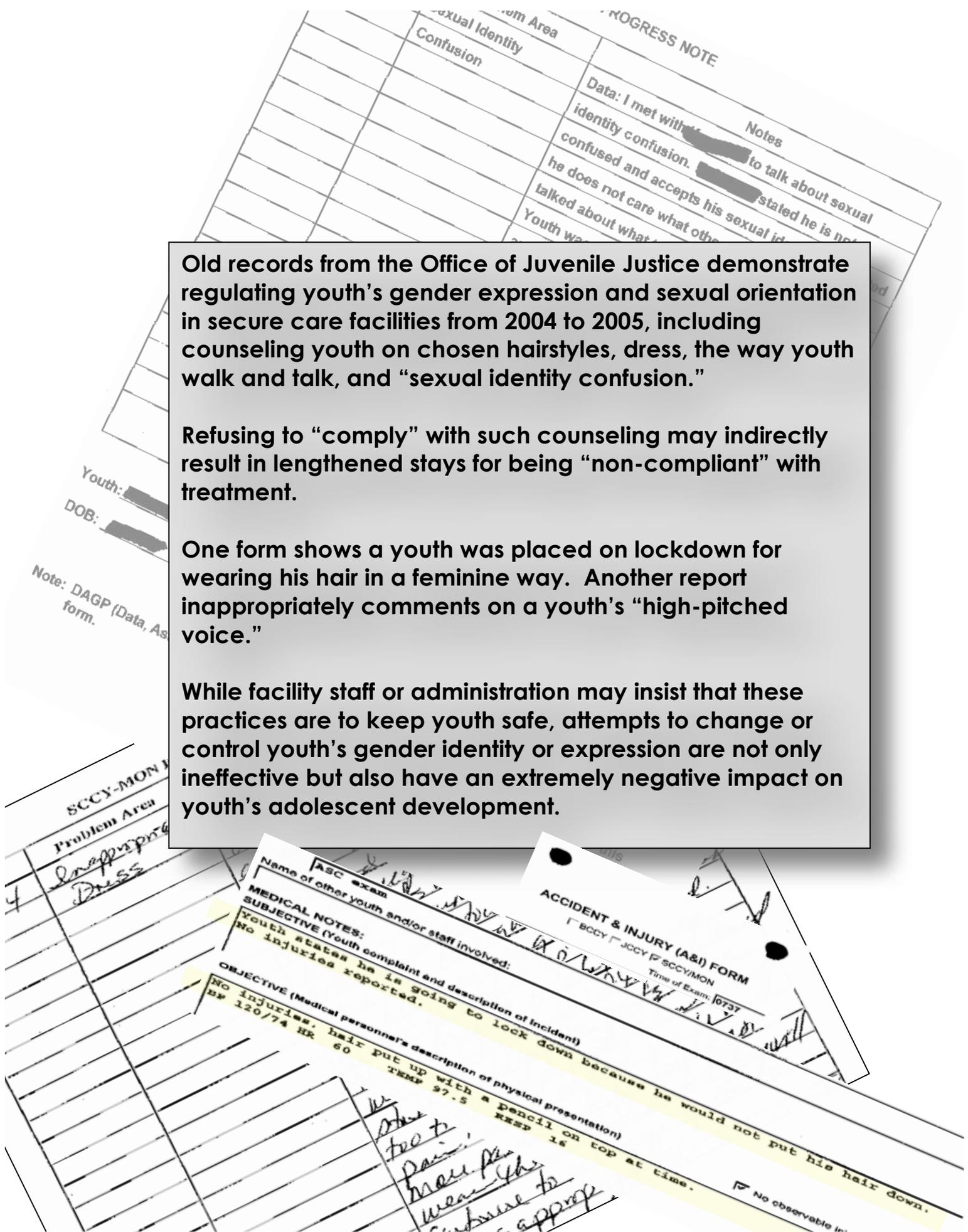
Studies like the Equity Project's *Hidden Injustice* report provide background on the environment for detained LGBT youth nationwide.²² Likewise, juvenile justice advocates in Louisiana who have interviewed youth in all three youth prisons as well as local detention centers have collected stories over time that demonstrate the extent to which LGBT youth endure abuse and harassment.

Old records from the Office of Juvenile Justice demonstrate regulating youth's gender expression and sexual orientation in secure care facilities from 2004 to 2005, including counseling youth on chosen hairstyles, dress, the way youth walk and talk, and "sexual identity confusion."

Refusing to "comply" with such counseling may indirectly result in lengthened stays for being "non-compliant" with treatment.

One form shows a youth was placed on lockdown for wearing his hair in a feminine way. Another report inappropriately comments on a youth's "high-pitched voice."

While facility staff or administration may insist that these practices are to keep youth safe, attempts to change or control youth's gender identity or expression are not only ineffective but also have an extremely negative impact on youth's adolescent development.



Physical and Sexual Abuse

Many youth in prison, regardless of sexual orientation or gender identity, will admit they are fearful of violence in youth facilities. Fights between youth take place in every facility, as does physical abuse of youth by guards. In an attempt to protect youth, those who are fearful for their safety will often be placed on protective custody (PC). However, in awful irony, several LGBT youth have reported being beat up, threatened, or harassed, even while on PC.

According to a recent report by the Bureau of Justice Statistics, Louisiana ranked somewhere in the middle of sexual abuse of youth in juvenile prisons.²³ However, 16% of youth at one facility, Swanson Center for Youth, reported sexual abuse while in custody, higher than the national average of 12%. LGBT youth in Louisiana's youth prisons have historically reported being frequently subjected to sexual abuse, sexual assault, and harassment while in custody, both by staff as well as other youth. In 2004, a teacher at a facility harassed a gay youth in class about whether he had ever had sex with a man and commented in a sexually graphic and exploitive manner about male genitalia and male-on-male rape. In a mental health unit at another prison, a youth was confined in his room when other youth masturbated and sexually harassed him in front of his window. He also reported frequently having trouble in the showers on the dorm.

Further, LGBT youth have reported frequently being approached for sexual favors from both staff and other youth. The youth reported that staff members did little to intervene even when they were present for such requests or threats.

In August 2009, one gay youth reported that other youth asked him for sexual favors and threatened to beat him if he did not comply. In fact, one youth even suffered a broken jaw for refusing to perform sexual favors for other youth.

In addition to retaliatory violence, LGBT youth also may be more likely to receive additional charges while in the facility for fighting, be issued disciplinary tickets, or be held on lockdown because they are reportedly defending themselves from such sexual attacks.



Myth

Being gay is the same as being transgender.
FALSE!

Fact!

Being gay (or lesbian, or bisexual) is about who you are attracted to romantically, emotionally and sexually. Being transgender is about who you are and how you understand yourself and your gender.

Transgender is an umbrella term used to describe people whose gender identity and gender expression does not fit into society's expectations of what it means to be a man or a woman. Some transgender people's gender identities do not match up with their biological sex or the gender they were assigned at birth, and may choose to socially or medically "transition." Transitioning may involve any or all of the following: a name change; changes in style of dress and appearance; a change in preferred pronouns; taking hormones; undergoing sex reassignment surgeries.

All people have a sexual orientation (some examples are straight, gay, bisexual) and a gender identity and expression (some examples are male, female, masculine, feminine, and androgynous).



**Voices of Incarcerated Youth in Louisiana
Letter from a 15 year old gay youth**

A. Me good for
told me to
years old from
been locked.
I am gay
hole, life. This is
the first

...I called
them for
send me to
called Central
I stayed
before they
decision detention
their a lit
they sent
a group name
called the
I ran from
wiped with
by one of
detention center
to court I
what happen
want to
he sent me
so far since
here, I have
staff, one
stole paper
he had my
S.S. #, My
what ever
thank of
to finish by
march
Whether they
will have
then a year
when we
a youth is
make us
for them
us just
we are
are always
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when I
Program I
day so the

...are you doing? Me, good for now. My friend told me to write you. I am 15 years old from Shreveport, LA. **I have**

been locked up for 3 years. I am gay. I have been my whole life. This is my second time in Jetson. The first time I was here, they sent me to Swanson. I stayed there for about 11 months before **I got raped by some of the youths**

there. I did not report it on time so they did not do anything about it. But they did send me to a group home in Shreveport. There, **I tried to kill myself because I**

could not take the boys hitting on me because I would not do sexual favors for them. After that, they

sent me to a crazy home called Brentwood. I stayed there for one month before they sent me to another crazy home called Central LA State Hospital. I stayed there for one month before they sent me back to Bossier Detention Center. I stayed there a little while before they sent me to another group home in Baton Rouge called the Harmony Center. **I ran from there**

after being wiped [sic] with a clothes hanger by one of the staff. Then I went back to Bossier Detention Center. When I went to court I tried to explain what happened but he did not want to listen to me so he sent me back up here. So far since I have been [at Swanson Center for Youth], I have been hit by staff, one of the youths stole papers out of my file... **Then I am supposed to finish this program in**

March but all of our case workers keep quitting so we will have to be here longer than a year. Then

sometimes when we tell the staff that a youth is trying or even did make us do something sexual for them they don't believe us just because they know we are gay. Then we are always being criticized by both staff and kids. **When I first came to this program I had to fight every day so the boys would leave me**

alone the staff kept saying it was always me that started the fights so they sent me to Swanson's crazy dorm plus its hard for me not being able to see my family so if there is any way you can help, please do so. Thanks for your time...

In 2008, a gay youth received a disciplinary ticket for hitting another youth with a broom after being repeatedly harassed for sexual favors by other youth. The staff, fully aware of the situation and notified by juvenile justice advocates, refused to intervene. Further, a youth in one juvenile prison performed sexual favors for a guard who would in exchange bring small hygiene items for him to use. When the youth eventually refused to comply with the bribes, his safety was threatened and he was subjected to verbal abuse.

After an interview with a juvenile justice advocate one day in 2008, another gay youth pointed to a building and casually noted, "That's the building I was raped in a long time ago." Additional rapes of gay youth were reported between 2003 and 2005. Other rapes or threats of rape were reported in 2008 and 2009, though there is no indication that they were perpetrated against LGBT youth in particular. Youth who were raped reported that they did not receive any kind of sexual abuse counseling after the incidents and that no counseling happened with the perpetrators of the sexual abuse. LGBT youth have also reported not being taken seriously when they requested protection from such sexual abuse. While all youth are subject to sexual violence within youth prisons, LGBT youth may be more likely to be victimized and then not believed when they report it or are seen as "wanting it."

It is important to understand that by law, incarcerated individuals cannot consent to sexual and/or intimate relationships with individuals in positions of authority over them. No one wants to be sexually victimized. However, incarcerated youth have at times engaged in sexual relationships with one another. These behaviors may be between peers, age-appropriate, and consensual. Some of these youth identify as LGBT; others do not.

However, sexual relations of any kind are, of course, against facility rules and should be treated accordingly. It is important when dealing with these difficult situations that staff in facilities are professional, discipline both parties equally, and handle it as a rule violation, rather than passing



Myth
LGBT youth are sex offenders. **FALSE!**

FACT!
There is *no* research that indicates LGBT youth are any more likely to be sex offenders than heterosexual youth.

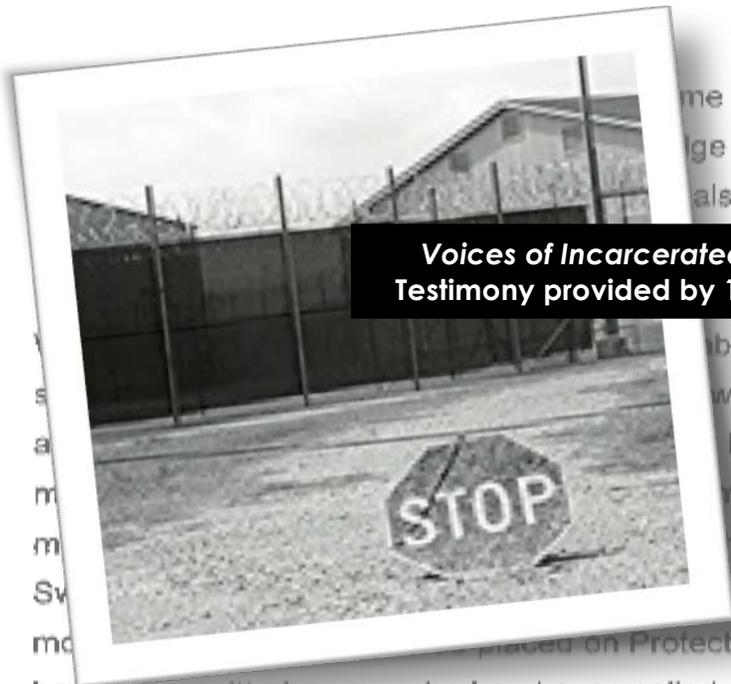
In fact, the majority of adult sex offenders are heterosexual men.²⁷

However, LGBT youth are more likely to be charged with a sex offense for *age-appropriate consensual sexual activity than their heterosexual peers.*²⁸

According to a recent report by the Equity Project, *Hidden Injustice*, LGBT youth have also been held in sex offender wings and programs even though they have never been charged with a sex offense.

Psychological Abuse

Though we often think of physical or sexual abuse as the most serious form of abuse, studies have shown that psychological abuse in the form of threatening, name calling, harassing, teasing, and bullying by staff as well as other youth can also have grave consequences, particularly for LGBT youth. Since 2003, youth have reported being called "dicksucker," "faggot," "punk," "bitch," "homo" and other slurs. One youth reported in 2006 that he was called a "faggot" approximately 20 times a day. By 2007, the frequency of the verbal attacks had decreased, but the slurs were no less serious. He was told "You're a fucking faggot," "You're a punk," and "You're a disgrace to mankind anyway."



**Voices of Incarcerated Youth in Louisiana
Testimony provided by 19 year old gay youth**

me I had to stay in OYD's Custody. Well when I was
ge and lawyer. The deal was if I pleaded guilty...it
also told to me if I did well I would get out and go to
ed... and I was
onal Center for Youth.

abuse (youth on youth, staff on youth and staff on
was lying in bed and someone hit me from behind

I had to be placed on Protective Custody
(PC) due to the abuse I received. I have
been spitted [sic] on, punched, and even
called names because I was GAY and
was not like the rest of them.

have been spitted on, punched and even called names because I was GAY and was not like the
rest of them.

I was even asked by an Officer to have sexual
contact with him and I refused to do so.

sex with the officers. I was even asked by an Officer to have sexual contact with him and i
refused to do so. It was never said to no one but in this letter. Since i was gay i did do things out

I started having problems with the
[group home] manager because
I was gay and he treated me
different and even hit me and
push me in my face and my
probation officer was contacted
and nothing was done.

The Harmony Center, Inc. Well while in the Custody
because I was gay and he lied to the staff and
on board called the Cops(Law Enforcement) On

I was scared to sleep at night because I
never know [sic] if I was going to wake up in
the morning. The staff would fall asleep on
the job and the youth [would] not be
supervised. The Correctional facility was out
of order.

While I was in Custody of the group home, I
was attacked by a boy because I was gay
and he lied to the staff and said I was
"making crosses" at him. Well the staff on
board called the cops...The [police officer]
told me to "Shut up and don't say nothing."
Well I had to stay in the living room because
the staff told [me] it was to protect me.

On the situation and I felt threaten by the situation
and he told me to " Shut up and don't say
because the staff told it was to protect me. Well
12-8 staff came on board. Well the boy after that
at worker and the home manager and it was
Well after that I was okay and he never bother
the home manager because I was gay and he
me in my face and my probation officer was
from the group home... and after that I moved to

...I just think I was safer in the prison
than I was in the group home and
that is my story!!

Texas and want to know if I can got my info from Louisiana ...I just think I was safer in the prison
that they can not until the case is close and so I called to
Lafayette called me back from the message I left her and
think that I was safer in the prison then I was in the Group home and that is my Story!!

He later reported, "...but I ain't got no problem with them calling me a faggot. What bothers me is when they tell you 'you ain't never gonna be nothing in your life cause you are a faggot.'"



Another youth reported he had trouble with one or two youth in every dorm, who made threats such as "Suck my dick," "Let me fuck you," and "I will beat the fuck out of you." The youth reported that staff never intervened. One youth reported even being told by staff, "You are disgusting, I can't stand you."

Although many individuals are inclined to discount teasing as normal adolescent behavior or worse, something that "strengthens" young people and prepares them to deal with the outside world, studies have shown that anti-LGBT bullying can have grave effects on young people. When LGBT youth face extreme harassment, they are more likely to attempt suicide and skip and/or drop out of school.²⁶ In juvenile jails, harassment and bullying can have a particularly negative psychological impact on youth.

Often, a misunderstanding of the needs of LGBT youth, as well as of their motives, results in mistreatment, and their being perceived as a sexual "predator." For example, around 2006, a gay youth was forced to use the bathroom separately from other youth on his dorm. In 2007, another incarcerated youth overheard staff stating that two gay youth in the facility could not both be transferred to a safer dorm because the two would engage in sexual behavior with one another, although they had never done so in the past and both were being victimized in their current placements.

Psychological abuse can also take the form of condemning or disciplining youth's gender expression. Several youth have reported being told to "play down [their] femininity." Another youth was told by staff that the other youth on his dorm felt "uncomfortable because of the way he was acting." Later, privately, the staff told him, "you are not going to act homosexual; if you are in my dorm, you are gonna act straight." In 2009, several youth reported being instructed how to talk, walk, eat their food, and sit.

Although staff may "police" varying forms of gender expression out of concern for a youth's safety, it can have negative consequences for that youth's development, and also have an unintended negative impact on other youth who bear witness. If the goal of juvenile justice is truly to rehabilitate and provide treatment for youth, it would be valuable for all youth to learn to be respectful of individuality and to expect their own individuality to be respected in return. Instead, youth prisons criminalize nearly all forms of self-expression of LGBT youth, even while juvenile justice reform principles and experts encourage working with each youth based on their individual strengths, needs, and identity.

Myth

Children who are sexually victimized have a higher likelihood of later identifying as LGBT. **FALSE!**

FACT!

There is *no* research to indicate that children who are sexually abused will be LGBT.

However, gay, lesbian and bisexual youth may be at *greater risk* to be sexually abused because they may be socially isolated or easier targets.

In one study, male sexual abuse survivors identified as gay almost seven times, and as bisexual almost six times, more often than non-abused peers before they were abused.²⁵

Myth

LGBT youth can choose *not* to be LGBT or can be changed to be heterosexual or gender conforming. **FALSE!**

FACT!

The attempt to change or coerce someone's sexual orientation or gender identity is called conversion therapy or *reparative therapy*. It has been proven ineffective, harmful to young people, and is condemned by professional medical and mental health organizations.

The American Psychiatric Association in its position statement on *Psychiatric Treatment and Sexual Orientation* condemns the use of reparative therapy, stating that "the potential risks of reparative therapy are great, including depression, anxiety, and self-destructive behaviors."



Other examples include, in 2004 an openly gay youth was forced to cut his hair when arriving at a facility but was later placed on lockdown for wearing it up with a pencil and in braids. He received two disciplinary tickets for refusing to take his hair down. He later was put on lockdown because his state-issued pants were "too tight." This same youth then received a disciplinary ticket for making curtains for his lockdown cell out of bed sheets.

It is likely that none of this behavior was causing a great disturbance at the facility or any safety concerns, and the youth seemed to have little

difficulty with other youth on his dorm. Since this time, at least one other youth was disciplined for having pants that were "too tight." LGBT youth continue to have difficulty regarding their hair length, even when it falls within the acceptable length for the facility. Rules in dress code and grooming often seem to be disproportionately, or even selectively, enforced on youth with non-conforming gender expression. Many staff may have good intentions when working with LGBT youth and may even believe that they are being good advocates for youth. However, even staff with the best intentions may hurt youth in the process, through treating their sexual orientation as a "disorder" to be addressed by the facility. Review of youth's records indicate that as recently as 2006, some youth received "Sexual Identity Confusion" counseling, though one youth clearly stated that he was "not confused." The counselor continued to try to speak with the youth about his "sexual identity confusion" for several more sessions. When the youth refused to speak in those terms, the counselor noted his "non-compliance" with treatment.

More recently, this kind of attitude toward LGBT youth has become less blatant, but is still of concern. In 2008, an administrator at a facility asked a bisexual youth if he was receiving "counseling for it" and stated that his judge wanted him to get counseling to accept who he was. She then added, "it's not going to be an easy road, you know that right?" While all youth in OJJ custody could likely benefit from some form of counseling, and while some youth may even need counseling regarding their sexual development or identity formation, this particular youth was very confident and comfortable with himself. Such comments assume that LGBT youth have a choice in their sexual orientation or gender identity and may serve to only further pathologize them, giving a sense of hopelessness, rather than affirmation of their identity and providing them with the tools to be successful.



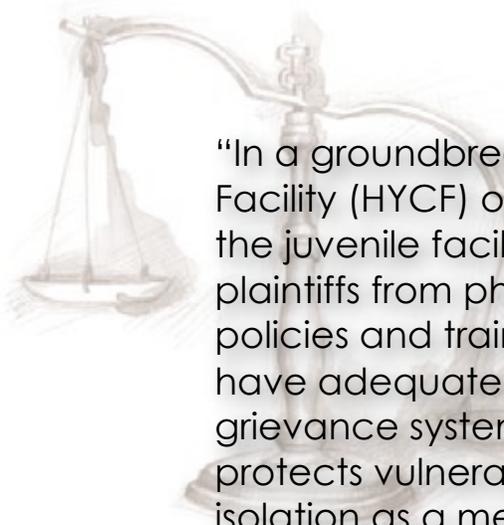
Transgender youth in secure care can present unique challenges for facility directors or administrators unfamiliar with their needs:

Nationally recognized best practices for working with transgender youth are to:

- Respect the youth's preference of name and gender pronouns (he, she, hers, his, etc.)
- Make gendered housing and placement decisions on an individual-basis, with particular consideration given to the youth's preference and comfort-level,
- Allow youth to express their gender identity and dress accordingly, and
- Provide access to and consult mental health and medical professionals *who are knowledgeable and affirming of LGBT youth and have experiencing working with transgender youth specifically.*

Isolation

Similarly, in an effort to protect youth, staff often rely excessively on the use of protective custody, or isolation. Nearly every openly LGBT youth interviewed by juvenile justice advocates in Louisiana between 2006 and 2009 spent lengthy amounts of time on isolation units or in individual mental health cells. While many staff may have the youth's best interests or safety in mind, forced isolation often exacerbates the difficulties that LGBT youth have in prison, making them feel depressed or targeted.²⁴ Further, according to the Louisiana Children's Code, all youth are entitled to the least restrictive placement possible and rehabilitative services, programming, and educational opportunities that are often unavailable on these units.



RG v. Koller (2006)

"In a groundbreaking case against Hawaii Youth Correctional Facility (HYCF) on behalf of LGBT youth who were mistreated in the juvenile facility, courts found that HYCF failed to protect the plaintiffs from physical and psychological abuse, failed to provide policies and training necessary to protect LGBT youth, did not have adequate staffing and supervision or a functioning grievance system, failed to use a classification system that protects vulnerable youth, and perhaps most importantly, used isolation as a means to protect LGBT youth from abuse, which amounted to punishment."²⁹

The court stated:

"Consistently placing juvenile wards in isolation, not to impose discipline for violating rules, but simply to separate LGBT youth from their abusers, cannot be viewed in any reasonable light as advancing a legitimate non-punitive government objective."

Right to Confidentiality

Violations of a youth's right to confidentiality by OJJ can also result in negative consequences for LGBT youth. Disclosing a youth's sexual orientation or gender identity should always be done with the youth's approval and consent and with careful attention to the climate of the particular Parish or court with jurisdiction over the youth.³⁰ Otherwise, disclosure can have an unintended harmful effect for the youth and hinder their access to courts and other legal rights. It should be noted that there may be circumstances where it is beneficial to disclose such information about a young person in order to understand the issue at hand. In nearly every case, however, direction should be taken from the youth as to how they feel it is best to proceed and with the consultation of an experienced juvenile attorney educated in LGBT issues.

For example, in 2007, a youth was recommended for early release by OJJ after serving over four years in a youth prison and finishing his treatment program a few years prior. In the recommendation made to the courts, a well-meaning but poorly trained counselor "outed" him for having a close relationship with a boy on the dorm (although it was not sexual in nature) and told the Judge that he was considering having the "transsexual procedure in the future." Not only was this a violation of the youth's confidentiality as it was unrelated to his charge or rehabilitative progress within OJJ, his judge later called the recommendation a "joke," and refused to even hold a court hearing even though the youth had met all requirements for an early release. The youth, who was questioning his gender identity at the time stated, "this is me and I'm gonna be me. Am I gonna be stuck in here for being me? I followed the rules and I earned my early [release]."

Several years prior, this same youth was also "outed" to his mother by a different OJJ counselor. Another LGBT youth was "outed" to his father in 2008 and others reported being counseled into "coming out" to their family members before they were ready. While this may have been intended in the best interest of the youth or to facilitate open communication and honesty within the family, the issue of "coming out" can be sensitive and may have serious implications for youth whose families may reject them.

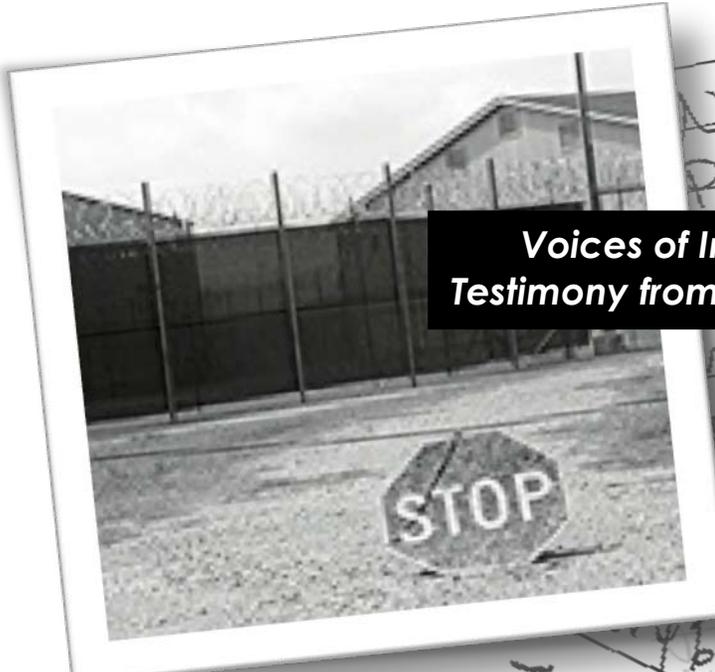
Youth Living with HIV/ AIDS

Youth who are living with HIV/ AIDS in OJJ custody also have the right to privacy and the confidentiality of their medical records. Between 2007 and 2008, two HIV positive youth had information about their medical status repeatedly disclosed to other staff, youth, and even visitors to the facility. One youth reported having "hits" placed on him by staff, possibly leading to a broken jaw, and endured psychological abuse over a lengthy period of time, including staff telling him he "didn't matter because he was going to die soon anyway."

In addition, the facility charged a young person living with HIV with Intentional Exposure to the HIV/ AIDS Virus after he was pinned down by another youth and bit him out of self-defense. Of course, as affirmed by the Center for Disease Control, the likelihood of HIV being transmitted via biting is extremely rare. The charges were later dropped. Particularly as HIV/ AIDS has seen a disproportionate increase in the South, especially in Louisiana and among African Americans, it is especially important to consider the rights of young people living with HIV in OJJ's custody, as well as to address preventative measures.³¹

Access to Courts/Post-Disposition Representation

Though all youth have the right to continued representation post-disposition, it is often difficult for youth to access their public defenders. Budget shortfalls and high caseloads often prevent public defender offices from effectively advocating for their incarcerated clients. Further, incarcerated LGBT youth in Louisiana are often faced with public defenders appointed to advocate for their best interests who are uneducated about the issues affecting them.



**Voices of Incarcerated Youth in Louisiana
Testimony from a 20 year old youth living with HIV**

Being positive in the juvenile system was very hard at first. Being ridiculed by others who are not even sure about your predicament just heard it from others.

I was often judged and whispered about by others on a daily basis. They would say things like, "He got that gansta." And tell others, "You better stay away from him because he's got AIDS." Or sometimes they would say stuff like "it doesn't matter what I think because I'm about to die anyway." Some people were even scared to communicate with me because of things that they heard. They were reacting to the stigma of the disease.

I even had nurses and staff telling one another and even kids things about me...I've been talked about to the point of to where I just wanted to go on lockdown and never come off...Staff who work here were even telling visitors and people who were in the free world that know me that I have AIDS and no one should talk to me because they would die, too. I started getting messages from friends at home who know someone who works up here that they told them that I was dying at the facility.

Over the years it has improved but it has not ceased. These rumors really conflicted my social life here.

In 2008, one such lawyer refused to advocate for his gay client stating that he thought the youth needed to be in secure care, that his client preferred secure care to home, and that there was no other option available to him since his mother did not accept his sexual orientation.

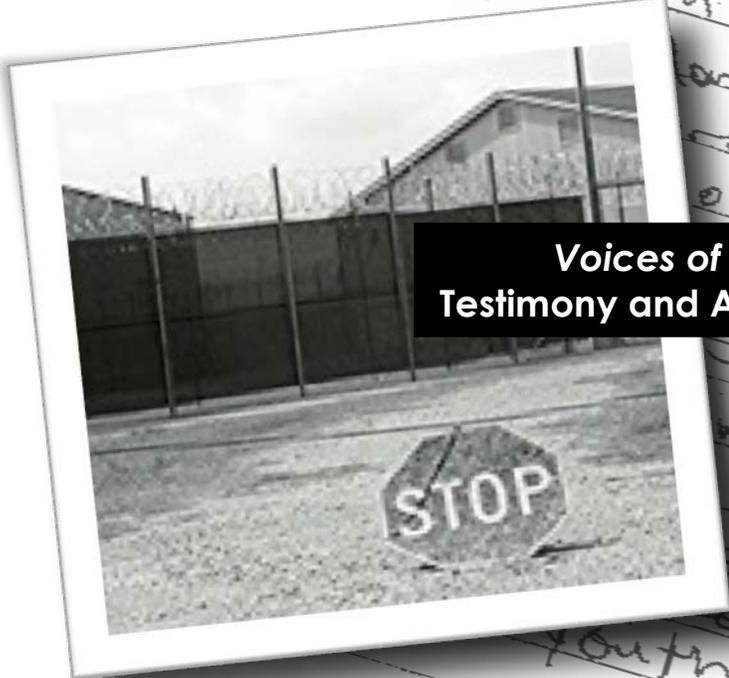
In addition, legal advocates for the rights of incarcerated youth have faced additional difficulty advocating for the rights of LGBT youth. There was one instance when, after aggressively advocating on behalf of LGBT youth clients, a youth advocate was temporarily banned from the facility, although no rule violation or unprofessional conduct had been found.



Lacking Resources

Maltreatment, no matter the form it takes, can lead to a young person feeling isolated and alone. Thus, it should not come as a surprise that LGBT youth often do not receive the resources they need since they do not feel safe or warranted in asking for them.

Contributing to this invisibility of LGBT youth in the juvenile justice system is the system's silence surrounding them. LGBT youth in OJJ custody report a lack of LGBT resources and positive reflections of themselves, including not having access to reading materials about LGBT youth, appropriate and inclusive education regarding healthy relationships and HIV/ STD prevention, appropriate counseling on "coming out" or dealing with issues such as church or family, positive community connections with other LGBT peers and adults, and more.



**Voices of Incarcerated Youth in Louisiana
Testimony and Advice from 19 year old bisexual youth**

It is very difficult because I feel as if there's no where that I can turn to. Being attracted to both sexes is so, so confusing. Although I don't feel "homosexual," it's hard to understand my preference. I need someone to talk to but there is no one I can. I often find myself hiding and reading articles pertaining to the subject.

Recommendations for other youth in the same position:

To no matter what, don't give up. Eat healthy. Stay in shape and stay away from risky situations and keep good spirits. Get as much info on whatever your situation is from someone you trust. And no matter how hard it is, don't let rumors and instigators get under your skin. Don't be afraid to write a staff or nurse up and report them for breaching confidentiality.

GET UNDER RUMORS AND INSTIGATORS
BE AFRAID TO WRITE A
STAFF OR NURSE UP AND
REPORT THEM FOR BREACHING
CONFIDENTIALITY.

RECOMMENDATIONS

While the stories and experiences of LGBT youth in secure care in Louisiana are in many ways bleak, the stated commitment from the Office of Juvenile Justice and other stakeholders to develop a juvenile justice system that is truly based on best practices and committed to the rehabilitation of every youth bodes well for the future.

Many allies in the state legislature have already taken proactive measures to address concerns about juvenile justice reform overall. Leaders in OJJ have also taken steps forward toward a system built on best practices. One way to ensure that the state of Louisiana continues on the path of reform and that changes made have a positive impact on all youth is to address concerns specific to those youth who disproportionately bear the burden of the juvenile justice system.

By improving conditions of confinement for LGBT youth, the state of Louisiana will ultimately improve conditions for all youth in its care. The following recommendations are just a few examples of some concrete steps that

would have a direct impact on the lives of all youth in the juvenile justice system. However, to fully address the over-incarceration of LGBT youth in Louisiana will take a serious partnership between all aspects of the juvenile justice system, including schools and other social services.



State-Level Reform

- **Fully implement the Juvenile Justice Reform Bill of 2003, Act 1225.**

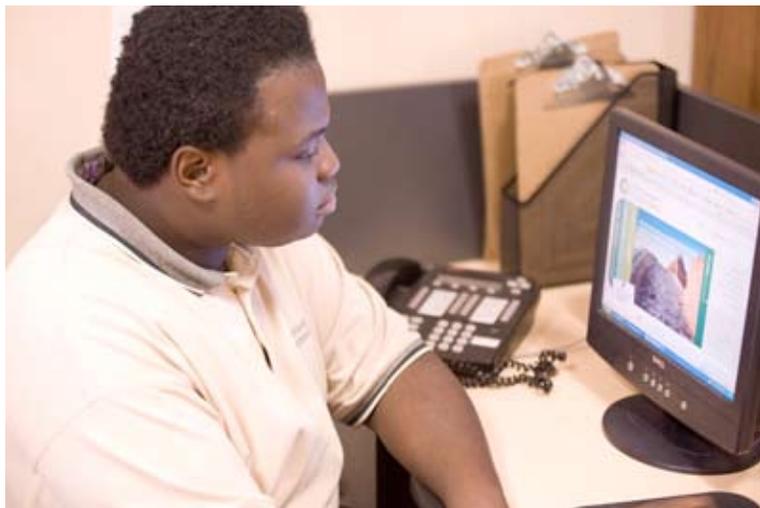
The state of Louisiana passed sweeping legislative reform in 2003, referred to as Act 1225. This legislation outlined the fundamental steps necessary for a reformed and effective juvenile justice system, including regular review of children held in the state's care to ensure that they are held in the least restrictive environment necessary, the establishment of juvenile detention standards, a continuum of community based services in each region of the state, increased interagency communication, and a plan to improve discipline and behavior in the school system.

- **Increase funding for community-based alternatives and decrease the number of youth in secure care.**

While the number of youth in secure care in Louisiana has decreased from approximately 2000 in 1998 to right around 500 youth, non-violent offenders still make up just under fifty percent of those youth. Those youth would be better served in evidence-based, community-based alternative programs which have not only been shown to be more effective in rehabilitating young people but are also more cost-effective for tax payers. Reducing the current number of youth in secure care in Louisiana can be done by ensuring post-disposition representation for young people, through judicial review panels, increasing state funding to community-based alternatives that are evidence-based, and by fully implementing risk-assessment tools to ensure youth are always placed in the least-restrictive placement possible.

- **Fully implement the “Missouri Model” in Louisiana.**

While Louisiana committed to implementing a “Louisiana Model,” or LaMod, in secure care facilities several years ago, there is still much to be done to shift the culture of secure care in Louisiana. In Missouri, youth are held in the least-restrictive placement possible, close to their communities, in small, home-like residential centers, with an increased staff-to-youth ratio, and with an emphasis on treatment and programming. To replicate this model in Louisiana, this may mean the



creation of additional lesser secure facilities, increased funding for alternative programs, and the ongoing training of staff in the therapeutic model such that real culture change can occur.

Policy

- **Ensure all OJJ facilities and programs have a fully-inclusive non-discrimination policy.**

Adopting a uniform non-discrimination policy across all facilities would not only benefit LGBT youth, but would benefit all marginalized youth within the juvenile justice system. The non-discrimination policy, which should be inclusive of both sexual orientation as well as gender identity, could also be adopted in all state-funded programs or out-of-home placements for youth. By making the non-discrimination policy uniform, youth and staff who are transferred from one facility to another would be operating under the same expectations and commitment to honoring diversity.

- **Develop an OJJ policy specifically for working with LGBT youth based on “best practices.”**

Several other states have already developed such policies in detention centers, secure care, and other out-of-home placements. Such a policy should include avoiding forced isolation, addressing concerns regarding dress and other forms of self-expression, respecting youth's right to confidentiality, ensuring access to quality medical and mental health care, intervening in harassment and bullying, and making individualized housing and placement options for transgender youth. The policy should be developed in consultation with experts in the field of LGBT youth and juvenile justice.

- **Develop a policy on the treatment of HIV positive youth and youth with other medical conditions that ensures their right to privacy and dignity.**

Youth who are living with HIV or other medical conditions should have the right to confidentiality regarding their medical records and information. The policy should include treating all youth as though they could be HIV positive, which would eliminate the need for the notification of all staff about a youth's status. The same should be true for other communicable diseases or medical conditions. Such a policy should be done in accordance with best practices and with the consultation of advocates in the field of HIV/ AIDS and juvenile justice.

- **Ensure the implementation of these policies, including consequences for staff that violate policies.**

Leaders and administrators within OJJ should commit not only to developing policies based on best practices, but to ensuring their implementation as well. Staff should be accountable for their actions and understand the ramifications for violating policies, which should include additional training, restrictions or demotions, probationary periods, and termination of staff that intentionally or repeatedly violate policies.

Training

- **Implement ongoing training for all OJJ staff on “best practices” when working with LGBT youth, including mental health professionals.**

Ongoing training for OJJ staff on LGBT youth would help staff be able to better serve LGBT youth in their care. Through ongoing training on these issues, staff would be better educated on adolescent development for LGBT youth, learn ways of positive intervention in harassment or bullying from other youth, how to determine housing placements for transgender youth, and countless other practical tools for working with youth. Training curriculum should be developed in accordance with best practices and with the guidance of experts and professionals in the field of LGBT youth and juvenile justice.

- **Implement ongoing training for all OJJ staff on “best practices” regarding HIV/ AIDS, including the right to confidentiality.**

Ongoing training for OJJ staff on issues regarding HIV/ AIDS would help ensure all youth had the right to confidentiality and dignity regarding their personal health. Such training should include treating all youth as though they were HIV positive to eliminate the need for notifying all staff of a youth's medical status, how to intervene in situations with youth who are targeted for being HIV positive, and education regarding HIV/ AIDS for all youth in care. Training curriculum should be developed in accordance with best practices with the guidance of experts and professionals in the field of HIV/ AIDS and juvenile justice.

Administrative

- **Implement periodic screening of all youth for HIV/ AIDS and other sexually transmitted diseases. Implement LGBT-inclusive prevention programming and access to quality treatment, education, and counseling.**

Partnerships should be developed with community clinics, local colleges and universities, the Department of Health, and other health care providers to ensure that youth are periodically screened for HIV and other STDs. Prevention programming should be inclusive of LGBT youth and youth who are living with HIV. If tests are positive, youth should be provided with counseling, education, and quality medical care.

- **Develop partnerships with LGBT community organizations and increase resources available for youth on LGBT issues including books and videos.**

It is important for all youth to see positive reflections of themselves portrayed in popular media, throughout history, or positioned within the context of a greater community. It is also beneficial for youth to be exposed to diversity and difference. Further, increasing access to such materials may lessen the isolation faced by many LGBT youth.

- **Ensure treatment, programming, and other services appropriately address the needs of LGBT youth.**

Review all programs carefully to determine any possible negative impact on LGBT youth. Ensure that programs such as religious services, family therapy, parenting classes, sex offender treatment programs, and individual counseling do not condemn LGBT youth and are inclusive of their needs.





Adonus and Kyeon, LGBT Youth in New Orleans, LA

CONCLUSION

Regardless of personal, moral, religious, or ethical beliefs about LGBT youth, we can assume that those who are committed to reforming the juvenile system in Louisiana are committed to building a humane system that serves all youth, based on nationally recognized best practices. Louisiana, a state that has aspired to be a model for juvenile justice reform, is fortunate enough to have this shared commitment among stakeholders. Listening to the unique experiences and recommendations of LGBT youth in the juvenile justice system in Louisiana should prove to be a valuable tool for advancing reform.

“We have a way harder life when we’re incarcerated. Straight people have a hard time here but [gay youth] have it even worse. They are raped, get food thrown at them, are jumped, humiliated, god knows what will happen to them...[If I wasn’t gay], I would have an easier life. There would be less teasing from boys and staff and people wouldn’t be on my back all the time.

But this way, I have my individuality, I have my self, I know who I am. I have people willing to support me, true people, friends, and I get to give advice to other gay kids. You meet more true people this way.

If I could be on Oprah for one minute, I’d say, “Don’t let [gay youth] be picked on for their individuality. Let them be who they are...no matter what it is!”

-Incarcerated youth, July 11, 2008

RESOURCES

For lesbian, gay, bisexual and transgender youth in Louisiana

SOUTHWEST LOUISIANA

Acadiana Cares

P.O. Box 3865
Lafayette, LA 70502
337.233.2437

**Provides services for HIV/AIDS, housing for substance abuse, LGBT-friendly

SW Louisiana AIDS Council

1715 Common St.
Lake Charles, LA 70601
337.439.5145

**Provides services for HIV/AIDS

NORTH LOUISIANA

Philadelphia Center

P.O. Box 44454
Shreveport, LA 71134
318.222.6633

**Provides services for HIV/AIDS, support for LGBT youth and parents

YWCA Community Outreach

700 Pierre Ave.
Shreveport, LA 71103
318.222.2116

**Provides HIV/AIDS services and help for people who have been abused and/or sexually assaulted

PFLAG

2609 Parham Dr.
Shreveport, LA 71109
318.638.8609

**Provides support and education about LGBT youth and parents

The Monroe Gay Men's Wellness Center

2915 Desiard
Monroe, LA 71201

**Provides multiple health services to gay men and transgender individuals

SOUTHEAST LOUISIANA

Counseling Coop

3001 5th St. #300
Metairie, LA 70002
504.836.0000

**Provides LGBT mental health and counseling services (some sliding scale)

LGBT Community Center

2114 Decatur St.
New Orleans, LA 70116
504.945.1103

**Provides support groups, LGBT library, social activities, and more

Men of Color/New Orleans (MOC/NO)

P.O. Box 57694
New Orleans, LA
504.482.6004

PFLAG

P.O. Box 15515
New Orleans, LA 70175
504.862.5912

**Provides meetings for LGBT youth and referrals.

Crescent House

1000 Howard Ave.
Suite 1000
New Orleans, LA 70113

**Provides LGBT domestic violence and sexual assault services.

Brotherhood, Inc.

4032 Canal Suite C1-A
New Orleans, LA 70119
504.566.7955

Operates **Trinity House for HIV + individuals, **Ujima Project** for substance abuse counseling, free HIV testing, and operates **MyHouse**, a safe haven for young men who have sex with men (MSM) and trans youth of color.

The Drop-In Center

1428 N. Rampart
New Orleans, LA 70116
504.948.6701

**Provides space for homeless/ at-risk youth, counseling and case management services. Access to syringes, including intra-muscular needles for hormones.

Drop-In Clinic

611 N. Rampart
New Orleans, LA 70116
504.584.1112

**Free medical care for at-risk youth, including access to hormones.

Covenant House

611 N. Rampart St.
New Orleans, LA 70112
504.584.1111
1.800.999.9999

**Provides temporary housing for youth and other services (non-LGBT specific)

Women with a Vision

1515 S. Salcedo St.
Suite 212
New Orleans, LA 70125
504.301.0428

**Provides health services and empowerment to lesbian/trans women of color and sex workers.

Hagar's House

3401 Canal Street
New Orleans, LA 70119
504.210.5064

**Provides temporary housing for transgender individuals

LGBT and HIV/AIDS Youth Project

1600 O. C. Haley Blvd.
New Orleans, LA 70113
504.522.5437

**Advocacy and resource referrals for incarcerated or court-involved LGBT youth and HIV + youth.

Lambda Center

831 Elysian Fields Ave.
New Orleans, LA 70116

** LGBT-friendly Alcoholics Anonymous (AA), Narcotics Anonymous (NA), and Gamblers Anonymous (GA) meetings.

NO/AIDS Taskforce

2601 Tulane Ave. Ste. 500
New Orleans, LA 70119
504.821.2601 or
507 Frenchmen St.
New Orleans, LA 70116
504.945.4000

**Provides support groups for young gay and bisexual men and those living with HIV/AIDS.

LSU Safe Space

Office of Multicultural Affairs
326 A LSU Union
Baton Rouge, LA 70803
225.578.7135

**Educates students and organizations about LGBT issues, can make referrals for non-LSU students

CENTRAL LOUISIANA

Central Louisiana AIDS Support Services

104 13th St.
Alexandria, LA 71301
1.800.444.7993

**HIV/AIDS counseling, testing, and direct services, LGBT-friendly

***Additional HIV/AIDS resources for LA can be found at AIDS LAW 1.800.375.5035 or www.aidslaw.org**

***For information about LGBT-affirming faith-based communities, contact FFE at 504.569.9156**

NOTES

¹ Feinstein, R; Greenblatt, A.; Hass, L.; Kohn, S. and R. Julianne. *Justice for All? A report on lesbian, gay, bisexual and transgendered youth in the New York juvenile justice system*. Lesbian and Gay Youth Project of the Urban Justice Center (2001).

² In Missouri, young people are housed in small, regional, homelike facilities. The staff are counselors and social workers that help youth examine their behavior and address the underlying issues that cause their behavior.

³ Excerpted from *Caring for your school-aged child: Ages 5-12* by Bantam (1999). Accessed May 2010 at: http://imatyfa.org/permanent_files/american-academy-of-pediatrics-6-2007.pdf Also Mallon GP, *Social Services with Transgendered Youth*. Binghamton, NY: Harrington Park Press. (1999) and National Alliance of Mental Illness (NAMI) Multicultural Action Center. *Mental Health Risk Factors among GLBT Youth*. (June 2007).

⁴ Gay, Lesbian, and Straight Education Network (GLSEN). *2007 National School Climate Survey*. (2007).

⁵ Ibid.

⁶ Sum, et al. Northeastern University. *The Consequences of Dropping Out of High School: Joblessness and Jailing for High School Dropouts and the High Cost for Taxpayers*. (2009).

⁷ Lambda Legal Defense and Education Fund, *Youth in the Margins: A Report on the Unmet Needs of Lesbian, Gay, Bisexual, and Transgender Adolescents in Foster Care* (2001).

⁸ Louisiana Children's Code Article 728(5) defines "ungovernable" as "the child's habitual disregard of the lawful and reasonable demands of his caretakers" and that the child is beyond their control.

⁹ Feinstein, R; Greenblatt, A.; Hass, L.; Kohn, S. and R. Julianne. *Justice for All? A report on lesbian, gay, bisexual and transgendered youth in the New York juvenile justice system*. Lesbian and Gay Youth Project of the Urban Justice Center (2001).

¹⁰ Ibid.

¹¹ Ibid.

¹² Remafedi, Gary. *Adolescent Homosexuality: Psychological and Medical Implications*. 79 *Pediatrics* 331. (1987).

¹³ National Alliance of Mental Illness (NAMI) Multicultural Action Center. *Mental Health Risk Factors among GLBT Youth*. (June 2007). Cited works: Hart, T.A., Heimberg, R.G. *Presenting problems among treatment-seeking gay, lesbian, and bisexual youth*. *Journal of Clinical Psychology*, 57, 615-627. (2001); D'Augelli, A.R. *Mental health problems among lesbian, gay, and bisexual youths ages 14 to 21*. *Clinical Child Psychology and Psychiatry*, 7, 433-456; Russell, S.T. (2003). *Sexual minority youth and suicide risk*. *American Behavioral Scientist*, 46, 1241-1257; Kitts, R.L. (2005). *Gay adolescents and suicide: Understanding the association*. *Adolescence*, 40, 621-628.

¹⁴ Marshal, et al. *Gay Youth Report Higher Rates of Drug and Alcohol Use*. University of Pittsburgh Researchers Report Findings in *Journal Addiction*. University of Pittsburgh. Accessed in May 2010 at <http://www.medicalnewstoday.com/articles/101682.php>.

¹⁵ Futterman, Ryan C. *Lesbian and Gay Youth: Care and Counseling*. *Adolescent Medicine State-of-the-Art Reviews*; v. 8, no. 2. Philadelphia: Hanley & Belfus. (1997).

¹⁶ Excerpted from *Caring for your school-aged child: Ages 5-12* by Bantam (1999). Accessed May 2010 at: http://imatyfa.org/permanent_files/american-academy-of-pediatrics-6-2007.pdf Also Mallon GP, *Social Services with Transgendered Youth*. Binghamton, NY: Harrington Park Press. (1999) and National Alliance of Mental Illness (NAMI) Multicultural Action Center. *Mental Health Risk Factors among GLBT Youth*. (June 2007).

¹⁷ Majd, K.; Marksamer, J.; and R. Carolyn. *Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts*. The Equity Project. (Fall 2009).

¹⁸ INCITE! Women of Color Against Violence. *Law Enforcement Violence Against Women of Color and Trans People of Color: A Critical Intersection of Gender Violence & State Violence. An Organizer's Resource and Toll Kit*. Can be found at <http://www.incite-national.org>.

¹⁹ Majd, K.; Marksamer, J.; and R. Carolyn. *Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts*. The Equity Project. (Fall 2009).

²⁰ Irvine, Angela. "Module 2: Research Overview" *Hidden Injustice. Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts: A Training for Probation*. Presentation for the Santa Cruz County Probation Department. (February 17, 2010).

²¹ Bridges, Emily. *Advocates for Youth: The Impact of Homophobia and Racism on GLBTQ Youth of Color*, (2007).

²² Majd, K.; Marksamer, J.; and R. Carolyn. *Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts*. The Equity Project. (Fall 2009).

²³ Beck, Guerino, and Harrison. *Sexual Victimization in Juvenile Facilities Reported by Youth 2008-09*. (January 7, 2010). Accessed May 2010 at <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2113>

²⁴ Norton, T. and J. Vare, *Understanding Gay and Lesbian Youth: Sticks, Stones, and Silence*. (1998). Accessed May 2010 at <http://www.nmha.org/go/information/get-info/children-s-mental-health/bullying-and-gay-youth>.

²⁵ Savin-Williams, and Ritch. *Verbal and Physical Abuse as Stressors in the Lives of Lesbian, Gay Male and bisexual Youths: Associations School Problems, Running Away, Substance Abuse, Prostitution and Suicide*. *Journal of Consulting and Clinical Psychology*, vol. 62, no. 2. (1994).

²⁶ Majd, K.; Marksamer, J.; and R. Carolyn. *Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts*. The Equity Project. (Fall 2009).

²⁷ Child Welfare Information Gateway, American Psychological Association. Accessed May 2010 at: http://www.childwelfare.gov/pubs/f_gay/f_gay.pdf

²⁸ Majd, K.; Marksamer, J.; and R. Carolyn. *Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts*. The Equity Project. (Fall 2009).

²⁹ *ibid*

³⁰ *ibid*

³¹ Louisiana Office of Public Health, HIV/AIDS program. Fact sheet. April 20, 2009.

³² Irvine, Angela. *We've Had Three of Them: Addressing the Invisibility of Lesbian, Gay, Bisexual, and Gender Non-Conforming Youth In the Juvenile Justice System*. *Columbia Journal of Gender and Law*, Volume 19 (forthcoming 2010).

³³ *ibid*

³⁴ Holman and Ziedenberg. *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*. Justice Policy Institute. (2006).

The Juvenile Justice Project of Louisiana was founded in 1998 with the mission to transform the juvenile justice system into one that builds on the strengths of young people, families and communities to ensure children are given the greatest opportunities to grow and thrive.

