
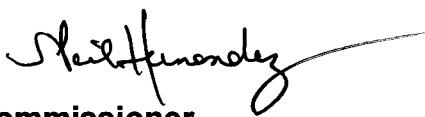


DEPARTMENT OF JUVENILE JUSTICE

	Policies and Procedures	Directive #: 02/07	Page 1 of 3
	Subject: Anti-Discrimination of LGBTQ Youth	Related Standards: N/A OCFS: N/A	
	Approved: <div style="text-align: center;">  Neil Hernandez, Commissioner </div>		Effective Date: 02/06/07
New [X] Revised [] Supersedes []			

I. Purpose

The purpose of this policy is to reinforce the Department's commitment to ensure the safety, dignity, physical and emotional well being of all residents and to institute safeguards for residents who have identified themselves or may be perceived as lesbian, gay, bisexual, transgender and questioning (LGBTQ). These residents face challenges as they negotiate their orientations in a society often hostile to non-traditional sexual identities. The Department shall provide these children with a safe, healthy and accepting environment in which to grow and thrive.

The Department strives to provide residents with a discrimination-free setting and instill in all youth an appreciation of each person's individuality.

State regulations prohibit any act by the Department or its contract agency staff that would be abusive to any resident in custody. Discrimination, which ostracizes any resident or subjects a resident, to harassment, ridicule or humiliation, is abusive, detrimental to a resident's well being, and contrary to State regulations.

II. Policy

It shall be the policy of the Department of Juvenile Justice (DJJ), through its directly operated and contract service providers, to maintain and promote a detention system that provides the highest quality of services for youth regardless of their sexual orientation or gender identity including lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth, race, color, ethnicity, religion, national origin, cultural heritage, disability, special needs, gender, and age.

The Department prohibits all forms of harassment and discrimination of residents or by residents, employees, contractors, volunteers and visitors. This policy specifically forbids discrimination and harassment against lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth.

DJJ and its contract service providers shall provide services based on principles of sound professional practices and not based on societal, institutional or personal biases. Services and programs must be provided in a manner free of discrimination and harassment, with efforts focused on meeting the diverse needs of residents. This policy shall apply with equal force to every resident regardless of his or her self-identification or

perceived identification. Accordingly, the Department's policies and practices shall be applied to all residents fairly and equally. All employees and contract service providers that work with residents shall make every effort to provide the most appropriate care to all residents in custody.

III. Definitions

- **LGBTQ Youth:** Youth who have identified themselves or may be perceived as lesbian, gay, bisexual, transgender and questioning.
- **Questioning:** Youth who have questions about their sexuality, sexual identity, and/or gender identity.
- **Volunteer:** Any person who performs or offers to perform a service without pay.
- **Harassment:** Including but not limited to such acts as, name calling, slurs, disrespectful gestures, being joked about, being picked on, being touched, or being labeled abnormal.
- **Discrimination:** Any act, policy or practice that penalizes or disadvantages residents or subjects them to harassment based on actual or perceived race, color, religion, sex, national origin, cultural heritage, disability, special needs, gender, age, gender identity, sexual orientation and expression.

IV. Procedure

A. Staff Training

The Training Office shall ensure that all new personnel, including contract services staff, shall be provided with training that promotes this policy including, Child Abuse Awareness and Prevention and, Child and Adolescent Development and Sexuality.

B. Enforcement

1. All Departmental staff, including contract service providers, shall be required to report all incidents in violation of this policy and procedure. This includes youth harassment of any kind, including but not limited to taunting, ridicule, humiliation, teasing, verbal abuse, threats or acts of violence against a resident for any of the reasons mentioned in the policy statement. If the incidents involve allegations of child abuse, reporting protocol for Policy # 8.5: Reporting/Processing Child Abuse Allegation shall be followed. Incidents, other than a child abuse allegation, shall be reported as "Other" to MCCU. (See Administrative Order: 02/04 Reporting of Incidents and Data Management for GOALS). Supervisory and management staff shall treat all incidents of this nature as serious and follow-up immediately and according to Departmental protocols.

2. The Department's Disciplinary Affairs shall vigorously pursue all matters including those that violate section L.1.10, "Discrimination Against Juveniles," of the DJJ Standard of Conduct whether referred by Department staff, contract staff or on its own initiative.
3. This policy does not preclude enforcement of the Department's child abuse reporting procedures.

V. References

DJJ Standard of Conduct

Policy # 8.5: Reporting/Processing Child Abuse Allegations

Administrative Order: 02/04: Reporting of Incidents and Data Management for GOALS