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L. Elaine Dutton
Juvenile Justice through a Gender
Variant Lens: An Exploratory Study
of the Experience of Providers
Working with Gender Variant Youth
in California Juvenile Justice
Facilities

ABSTRACT

This qualitative study aimed to explore the experience of service providers in juvenile justice facilities in the San Francisco Bay Area, specifically with regard to their work with gender variant youth. Additionally, it focused on how SB 518, the CA Juvenile Justice Safety & Protection Act, impacted service provision within the juvenile justice system. Qualitative interviews were conducted with 13 providers who were employed at the time of SB 518 passing. The findings suggest that gender variant youth are present in juvenile justice facilities and face multiple challenges while navigating the juvenile justice system. Providers interviewed did not have an awareness of the passing of SB 518, nor of ways in which it impacted service provision with the gender variant population. Providers were unaware of any existing systems, policies, or procedures in juvenile justice facilities designed to support the needs of gender variant youth. Moreover, providers interviewed for the purposes of this study held varying impressions about ways in which they provided services to gender variant youth in their care. Much of what the limited existing data on this topic conveys is similar to that of what these study findings imply.

**JUVENILE JUSTICE THROUGH A GENDER VARIANT LENS:
AN EXPLORATORY STUDY OF THE EXPERIENCE OF PROVIDERS
WORKING WITH GENDER VARIANT YOUTH IN CALIFORNIA
JUVENILE JUSTICE FACILITIES**

A project based upon an independent investigation,
submitted in partial fulfillment of the requirements for the
degree of Master in Social Work.

L. Elaine Dutton

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Smith College School for Social Work

2011

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For the sake of resistance, movement, and resilience. To the individuals and communities who have worked and continue to push for an end to the numerous forms of oppression that exist. For the sake of heartrending collective power. Thank you for the inspiration and for backing me in life, and in my work.

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Chapter I

Introduction

North American society is laden with expectations, many of which manifest in the form of stereotypes. Most individuals begin to learn about these stereotypes at a very young age and start to understand what it means when one deviates from certain norms that exist in North American culture. One of the most prevalent of these norms is gender, relating to the assigned biological sex that individuals receive at birth, gender expression, and gender identity. Gender norms and stereotypes are made evident in media, film, politics, laws, consumerism, and employment trends in the United States. Individuals who stray from gender conventions are ostracized, harassed, and criminalized, which may lead to lowered self-esteem, at-risk behavior such as substance abuse, and/or mental health issues. Gender variant individuals, or those whose gender identity and/or expression differs from the expectations attributed to the biological sex they were assigned at birth, are among the most marginalized by the actualization of gender norms in North American culture.

Adolescence is a time when self-exploration, personal development, and individuation occur. Social struggles emerge as youth begin to discover and come to terms with their identities and how they intersect with the world around them. “Middle adolescence is a period when young people first come to understand that social conventions such as dress norms and social manners serve to coordinate the social behaviors of members of social systems” (Horn, 2007, p. 364). As teenagers start to notice and acknowledge the differences that they possess, marginalization of those who do not adhere to common stereotypes and norms frequently occurs. Although distinctions may be drawn from the two, gender variance is often conflated with sexual

orientation and gender variant youth are typically assumed to be homosexual. Therefore gender variant youth are often the target of homophobic and transphobic victimization.

Ongoing harassment and marginalization, particularly among adolescents, can lead to feelings of insecurity and isolation. Gender variant youth are often ostracized by their peers and family members, which could put them at risk of poor school attendance, substance abuse, and depression. Marksamer (2008) has found that “students who face harassment due to their sexual orientation or gender identity are more than three times as likely to carry a weapon to school, more than twice as likely to use methamphetamine and inhalants, and have higher rates of alcohol and marijuana abuse” (p. 74). Such behaviors could put youth at risk of involvement with the juvenile justice system.

Estrada & Marksamer (2006) observe, “the purpose and public policy of institutional confinement of children emphasizes rehabilitation and treatment rather than punishment, making the constitutional rights of institutionalized juveniles broader than those of adult inmates” (p. 179). Such rights include those to safe conditions of confinement, freedom from unreasonably restrictive conditions, mental and physical healthcare, and freedom from exposure to conditions that amount to punishment. These rights include First Amendment rights, which guarantee freedom of speech and expression. This “guarantees the right to be open about one’s sexual orientation and the right to expressive conduct, such as dressing in the manner of one’s choice” (Estrada & Marksamer, 2006, p. 188).

According to the rights outlined above, gender variant individuals in juvenile justice facilities should be supported in regard to their gender presentation and be free of punishment and harassment while they are detained. One may hypothesize, however, that on the whole, the experiences of gender variant youth navigating the juvenile justice system are similar to those

encountered in society. Considering the gravity of this, the purpose of this study was conceived and its necessity was solidified.

The purpose of this study is to explore the experience of providers who have worked with gender variant youth in California juvenile justice facilities. To specifically identify how providers experience work with gender variant youth, the study aims to answer questions that include: 1) Which elements of the juvenile justice system do participants experience as most supportive and which do they find least supportive with regard to the needs of gender variant youth detained in facilities where they work? 2) In what ways do issues of race, class, sex, and gender intersect among youth in these facilities? 3) Has the passing of Senate Bill 518, the California Juvenile Justice Safety and Protection Act, impacted the provision of services in juvenile justice facilities and, if so, how?

The present study is thus important for three reasons. First, the lack of research of the treatment needs of gender variant youth in general leaves social workers with little direction on how to provide services in a way that supports their needs. Second, the specific setting of a juvenile justice facility is likely to bring with it particular challenges related to the provision of treatment, and needs to be explored as a result. Third, although California Senate Bill 518 was passed in 2007, it is not clear if the protections it affords youth in juvenile justice facilities are actually implemented or enforced. Thus this project will advance social work knowledge on the influence of such a policy, the conditions of gender variant youth in such settings as well as their treatment needs. Findings of this study will be informative to clinical social workers, social justice advocates, and policy planners. Research on this topic is extremely limited, furthering the importance of this study and underscoring the need for more research in this area.

Chapter II

Literature Review

This chapter will begin with a definition of the term gender variant and discussion of the development of gender identity and disposition as it is understood and defined in the United States. Existing data concerning societal responses to gender variance, particularly in childhood and adolescence, will be presented. Literature describing the at-risk nature of the gender variant youth population will be introduced, along with some common challenges that these youth face. Existing data on service provision with gender variant youth in U.S. juvenile justice facilities is sparse, however there is some literature that may be applicable for the purpose of this study. That information will be presented within this chapter. The author will call attention to the push by advocates to manifest change for gender variant youth navigating the juvenile justice system, particularly in regard to the development and passing of SB 518, the CA Juvenile Justice Safety & Protection Act. Lastly, literature outlining recommendations and implications for practice with gender variant youth will be presented.

Gender variant is a term used to describe those whose gender identity and/or expression differs from what is considered the norm in North American culture. *Gender nonconforming* is a concurrent term, defined by The Sylvia Rivera Law Project (2009) as a reference to people who do not follow other people's ideas or stereotypes about how they should look or act based on the female or male sex they were assigned at birth. Gender variant individuals can be distinguished from those who identify as transgender because the term "variant" encompasses a broad range of identities. Not everyone who presents in a gender variant manner identifies as transgender; there are an abundance of gender identities. One may identify as gender queer, butch, femme, queen,

gender neutral, etc. Many of these, including a transgender identity, can be considered gender variant. Rosario (2009), in her study of African American transgender youth utilized the construct of “gender variant” to reflect an appreciation of “the diverse expressions of gender identity, gender roles, sexual orientation, and sexuality” in this group (p. 306).

The term transgender is often used as an umbrella term to include a variety of non-conforming gender identities. The Sylvia Rivera Law Project (2009) defines the term as one that is used to describe people whose gender identity differs from the sex they were assigned at birth. Many see such gender identities as equivalent although the differences are varied. For example, one person with a transgender identity may have an ultimate goal of passing as the biological sex that is opposite of their own while another may appear to possess character traits typical of the opposite sex in their presentation and mannerisms, yet not feel the need to pass as such. One may have a transgender identity without feeling that they must disregard or alter their biological sex. It is important to distinguish these varied gender expressions and identities simply because they exist, and such non-conformity is not commonly accepted in today’s society, which leads to the marginalization and oppression of this population.

Children typically begin to learn about sex and gender at a very young age. They receive information about what it means to be male or female from society, caregivers, peers, and the media. According to Stieglitz (2010) “many children show gender-nonconforming behavior by 2 to 3 years of age, causing parents and society to start shaping behavior to fit what they consider normal early in the child’s life” (p. 194). Some of these behaviors are part of healthy childhood exploration: “Behaviors, mannerisms, and play that appear to be gender nonconforming to a parent may feel perfectly normal to the child” (Mallon & DeCrescenzo, 2006, p. 67). An example provided by Mallon & DeCrenzo (2006) affirms “the male child who wants a Barbie and female child who states that she feels uncomfortable in a dress are examples of gender variant mannerisms and behaviors that are natural” (p. 67). North American society rewards the prevention or modification of such gender variant behavior in children.

Gender variant children, particularly those perceived to be transgender, are often diagnosed with Gender Identity Disorder-Childhood, (GID-C) which appears in the DSM IV-TR (American Psychiatric Association [*DSM-IV-TR*], 2000). According to Mallon & DeCrescenzo (2006) “the introduction of GID in children in the DSM came as the result of federally funded experiments on gender variant boys that took place in the 1970s” (p. 68). GID is described as dissimilarity between the sex recorded on one’s birth certificate and their gender identity. Mallon & DeCrescenzo (2006) maintain that treatment of GID was aimed at preventing transsexualism, focused on modifying gender variant behavior, and used covertly to “treat” an emerging lesbian or gay identity. It is important to note “experience tells us that there is not always a correlation between sex and gender identity, and anthropological studies indicate that numerous cultures allow for a wide variety of gender variant identities and social roles” (Cooper, 2009, p. 126).

Gender variant advocates suggest that a diagnosis such as Gender Identity Disorder-Childhood where one is made to believe that they have abnormal or unacceptable perception of their gender coupled with victimization could potentially compromise a child’s mental health. Mallon & DeCrescenzo (2009) propose “given the extent of medical, cultural, and social misunderstandings that gender variant children endure, many, unsurprisingly, will become socially isolated and depressed, and suffer from self-esteem problems” (p. 69). According to Cooper (2009) “the APA’s [American Psychiatric Association’s] belief that gender “dysphoria” is an illness complicates the process of coming to self-knowledge for gender variant children and their families” (p. 127). Mallon & DeCrescenzo (2009) state that more often than not these youth have been harmed rather than helped by clinicians who insist on “correcting” the gender variant child by attempting to make them more gender conforming. Gender variant advocates encourage providers to consider where a gender variant child’s distress stems from, their gender expression and mannerisms themselves or the social ostracism that they endure as a result.

It has been demonstrated that “as children move into adolescence gender conventions become much more salient and limiting, and adherence to these norms becomes much more

important” (Horn, 2007, p. 363). This is relevant because literature indicates “adolescent attitudes toward gender-based conventions play a significant role in judgments of the acceptability of peers” (Horn, 2007, p. 369). In an exploratory study investigating adolescent’s acceptance of peers based on sexual orientation and gender expression, Horn (2007) found that “non-compliance with gender-based conventions was associated with lower levels of acceptability” (p. 369). It is important to note that “this held for judgments (based on gender non-conformity) directed at heterosexual as well as gay and lesbian same-sex peers” (Horn, 2007, p. 369). This is crucial to acknowledge because gender variance is not a determinant of sexual orientation. Race and class representation in this study were quite diverse because demographics in the school where it was implemented were such, a strength of the study.

African American gender variant youth, particularly those from urban environments, face an even higher prospect of marginalization. These youth “have almost uniformly had troubled lives scarred by extreme poverty, trauma, and violence with very limited experience of trustworthy adults” (Rosario, 2009, p. 300). Vernon Rosario, MD, PhD is a child and adolescent psychiatrist who works primarily with minority male-to-female transgender youth at a clinic run by Gay & Lesbian Adolescent Social Services (GLASS), a nonprofit group in Los Angeles that operates six group homes for adolescents. Rosario (2009) emphasizes that “approximately half of these youth are in the foster system and about half are on probation” (p. 299). Existing data on the experiences of minority gender variant youth is minimal however “anecdotal evidence suggests that they are not only at risk of acquiring HIV, but also face enormous challenges navigating adolescent and gender identity development without readily available, culturally appropriate health care and social support services” (Garofalo, 2006, p. 231).

Research conducted by Garofalo et al. (2006) in Chicago involved surveying male-to-female transgender youth from communities of color aged 16-25 in order to assess substance use risk, HIV risk and status, and psychosocial issues such as life stressors, social support, and self-esteem. In regard to social support, “many transgender youth experience family conflict at a time

when parental support plays a crucial role in healthy adolescent development” (Garofalo, 2006, p. 235). Not surprisingly, “friends, rather than family, were the most frequently cited sources of social support, with 98% of participants stating that friends were ‘somewhat’ or a ‘great deal’ helpful for emotional support” (Garofalo, 2006, p. 232). The majority of youth in this study “reported difficulty finding both food and jobs” (Garofalo, 2006, p. 235). These life stressors were common as was difficulty obtaining medical care, frequently being bothered by police, and dependable transportation. Many of these youth chose sex work in order to survive and for some male-to-female transgender individuals this was a way to affirm their female gender identity. 90% of participants in this study who reported engagement in sex work also had a history of detainment or arrest.

Garofalo (2006) found high rates of substance use among study participants, with marijuana and alcohol being the most commonly reported, “71% and 65% of participants, respectively, reporting use in the past year” (p. 233). HIV risk was another common factor among these youth, as 57% reported unprotected anal intercourse within the past year. Additionally, “eleven participants (22%) reported being HIV+” (Garofalo, 2006, p. 234). The author also discovered that sexual victimization was common among these youth, with 52% of participants reporting forced sexual intercourse and 59% disclosing that they had engaged in sex for money, drugs, or shelter at some point during their lives (Garofalo, 2006). One might suspect a population with such significant risk factors to report lower than average self-esteem however the mean score on the researcher’s scale was 21.5, within the general population’s normal range of 15-25. This could be due to the fact that the majority of youth who participated in this study were from agencies that advocate for and provide support to transgender youth.

Marksamer (2008) notes “the persistence of bias and discrimination against transgender people generally, the societal lack of understanding of gender and sexuality, and a distrust of difference put transgender youth at high risk for involvement in the juvenile justice system” (p. 72). Peers, teachers, medical providers, and even family members perpetrate such rejection,

harassment, and discrimination. It is emphasized that "without the support of their families, transgender youth are at risk for depression, suicide, substance abuse, HIV infection, and prostitution" (Marksamer, 2008, p. 73). One may presume that many gender variant youth share in this experience because their gender expression is similarly non-conforming and they are often perceived as homosexual, much like transgender identified individuals, making them susceptible to both transphobia and homophobia.

In addition to these risk factors, "a disproportionate number of transgender and gender non-conforming youth are homeless" (Marksamer, 2008, p. 73). One may speculate that the reason for this number is due to rejection and marginalization at the hands of peers and family members, as noted in the studies outlined above. A survey conducted by Quintana, Rosenthal, & Krehely (2010) in New York City found that "gay and transgender youth first become homeless very young, with an average age of 14 and four months for gay youth and 13 and five months for transgender youth" (p. 7). Marksamer (2008) proclaims that "transgender youth who are homeless, like all homeless youth, are at high risk of arrest" (p. 73). According to Marksamer (2008) many offenses for which transgender youth are arrested have some connection to their transgender identity such as shoplifting clothes to which they do not otherwise have access or fighting back after an incident of harassment at school. It is important to note "research also suggests that homeless gay and transgender youth are disproportionately youth of color" (Quintana, Rosenthal, & Krehely, 2010, p. 7).

Gender expression and sexual orientation are often conflated, and gender variance is commonly viewed as an indicator of a homosexual orientation. Hate crimes involving violence against gender variant individuals are often accompanied by homophobic slurs. In a study conducted by R. Stotzer (2008) where Los Angeles County police reports on hate crimes relating

to gender identity in which comments used by perpetrators were examined, “the most common verbalizations were homosexual slurs or pejoratives” (p. 47). Gay and transgender communities frequently collaborate politically and socially, hence the familiar acronym LGBTQ, representing Lesbian, Gay, Bisexual, Transgender, and Queer identified people. Because of this frequently held belief, along with the aforementioned affiliation, research on lesbian, gay, queer, and bisexual identified individuals and communities may be applicable in this study. Having said this, it is important to reiterate that gender variance is not indicative of any sexual orientation.

In Ryan, Huebner, Diaz and Sanchez’s (2009) mixed-method study examining family rejection in adolescence as a predictor of health outcomes in LGB youth, they found that youth from “families with no or low levels of rejection are at significantly lower risk than those from highly rejecting families related to depression, suicidality, illicit substance use, and risky sexual behavior” (p. 350). One may assume that gender variant youth similarly experience family rejection that could lead to disparate health outcomes due to their lack of adherence to gender stereotypes and the commonly held belief that gender variance equates homosexuality. Similarly Horn (2007) indicates, “attitudes toward gay and lesbian same-sex peers involve an integration of concepts about sexual orientation and gender convention rather than being based upon a one-dimensional attitude toward sexual orientation” (p. 369).

Thus, the literature on the psychosocial risks faced by gender variant youth suggests that they are vulnerable to juvenile justice system involvement. Ware (2010) noted “an alarming 15% of youth held in juvenile detention centers across the country are lesbian, gay, bisexual, or transgender” (p. 1). Redman (2010) states that “according to UC Santa Cruz researcher Dr. Angela Irvine, LGBT youth are two times more likely than straight youth to land in a prison cell before adjudication for nonviolent offenses like truancy, running away and prostitution” (p. 3). Here in the United States “the brutal and dysfunctional juvenile justice system sends queer youth to prison in disproportionate numbers, fails to protect them from violence and discrimination

while they're inside and to this day condones attempts to turn them straight" (Redman, 2010, p. 2). Given these alarming statistics one might expect to find abundant research on potential reasoning behind this, what is being done to challenge this trend, how gender variant youth experience juvenile detention, and ways in which service provision in juvenile justice facilities impacts or aims to prevent such marginalization, however such data is minimal.

An exploratory study conducted by Lane, Lanza-Kaduce, Frazier, and Bishop (2002) in a juvenile detention center in Florida outlines male youthful offenders and their experience in juvenile detention, particularly in regard to their participation in rehabilitative programs. The study focused on how detainees perceived the impact of such programs on their attitudes and behaviors. Lane et al. (2002) found that "on the whole, the youths in this study believed that life skills (e.g., GED program, training in job skills, reentry programs) and counseling (help with problems and personal behavior management) were the program components that were most effective in helping them change their attitudes and behaviors" (p. 451). Although the participants' race and age of first arrest were included, there is no mention of gender expression, gender identity, or sexual orientation, raising questions about the needs of this particular vulnerable group.

Research specifically on the experience of gender variant youth navigating the juvenile system is limited. There are some studies that explore the experience of transgender identified adolescents in juvenile detainment facilities: "Transgender youth in juvenile detention and correctional facilities frequently are subjected by staff and other residents to taunting, physical and sexual harassment and abuse, and violence" (Thaler, Bermudez, & Sommer, p. 155). In an interview conducted by Redman (2010) a gender variant individual who experienced juvenile detention in Louisiana disclosed that staff called her 'a disgrace to mankind', a 'punk' or

‘fucking faggot’ on a daily basis and threatened her repeatedly. It was reported that the individual disclosed that many of her gay friends were assaulted so viciously that their injuries required internal stitches. Marksamer (2008) affirms, “in response to this abuse, facilities often isolate the transgender youth or otherwise remove the youth from the general population, which prevents the youth from participating in school or other facility programming" (p. 74). This small snapshot of the life of gender variant adolescents in juvenile detention is alarming and further solidifies the reason for the proposed study.

Marksamer & Rowen (2008) posit “juvenile justice facilities in the state of California are generally unsafe for all youth and LGBT youth are forced to deal with the ignorance and bias of staff members who lack understanding of their safety risks and are frequently hostile and abusive to them” (p. 2). In this case, torment from fellow detainees cannot be responded to appropriately, and in a worse case scenario intolerant staff persons enable and support the mistreatment of gender variant youth by their peers. Thaler et al. (2009) state that “the vast majority of correctional and detention facilities do not have policies or training that address harassment or discrimination based on sexual orientation; even fewer have policies addressing gender identity” (p. 155). This furthers the necessity to explore the needs of gender variant youth, particularly those in United States juvenile justice facilities.

Over the past decade, advocates and agencies across the United States have increasingly drawn attention to this issue aiming to increase awareness and manifest change. In the state of California “two innovative collaborative projects have broken new ground in developing and disseminating resources to support systemic change for LGBT youth in the child welfare and juvenile justice systems” (Estrada & Marskamer, 2006, p. 2). These collaborative programs work to implement training, distribute resources, and provide education designed to prevent the

harassment and discrimination of LGBT youth. Estrada & Marksamer (2006) describe two organizations who have each been working to improve the living conditions for LGBT young people in state custody around the country, “*Fostering Transitions*, a joint initiative of the Child Welfare League of America (CWLA) and Lambda Legal, and *The Model Standards Project*, a collaboration of Legal Services for children (LSC) and the National Center for Lesbian Rights (NCLR)” (p. 2).

One of the foci of these two organizations was to pass legislation that addressed gender identity discrimination in juvenile justice facilities, and in 2007, the state of California passed SB 518, the California Juvenile Justice Safety and Protection Act (see Appendix F). This bill prohibits harassment and discrimination based on actual or perceived race, ethnic group identification, ancestry, nation origin, color, religion, biological sex, sexual orientation, gender identity, mental or physical disability, and HIV status in all California Department of Juvenile Justice facilities. It also requires juvenile justice facilities to inform youth of their rights while they are detained. As a result, California is “the first state to adopt a comprehensive bill of rights for young people confined in juvenile justice facilities and one of the only states to statutorily prohibit discrimination and harassment based on sexual orientation and gender identity in juvenile justice facilities” (Marksamer & Rowen, 2008, p. 5).

There are four components of SB 518. First, it establishes statutory protections from harassment and discrimination, which means that all juvenile justice facilities must ensure the safety of all youth in their care while providing services free of discrimination. Second, SB 518 establishes a Youth Bill of Rights that explains the many rights that youth confined in Department of Juvenile Justice (DJJ) facilities have under state law and the United States Constitution. Seventeen basic fundamental rights are outlined in the document. In addition to the

development of this Youth Bill of Rights, the third component to SB 518 requires juvenile justice facilities to inform youth of these fundamental rights, provide them with a hard copy of the Bill of Rights during orientation, and post them in a visible location within their facility. Posters will include a toll-free telephone number for an ombudsperson to whom youth can call to report violations of rights or incidents of harassment. Finally, SB 518 requires the DJJ ombudsperson to monitor this toll-free helpline and investigate all complaints from youth and parents.

The passing of the California Juvenile Justice Safety and Protection Act is noteworthy in and of itself, yet it also raises questions about what policies and procedures have been implemented or adjusted in juvenile justice facilities as a result. If executed thoroughly, SB 518 could begin to eliminate the abuse and harassment that gender variant youth face while navigating the juvenile justice system, potentially increase awareness, and further educational opportunities among staff members. Information regarding the impact of SB 518 on service provision in juvenile justice facilities is lacking, furthering the importance of this study. Given the inherent binary gender organization in juvenile justice facilities, one may consider what service provision with gender variant youth looks like in these settings, as well as how implications for practice with these youth may be appropriately applied. There has yet to be any research on this, a gap which this study seeks to fill.

An article written by Mallon and DeCrescenzo (2006) examining the adaptation of gender variant youth outlines recommendations for clinical practice with such a population. They suggest that professionals educate themselves about transgender youth by reading books and articles on the topic, assist parents in resisting reparative treatments that aim to alter one's gender identity or expression, encourage communication and acceptance, and identify resources for LGBTQ youth. They encourage providers to assist transgender children in developing strategies

for dealing with societal stigmatization and discrimination, and maintain an awareness of potential violence within and outside of the gender variant child's family. It is recommended that providers "be comfortable with discerning the differences between a gay, lesbian, bisexual, or questioning child and a transgendered child" (Mallon & DeCrescenzo, 2006, p. 235).

Additionally, it is suggested that practitioners acknowledge that transgender young people exist within every culture, race, and religion. Mallon & DeCrescenzo (2006) emphasize the importance of providers' readiness to respond to relatives of gender variant youth in order to provide support and help them understand that the gender variant child's behaviors and mannerisms are natural to them. They further suggest that professionals help parents develop methods for responding to community members who may not be willing to accept the gender variant youth. Finally, it is recommended that schools, social service agencies, child welfare systems, mental health systems, and religious institutions identify transaffirming professionals with whom to collaborate, and incorporate in-service training to aid in the process of becoming transaffirming systems.

In conclusion, the aforementioned literature suggests that gender variant individuals begin to develop non-conforming gender expressions, mannerisms, and identities in early childhood. What is said to commonly follow this development is an oppressive response by peers, family members, and society to alter gender variant behavior, and encourage the gender variant individual to adhere to gender stereotypes applicable to the biological sex they were assigned at birth. The literature indicates that the marginalization of gender variant youth in North America leaves them in an at-risk position, increasing their likelihood of experiencing mental health issues, struggling with substance abuse, and engaging in behavior that may lead to criminal legal system involvement. Juvenile justice system involvement among gender variant

youth is sparsely documented yet some of the previously outlined literature suggests that gender variant youth face difficulties while being detained in juvenile justice facilities. Advocates working to alleviate the continued oppression of this population have endeavored to raise awareness, outlined suggestions for practice, and facilitated the passing of SB 518, the CA Juvenile Justice Safety & Protection Act.

Chapter III

Methodology

As noted in the literature review there is neither much data on service provision with gender variant youth in the juvenile justice system or on the policies and procedures that directly influence these youth in juvenile justice facilities. This qualitative study draws upon the question: how do providers in the juvenile justice system describe and interpret service provision with gender variant youth in regard to individual experience as well as systemic procedures, and what are their perceptions of the challenges gender variant youth face in juvenile justice facilities? The questions presented in this study were designed to address the gap in literature on this topic and to explore the implications of policy and systems in regard to practice. This chapter presents the methodology used in this study, including its purpose and design, sampling procedures, participant demographics, data collection, process of analysis, limitations, and strengths.

Study Purpose & Questions

The purpose of this study was to explore how providers in juvenile justice facilities experience service provision with gender variant youth, how it has differed from service provision with non-gender variant youth, and how they view the system with regard to its either interfering with or supporting service provision with these youth. Providers were asked to describe their role, the setting in which they work, the population that they serve, along with a typical and non-typical day in their facility. They were asked to illustrate how a specific piece of legislature that passed in October 2007, SB 518: CA Juvenile Justice Safety and Protection Act,

impacted service provision in the facility where they work or worked. Additional questions presented in this study were as follows:

- What, if any, systems, policies, or procedures designed to meet the needs of gender variant youth impact service provision with these youth in your facility?
- Tell me about something that went well in regard to service provision with gender variant youth, along with something that did not go well.
- What are some of the challenges that gender variant youth face while navigating the juvenile justice system, and when and under what circumstances are such challenges most often present?

Research Method & Design

This study was conducted using an exploratory method and qualitative design, chosen due to the lack of existing data on the topic and in order to elicit rich, in-depth perspectives from providers. Data collection involved an in-person interview developed specifically for the purposes of this research study. Throughout the project, the term “gender variant” was operationalized as referring to those whose gender identity and/or expression differs from what is considered the norm in United States culture. This definition was included in the informed consent, which was given to participants prior to the interview and signed by both the researcher and participant. The interviews were audio taped and transcribed by the researcher. Interview questions were open-ended and designed to elicit narrative information from participants about their experience providing services to gender variant youth in juvenile justice facilities in the San Francisco Bay Area of California.

Sampling

The study sample consisted of providers who work or have worked within the juvenile justice system in the CA San Francisco Bay Area. Participants encompassed a variety of roles including probation officer, mental health specialist, clinical psychologist, licensed clinical social worker, nurse, corrections officer, attorney, and HIV counselor. The majority of participants work or worked in the Alameda County juvenile justice system. The Alameda County juvenile justice facility located in San Leandro, CA houses a guidance clinic with approximately thirty staff persons, a medical facility, school, court rooms, and court personnel offices.

Inclusion criteria for this study required that eligible participants must have been employed as a provider in a juvenile justice facility in the San Francisco Bay Area at least six months prior to and one year following October 2007, when SB 518, the CA Juvenile Justice Safety and Protection Act was passed. The researcher aimed to speak with providers who worked in juvenile justice facilities at the time of its passing in order to explore ways in which SB 518 impacted service provision in those facilities.

Convenience sampling was used to recruit participants. A sample size of twelve to fifteen participants was targeted for this study. The researcher began by contacting the Behavioral Health Department at the Alameda County Juvenile Justice Center to request information about services that they provide, and to inform them of the proposed study. A staff person was willing to speak with the researcher at length and provided consent for the researcher to recruit participants on site. The researcher was invited to attend a staff meeting in order to present the research proposal. Attendees were asked if they would be willing to participate in an in-person interview lasting approximately one hour. They were asked to list their name and contact information on a sign-up sheet if they were willing and/or interested to speak with the researcher

directly about the proposed study. Participants were required to be English speaking, as the researcher is monolingual and did not have access to interpreter services. The researcher followed up with individuals who provided contact information first by email in order to schedule a telephone conversation to provide additional information about the study, explore interest level, and assess eligibility.

Eligible participants were sent an email prior to the scheduled interview confirming the time and attached an informed consent. The participants were asked to read the informed consent before the scheduled interview, during which the researcher provided a hard copy and requested the participant's signature. Save for one interview (which took place at a café), interviews were conducted in a private, quiet room on-site at juvenile hall where providers worked. During the initial conversation and following the interview, the researcher asked participants to speak with colleagues in other departments within the juvenile justice facility where they worked about the research study. A small handbill advertising the research study was given to participants and distributed to staff members on site at the guidance clinic. The researcher continued this process until the targeted number of interviews were conducted.

Participants

The sample size in this study consisted of 13 participants; 10 identified as female and 3 identified as male. As mentioned previously, participants held differing roles within various juvenile justice facilities in the San Francisco Bay Area. The majority of participants (n=10) worked on site at juvenile hall. Every participant had an academic degree of some kind; 5 held masters degrees, 2 had PhDs, 2 had JDs, and the remaining 4 held bachelors degrees. The average number of years that participants had been in their role as a provider in the juvenile justice system was an average of 11.5, with the range being 4-34. 6 participants identified as a

person of color and the remaining 7 either identified as White, Jewish/White, or chose not to disclose how they identified their race and ethnicity. The majority of study participants described their sexual orientation as heterosexual and socioeconomic status as middle class.

Data Collection Methods

Federal guidelines regarding provisions for research with human subjects and the NASW Code of Ethics were adhered to in this study. The research process was initiated upon receiving final approval from the Smith College School for Social Work's Human Subject's Review Committee (see Appendix A). The researcher discussed how the interview would materialize with potential participants in advance. During the initial phone conversation between the researcher and potential participant inclusion and exclusion criteria were presented along with details about the interview including the intent to audiotape and the expected time for the interview process. Informed consent was obtained from each participant before the interview. Informed consent letters outlining the purpose of the study, definitions of terms, and the researcher's plan regarding usage of data collected were provided to each participant prior to the interview.

The majority of interviews took place on site at juvenile hall, which allowed for participants to withdraw from and return to their job duties somewhat easily. This was said to be convenient by many and helped with scheduling, as the majority of participants stated that they would prefer to interview during the day rather than arrange a meeting after business hours. Interviews took place in a private room in order to ensure confidentiality, which some participants expressed concern about due to the sensitive nature of the topic.

Qualitative data was collected through interviews that were guided by semi-structured questions. Demographic data was also collected, such as gender, racial and ethnic identity,

socioeconomic status, sexual orientation, and education level. Interviews were audio taped using digital recording software. The researcher transcribed each interview within 2-5 days of it taking place. All identifying information was disguised or removed. The researcher took field notes on a laptop computer during interviews upon the participant's approval, and these notes were utilized in the analysis process.

Data Analysis

Transcriptions of all 13 interviews were read and re-read by the researcher. During that iterative process, notes were made about common themes as well as divergent ones within answers to each question. Field notes taken by the researcher during and after the interviews were also reviewed. The researcher followed the process of open coding noted in Rubin & Babbie (2007) during which categories are derived through close examination of qualitative data. The goal of the analytical process was to gain some understanding of the ways in which providers in juvenile justice facilities experience service provision with gender variant youth, along with ways in which policies, systems, and procedures impact service provision with this particular population. Summaries of noteworthy themes and content discerned by the researcher are detailed in the findings chapter.

Strengths and Limitations

The study was designed with the intent to gain perspectives from providers in various roles within juvenile justice facilities. This was achieved, and as a result, a diversity of experiences was captured. Study questions were created to elicit broad responses from participants. Utilizing a qualitative method created space for practitioners to talk about their subjective experiences. They were asked about their role, how they experience working within the juvenile justice system, and how they experience service provision with gender variant youth.

These inquiries provided a foundation from which the researcher could visualize the setting, attempt to understand ways in which the participant interacted with youth, and conceptualize the differences among participant narratives. This allowed for comprehensive findings. Participants were asked to speak to both positive and negative experiences regarding gender variant youth in the facility where they were employed, providing a diverse context for the researcher to consider.

Several limitations were observed throughout the course of this research study. The small sample size of 13 participants is worth mentioning on account of it limiting the ability for findings to be generalized. The researcher strived to recruit providers from a variety of precincts in the San Francisco Bay Area however all but one participant worked within a single county system. The sample consisted primarily of female heterosexual participants of middle class socioeconomic status. Voices of gender variant youth themselves were not heard; providers' interpretation of how gender variant youth experience the juvenile justice system was captured instead. The fact that the majority of participants were unfamiliar with the term gender variant and issues related to this is worth noting. It is also crucial to note that the researcher is a white queer identified female who holds some bias in support of the population in question.

The most predominant limitations of this study were methodological: the small sample size and the use of a one-time interview. The scope of this project did not allow for more comprehensive sampling, nor did it allow for multiple and/or longer interviews which may have revealed more information about the phenomenon under study. Additionally, the participants all work or worked as providers in the San Francisco Bay Area, so the findings may or may not be a consequence of the particularities of this local juvenile justice system. It is important to note that voices of gender variant youth themselves were not captured in this study, as the scope of the

project did not allow for the extensive efforts that obtaining permission to do so would have entailed.

The eligibility requirement that participants must have been employed at least six months prior to and one year following October 2007 was established because of the question regarding SB 518, which was passed at that time. This may be considered both a strength and limitation in the study design. It presented a challenge in recruiting because many willing providers were unable to participate due to not being employed at the time of SB 518 passing. In turn, one limitation that may be drawn is that a particular subset of providers were not included, those who are new in their role as a provider in the juvenile justice system. The eligibility requirement created a more time-consuming recruitment process yet the targeted number of participants was obtained following persistence in convenience and snowball sampling by the researcher. This is undoubtedly a strength. The fact that every study participant was employed within the juvenile justice system at the time of SB 518 passing eliminated the need for the researcher to alter the proposed study and in turn contributes to the validity of the study findings.

Chapter IV

Findings

The semi-structured questionnaire used to guide the interview process contained ten questions, some of which were twofold. Responses to thematically related questions will be presented as such, in five sections throughout this chapter. The first section will contain information about participant demographics, their role, the juvenile justice setting in which they work, along with a description of the population(s) they serve. The second section will highlight the experience of providers specifically in regard to work with gender variant youth. The third section will outline many of the perceived challenges that gender variant youth face while navigating the juvenile justice system. The fourth section will focus on responses to questions regarding SB 518 and specific policies, systems, and procedures within the juvenile justice system specifically designed to meet the needs of gender variant youth. The final section will describe how participants view the system in regard to its either interfering with or supporting service provision with gender variant youth.

Participant Demographics & Population Served

This section will illustrate the response to questions such as demographics, work setting, role, number of years in that role, description of the population served, and comments regarding typical and non-typical days in facilities where participants work. Here the researcher will also reflect on the interview process and perceived affect of participants. Of the 13 participants interviewed, there were 10 who identified their gender as female and 3 who identified their gender as male. The majority of participants identified their sexual orientation as heterosexual.

Several (n=5) participants identified their race and ethnicity as Black/African American. A few participants (n=3) identified as either White or White/Jewish and the remaining (n=5) identified as Biracial, Mexican American, or opted not to disclose. In regard to education level, 4 participants held Bachelors degrees, 2 had PhDs, 5 had Masters Degrees, and 2 had JDs. The larger part (n=7) of the participants interviewed described their socioeconomic or class status as middle. The remaining either chose not to disclose or described their class status as lower middle or upper middle.

Study participants had a variety of roles in differing juvenile justice facilities in the San Francisco Bay Area. Most of the interviewees (n=7) worked within the behavioral health department at their facility and held titles such as social worker, therapist, mental health specialist, or clinical psychologist. The remaining (n=5) held a variety of positions that include court appointed attorney, district attorney, probation officer, and medical provider. All but 3 participants worked on site at juvenile hall. One was employed in a residential treatment facility designed for juvenile offenders. The two probation officers interviewed worked in offices outside of juvenile hall. The number of years that participants' had been in their particular roles varied from 4 to 34, with the average being 11.5.

All but 2 participants, the attorneys, were consistently in direct contact with youth through their position in the juvenile justice system. Although the attorneys had only brief contact with youth during court hearings and trials, they had full access to records containing information about youth including the reason for their detainment and thorough history. The majority of participants interacted with youth on a daily basis. Some worked on the unit and others had a separate office in the same facility, in which they performed therapy and various treatment interventions. Other participants engaged with youth during routine medical

examinations. Aside from the attorneys, participants who held roles in the probation department had the most minimal contact with youth. Some interacted with youth more regularly, approximately one to three times per month, and others had contact with youth once a month.

Every participant described the population that they served as racially diverse but predominantly African American and Latino. One participant stated, “When I go into juvenile hall, I go into the units where the kids are housed and I see at least two thirds of the kids in custody are African American, almost all the rest are Latino and very few, one or two in any unit would be Caucasian.” Participants stated the youth they served range in age from 9 to 19 years old. Most disclosed that the average age of youth served is 15 years old. They reported that the majority of youth come from low-income families, many at the poverty level. Most participants described the youth they served as highly traumatized, having been exposed to community violence, sexual abuse, domestic violence, and physical abuse. Nearly every interviewee mentioned that many of the youth detained in juvenile hall have been involved in street gang activity. Several participants mentioned that they work with youth who have mental health issues. One participant disclosed, “The juvenile population continues to mimic the adult jail population in the sense that there is a huge percentage of mentally ill, seriously mentally ill emotionally disturbed youth in the system.” Every interview respondent described a typical day in the facility where they work as busy, stressful, and unpredictable. One stated, “I walk in the door and I am instantly stressed out.” Several participants disclosed that they felt overwhelmed and stretched thin while at work. Some stated that the facility or department where they are employed is under staffed. Many clinicians interviewed said that they were the only mental health provider on the unit; therefore they were responsible for the assessment and treatment of up to 30 detained adolescents. An interviewee disclosed that probation officers in their

department have an average of 65-70 minors on their individual caseload. This was said to be a challenge by the participant, “The amount of reports the probation officers have to do in order to service the court limits how much they can see the kids. I once saw 20 kids in an hour and a half. It was just, you’re just triaging kids.” This participant stated that the high number of minors on any given probation officer’s caseload made it extremely difficult for them to engage with youth in a comprehensive and consistent manner.

When asked to describe a non-typical day in their facility, one participant said, “There is no such thing as a non-typical day; a non-typical day would be the phone not ringing and the email system not dinging every ten minutes”. Some participants stated that crisis situations occur frequently; incongruously, others disclosed that a non-typical day would involve managing a crisis situation such as fighting on the unit, suicide threats or attempts, or transferring a youth to a psychiatric hospital. One respondent described a non-typical day as one where “the kids would be playing with each other, age appropriate interactions, staff sitting in the hallway laughing and joking, no restraints, no crisis communication.” This participant stated that such a day has yet to exist.

Many interviewees appeared to be stressed out while reflecting on the demands that exist within their role as a provider in the juvenile justice system. Even so, several participants stated that they enjoyed their job and were committed to serving the youth in their facility, even while facing the challenges of a system that leaves little room for them to incorporate their own ideas into their work.

Service Provision with Gender Variant Youth

Of the 13 participants interviewed, 6 requested a definition of the term “gender variant”. The researcher then re-stated the definition that was provided in the informed consent (that “gender variant” is a term used to describe those whose gender identity and/or expression differs from what is considered the norm in North American culture). Participants were asked to describe their experience providing services to youth who they perceived to be gender variant, along with how it differed from service provision with individuals who they did not perceive to be gender variant. They were asked to highlight something that went well in regard to service provision with gender variant youth, along with something that did not go well. Participant responses to these inquiries will be outlined in this section.

Although some participants described their experience working with gender variant youth as limited, each interviewee was able to identify at least one youth who they perceived to be gender variant. Most of the participants stated that gender variant youth with whom they worked either identified as or were perceived to be gay, lesbian, bisexual, or transgender. One participant who worked in the female unit that housed 30 youth in juvenile hall stated, “Working in the girls unit, probably out of the 30, 20 of them are lesbian or bisexual.” Another participant disclosed, “Well we definitely had a lot of experience with that population, given your definition. We had experience with transgender adolescents, males who identified as homosexual and females who identified as lesbian.”

One of the common themes among participant illustrations of experience providing services to gender variant youth was safety and protection. Nearly every respondent expressed a desire to protect gender variant youth from harassment, discrimination, and physical assault yet

admitted that they were unable to be present at all times in order to do so. Many participants disclosed that gender variant youth, particularly transgender identified youth, were placed in special units in order to protect them from victimization by other detainees. Interviewees described such special units as being designed to provide additional support for troubled youth, youth with behavioral problems, special needs, or mental health issues. One respondent disclosed, “Interestingly enough, because my unit is the intake, behavioral, and mental health unit, the few transgender youth who have been through here have lived in my unit and a lot of it is around safety. They just don’t want someone out of their own biases to harm or attack those kids.” Additionally, some participants stated that gender variant youth were placed in isolation or in separate facilities in order to ensure their safety.

Several participants disclosed that most gender variant youth tend to hide any form of gender variance due to fear of harassment and discrimination, or in order to prevent such incidents from occurring. One participant disclosed, “Some guys just keep it covered up the whole time. They are kind of neutral enough that no one can pick it up and they talk about it privately but with transgenders, that was impossible.” Nearly every interviewee expressed fear and concern for the safety of gender variant youth who did not hide their non-conforming gender expressions. Some stated that these youth should suppress gender variant mannerisms and characteristics in order to remain safe while navigating the juvenile justice system.

A few participants stated that there was a need to instill confidence in gender variant youth who chose not to hide or alter their gender expression. One participant provided a case example involving a biological male that was highly effeminate. This youth was portrayed as feeling uncomfortable in the juvenile justice facility where he was detained. The participant stated that he struggled with accepting himself and was frequently bullied by other detained

adolescents. The participant encouraged the youth to be more confident by saying, “It’s not that they are having a problem with it, it’s that you are having a problem with it because if you were fine with it then they would have to be okay with it so to speak, because you would just carry yourself in a way that would be okay.”

Most interviewees described gender variant youth as more disadvantaged than non gender variant youth because many of them had experienced rejection from family and peers, been bullied and teased, and were more sensitive and traumatized as a result. Participants explained that for them this often meant more time-consuming service provision. Issues such as homelessness, fragility, running away, and the need for additional counseling were noted as some of those that were often present with gender variant youth. Many participants mentioned the need for more family counseling and involvement due to the rejection and disapproval that gender variant youth commonly experienced in the home.

Participants differed as to whether or not they believed service provision was impacted by gender expression or identity. Some disclosed that cases are handled individually without favoritism or prejudice, and all youth receive respectful and consistent treatment. One participant emphasized, “I really try and respect their boundaries around that (gender variance) and our goal is to remain as culturally competent and as respectful of all types of things as possible.” Another participant disclosed that providers in their facility respond to issues as they arise and are very responsive to anything that may be troubling for a detained youth, regardless of whether it is related to gender variance, academic performance, trauma history, or mental health.

Several participants mentioned how service provision differs with biological males and biological females when asked to speak about their experience providing services to gender variant youth and how it differs from service provision with non gender variant youth. An

interviewee mentioned, “The hygiene as a young woman, boys it’s okay if they are smelly and funky, some of them, girls its not appealing and you know unfortunately we have to address that.” Every participant reported that there were gender specific programs for males and females in the facilities where they work yet none designed specifically for gender variant youth. A few participants mentioned a new development in the system for female minors due to the increase in sexually exploited youth in recent years. It was said that there is now a court specifically for females and several programs designed to offer support to females who were involved in sex work or had been sexually exploited prior to entering the system.

Nearly every participant expressed a desire to connect gender variant youth with community resources specifically designed to support them, such as LGBTQ organizations. In contrast, some participants stated that resources were readily available and accessible and others disclosed that they were difficult to find or non-existent. The majority of participants stated that there are a limited number of resources available for gender variant youth and few placement opportunities for them following their release. One participant stated that this presents a challenge particularly for youth whose families have rejected them due to their gender variance and do not want them to return home. Many participants stated that it is often difficult for youth to follow up with referrals to these organizations and access resources upon their release because of challenges in the home and lack of transportation.

Many of the participants who disclosed having limited experience working with gender variant youth stated that issues related to gender variance did not come up during their interactions with youth. One participant mentioned, “It’s easy to make the assumption that a child may be at a place where they are trying to figure that out and you could be aware of it but they may not have come to terms with it themselves so you don’t really address it, you don’t

really deal with it, you don't really bring it up." Several participants explained that the time they are able to directly engage with youth is limited and the priority is to stabilize their behavior and address issues related to violence and trauma, consequently there is not enough time to explore gender variance. One participant stated, "It's just never been an issue that I've had to deal with or think about one way or the other."

One interviewee stated that topics related to sexuality and gender variance are not discussed among facility staff or included in the assessment form that is used system wide. This participant received permission from the head of the department to share the facility's assessment form with the researcher. The participant disclosed that clinicians in treatment team meetings and conferences did not discuss gender variant expressions and/or identities and how they may influence the youth on their caseload. This participant seemed frustrated by this fact and said that it was difficult to initiate conversations about these issues because of the lack of awareness within the system.

Success Stories

All but 2 participants were able to highlight circumstances or specific incidents during which service provision with gender variant youth went well. One participant disclosed that a flamboyant male detained in juvenile hall was not required to participate in recess after expressing that it made them uncomfortable. The participant attributed the accommodation that was made for this particular youth to staff sensitivity and respect for individual needs. Several participants mentioned that connecting gender variant youth to outside agencies designed to meet their needs proved to be very helpful. Another participant shared a story of family reunification:

Something that went well was getting the youth back home, but not just home also access to services. I'm thinking about one case of a father who had a CPS report against him for abusing the youth because of his lifestyle choices and he had to be removed from

the home, which created an intense situation. We were able to get the youth home and get the family into counseling so that they could actually complete what they needed to do for CPS because the father at one point was really adamant about not doing anything, saying I'm not doing this, he's the problem, and so that was positive.

One interviewee stated that what ultimately goes well in regard to service provision with gender variant youth is when staff offer support without letting their own personal biases interfere with that support. Some interviewees stated that they are beginning to see more information related to issues of gender variance circulate through their facilities, such as emails from LGBTQ organizations and trainings being offered. One participant disclosed, "I think we are finally opening our eyes to, saying this is a reality, we need to be better prepared to deal with this." Another participant provided a case example of a gender variant youth who disclosed their sexual orientation, which they found to be positive. The provider connected this youth with an LGBTQ organization upon their release and still hears from them occasionally. The participant stated that the youth seems to be doing very well.

One participant stated that what goes well is helping the youth to better understand the LGBTQ community and providing them with education. This participant disclosed, "I started a LGBTQ library stationed on the unit where I am and I bring books in that are written by LGBTQ authors or about LGBTQ community, or issues, and I let the young people read it." This participant also stated that during the month of June, when pride events are typically held in numerous cities across the US, they decorate the unit with LGBTQ paraphernalia and distribute information about LGBTQ events, organizations, and history to youth and staff.

It was reported that in one residential treatment facility, staff members and youth acknowledge and adhere to gender variant adolescents who ask to be addressed with a name or pronoun that is not aligned with the name they were given at birth or the biological sex they were

assigned at birth. This participant described an incentive program that was developed in order to assist in this process. Each time a staff person or youth in that facility addressed the gender variant youth by their preferred name or pronoun, a star was placed on a publicly visible chart in the facility. After a certain number of stars were obtained, the group would receive some type of incentive such as ice cream. The respondent stated that staff and youth in this residential treatment facility were usually quite supportive and accepting of gender variant youth.

During one interview a participant disclosed, “One of our males who identified as transgender really felt more comfortable on the girl’s side of the facility so the treatment team decided that it was in the youth’s best interest to live on the girl’s side and participate in whatever activities that they (the girls) participated in.” This was said to take place in a residential treatment facility. The participant stated that this would be an unlikely occurrence in juvenile hall, “That’s a big difference between juvenile hall and a residential treatment facility, really focusing on the treatment rather than the discipline.” The participant stated that this was a positive method of providing services to gender variant youth because the youth were respected, they were able to express themselves without judgment, and this was beneficial to other youth in the facility who may not have been exposed to issues related to gender variance previously.

Pitfalls

In terms of things that did not go well in regard to service provision with gender variant youth, many respondents reported that staff members are occasionally reluctant to embrace change or accept gender variant youth. One participant stated, “Something that doesn’t go well is when you have someone perpetuating or fostering a particular stereotype or hatred amongst a certain group because of their own bias. You know, a staff person may not be supportive and it’s really about them and not about the needs of the child.” Some interviewees reported witnessing

staff make degrading comments and tease youth because of their gender variance. One referred to a staff person on the unit calling a gender variant youth a “mama’s boy” and “sissy”.

One participant disclosed that staff members often mistreat gender variant youth by administering harsher punishment or denying them privileges that other youth have. The participant provided the following case example:

We had a young lady who was a dominant lesbian, very respectful youth, and during movie time she was rubbing another girls back, like consoling her, and the staff didn’t see it that way and tried to give her hours and just tried to make her feel uncomfortable. I said to the staff, ‘Now is it more because she is gay and she’s a lesbian and she was doing that?’ Because other girls do that, they’ll be like ‘Can you braid my hair?’ and they’ll lay their hair back in a girl’s lap or a girl will hug another girl to console her and it doesn’t matter because they are not out.

Additionally, this participant provided an example of an incident in which a staff person told a gender variant youth that they could not check out a book from the library. The participant emphasized that the staff person did not provide a valid reason to prevent the youth from checking out the book and said that it was not related to issues of gender or LGBTQ communities. It was a story about an adolescent who overcame a violent gang-affiliated lifestyle by beginning to live in a more positive manner. This participant stated that they viewed this act as discriminatory because other youth - gender conforming youth - were allowed to read the particular book.

Several interviewees reported that there is a lack of exposure to information about gender variance and little education available therefore many individuals who work in the system do not have the knowledge necessary to provide adequate services and support to these youth. One participant emphasized, “Ignorance from top to bottom. From ugly stereotypes to lack of education, everybody in the system, from the District Attorney’s office to the Public Defender’s

office, to the bench officers themselves.” Many of the providers interviewed stated that they too were in need of more education around these issues.

Although many participants stated that LGBTQ resources and organizations were limited if not impossible to access, one participant mentioned an agency with which collaboration frequently occurred. This participant stated that many gender variant youth were referred to this agency because they specialized in issues related to gender and sexuality. The agency apparently provided counseling, case management, and advocacy to LGBTQ and sexually exploited youth. This participant mentioned that collaborating with this agency often did not go well because they had had different agendas. The participant emphasized:

I consider them experts. They develop relationships and rapport with these youth, they advocate for them, they educate them, they speak on their behalf, they are in court, they are representatives for them. They have a relationship with the family but we still have a job that we have to do and sometimes we have opposite interests. The bottom line for us is rehabilitation and support for the victim and family, theirs is period the family. We address directly their behavior as it relates to court orders and what their requirements are. They are more understanding and want the kids to have more chances after messing up, so you can see where the conflict may be between the two agencies. I have to let them know that they are in the kid’s life because of me, and they’re not the buffer, I have the direct link and contact and I have a legal right to be involved. They want to push us back so they can do their work sometimes, so it is (working with them) a positive and negative all in one, it can be a big ball of mess.

As some participants mentioned that referring to gender variant youth by their preferred name and pronoun was something that went well, others stated that this was something that did not go well in their facility. It was said that some staff members refused to refer to youth by their chosen name simply because they did not approve of their choice to be addressed by a name that was not given to them at birth. One participant disclosed, “There was a girl who wanted to be referred to as a different name and some people on staff did not support that. They would just dismiss it by saying, ‘Well you’re name is Elaine and I’m going call you Elaine and I don’t care

if you want to be called Eli because you're a girl and your name is Elaine'. I've seen that happen.”

Challenges faced by Gender Variant Youth

This section will give prominence to the responses of study participants in regard to specific challenges that gender variant youth face in juvenile justice facilities where providers are employed. Numerous themes that arose when participants were asked to provide an example of something that did not go well in regard to service provision with gender variant youth were similar to those that emerged when they were asked to highlight some of the challenges that gender variant youth face while navigating the juvenile justice system, such as lack of resources, harassment, and uneducated staff.

Several participants disclosed that challenges for gender variant youth begin before they are exposed to the juvenile justice system, and often those challenges lead to their arrest. Many interviewees mentioned that gender variant youth receive little support in their home, school, and community, which leads to them running away from home and therefore being at risk for involvement in the criminal legal system. One participant stated, “The challenges they face here are the same challenges they face in life and with people in general, this population stands out, they are different, some people are fine with that and other people are not fine with that.” A few participants disclosed that they knew gender variant youth who had been abused by caregivers because of their gender presentation. Some stated that they knew of youth whose families had rejected them because of their gender variance by kicking them out of their home and refusing to let them return unless they “got better”.

Every participant disclosed that gender variant youth experience harassment and discrimination from both peers and staff in juvenile justice facilities. In regard to mistreatment

and victimization by staff, many participants attributed this to lack of education, the binary and punitive nature of the system, or personal bias. Several emphasized that staff hold prejudice and apply their own personal bias toward gender variant youth in the form of verbal abuse, unequal treatment, and insensitivity. One participant spoke to how probation staff operates on the unit:

I do think that a lot of the probation/detention staff who run the units are sort of uneducated or unsophisticated around certain things, not just around those (gender variant) issues but a lot of issues and can say very insensitive and in some cases abusive things. So I think that when any child is locked up they are very vulnerable to the impact of the custody staff. So I do think that kids who are different in any way could be extra vulnerable to that kind of stuff.

Nearly every participant stated that gender variant youth are at risk of being physically abused or assaulted by peers because of their gender presentation and/or identity. One participant stated, “I would be very worried about a kid with a gender variant lifestyle being in camp. I think they would be in great danger.” Several participants said that kids could be very cruel because of their own bias and prejudice. One participant stated that these biases and judgments present themselves most often in the form of derogatory slurs during times of conflict. Many other interviewees mentioned that harassment from peers is ongoing. Numerous participants stated that most gender variant youth are teased and made fun of specifically because of their gender presentation or sexuality. One participant said, “Some of the boys who are maybe just more feminine, or a person who is perceived as weak is more likely to be aggressed upon. Deviance of any kind is going to be subject to aggression in an aggressive environment.”

As previously mentioned as one of the things that did not go well in regard to service provision with gender variant youth, a few participants mentioned cases in which a gender variant youth requested to be addressed with a name or pronoun that was not the one they were given at birth. This was described as a challenge because there were people on staff who were

not willing to adhere to this request. It was stated that these particular staff were not willing to respect this request because they believed that a girl should be addressed as a girl and a boy should be addressed as a boy. The participants who provided these specific examples attributed this to personal bias and lack of education. One participant emphasized:

I did see staff that was reluctant to change. You have staff that's reluctant to refer to a male as a she. As an example there was a kid whose name was Johnny who wanted to be called Jonie, and they (staff) would just call the youth Johnny. I have seen staff reluctant to follow this part of a treatment plan because of their own bias or whatever their belief system was.

Another challenge mentioned was the lack of comprehensive medical treatment. One participant explained that the treatment youth receive in the medical department at juvenile hall is very basic. This was said to present a challenge for gender variant youth who were receiving hormone therapy prior to their detainment because medical providers were not willing to accommodate that form of medical treatment. This participant disclosed that although the request to provide hormone therapy was discussed, it was never something that a provider was willing to provide for any of the detainees.

Many participants stated that gender variant youth continue to face challenges following their release. Some mentioned challenges such as continued marginalization by society and risk of being the victim of a hate crime or violent assault. Others mentioned that it was difficult to find LGBTQ friendly placements to refer them to, along with community resources or agencies designed to support gender variant youth. In contrast, some participants stated that community organizations designed to offer support to these youth do exist yet are difficult to access following release because of limited access to transportation. Family was also said to be one of the biggest obstacles. Several participants stated that families have refused to allow gender

variant youth to return home unless they were to change or become normal. According to one participant:

The system doesn't really have any kind of LGBTQ settings, they have resources but they don't have actual placements where if the youth is not going home they can go there and feel comfortable, safe, and taken care of. Often you see a lot of the kids who don't fit the mold running, which gets them deeper into probation, which makes this go on longer, which makes the cycle more vicious.

The question regarding challenges faced by gender variant youth was two fold, participants were also asked to speak to when and under what circumstances such challenges were most often present. Some participants stated that challenges were more frequent during the intake and initial periods of detainment. The majority of responses to this additional component of the question were that challenges for gender variant youth navigating the juvenile justice system are ongoing; from the moment they become involved in the criminal legal system until the time when are released from facilities or removed from probation.

SB 518, Systems, Policies, & Procedures

The researcher asked participants if they were aware of the passing of SB 518 in October of 2007, the CA Juvenile Justice Safety and Protection Act; along with in what ways the passing of this bill impacted service provision in the facility where they were employed. SB 518 delineates prohibition of harassment and discrimination in CA juvenile justice facilities based on actual or perceived race, ethnic group identification, ancestry, nation origin, color, religion, biological sex, sexual orientation, gender identity, mental or physical disability, and HIV status. Participants were also asked if any systems, policies, or procedures designed to meet the needs of gender variant youth exist in their facilities, and if so, how they impact service provision. Responses to these inquiries will be highlighted in this section.

Responses to the question regarding SB 518 were unanimous; no participant was aware of the CA Juvenile Justice Safety and Protection Act, or it's passing. Some stated that what the bill specifies is strived for or existing in their facility. One participant said that they believed it was implicit. Another interviewee stated that there was no need for the bill because staff strived for acceptance across the board and truly aimed to protect the youth. A couple of respondents hypothesized that there must have been discussion about the bill at some point and staff members in positions of higher administration were likely aware of it. Some participants stated that they may have been made aware of it during the time of its passing even though they were unable to recall it currently.

On the whole, participants were pleasantly surprised to hear that the bill was in existence. Many of them seemed to be dismayed while divulging that they were unaware of it; one participant said jokingly that the bill should be posted in their facility. Another respondent expressed cynicism about the protection of youth being a priority for the juvenile justice system. Each one asked for a full description of what the bill set forth and several requested that I provide them with a copy of the bill. Many participants stated that they would like to share information about the bill with co-workers. One interviewee stated that they planned to use the bill as an example when they witnessed harassment or discrimination in the future. Another said, "I think it's a great bill. I like it. I don't think that most people know about it. This is my first time hearing about it."

Several participants described positive changes in their workplace that had come forth over the past several years and speculated that SB 518 may have played a role in them. One participant stated:

I'm not sure if they're directly related or not but now, having the mental health workers and case workers inside the facility and attached to a unit allows for the kids to be served, across all of these issues. I'm not sure if that was because of SB 518 or if it was just the design of the new facility and everybody saying let's re-think how we service these kids.

It was communicated that many years ago, youth detained in juvenile hall would only see a mental health provider under critical circumstances such as if they were suicidal or had a death in the family. Another participant explained that the team of staff members at their facility has made great efforts over the past few years to incorporate more holistic and culturally acceptable treatment modalities. They disclosed that such policies and procedures have allowed for more effective and inclusive treatment.

All but one participant disclosed that there were no specific policies, systems, or procedures in place to support the needs of gender variant youth in their facility. The one reported policy was said to specifically apply to transgender identified youth; this system-wide policy for transgender youth was to separate them. This involved housing them in single occupancy facilities and isolating them from other youth in order to ensure protection and safety. The participant explained that transgender youth were put in a room by themselves and had limited interaction with other youth. The participant viewed this method of isolating transgender youth as negative, even though it created a safe space for them: "This is my perception, and maybe not necessarily theirs. I think that that there is a need for the policy but if there are no other children around I can imagine how that could be isolating for anybody."

Every other respondent stated that they were unaware of any official systems or policies in place geared toward supporting gender variant youth. One participant stated, "Well since I don't think there are any services, it's the lack of that impacts them, and part of it means they have to hide something." When responding to this particular question, interviewees frequently

seemed reluctant to admit the fact that there was nothing in place in the facility where they worked. A few participants acted as if the answer was obvious. One stated, “Of course there is nothing in writing for them (gender variant youth); the only support they have is me.”

Some participants expressed a desire to implement programming designed to support gender variant youth. They explained that they were unsure of how to do so because of the hierarchical structure of the system that left them with limited to no amount of authority in the facility where they work. One participant disclosed that they had submitted several proposals for LGBTQ programs and were repeatedly denied. One participant stated that they were under the regime of probation and often had to ask to simply provide the service that their job description put forth. They explained:

Although we are here every day working with the kids, we are secondary. This is jail and that is the number one thing, it's probation's house. We are constantly asking to do our job. You ask nicely, politely, more loudly, and then at that point if you are still not able to provide the service, then you have to say, ‘This is my duty just like your duty is to make sure everyone is safe. My duty is to provide these services, and if I can't provide them I am going to have to keep asking up the rank until someone approves me’.

View of the System

Participants were asked about their view of the system in regard to its either interfering with or supporting service provision with gender variant youth. Responses were for the most part homogenous. The majority of interviewees reported that they did not believe the system supported service provision with gender variant youth. Several disclosed that there was no institutional response or guideline for providing services to them. One participant stated, “As a system, I don't think the courts are as well educated as they should be, I don't think our school system inside of juvenile hall is as well educated. I think we are failing these kids. I think...

yeah, severely lacking.” One participant said that juvenile hall is a challenging setting for gender variant youth because of the structure, intolerance, and lack of systemic support.

A few interviewees disclosed that although there is no support from the system, gender variant youth received support at the individual level from staff. One disclosed that many employees in the facility where they work come from the same neighborhoods as the youth who are detained there and because of this they are more committed to protecting the youth and ensuring their rehabilitation. This participant stated that many individuals on staff have also seen friends and family detained in the facility where they work, therefore they have a sense of what it is like to navigate the system and are sensitive to the youth because of this. Another participant mentioned that as a department, they try to be fair and equitable, even though they have little control of how the system operates. One participant stated:

I am aware that there have been more trainings being offered in the community on LGBTQ issues. We see emails ever so often on that topic. Other than that, its never really been anything that we talk about as a clinic, I can't think of it ever being discussed at a staff meeting, I can't think of any clinician here who has talked about it being an issue with a client, and I don't think I've ever read a probation report that's ever mentioned gender variance as being relevant to their delinquency. So I guess the overall assessment of how the system treats gender variant youth is to neglect it.

Additional varying responses to this question were either an inability to comment, a statement of non-issue, or proclamation that that juvenile justice system did in fact support gender variant youth. One participant mentioned that they were unable to respond because they viewed the way in which the system approaches the treatment and rehabilitation of youth as on a case-by-case basis. They explained that when something comes up with a minor it is addressed and responded to directly as it relates to the individual. One participant disclosed that they were not aware of what gender variant youth need in order to feel supported therefore they were unable to fully analyze systemic processes in regard to how they might either offer support or

interfere with rehabilitation. It was described by one participant as something that was never considered or addressed because it was not seen as an issue that impacted service provision. One interviewee said, “I feel that they (gender variant youth) are supported. They are identified and supported and given the appropriate resources to continue on and hopefully prosper at some point.”

In conclusion, these findings suggest that gender variant youth are present within CA juvenile justice facilities and, because of the racial disproportionality in juvenile hall noted by nearly every participant in this study, that gender variant youth detained in juvenile justice facilities are primarily people of color. One theme that emerged again and again was around safety and protection. Numerous providers disclosed that they both held concern for and strived to ensure the safety of gender variant youth in their care. Additionally, gender variant youth were said to face multiple challenges while navigating the juvenile justice system, among them harassment and discrimination. No participant was aware of SB 518 or any system, policy, or procedure designed to support gender variant youth in the facility where they were employed. Several failed attempts at service provision with gender variant youth in juvenile justice facilities were mentioned, along with multiple success stories.

Chapter V

Discussion

The findings of this research study will be summarized throughout this chapter and compared to previous studies and information presented in the literature review. Although existing research on service provision with gender variant youth in juvenile justice facilities is extremely limited, some similarities and comparisons can be drawn from the existing data and results of this study. Several key findings will be presented initially and the chapter will conclude with study limitations, implications for social work practice, implications for policy, recommendations for additional research on this topic, and emergent questions.

Key Findings

The key findings of the study will be presented in 8 sections throughout this chapter within the subsequent bulleted contexts below. Additionally, favorable outcomes that are crucial to note will be included under the heading of “hopeful narratives.”

- Nearly every participant stated that the youth they serve are primarily African American and Latino, of lower socioeconomic status, have suffered significant trauma(s), and/or struggle with mental health or behavioral issues.
- The majority of participants either questioned the term gender variant or conflated gender variance with homosexuality.
- Several participants stated that gender identity is not addressed in treatment, nor part of the assessment procedure in the facility where they work.
- Several participants disclosed that gender variant youth are rejected by their families and therefore at risk of involvement in the criminal legal system.

- Many participants expressed concern for the safety of gender variant youth in juvenile justice facilities where they are placed or detained.
- Each participant disclosed that gender variant youth face numerous challenges while navigating the juvenile justice system that include harassment and discrimination.
- Not one participant was aware of the passing of SB 518 or able to express how it impacted service provision in the facility where they work.
- All but one participant stated that they were unaware of any policy, procedure, or system specifically designed to meet the needs of gender variant youth.

Providers Generally Serve Socially Vulnerable Youth

The first key finding is in regard to demographics of the population that providers in juvenile justice facilities serve. Every participant reported that youth in their facilities are predominantly African American and Latino, with very few identifying as White. Nearly all participants disclosed that the youth they serve come from low-income homes, many at the poverty level, and some have experienced homelessness. It was reported that many youth in these facilities have struggled with substance abuse. Several participants described the population of youth they serve as severely traumatized, having been exposed to violence and abuse in their homes and communities. These youth were said to frequently possess behavioral problems and have psychiatric diagnoses.

This data substantiates the information presented by Rosario et al. (2009) in Los Angeles emphasizing that African American youth, particularly those who are gender variant, have almost consistently experienced trauma, lived in extreme poverty, and received little to no support from adults. Circumstances such as these could put youth at risk of engaging in behavior that may be criminalized such as substance abuse, theft, and running away from home. Garofalo

et al. (2006) reported that nearly 90% of minority youth interviewed had a history of detainment or arrest. Furthermore, Marksamer (2008) notably emphasized “numerous studies have documented that youth of color are vastly overrepresented at every stage of juvenile delinquency proceedings and that they are confined in juvenile justice facilities at highly disproportionate rates” (p. 76). This is reflected in the racial disproportionality within juvenile justice facilities where study participants were employed. It is important to acknowledge that racism, homophobia, and transphobia could play a part in the oppression, criminalization, and detainment of minority and LGBTQ youth.

Unfamiliarity Concerning Gender & Sexual Orientation

The term gender variant was intentionally chosen by the researcher in attempt to encapsulate a more broad demographic and rich narrative from participants. Gender variant is a term that may be used to describe an individual whose gender expression does not measure up to existing gender stereotypes in United States culture based on their biological sex. The term may also be applied to an individual whose gender identity does not parallel the biological sex they were assigned at birth. For example an individual who identifies their gender as trans, gender neutral, or queer could be considered gender variant, as would a biological male whose gender presentation may be described as feminine based on the common interpretation of the word feminine in the United States.

The integration of gender presentation and sexual orientation is a common occurrence in United States culture. Many assume that a gender variant expression is indicative of a homosexual orientation. A study by Stotzer (2008) examining 49 cases of violence based on perceived gender identity in Los Angeles County found that the most common verbalizations of perpetrators toward victims were homosexual slurs. While some LGBTQ identified individuals

exhibit gender variant expressions, many do not. Furthermore gender expression, gender identity, biological sex, and sexual orientation are differing components of individual identity.

This key finding is in the participants' response to language, particularly the term "gender variant." Half of the participants in this study questioned the term and inquired about the difference between gender presentation, gender identity, and sexual orientation. When asked to illustrate their experience providing services to gender variant youth, many participants responded with information relating to youth who they believed to be gay or lesbian and identified them as gender variant. Some participants mentioned gender specific programs that were implemented, and discussed the difference between service provision with biological males and biological females in their facilities. It was made apparent through these responses that the majority of providers interviewed for the purpose of this study were unfamiliar with what it means to be gender variant and how this differs from sexual orientation. Several admittedly had little knowledge of what it means to identify as gender neutral, queer, or transgender.

It is not alarming that these participants do not hold an awareness of what it means to be gender variant or the differences between gender identity and sexual orientation. The conflation of these two is common in United States society and the perpetuation of gender norms and stereotypes is pervasive. It is important however to acknowledge these differing expressions and identities because they exist, and the marginalization of this population is an appalling injustice. The fact that participants were unfamiliar with the chosen language and these distinct components of identity indicates a need for the development and implementation of education and training programs on issues related to gender variance for providers in juvenile justice facilities.

Lack of Attention to Gender Variance in Assessment & Treatment

The majority of participants disclosed that gender identity is not addressed at any point during their interaction with youth, nor is it a part of the assessment process. One participant disclosed that gender variance was not something that they had time to explore or discuss during treatment. Another participant shared a copy of the assessment form that is used by providers in the juvenile justice facility where they are employed with the researcher. This participant emphasized that the only gender options listed on the form are male and female, and there is not a section on the form for sexual orientation. This is not surprising given the structure of juvenile justice facilities that prevents youth from individuating in any way while they are detained.

It is crucial to acknowledge the varied gender identities and expressions that exist among individuals as such recognition is not common in clinical literature. According to Wyss (2004) many writings, particularly in the field of psychiatry, have concentrated on those transsexuals for whom being trans is a problem, ignoring trans and gender variant individuals who have smoothly incorporated a gender-variant identity into their lives. Particularly with youth, “it is important to appreciate the diverse expressions of gender identity, gender roles, sexual orientation, and sexuality” (Rosario, 2010, p. 306). During adolescence such identities are extremely fluid and often fluctuate. Rosario (2010) hypothesizes such identities among African-American trans youth are “shaped by a variety of complex and often traumatic experiences that these individuals have concerning gender and gender expression which come from society, culture, religion, and especially from the very strong homophobic messages they receive from their families” (p. 306). In addition, transphobic behaviors and messages relating to commonly held gender stereotypes are frequent. Garofalo (2006) affirms “remaining cognizant of these complexities and the fluidity

of sexual identity development among some adolescents and young adults enables clinicians caring for transgender youth to provide nonjudgmental health care services” (p. 234).

The lack of attention to gender and sexuality during intake, assessment, and treatment in juvenile justice facilities may limit the ability of gender variant youth who do not identify as male or female to make their gender identity known initially. They are joining with a binary system when they first enter the facility, making it difficult for them to engage and express themselves comfortably. This perpetuates the marginalization of gender variant youth and furthers their invisibility within the juvenile justice system. It is equally as important to consider how this may affect youth who do not have a gender variant identity but are gender non-conforming in their mannerisms or questioning their identity. Gender identity development begins at a very young age and many gender variant youth have found it difficult to be open with their non-conforming gender expressions because of societal influences to conform to gender stereotypes.

Family Rejection

The fourth key finding is in regard to family rejection. Several participants stated that gender variant youth are often rejected by their families, have suffered abuse, run away from home, and have difficulty returning home after their release because they have been ostracized because of their gender expression and/or identity. Because many gender variant youth are perceived to be homosexual and sometimes do identify as lesbian, gay, bisexual, or queer, the study conducted by Ryan et al. (2009) concluding that family rejection due to a LGB orientation can lead to depression, suicidality, and/or substance abuse may be confirmed. Many of the participants in this study disclosed that youth in the juvenile justice system struggle with issues such as depression, suicidal ideation, and substance abuse. It could be assumed that such

behaviors contribute to the detainment of youth, and family rejection is one precursor to system involvement, particularly for gender variant youth. Marksamer (2008) notably maintains “the persistence of bias and discrimination against transgender people generally, the societal lack of understanding of gender and sexuality, and a distrust of difference put transgender youth at high risk for involvement in the juvenile justice system” (p. 72).

Concern for Safety of Gender Variant Youth

The fifth key finding is the theme of safety. Practically every study participant expressed concern for the safety of gender variant youth. Threat to their safety was said to exist before, during, and following their involvement in the juvenile justice system. As previously mentioned, family rejection, abuse, and ostracization were all said to be issues that gender variant youth face prior to system involvement. These issues would most likely leave any individual in a threatening position.

Several participants reported that youth tend to hide their gender variant expression or identity in order to stay safe in the juvenile justice facility where they are placed; some participants even said that they should. It seems as though this method of hiding one’s personality and/or identity in order to ensure safety could have developed in early childhood following a societal response to eliminate gender variance. As noted by Stieglitz (2010) many gender variant youth begin to portray mannerisms and personality traits that are considered gender non-conforming at an early age, which leads parents to intervene and attempt to modify this behavior so their child may be considered normal. When parental attempts to change gender variance fail, it seems possible that rejection, abuse, and marginalization could follow. Some gender variant children are diagnosed with Gender Identity Disorder (GID), which could further conflate the challenges that they endure by perpetuating the idea that there is something wrong with the way they express themselves or identify their gender. Mallon & DeCrescenzo (2009)

notably propose “given the extent of medical, cultural, and social misunderstandings that gender variant children endure, many, unsurprisingly, will become socially isolated and depressed, and suffer from self-esteem problems” (p. 69).

Homelessness was also mentioned as a safety concern for gender variant youth. One participant stated that gender variant youth are more likely than non gender variant youth to have been homeless prior to detainment. This participant emphasized that homeless youth are at a higher risk of developing mental health issues, criminal behavior, and medical problems. This is concurrent with Marksamer (2008), who posits that a disproportionate number of gender variant youth are homeless.

The issue of safety for gender variant youth within juvenile justice facilities was made evident by participants’ expression of concern for exposure to harassment by other youth and staff, and risk of physical assault. Several participants stated that gender variant youth are teased and bullied by other youth because of their gender expression and/or identity. One participant stated that kids can be cruel and another noted that they would be extremely concerned for the safety of gender variant youth in a camp setting, which was described as an alternative to juvenile hall. This participant described the juvenile justice facility where they work as aggressive, and stated that gender variant youth are more vulnerable to being the target of aggressive behavior because of their non-traditional gender expression. One provider gave a case example of a biological male with an effeminate gender presentation who was being teased and harassed by other youth, which resulted in a decrease in confidence level and heightened fear of safety. Several participants stated that staff members often tease gender variant youth in their facility. One participant gave an example of a staff person on the unit calling a gender variant youth a “mama’s boy” and told them to “get ready to be somebody’s girlfriend”, assuming they would end up in an adult prison someday and be sexually assaulted because of their gender presentation.

Participants' safety concerns for gender variant youth following detainment were in regard to further rejection, abuse, and even murder. Many participants stated that gender variant youth were often afraid to return home upon their release because they would face rejection and abuse from their family and caregivers. Some participants stated that they worked with gender variant youth whose families refused to allow them back into the home unless they changed their gender expression and "became normal." One participant mentioned a case in which a transgender identified youth was raped and murdered upon her release because of her gender identity. This participant stated "I see that as the greatest tragedy. It was a case that everybody just missed. She lost her life because people didn't understand and the system, probation, the courts, the school, mental health, etc. I think everybody has some responsibility in that. I don't think it can get much worse." The participant expressed concern and disappointment about providers "dropping the ball" and said that if there had been more awareness and response to harassment that was taking place in juvenile hall when this youth was detained, it may have been possible to prevent her murder following her release.

Concern for the safety of gender variant youth expressed by nearly every participant interviewed in this study substantiates the previous literature stating that gender variant youth are at risk of harassment, discrimination, physical abuse, and assault both inside the juvenile justice system and out. The study by Horn (2007) exploring adolescent acceptance of gender variant peers concluded that a non-conforming gender expression is associated with a lower level of acceptability. This seems to hold true for many of the adolescents that study participants observed and interacted with in the juvenile justice system. Similarly, Thaler et al. (2010) maintains that gender variant youth in juvenile justice facilities are subjected to taunting, bullying, physical abuse, and violence by peers and staff. Marksamer et al. (2008) additionally states that staff members in CA juvenile justice facilities are often hostile and abusive toward gender variant youth due to a lack of understanding for their safety risks.

The juvenile justice system in the United States claims to be designed to rehabilitate rather than punish. Youth are referred to as detainees instead of inmates because it is believed to be possible to rehabilitate them in order to prevent criminal activity from continuing into adulthood. The United States Constitution extends critical rights to detained and incarcerated youth, including the right to be free from physical, emotional, and sexual abuse, as well as fair and nondiscriminatory treatment. This study suggests that gender variant youth are at risk of harassment and bullying by staff and other detained youth in the juvenile justice system. Such an environment is far from rehabilitative. The results of the current study are comparable to that of Majd et al. (2009) concluding that approximately 80 percent of survey respondents indicated that lack of safety in detention was a serious problem for LGBT youth, and more than half of detention workers reported having personal knowledge of instances in which detained LGBT youth were mistreated.

Challenges for Gender Variant Youth

The sixth key finding lies in responses to the question of what challenges gender variant youth face while navigating the juvenile justice system. Much of the feedback received here parallels with information previously mentioned under the key findings of family rejection and safety due to the majority of participants reporting that some of the greatest challenges for gender variant youth are family rejection and harassment by peers and staff in juvenile justice facilities. In addition to this it was reported that gender variant youth face challenges such as the uniformity of the system, lack of resources, inadequate support upon release, basic medical care, harsher punishment, and lack of acceptance.

The greatest challenges faced by gender variant youth navigating the juvenile justice system was said to be family rejection, and harassment and discrimination by peers and staff. Many study participants mentioned family rejection as a challenge and most said that being rejected by family members and caregivers was extremely difficult for youth. Some stated that it impacted their mental health and negatively impacted their behavior, further substantiating the

study conducted by Ryan et al. (2009) affirming that family rejection can lead to depression and risky behavior. One interviewee disclosed that a gender variant adolescent's grandmother, who was the primary caregiver, stated in court that she did not want her until she became a girl again.

Similar to the theme of safety, many participants expressed concern for the impact that teasing, ridicule, and taunting could have on gender variant youth. One participant disclosed that it was difficult to observe gender variant youth struggle to hide their personality and feel like they were not able to embrace how they identified. This participant stated that much of the discrimination in the facility came from staff and youth were fully capable of noticing when they were not being accepted. The ability of youth to intuitively determine who may be more accepting of gender variance is reflected here. Fortunately, this particular participant was very accepting and disclosed that they were often the person on staff who gender variant youth confided in.

Several participants mentioned that the structure of the facility where they work makes it very difficult for anyone who is different in any way to navigate because everyone is expected to act in a uniform manner. This was described as a challenge for gender variant youth, particularly in regard to housing. Nearly every participant reported that detainees are assigned to rooms based on biological sex and because of this transgender adolescents are often isolated or placed in special management units in order to ensure their safety. Participants stated that this is an automatic occurrence and not necessarily done in response to harassment or assault. One disclosed that they understood the process of isolating transgender youth to be system policy. In contrast Marksamer (2008) stated that transgender youth in the juvenile justice system were placed in isolation in response to an incident of abuse. According to the majority of participants in this study, transgender identified youth are routinely placed in isolation, or in units designed for youth with special needs. While it is crucial to protect youth while they are detained, this method of practice to isolate transgender youth or place them in a unit for troubled children is not getting to the heart of the matter. It further perpetuates the idea that something is wrong with

them and they should be separated from the world around them, and fails to address why there is a need to protect and separate, therefore sustaining transphobia.

The lack of resources available to support gender variant youth was said to be a challenge by many participants. These participants expressed a desire to connect gender variant youth to resources designed specifically to support the needs of LGBTQ youth. Some participants mentioned that there were no LGBTQ friendly placements available for gender variant youth following detainment. This was said to be a significant challenge for gender variant youth who were unable to return home upon their release. Several participants stated that there were few to no agencies to refer gender variant youth for counseling upon their release. One participant stated that even if there were resources available, it would be extremely difficult for youth to access them when they returned home due to lack of support from family and community, and limited access to transportation. It is important to mention this here because although it was said to be nearly impossible to find LGBTQ friendly organizations and counselors by some participants, others stated that it was possible and common practice. This will be addressed as an implication for practice later in this chapter.

One participant mentioned that medical care was limited for gender variant youth. This participant gave a case example of a gender variant adolescent who identified as transgender and had been receiving hormone therapy prior to detainment. It was said that the physician in the facility was not willing to consider providing hormone therapy for this individual while they were housed in the facility. The participant disclosed, "It was talked about but it was never done. It was never something that a provider was willing to provide for any of the detainees." This participant attributed the provider's unwillingness to consider hormone therapy to a lack of education and inadequate funding for the medical center on site at juvenile hall. It was said that on the whole, medical services for youth in juvenile justice facilities are very basic.

Almost every participant stated that they have witnessed staff behave in ways that are intolerant of and discriminatory toward gender variant youth. One participant disclosed that a

staff person in their facility complained when LGBTQ information was distributed to youth and staff in the facility during the month of June, when many cities hold pride festivities. Several participants stated that they heard staff make degrading comments toward gender variant youth in reference to their gender expression. This appears to be comparable to what one gender variant youth disclosed in an interview conducted by Redman (2010), that staff called her a disgrace and threatened her on a daily basis. One participant described incidents during which staff ordered harsher punishments for gender variant youth and showed favoritism for youth who were not gender variant. This participant stated, “You can tell that gender variant youth are not their favorite. You’ll see more of ‘You can’t have this but another person can, you can’t do this but another person can.’ I think it is because they don’t have a clue. They are just uneducated and ignorant, and that’s sad to say.”

No Knowledge of SB 518

The seventh key finding is the unanimous response by participants to the question regarding SB 518, the CA Juvenile Justice Safety and Protection Act that was passed in October of 2007. Not one participant was aware of the bill, which prohibits harassment and discrimination based actual or perceived race, ethnic group identification, ancestry, nation origin, color, religion, biological sex, sexual orientation, gender identity, mental or physical disability, and HIV status in all California Department of Juvenile Justice facilities. This is particularly noteworthy because every participant interviewed was employed within the CA juvenile justice system at the time of its passing. While no participant was aware of the bill, some stated that what it delineates was strived for or implicit in their facility. This is in direct contrast to what was said to be one of the most challenging aspects of gender variant youth’s experience navigating the system, which was harassment and discrimination because of their gender expression.

There is no existing research on the implementation of SB 518, furthering the importance of this study. Considering that every study participant was unaware of the bill and incapable of recollecting any conversation about its passing may be indicative of a lack of distribution of crucial information and guidelines designed to protect youth detained in the juvenile justice system. If providers received information about the passing of SB 518, it could likely cultivate more understanding about the needs of gender variant youth. Additionally, a broader conceptualization and awareness of numerous marginalized groups protected in the policy may be fostered. Most importantly, the protection of these youth from victimization might be more easily accomplished.

Systems, Policies, & Procedures

The eighth key finding lies in the question regarding systems, policies, and/or procedures in place to support gender variant youth in the juvenile justice system. The only reported policy was the one mentioned previously under the theme of safety and protection, to isolate gender variant youth or place them in facilities designed for troubled youth or youth with special needs. Every other participant interviewed stated that there were no existing programs in writing specifically aimed at supporting gender variant youth. This is in alignment with Thaler et al. (2009) who stated, “The vast majority of correctional and detention facilities do not have policies or training that address harassment or discrimination based on sexual orientation; even fewer have policies addressing gender identity” (p. 155).

“Although there are well-accepted professional standards governing child welfare and juvenile justice services, these standards do not adequately address the unique needs of LGBT youth” (Wilber, Reyes, & Marksamer, 2006, p. 135). The absence of systems or procedures designed to support or protect gender variant youth may explain why the harassment and

discrimination of these youth continues to occur in juvenile justice facilities. Clearly, however, there is an existing policy - SB 518 - yet providers interviewed in this study were unaware of this bill. This disconnection between policy and practice is noteworthy. The bill was passed nearly 4 years ago and there appears to be no visible actualization of what it delineates. It is likely that SB 518 could support the move toward more inclusive practices therefore one may benefit from exploring the results of it's passing. Not only should policies and guidelines that support the needs of gender variant youth be outlined, implementation of such policies should be carried out and fully executed. Mistreatment and permissible harassment of youth in the juvenile system is a form of injustice, particularly when it involves those who have repeatedly been ostracized by their community and families.

Hopeful Narratives

Findings in this study suggest that gender variant youth face tremendous struggles within juvenile justice facilities. That said, the study revealed some promising findings as well. The fact that the researcher was invited to present the research proposal during a staff meeting at juvenile hall and was given permission to recruit providers on site suggests that many individuals working within the juvenile justice system are open to discussing issues related to gender variance. Staff persons at juvenile hall were extremely accommodating and provided a private space for the researcher to conduct interviews on site. As a result, the researcher visited the facility on a regular basis for a period of approximately 2 months. The researcher observed a poster outlining the bill of rights for juvenile offenders that included the phone number for an ombudsperson to contact in the event of a violation that was posted in the guidance clinic waiting room. This was one of the statutes that SB 518 delineated, as mentioned previously in the literature review.

Several participants stated that many of their colleagues are open-minded and strive to be inclusive. Furthermore, one participant disclosed that staff members in their facility were beginning to intervene and give consequences to youth who harass fellow detainees because of gender variance. Some participants stated that there have been improvements among staff and youth over the past several years in regard to transphobic attitudes and behaviors. A few participants stated that youth in particular are more accepting and as a result they have seen more gender variant individuals express themselves openly. The fact that some providers mentioned that youth in their care are treated as individuals, and services are provided on a case-by-case basis is promising. There may be specific needs for gender variant or LGBTQ youth however it is important not to assume that one gender variant youth may benefit from a similar intervention or treatment as the other. It is important to be aware of how diversity exists even within groups that may habitually be categorized as homogeneous.

A couple of providers reported instances in which a transgender identified youth was able to alter their treatment program in a way that felt comfortable to them, such as opting out of recess or participating in a gender specific program of their choosing. Additionally, the fact that one provider reported that staff members were accepting of and adhered to a transgender identified youth's request to be addressed by a different name and pronoun from what they were assigned at birth is extremely reassuring.

Nearly every participant expressed a desire to receive more education and training designed to assist in the process of service provision with gender variant youth. Several reported that they were inspired by the interview and had ideas and thoughts as a result that they intended to share with fellow providers in their facility. Some mentioned ideas for improvement during the interview such as changes in housing within juvenile justice facilities and seeking out

opportunities for training. The fact that the researcher was able to distribute information about SB 518 to participants is favorable. Many participants disclosed that they planned to share the information with colleagues.

Implications for Social Work Practice and Policy

Implications for social work practice may be drawn from both the study findings and existing literature. Several participants expressed a desire for training on issues related to gender variance. It was said by many that what ultimately interferes with service provision to gender variant youth is a lack of education and knowledge of their needs. If training for staff were available, an understanding could begin to develop and thus improve service provision for gender variant youth. Because harassment and discrimination was said to come from both staff and other detainees, it would be appropriate to implement such training on a system wide level. A collective understanding could not only improve service provision but may also foster a greater understanding and acceptance of gender variant youth.

It was made apparent by the findings that addressing and referring to gender variant youth with their preferred name and pronoun proves to be worthwhile. It seems as though it facilitates awareness among both staff and other detainees and generates a sense of acceptance for the gender variant individual. Altering assessment forms in facilities to include venues for disclosing gender identities aside from male and female, preferred pronoun, and preferred name would create a more inclusive environment and send a message to all youth and staff that biological sex and gender identity are not conflated.

Providers interviewed in this research study expressed a desire to support gender variant youth yet tend to address the problem solely at the individual level. Some participants stated that youth who harass other youth because of their gender expression are given consequences such as

time alone in their room. One might consider instead addressing the reason for the harassment and discussing transphobia with youth who behave in a discriminatory manner. One participant disclosed that instilling confidence in a gender variant individual was the way in which to respond to and address them feeling threatened because of teasing and bullying by other youth. Empowerment is important for all youth, particularly those involved in the criminal legal system however working solely at the individual level is not getting to the root causes of discrimination. It would be ideal to additionally speak with the youth who are teasing and bullying in order to address the transphobia more directly.

Some suggestions outlined in the literature could be advantageous such as assisting gender variant youth “with developing strategies for dealing with societal stigmatization, name calling, and discrimination” and acknowledging that “transgender young people of color and their families face compounded stressors resulting from transgenderphobia and racism” (Mallon & DeCrescenzo, 2006, p. 235). Mallon & DeCrescenzo (2006) suggest that parents require a “gender variant child to dress in original gender clothing for formal events such as weddings, but permitting the child to dress androgynously for school and peer activities” (p. 234). This particular recommendation is notable and should be taken with caution as it is in direct contradiction with the recommendations of most gender variant advocates, which encourages parents to support their child’s gender expression and protect them from subsequent discrimination, not accommodate such stereotyping by hiding one’s preference for differential expression.

In ‘Social Work Practice with Transgender and Gender Variant Youth’, Gerald Mallon (2009) recounts various components of service provision with this population, one being knowledge that social worker’s should seek out and maintain in order to adequately practice with

gender variant youth. Mallon (2009) posits “professionals are expected to act deliberately, taking the steps that are most likely to be helpful, least intrusive, and consistent with the person’s welfare” (p. 23). Mallon outlines the importance of professional accountability, encouraging providers to consistently further their education, study history, recent literature, and current events on the topic of gender variant and transgender individuals. An ecological approach to practice with this population is recommended, asserting “an understanding of the destructive relationships that exist between transgender persons and an environment that is focused on “either/or” male or female gender constructions is integral to the process of developing practice knowledge about working with transgendered persons as clients” (Mallon, 2009, p. 23). Mallon (2009) notably affirms that the professional social worker will recognize that a person’s gender identity does not always conform to the biological sex that they were assigned at birth.

Considering the recommendation by Mallon (2009) to avoid the gender binary or “either/or” gender constructions in working with gender variant youth, it is important to acknowledge that providers interviewed for this study are all working within a system that makes this inherently impossible. As one participant mentioned, often there are differing agendas between what the department of probation requires and those of LGBTQ community organizations who advocate for gender variant youth. Given these restraints, there are remaining questions and an abundance work to be done. How can providers in the juvenile justice system adhere to recommendations such as these while working within a system that perpetuates binary gender stereotypes? Is it possible? In what ways must the system change in order to work more effectively with gender variant youth?

The lack of awareness among staff of the passing of SB 518 speaks volumes to the need for more thorough and improved policy implementation. The passing of this bill is noteworthy

however if there is no impact as a result, its relevance can and should be questioned. In what ways are policies such as these put into action? How are delineations of the bill achieved? This makes evident the need for more research on this topic. There is no existing research on the implementation of policies to support gender variant youth, particularly SB 518. Additionally, research on how providers in juvenile justice facilities experience service provision with gender variant youth is extremely limited, supplementing the need for more research on this topic.

Emerging Questions

Had the scope of this project allowed for additional time, a more in depth analysis may have been possible. Remaining questions became apparent during the analysis of the data, and much could be done to expand the exploration of this topic. More attention should be directed to the demographics of youth in juvenile justice facilities, particularly in regard to race, socioeconomic status, and mental health. Why is the primary demographic reflected in juvenile justice facilities people of color from extremely low-income families? Why are so many detained youth considered “mentally unstable” and why do so many of them have psychiatric diagnoses and/or suicidal tendencies? It is important to consider more carefully why marginalized youth and gender variant youth engage in criminal activity. It is interesting to note that this topic of conversation did not appear during participant interviews.

More attention should be drawn to providers in juvenile justice facilities. This study suggests that some providers advocate for and support the needs of gender variant youth while others do not. Questions as to why this is, and in what ways can service provision be more consistent, remain. How do providers navigate providing services for gender variant youth within the socially constructed binary that is reflected in the facilities where they work? Could training and education on issues related to gender and sexuality among youth for providers in juvenile

justice facilities be advantageous? What would a thorough training such as this look like and who should facilitate it?

One may consider why gender variant youth are criminalized both by society and the criminal legal system in the United States, and what needs to happen in order for this marginalization to cease to occur? It could be beneficial to more thoroughly contemplate what must happen in order to manifest change for gender variant youth navigating the juvenile justice system, while considering the voice of the youth themselves. Will a more thorough implementation of anti-discrimination legislation prove to be worthwhile? This research study indicates the need for a discursive rumination of these noteworthy questions. It is the researcher's hope that readers thoughtfully consider the findings of this study along with these remaining important inquiries, and that they will be addressed in future discussions and investigations on this topic.

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Appendix A

HSR Approval Letter



Smith College
Northampton, Massachusetts 01063
T (413) 585-7950
F (413) 585-7994

February 6, 2011

Elaine Dutton

Dear Elaine,

Your amended materials have been reviewed by the Human Subjects Review Committee. You have done a very careful job and they are fine. One request: please remove the word "anonymous" from the Consent. They are not anonymous. You know who they are. In any event, we are happy to give final approval to your interesting and useful study.

Please note the following requirements:

Consent Maintaining Data: You must retain all data and other documents for at least three (3) years past completion of the research activity.

In addition, these requirements may also be applicable:

Amendments: If you wish to change any aspect of the study (such as design, procedures, consent forms or subject population), please submit these changes to the Committee.

Renewal: You are required to apply for renewal of approval every year for as long as the study is active.

Completion: You are required to notify the Chair of the Human Subjects Review Committee when your study is completed (data collection finished). This requirement is met by completion of the thesis project during the Third Summer.

Good luck with your project.

Sincerely,

A handwritten signature in cursive script that reads 'Ann Hartman' followed by a long horizontal flourish.

Ann Hartman, D.S.W.
Chair, Human Subjects Review Committee

CC: Elizabeth Kita, Research Advisor

Appendix B

Eligibility Requirements

To determine eligibility, potential participants will be asked to answer the following questions before moving forward in the research process.

- 1) Are you or were you at some point employed as a provider in a juvenile justice facility in the San Francisco Bay Area?
- 2) Were you employed as a provider in a juvenile justice facility in the San Francisco Bay area six months prior to and one year following October 2007?
- 3) Are you willing and able to meet with me for approximately one hour in order to participate in an in-person interview for the purposes of this research?

Appendix C

Informed Consent

April 14, 2011

Dear Potential Research Participant:

My name is Elaine Dutton. I am conducting a research study to explore the experiences of providers in the juvenile justice system, specifically in regard to service provision with gender variant youth. Gender variant is a term used to describe those whose gender identity and/or expression differs from what is considered the norm in American culture. This research study for my thesis is being conducted as part of the requirements for the Master of Social Work degree at Smith College School for Social Work and possible future presentations and publications.

Your participation is requested because you are employed or were previously employed at a juvenile justice facility in the San Francisco Bay Area. To be included in the study, you must have been employed as a provider in a juvenile justice facility at least six months prior to and one year following October 2007. You will be excluded from the study if you are not a provider who works directly with youth in the juvenile justice system. Your job as a provider may include roles such as: caseworker, therapist, doctor, nurse, psychologist, educator, social worker, mental health specialist, psychiatrist, etc. If you choose to participate, you will be asked to engage in an in-person interview exploring your experiences and personal reflections in regard to service provision with gender variant youth. Where and when the interview takes place will be determined between you and me, and it will take approximately one hour. Participants will be asked to describe demographic information about themselves such as gender identity, sexual orientation/sexuality, ethnicity/race, socioeconomic status/class, family of origin, religious affiliation, and education. The interviews will be audio recorded in order to be transcribed by me in the future. They will be numerically coded and any identifying information will be removed or disguised if used in any publication or presentation, to ensure strict confidentiality. Data will be kept secure for at least three years and after that time has passed, all data will be destroyed as per Federal regulations. Anyone who assists me with analyzing the data for this study will sign a confidentiality pledge.

You will receive no financial gain for your participation in this study. However, you may benefit from knowing that you have contributed to a body of work that could inform the work of advocates and policy leaders in favor of justice for gender variant youth. You may also benefit from receiving the opportunity to share your experiences and gaining a new perspective on your experience as a provider in the juvenile justice system. There is minimal risk anticipated from participating in the study. You may become minimally uncomfortable recalling and reflecting on some negative experiences that you had.

Strict confidentiality will be maintained, as consistent with federal regulations and the mandates of the social work profession. Your identity will be protected, as names and identifying information will be changed in the reporting of the data. Please refrain from using names or identifying information when discussing. Your confidentiality will be protected through the numerical coding of transcribed interviews and by storing data in a

locked file for a minimum of three years. After three years all data will be destroyed unless I continue to need it for academic or professional purposes, in which case it will be kept secured.

Your participation is completely voluntary. If you choose to participate in the study, you may refuse to answer or skip any question. You may stop the interview at any time. If you have questions about any aspect of the study or concerns about your rights, please feel free to contact me or the Chair of the Smith College School for Social Work Human Subjects Review Committee at (413) 585-7974. If you choose to participate, please remember to keep a copy of this form for your records. Thank you for your time and participation in this study.

Sincerely,

L. Elaine Dutton

YOUR SIGNATURE INDICATES THAT YOU HAVE READ AND UNDERSTAND THE ABOVE INFORMATION AND THAT YOU HAVE HAD THE OPPORTUNITY TO ASK QUESTIONS ABOUT THE STUDY, YOUR PARTICIPATION, AND YOUR RIGHTS AND THAT YOU AGREE TO PARTICIPATE IN THE STUDY.

Researcher Signature _____ Date _____

Participant Signature _____ Date _____

Appendix D

Interview Questions

Demographics: Please describe how you identify your gender(s), racial & ethnic identity(s), socioeconomic status/class status, sexual orientation/sexuality, education level, religious affiliation, and family of origin (re: socioeconomic status).

1. Describe the juvenile justice setting in which you work along with your role in that setting. How long have you been in this role?
2. Describe the population that you serve.
3. Tell me about a typical day in your facility.
4. Describe a non-typical day as well.
5. Illustrate your experience providing services to gender variant youth. How has it differed from service provision with non-gender variant youth?
6. How do you view the system in regard to its either interfering with or supporting service provision with gender variant youth?
7. Are you aware of the passing of SB 518 and if so, in what ways has it impacted service provision in the facility where you work?
8. What, if any, systems, policies, or procedures designed to meet the needs of gender variant youth impact service provision with these youth in your facility?
9. Tell me about something that went well in regard to service provision with gender variant youth, along with something that did not go well.
10. What are some of the challenges that gender variant youth face while navigating the juvenile justice system? When and under what circumstances are such challenges most often present?

Appendix E
Research Study Handbill

California Juvenile Justice System Providers
(officers, social workers, teachers, nurses, etc.)

YOU ARE NEEDED!

for participation in a Master's thesis research study on

Juvenile Justice & Gender Variance

Brief interviews...On-site... snacks provided!

For more info, or to schedule an interview, contact Elaine Dutton,
MSW Candidate
Smith College School for Social Work

Appendix F

SB 518: CA Juvenile Justice Safety & Protection Act

Senate Bill No. 518

CHAPTER 649

An act to add Article 1.5 (commencing with Section 224.70) to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor October 13, 2007. Filed with
Secretary of State October 13, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 518, Migden. Juveniles: Youth Bill of Rights.

Existing law authorizes a peace officer to take a minor that the officer has reasonable cause to believe is within the jurisdiction of the juvenile court, either as a dependent child or as a ward of the court, into temporary custody without a warrant, as specified. Existing law provides procedures for processing the minor thereafter. Existing law requires the release within 48 hours of a minor who is taken into temporary custody by a peace officer or probation officer, as specified, unless a petition to declare him or her a dependent child or ward of the court has been filed. Existing law requires the juvenile court, upon the appearance of a minor at a detention hearing, to inform the minor, and his or her parents or guardians, of the reasons why the minor was taken into custody, the nature of the juvenile court proceedings, and their right to representation by counsel.

This bill would enact the "Youth Bill of Rights" in connection with youth confined in a facility of the Division of Juvenile Facilities. The bill would enumerate various specific rights. The bill would require every Division of Juvenile Facilities facility to provide each youth who is placed in the facility with an age and developmentally appropriate orientation that includes an explanation and a copy of the rights, and would require a facility of the Division of Juvenile Facilities to post a listing of the rights. The bill would require all facilities of the Division of Juvenile Facilities to provide care, placement, and services to youth in their custody without discriminating on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status. The bill would require the Office of the Ombudspersons of the Division of Juvenile Facilities to take various actions in connection with the rights, including disseminating information, investigating complaints, providing information regarding complaints it does not investigate, compiling data and making it available to the Legislature, and providing a toll-free telephone number. The bill would further require the Ombudspersons of the Division of Juvenile Facilities, in consultation with specified groups, to develop standardized, age-appropriate information in connection with these rights by July 1, 2008.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Youth confined in a facility of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, are harmed by discrimination based on actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, and HIV status.

(b) Youth are committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities in order to provide them an opportunity for rehabilitation. These rehabilitation opportunities shall include the provision of educational, therapeutic, and other necessary services to ensure that these youth can become successful and productive members of their communities.

(c) All youth confined in the Division of Juvenile Facilities have the constitutional right to a safe and secure environment.

(d) The Division of Juvenile Facilities is committed to treating all people with dignity, respect, and consideration and demonstrating behavior which is fair, honest, and ethical.

(e) There is a need to inform youth confined in the Division of Juvenile Facilities about their rights.

SEC. 2. Article 1.5 (commencing with Section 224.70) is added to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, to read:

Article 1.5. Youth Bill of Rights

224.70. For the purposes of this article:

(a) "Committed" means placed in a facility of the Division of Juvenile Facilities pursuant to a court order, independent of, or in connection with, other sentencing alternatives.

(b) "Detained" means held in secure confinement in a juvenile facility of the Division of Juvenile Facilities.

(c) "Extended family member" means any adult related to the youth by blood, adoption, or marriage, and any adult who has an established familial or mentoring relationship with the youth, including, but not limited to, godparents, clergy, teachers, neighbors, and family friends.

(d) "Facility of the Division of Juvenile Facilities" means a place of confinement that is operated by, or contracted for, the Department of Corrections and Rehabilitation, for the purpose of the detention or commitment of youth who are taken into custody and alleged to be within the description of Section 601 or 602 or who are adjudged to be a ward of the court.

(e) "Youth" means any person detained in a facility of the Division of Juvenile Facilities.

224.71. It is the policy of the state that all youth confined in a facility of the Division of Juvenile Facilities shall have the following rights:

(a) To live in a safe, healthy, and clean environment conducive to treatment and rehabilitation and where they are treated with dignity and respect.

(b) To be free from physical, sexual, emotional, or other abuse, or corporal punishment.

(c) To receive adequate and healthy food and water, sufficient personal hygiene items, and clothing that is adequate and clean.

(d) To receive adequate and appropriate medical, dental, vision, and mental health services.

(e) To refuse the administration of psychotropic and other medications consistent with applicable law or unless immediately necessary for the preservation of life or the prevention of serious bodily harm.

(f) To not be searched for the purpose of harassment or humiliation or as a form of discipline or punishment.

(g) To maintain frequent and continuing contact with parents, guardians, siblings, children, and extended family members, through visits, telephone calls, and mail.

(h) To make and receive confidential telephone calls, send and receive confidential mail, and have confidential visits with attorneys and their authorized representatives, ombudspersons and other advocates, holders of public office, state and federal court personnel, and legal service organizations.

(i) To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(j) To have regular opportunity for age-appropriate physical exercise and recreation, including time spent outdoors.

(k) To contact attorneys, ombudspersons and other advocates, and representatives of state or local agencies, regarding conditions of confinement or violations of rights, and to be free from retaliation for making these contacts or complaints.

(l) To participate in religious services and activities of their choice.

(m) To not be deprived of any of the following as a disciplinary measure: food, contact with parents, guardians, or attorneys, sleep, exercise, education, bedding, access to religious services, a daily shower, a drinking fountain, a toilet, medical services, reading material, or the right to send and receive mail.

(n) To receive a quality education that complies with state law, to attend age-appropriate school classes and vocational training, and to continue to receive educational services while on disciplinary or medical status.

(o) To attend all court hearings pertaining to them.

(p) To have counsel and a prompt probable cause hearing when detained on probation or parole violations.

(q) To make at least two free telephone calls within an hour after initially being placed in a facility of the Division of Juvenile Facilities following an arrest.

224.72. (a) Every facility of the Division of Juvenile Facilities shall provide each youth who is placed in the facility with an age and developmentally appropriate orientation that includes an explanation and a copy of the rights of the youth, as specified in Section 224.71, and that addresses the youth's questions and concerns.

(b) Each facility of the Division of Juvenile Facilities shall post a listing of the rights provided by Section 224.71 in a conspicuous location. The Office of the Ombudspersons of the Division of Juvenile Facilities shall design posters and provide the posters to each Division of Juvenile Facilities facility subject to this subdivision. These posters shall include the toll-free telephone number of the Office of the Ombudspersons of the Division of Juvenile Facilities.

224.73. All facilities of the Division of Juvenile Facilities shall ensure the safety and dignity of all youth in their care and shall provide care, placement, and services to youth without discriminating on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

224.74. (a) The Office of the Ombudspersons of the Division of Juvenile Facilities shall do all of the following:

(1) Disseminate information on the rights of children and youth in the custody of the Division of Juvenile Facilities, as provided in Section 224.71, and the services provided by the office.

(2) Investigate and attempt to resolve complaints made by or on behalf of youth in the custody of the Division of Juvenile Facilities, related to their care, placement, or services, or in the alternative, refer appropriate complaints to another agency for investigation.

(3) Notify the complainant in writing of the intention to investigate or the decision to refer the complaint to another agency within 15 days of receiving the complaint. If the office declines to investigate a complaint, the office shall notify the complainant of the reason for this decision.

(4) Update the complainant on the progress of the investigation and notify the complainant in writing of the final outcome, steps taken during the investigation, basis for the decision, and any action to be taken as a result of the complaint.

(5) Document the number, source, origin, location, and nature of complaints.

(6) Provide a toll-free telephone number for the Office of the Ombudspersons of the Division of Juvenile Facilities.

(7) Compile and make available to the Legislature and the public all data collected over the course of the year, including, but not limited to, the number of contacts to the toll-free telephone number, the number of complaints made, the number of investigations performed by the office, the number of referrals made, the issues complained about, the number of

sustained complaints, the actions taken as a result of sustained complaints, and the number of unresolved complaints, including the reasons the complaints could not be resolved.

(b) (1) The Office of the Ombudspersons of the Division of Juvenile Facilities, in consultation with youth advocate and support groups, and groups representing children, families, children's facilities, and other interested parties, shall develop, no later than July 1, 2008, standardized information explaining the rights specified in Section 224.71. The information developed shall be age-appropriate.

(2) The Office of the Ombudspersons of the Division of Juvenile Facilities and other interested parties may use the information developed in paragraph (1) in carrying out their responsibilities to inform youth of their rights provided under Section 224.71.