



# The Pride Justice Resource Center Newsletter



## **THE PRIDE JUSTICE RESOURCE CENTER**

### The National Resource Center on Justice-Involved LGBTQ2S+ Youth

The National Council of Juvenile and Family Court Judges (NCJFCJ)—with funding provided by the Office of Juvenile Justice and Delinquency Prevention—is collaborating with the National Center for Youth with Diverse Sexual Orientation, Gender Identity & Expression (The National SOGIE Center) to support essential juvenile justice system reforms addressing the needs of justice-involved lesbian, gay, bisexual, transgender, queer, and two-spirit (LGBTQ2S+) youth. Also lending support and input are other national organizations, including the Coalition for Juvenile Justice, the Gault Center, and the Tribal Law and Policy Institute.

The Pride Justice Resource Center is a hub of information and resources to address the specific challenges faced by justice-involved LGBTQ2S+ youth. The NCJFCJ and its collaborators want to provide professionals working in the juvenile justice system with the skills to collect data, assess their practices, reform the courts, and affirm the sexual orientation and gender identity of LGBTQ2S+ youth, along with increasing the ease of accessibility to evidence-based practices and current data.

The significant overrepresentation and documented vulnerability of LGBTQ2S+ youth in the juvenile justice system prompted recent changes in law and policy that significantly impact practice. In future newsletters, webinars, and targeted training, we will address these standards and will continue to promote practices and policies that prevent discrimination and harm. We will advocate for the fair and equitable treatment of LGBTQ2S+ youth arrested and referred to juvenile justice agencies.

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### **How to Collect Data on Sexual Orientation and Gender Identity**

LGBTQ2S+ youth are sometimes considered an invisible population in the juvenile justice system—even as they experience overpolicing and overrepresentation (Majd, Marksamer, & Reyes, 2009). These disparities are even more pronounced for LGBTQ2S+ youth of color (BreakOUT!, 2014; Conron & Wilson, 2021; and Wilson et al., 2017). To address these disparities and effectively meet the needs of LGBTQ2S+ youth, more information about their experiences and outcomes is needed. By collecting data on sexual orientation, gender identity, and

expression (SOGIE), courts and agencies can better identify the unmet needs and untapped strengths of justice-involved LGBTQ2S+ youth.

For a guide to frequently asked questions for detention facilities seeking to collect SOGIE data, [click here](#) or check out the [Pride Justice Resource Center](#) for more information.

Gathering SOGIE data in a safe and affirming manner requires courts and agencies to carefully prepare to collect SOGIE data. This [assessment tool](#), created by the National SOGIE Center, can help organizations quickly assess their readiness to start collecting data.

When developing a plan to collect SOGIE data, courts and agencies should consider three core components: policy, training, and procedure.

## **Policy**

- **Non-Discrimination:** Agencies and courts must have an inclusive non-discrimination policy in place. This policy must specifically identify sexual orientation and gender identity and expression as protected characteristics.

For example, courts could include language such as the below excerpt from the National Center for Lesbian Rights' [model policy](#) for child welfare and juvenile justice organizations:

"It is the policy of the [agency or organization] to prohibit all forms of harassment and discrimination of or by youth, employees, contractors, and volunteers, including harassment and discrimination based on actual or perceived race, color, religion, sex, national origin, ethnicity, ancestry, age, disability, sexual orientation, gender identity and expression, or based on an individual's association with a person or group with one or more of these actual or perceived characteristics."

- **Confidentiality:** Agencies and courts must determine who will collect this data, how they will collect it, and how the data will be used and stored. This should be formalized with a written confidentiality policy. Considerations include:
  - Who will have access to this data?
  - How will the organization ensure that data is not shared without youths' permission?
  - How will the organization respond if an employee *does* share data without permission?

## **Training**

Staff cannot be expected to ask sensitive questions with a trauma-responsive lens without the proper training and guidance. A robust and continuous training program is necessary to ensure that staff members are collecting SOGIE data in a safe and affirming manner.

- **LGBTQ2S+ 101:** Staff must be familiar with LGBTQ2S+ vocabulary and general concepts before SOGIE data collection can begin. This will facilitate mutually respectful conversations with youth.
- **Data Collection:** Staff must also be trained in data collection itself. They may feel initially hesitant to discuss matters of gender and sexuality with youth due to personal and religious beliefs, concern that they will say the wrong thing, or inexperience discussing sexual orientation and gender, so training should give employees the opportunity to practice asking SOGIE-related questions. Staff should also practice responding to any concerns from youth about why this information is being gathered and how it will be used.

See Cuyahoga County's [Collecting and Documenting Information Related to Gender and Sexuality](#) for more information.

- **Trauma Responsivity:** Staff need to have practical training in how to respond to behavior that is the result of

trauma. Being trauma-responsive also means centering the healing and growth of the young people in the juvenile justice system. Justice system professionals need to be able to provide supportive and affirming spaces, especially when youth are in heightened emotional states.

### Procedure:

When policies are in place and staff members are prepared, it's time to start collecting data. These are some essential principles for asking SOGIE-related questions:

- Staff should explain why they are collecting this data and how it will be used before asking youth for information.
- Staff must make clear to youth that answering SOGIE-related questions is completely voluntary and that they will not be punished for choosing not to answer. In many ways this is a difficult and scary time to be an LGBTQ2S+ young person in the United States, and while data collection is important, youth comfort and safety come first.
- Staff should ask these questions of ALL youth. It is not possible to tell someone's gender identity or sexuality just by looking at them, and only asking these questions of certain youth may make them feel singled out and will result in many LGBTQ2S+ youth being missed.
- Staff should normalize the questions for young people. Staff can do this by letting youth know that they ask these questions of all youth just like they ask other demographic questions such as race, and age.

See Alameda County's [What is SOGIE? Tip Sheet and Questionnaire](#) for additional guidance.

### FURTHER READING

For a more in-depth practice guide to collecting data on sexual orientation, gender identity, and gender expression, please read [The Whole Youth Model: How Collecting Data about Sexual Orientation, Gender Identity, and Gender Expression \(SOGIE\) Helps Probation and Youth Courts Build More Authentic Relationships Focused on Improved Well-Being](#).

For a comprehensive evaluation of one agency's SOGIE data collection implementation process, please read [System-Wide SOGIE Data Collection with Michigan Department of Health and Human Services, Detroit, MI](#). Though this implementation took place in a child welfare agency, much of it will be useful in a juvenile justice context.

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## Upcoming Events

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Webinar:

***"We Hardly Ever See Any LGBTQ2S+ Youth"***  
***Collecting Data on Sexual Orientation and Gender Identity***

September 27, 2023

90-minute duration

9:00 a.m. PDT / 10:00 a.m. MDT / 11:00 a.m. CDT / 12:00 p.m. EDT

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## Resources on Working with Families of LGBTQ2S+ Youth

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Collecting and Documenting Information Related to Gender and Sexuality. Cuyahoga County Department of Health and Human Services. Retrieved from: <https://hhs.cuyahogacounty.us/docs/default-source/spark/affirmme/collectingdocumentinginforelatedgendersexuality.pdf>

Wilber, S. (2013). Guidelines for Managing Information Related to the Sexual Orientation and Gender Identity and Expression of Children in Child Welfare Systems. Family Builders, Oakland, CA. Retrieved from: [https://www.nclrights.org/wp-content/uploads/2013/07/Information\\_Guidelines\\_FINAL\\_DRAFT\\_3-20-13.pdf](https://www.nclrights.org/wp-content/uploads/2013/07/Information_Guidelines_FINAL_DRAFT_3-20-13.pdf)

Wilber, S. and Canfield, A. (2019). SOGIE Data Collection in Public Systems of Care: A Practice Guide for Santa Clara County. Retrieved from: <https://www.nclrights.org/wp-content/uploads/2020/05/Final-SCC-SOGIE-Data-Collection-Practice-Guide-8.8.19.pdf>

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Cuyahoga County Department of Health and Human Services. Collecting and Documenting Information Related to Gender and Sexuality. Retrieved from: <https://hhs.cuyahogacounty.us/docs/default-source/spark/affirmme/collectingdocumentinginforelatedgendersexuality.pdf>

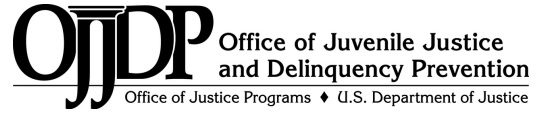
Majd, K., Marksamer, J., & Reyes, C. (2009). Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts. Legal Services for Children, Gault Center (formerly the National Juvenile Defender Center), and National Center for Lesbian Rights. Retrieved from: [https://www.nclrights.org/wp-content/uploads/2014/06/hidden\\_injustice.pdf](https://www.nclrights.org/wp-content/uploads/2014/06/hidden_injustice.pdf)

National Center for Lesbian Rights. (2006). Model Anti-Harassment and Non-Discrimination Policy for Child Welfare or Juvenile Justice Agencies. Retrieved from: [https://www.nclrights.org/wp-content/uploads/2013/07/Model\\_Policy\\_for\\_Juvenile\\_Justice\\_Agencies.pdf](https://www.nclrights.org/wp-content/uploads/2013/07/Model_Policy_for_Juvenile_Justice_Agencies.pdf)

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