

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/partnerships-to-develop-new-policies-for-lgbtq-youth-in-nys-juvenile-justice-system>

## Public Facing Advocacy Writing

*In advance of a [Sept. 13 panel discussion at Vera](#) on LGBTQ Youth and Juvenile Justice: Emerging Policy and Practice Lessons, Veras Family Justice Program sat down with Judy Yu, associate director of LGBTQ youth issues of the Juvenile Justice Project (JJP) at the Correctional Association of New York (CA), to discuss the CAs role in New York juvenile justice policies for LGBTQ youth.*

### **What is the lesbian, gay, bisexual, transgender, and questioning (LGBTQ) working group and what is its role?**

The Juvenile Justice Coalition (JJC) is coordinated by the [Juvenile Justice Project](#) (JJP) of the Correctional Association. The LGBTQ working group of the JJC focuses on the needs of LGBTQ youth in the youth justice system. It is a dynamic group of dedicated people who represent child advocacy groups, legal service providers, social service programs working with system involved youth, and community-based organizations all focused on making New Yorks youth justice system more fair, humane, effective, and grounded in positive youth development principles.

The LGBTQ working group was formed in 2003 in response to reports from youth and advocates in New York of abuse, unsafe conditions, and high levels of harassment of youth in state custody. At the same time, awareness was growing nationally about the disproportionate number of LGBTQ youth in the system and the dangerous conditions inside the facilities. (See for example this [recent issue brief](#) from the Center for American Progress and the Equity Projects [recent report](#) on the experiences of LGBT youth in juvenile courts across the system.) The group advocates for the safety and equity of LGBTQ youth in the justice system, that LGBTQ youth are not disproportionately affected by the system, and that LGBTQ culturally competent practices are in place.

### **What role did the Correctional Association play in helping the New York State Office of Children and Family Services (OCFS) develop the LGBTQ anti-discrimination policy and guidelines?**

The policy came during a shifting landscape in juvenile justice. As a result of reports of abuse, Lambda Legal and the Sylvia Rivera Law Project brought a [lawsuit](#) against the New York State Office of Children and Family Services (OCFS). At the same time, the JJC's LGBTQ working group was talking to OCFS Commissioner Gladys Carrin about the need for a policy, and she recognized its importance. The director of the CAs JJP at the time helped OCFS form the Working Group on LGBT Youth in State Custody, which she co-chaired with Commissioner Carrin. This group was comprised of advocates, including members of the Coalitions LGBTQ working group, and OCFS staff. We worked closely with OCFS staff from a variety of departments to develop the policy. It was a very collaborative process.

One of most exciting things about the policy is that it requires that transgender youth be referred to by their preferred name and pronoun, that transgender youth have their choice about the undergarments they wear, and that their safety needs are taken into consideration when it comes to housing placement.

We also recently advocated for New York Citys Administration for Childrens Services (ACS) Department of Youth and Family Justice (DYFJ) to develop a similar policy in fact, it expands upon OCFS and strengthens protections for LGBTQ youth. The working group provided substantial input for the policy, and we continue to work with them on policy implementation.

### **What are some of the early lessons from the OCFS policy implementation that would be relevant for other state juvenile justice agencies?**

In order for a policy to work, you need to consider short- and long-term actions. The short-term would include training staff; establishing an independent oversight mechanism, a body that regularly visits facilities and talks to staff and youth to monitor the implementation and climate; and providing youth and families with opportunities to give their input. You also need a strong leadership committed to making facilities safe and respectful for all youth. The long-term work is about changing culture in order for a policy to truly have an impact. These policies are only effective in the context of a culture that really values LGBTQ youth, is affirming of all youth, and has youth development principles in place.

### **What role did youth play in shaping the OCFS policies?**

The CA runs a program called [Safe Passages](#), which is a youth leadership and advocacy training group focused on the impact of homophobia and transphobia in the youth justice system. The experiences of the youth in the program have been critical in helping us understand the needs for policy and guidelines. Youth in the program have provided invaluable feedback on the design of the surveys and materials we are currently using in OCFS facilities to evaluate the policy implementation. We have long been committed to supporting their leadership and believe that their expertise and voices should be at the forefront of shaping and changing the system. I feel lucky to work with these amazing and talented advocates for change.

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