

# IMPACT JUSTICE

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## How Probation Departments Can Ask Youth About Sexual Orientation, Gender Identity, and Gender Expression at Intake

The Prison Rape Elimination Act (PREA) standards require that all secure facilities affirmatively ask youth and adults about their sexual orientation, gender identity, and gender expression (SOGIE). They also require that jurisdictions make a note about whether an incoming youth or adult is at risk of harassment or abuse because they may be *perceived* as lesbian, gay, bisexual, gender nonconforming or transgender (LGB/GNCT).

For this reason, thirteen probation departments in California worked together to develop five questions that they could ask youth at intake. The participating counties comprise the “central region” of the Chief Probation Officers of California (CPOC). They are Fresno, Inyo, Kern, Kings, Nevada, Madera, Mariposa, Merced, Mono, Stanislaus, Tulare, Tuolumne, and San Luis Obispo. Impact Justice trained intake officers in all of the counties and provided a training for trainers to ensure an ongoing source of knowledge in the area of SOGIE data collection.

The data that the counties collect will not only be used to shape institutional response in detention halls, ranches and camps. The counties will also analyze this data to determine if there are decision points like arrest and diversion that lead to the overrepresentation of LGB/GNCT youth in their systems. The five questions currently being asked by these departments, with the answers that are included in electronic drop-down menus, are:

1. What was your sex at birth?

- Male
- Female
- Intersex

2. What is your sexual orientation?

- Bisexual
- Gay
- Heterosexual/straight
- Lesbian
- Questioning
- Other

3. What is your gender?

- Girl/Woman
- Boy/Man
- Transgender
- Other

4. What is your gender expression?

- Masculine
- Feminine
- Other

5. (For Staff) Does the youth's gender expression match cultural and societal expectations?

- Yes
- No
- Unknown