



## THE OFFICE OF PUBLIC DEFENDER

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Department of Children and Family Services  
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By fax: 925-6800

Attn: Ms. Latarsha Guidry

Ms. Guidry;

I write to urge that DCFS remove [REDACTED] from the East Baton Rouge Juvenile Detention Center. As you're aware, [REDACTED] is a sixteen-year-old transgender girl. [REDACTED] is at high risk of abuse and violence at the center.

On June 18, 2015, an incident arose in the recreation yard of the detention center. On that day, a youth, without any provocation, struck [REDACTED] in the face with his fists. Then, as [REDACTED] began to run away from the attacking youth, another group of approximately 6 to 8 youths began to chase her around the recreation yard. The youths continued to chase [REDACTED] until detention center staff was able to intervene and prevent further escalation. At this time, I do not know whether her recently broken jaw was re-injured, but I certainly recognize the risk, as I am sure you do. In addition to being physically assaulted, [REDACTED] has experienced verbal harassment from peers and disparaging comments related to her gender identity.

National reports and studies confirm that [REDACTED]'s experience in detention is, sadly, predictable. The United States Department of Justice, in its final summary of Prison Rape Elimination Act (PREA) regulations, "recognized 'the particular vulnerabilities of inmates who are [lesbian, gay, bisexual, transgender and, intersex] LGBTI or whose appearance or manner does not conform to traditional

gender expectations”<sup>1</sup> Transgender youth are “particularly at risk for physical, sexual, and emotional abuse while in detention, by both staff and other youth.”<sup>2</sup> In its 2009 report, The National PREA Commission concluded “[t]ransgender girls are especially vulnerable” in detention settings.<sup>3</sup> A 2009 California study found that transgender prisoners were 13 times more likely to be sexually assaulted than non-transgender prisoners.<sup>4</sup>

The World Professional Association for Transgender Health advises that “[i]nstitutions where transsexual, transgender, and gender-nonconforming people reside and receive health care should monitor for a tolerant and positive climate to ensure that residents are not under attack by staff or other residents.”<sup>5</sup> East Baton Rouge Juvenile Detention Center staff are not following accepted standards of care for treatment of transgender youth in custody, placing ██████ at increased risk of harm. Although ██████ identifies as female, she was recently placed on the boy’s unit further elevating the risk of physical injury and sexual assault. Some staff members, contrary to both training they have received and appropriate standards of care, do not refer to ██████ using the name and pronouns that are consistent with her gender identity.

Such treatment is not only contrary to recommendations from child welfare organizations,<sup>6</sup> but likely violates Louisiana Detention Standard § 7515(2), which states a youth “shall not be subjected to discrimination based on race, national origin, religion, sex, sexual orientation, gender identity, or disability.”<sup>7</sup> As you know, DCFS is statutorily required to ensure that facilities are in compliance with detention standards.

When not treated with appropriate care and affirmation of their gender identity, transgender youth are not only in physical danger, but face elevated risk of behavior problems, incidences of self-harm, suicidality, PTSD, substance abuse, and body image issues. According to the American Psychological

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<sup>1</sup> “LGBTQ Youths in the Juvenile Justice System,” Office of Juvenile Justice and Delinquency Prevention, Literature Review, p.6 available at <http://www.ojjdp.gov/mpg/litreviews/LGBTQYouthsIntheJuvenileJusticeSystem.pdf>.

<sup>2</sup> “The Unfair Criminalization of Gay and Transgender Youth: An Overview of the Experiences of LGBT Youth in the Juvenile Justice System” Jerome Hunt and Aisha C. Moodie-Mills (2012) available at <https://www.americanprogress.org/issues/lgbt/report/2012/06/29/11730/the-unfair-criminalization-of-gay-and-transgender-youth/>.

<sup>3</sup> The National Prison Rape Elimination Act Report, June 2009, p.148. available at <https://www.ncjrs.gov/pdffiles1/226680.pdf>.

<sup>4</sup> “Transgender Inmates in California’s Prisons: An Empirical Study of a Vulnerable Population,” Valerie Jenness, et al (2009) available at <http://nicic.gov/Library/023832>.

<sup>5</sup> World Prof’l Ass’n for Transgender Health, *Standards of Care for the Health of Transsexual, Transgender and Gender Non-Conforming People* 1–2 (Eli Coleman et al. eds., 7th ed. 2012), available at [http://www.wpath.org/uploaded\\_files/140/files/Standards%20of%20Care,%20V7%20Full%20Book.pdf](http://www.wpath.org/uploaded_files/140/files/Standards%20of%20Care,%20V7%20Full%20Book.pdf).

<sup>6</sup> *Recommended Practices to Promote the Safety and Well-Being of Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Youth and Youth at Risk of or Living with HIV in Child Welfare Settings*, Child Welfare League of Am. et al. (2012), available at [www.lambdalegal.org/publications/recommended-practices-youth](http://www.lambdalegal.org/publications/recommended-practices-youth); J.M. Poirer et al., Substance Abuse & Mental Health Admin., *A Guide for Understanding, Supporting, and Affirming LGBTQI2-S Children, Youth, and Families* (2014), available at [http://www.socialworkers.org/diversity/new/documents/LGBTQI2S\\_Guide\\_English\\_NASW\\_v2.pdf](http://www.socialworkers.org/diversity/new/documents/LGBTQI2S_Guide_English_NASW_v2.pdf).

<sup>7</sup> La. Admin. Code tit. 67, Part V, Sub. 8, Ch. 75, § 7515(2)(emphasis added).

Association, elevated risk has been "attributed to external factors such as peer bullying, family distress, parental rejection, trauma, abuse history, harassment, inadequate housing, legal problems, lack of financial support, educational problems, co-occurring psychiatric problems, and body dissatisfaction, rather than gender diversity in and of itself. Supportive psychotherapy and medical gender affirmation treatment have been associated with a reduction in behavioral and emotional symptoms."<sup>8</sup> The inappropriate treatment of ██████s causing her daily harm.

As you are aware, on Tuesday, June 16, Judge Johnson authorized DCFS to take ██████ out of the detention center, with no bond obligation. The June 16 assault and national findings clearly indicate the risk to ██████s health, safety and welfare as long as she remains housed in the detention center. Louisiana Detention Standards state that "[i]t is the intent of the legislature to protect the health, safety, and well-being of the youth of this state who are placed in a juvenile detention facility (JDF)."<sup>9</sup> Further, the standards authorize the use of detention only when it is the "least restrictive alternative available to secure the appearance of the youth in court or protect the safety of the child or public."<sup>10</sup> ██████ would not have been the victim of an assault in detention had DCFS, in accord with least restrictive placement standards, removed ██████ on June 16.

I urge you to immediately remove ██████ from the detention center and place her in a less restrictive alternative in the community. Every day that she remains in the detention center creates undue risk to her safety and well-being and perpetuates ongoing discrimination against on account of her gender identity.

Sincerely,



Jack Harrison, Esq.

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<sup>8</sup> American Psychological Association Fact Sheet: "Gender Diversity and Transgender Identity in Adolescents." available at <http://www.apadivisions.org/division-44/resources/advocacy/transgender-adolescents.pdf>.

<sup>9</sup> La. Admin. Code tit. 67, Part V, Sub. 8, Ch. 75, § 7501.

<sup>10</sup> Id.