



Expanding the Idea
and Practice of Gender
Responsive Programs
for Contra Costa
Juvenile Probation

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INTRODUCTION

Gender Assessment for Contra Costa County

Ceres Policy Research was hired to assess whether Contra Costa County has gaps in gender programming for youth in the justice system. This report presents an overview of past research as well as the findings from our analysis.

History of Youth Justice Reform

The Juvenile Justice Delinquency Prevention Act (JJDP A) was first signed by President Gerald Ford in 1974. This act required that states ensure that (1) status offenders would not be incarcerated, (2) youth—unless they have committed a violent felony—cannot be detained for any length of time in an adult facility prior to their court hearing, and (3) there must be sight and sound separation of youth and adults in all settings (Act4JJ, Accessed 2022).

Beginning with the 1992 reauthorization of the JJDP A, youth justice reform began to accelerate. The new bill required states to assess and address racial and ethnic disparities at all points in the youth justice system. It also required that states address gender bias, emphasize prevention and treatment, work to strengthen families, and use graduated sanctions and risk assessments (Act4JJ, Accessed 2022).

These new JJDP A provisions sparked legislative advocacy across multiple states (Davis et al., 2014). Ohio passed RECLAIM Ohio (1993) and Targeted RECLAIM (2010) to encourage the development of community-based alternatives to state custody. Michigan's County Juvenile Agency Act (1998) allowed local governments to assume responsibility for youth and develop community-based alternatives for incarceration. Redeploy Illinois (2004) incentivized counties to stop sending youth

to the state prison system. The bill gave a portion of the savings for keeping youth local to county government, which was then expected to develop community-based alternatives. And California's SB 81 (2007) banned the admission of any youth into the state prison system unless they committed a serious or violent crime (Davis et al., 2014).

These changes in law led to huge reductions in the youth justice population over time. In California alone, there were over 10,000 youth in the state's Youth Authority in the late 1990's. This population has since been reduced to less than 600 youth. In the meantime, there were also 10,000 available beds within county probation systems. These systems have gone from overcrowded to under 25% of bed use.

At the same time, the proportion of Black and Latinx youth has increased (Rovner, 2016). While the incarceration rate fell 51% for white youth between 2003 and 2013, it only fell by 43% for Black youth. As a result, the racial gap between white and Black youth increased by 15% (Rovner, 2016).



LITERATURE REVIEW

Gender Responsive Programming

Within this larger context of youth justice reform, feminist researchers began to track outcomes specifically for girls in the late 1990s (Chesney-Lind, 1997; Acoca & Dedel, 1998; Sherman, 2005; Belknap and Holsinger, 2006; Saar et al., 2015; Irvine-Baker et al., 2019). This work provided a feminist perspective on youth justice reform, highlighting perceived differences between boys and girls. This work emphasized that girls are driven into the justice system by past trauma, that they respond positively to relationships, and are more likely to abuse substances (Chesney-Lind, 1997; Acoca & Dedel, 1998; Sherman, 2005; Belknap and Holsinger, 2006; Saar et al., 2015; Irvine-Baker et al., 2019).

These researchers have rightly identified the relationship between trauma and justice involvement. They dismiss, however, the experience of cisgender boys—and youth with other genders—who are experiencing sexual abuse and childhood violence. Researchers report that there are statistically significant differences between boys' and girls' experience with physical and sexual abuse (Meng and D'Arcy, 2016; Pinchevsky et al., 2013). However, some of these differences may be attributed to boys being more afraid to disclose past abuse (Pinto Cortez et al., 2021; de Jonge, 2013). Further, these differences may be reduced as boys and girls become adults. While Meng and D'Arcy still report a statistically significant difference across gender, the magnitude of differences in disclosure about past abuse is very small. Meng and D'Arcy (2016) report that 74% of men experienced physical abuse as children compared with 68% of women. And that 54% of men experienced sexual abuse as children compared with 57% of women.

Expanding the Idea of Gender

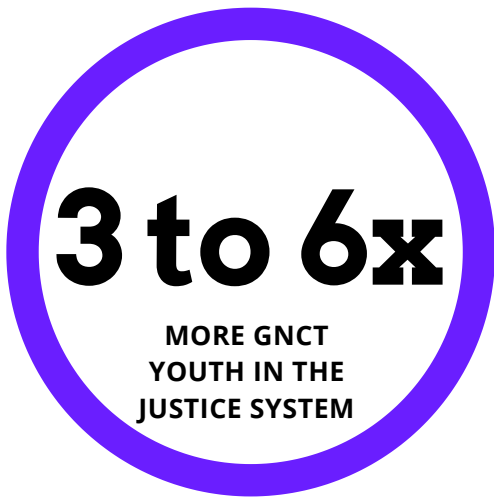
Another gap in previous feminist research on gender within the justice system is the lack of focus on transgender, nonbinary, gender queer, and gender nonconforming youth.

Gender has most often been associated with the sex we are assigned at birth. Doctors have traditionally assigned a sex—either boy or girl—based on visible genitalia. However, there have always been intersex people—individuals born with any combination of chromosomal patterns or genitalia that do not match binary notions of male or female.

Moreover, all people have a gender identity that is a deeply held sense of self that may or not match their sex assigned at birth. Those whose identity does match their sex at birth are referred to as cisgender. Those whose identity does not match their sex at birth identify as many things including transgender, nonbinary, and gender queer.

Finally, people may express their gender in many different ways through their hair, makeup, clothing, and names. These may also change over time. Gender expression is gender conforming when it matches social expectations of your sex assigned at birth. Gender expression is nonconforming when it does not match.





Taking these other aspects of identity into account, researchers have found that gender nonconforming and transgender (GNCT) youth are overrepresented in the justice system—particularly those who were originally assigned female at birth (Wilson & Bouton, 2022; Irvine and Canfield, 2017; Irvine and Canfield, 2016). Overall, there are three to six times as many GNCT youth in the justice system as there are in the general population:

- 3.5% of youth in the general population are gender nonconforming, gender nonbinary, gender queer, or transgender. In the general population, about 25% of LGBTQ youth identify as nonbinary or gender queer (The Trevor Project, 2021; Conron, 2020) This is 2.5% of the population. Another .7-1% of youth identify as transgender (Conron, 2020).
- Comparatively, among youth in the justice system, 10.1% of youth assigned male at birth and 17.0% of youth assigned female at birth are GNCT (Irvine and Canfield, 2017).

OUR INTERSECTIONAL GUIDING PRINCIPLES

We see that youth in the justice system can have many different gender identities and expressions. Youth in the justice system—across all genders—are also mostly of color. Eighty five percent of youth in the justice system—whether they are cisgender and gender conforming boys and girls or gender nonconforming, gender nonbinary, gender queer or transgender youth—are of color (Irvine and Canfield, 2017).

Given the population of youth in the justice system, we draw on the work of feminists of color (Hurtado, 2020; Collins, 1990; Crenshaw, 1989; Combahee River Collective, 1977) to establish seven guiding principles for this project as well as our work in the justice system overall:

(1) Variations in gender identity and gender expression are part of the normal spectrum of human diversity.

(2) The negative health outcomes experienced by gender nonconforming and transgender youth of color are not inherent to their identities, but are caused by intersecting systems of oppression that harm them based on their gender identity, gender expression, and race.



(3) Like all youth, gender nonconforming and transgender youth thrive and succeed when their families, schools and communities support and nurture their evolving identities.

(4) Efforts to change a young person's gender identity are ineffective, unnecessary and harmful.

(5) A young person's gender identity and gender expression cannot be understood separately from their race, sexual orientation, ethnicity, class, ability or immigration status, which together confer a mix of disadvantage and privilege that impacts their experiences, opportunities and health status.

(6) Regardless of personal beliefs, employees and contractors of public systems of care are legally and ethically required to treat gender nonbinary, gender queer, gender nonconforming and transgender young people equitably and respectfully.

(7) Treating youth as whole people will improve the relationship that you have and the services you provide.

METHODS

This was a predominantly qualitative study. After completing literature reviews of youth justice reform and gender responsive programming, we developed a gender responsive continuum of care checklist and an interview protocol for probation staff.

Probation Managers and Field Managers helped us identify the key staff members who know what programs exist for probation youth. These were the people we interviewed.

We conducted interviews with eight probation staff in various positions that included probation officers, probation supervisors, and an institutional supervisor.

We also interviewed representatives from three different community programs: RYSE Center, Rainbow Community Center, and Office of Neighborhood Safety.

We interviewed each participant separately via Zoom for approximately one hour. We recorded each interview on Otter.ai, which provided an audio recording of the conversation as well as a written transcript.

After we completed interviews, we reviewed the transcripts for common themes. The summary of our findings is presented below.

FINDINGS

Below are the findings from the interviews. Please note we do not include the names of the participants in this report to protect confidentiality.

The Probation Department DOES offer gender responsive programming within the institution and the community that includes Girls Circle, Boys Council, and RYSE Center.

Our interviews verified that the Contra Costa Probation Department does refer young people into gender responsive services.

One Circle Foundation

The One Circle Foundation provides gender responsive curricula and training for probation, child welfare, and behavioral health departments across the country. All of their programs are designed in a circle format. Each weekly session includes an opening ritual, an introduction of the weekly theme, a check-in, an activity, a reflection, and a closing ritual. Contra Costa Probation offers Girls Circle and Boys Council to the youth living in their facilities.

RYSE Center

We interviewed leadership staff from RYSE Center about the Richmond-based Center's work with probation-involved youth, both in the facility and in the community. RYSE Center operates two juvenile justice programs, one a re-entry program called Restorative Justice Diversion and the other Freedom Beats, a creative support program inside juvenile hall and at the boys' ranch.

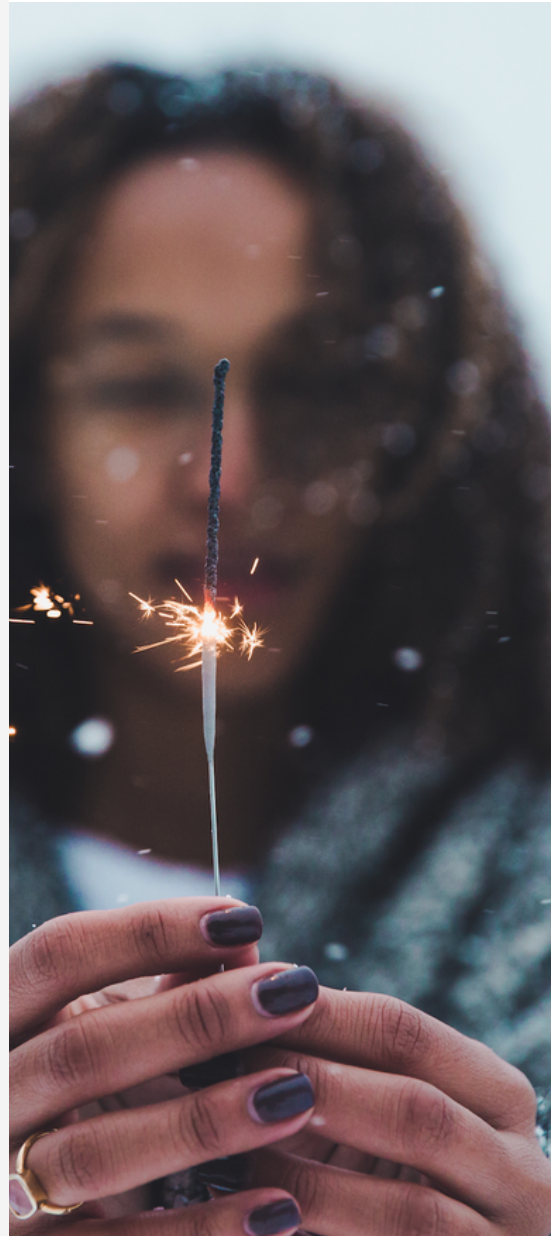
A couple of themes emerged from the interview, the first of which is related to identity. RYSE staff working directly with justice-involved youth mirror the identities of the youth, including SOGIE and race and ethnicity. All front-line staff are Black or Brown and have been impacted by incarceration, and some are LGBTQ+. They also talk with youth about identity and affirm identity formation in the youth. This is particularly important, as “who [the youth] are has been muted and dismissed” and young people are in a critical developmental stage of identity exploration and self-discovery. Another theme that emerged is that of challenging the “rigid gender roles” promoted by the juvenile justice system. For example, at RYSE, regardless of how they identify their SOGIE, boys are encouraged to “express their feelings.”

Rainbow Community Center

We interviewed the Executive Director of Rainbow Community Center and learned that while the Center does not currently have many youth programs, they would be interested in partnering with Probation to serve justice-involved youth in the future. Rainbow Community Center is a community-based organization in Concord that provides support services and social opportunities for the LGBTQ+ community in Contra Costa County.

Office of Neighborhood Safety

We also interviewed the Administrator at the Office of Neighborhood Safety (ONS) in



Richmond, who explained that with Youth Reinvestment Grant funding, ONS runs a diversion program for boys of color, primarily Black, who have had contact with law enforcement. The program utilizes “credible messengers” as mentors for the youth. They do not ask the young people about their sexual orientation, gender identity, and gender expression (SOGIE) but if a youth discloses they are LGBTQ+, ONS staff refers them to RYSE Center for services.

There are no programs within the Department’s residential institutions specifically serving GNCT youth.

While Girls Circle and Boys Council exist in juvenile hall, there are no programs specifically serving GNCT youth.

“We don’t have programs specifically geared to serve this population,” explained an interviewee, “to address the trauma that this population may experience.” GNCT youth “get the same services as everyone else, same programming,” stated one of the participants. She went on to say, “We don’t track [gender identity and gender expression] because we don’t have anything to offer these different populations...We treat them all as one group.”

Notably, One Circle Foundation, which developed the Girls Circle and Boys Council curricula, has developed a curriculum for a multi-gender program called Unity Council, which is a similar curricula designed for youth across the gender spectrum. Though, again, this is not currently provided to young people in the Department.

Not all gender responsive programming explicitly addresses race.

Our interviews found that the Girls Circle and Boys Council curriculums do not explicitly address race. RYSE Center’s programming, on the other hand, is intersectional, taking into account and addressing race, as well as other relevant aspects of youths’ identities.

Staff don't know the number of GNCT youth in the system because they don't ask about gender identity and gender expression.

Because Probation staff have not, to date, had a systematic way of asking youth about their gender identity and gender expression nor recording that information, they are unable to determine the number of youth in the system who are GNCT. Staff cited privacy concerns as reasons why staff don't ask youth about their gender identity and gender expression, but acknowledged that it would be helpful to know this information. One stated, "I would love to be able to know who those individuals are so we can really better serve them and watch out for their safety and really walk them through the entire process in a way that's really meaningful to them."

Notably, the Department has had training on collecting gender identity and expression data and will be rolling this out to line staff shortly.

There are no programs in the community that work competently with system-involved GNCT youth, besides RYSE Center.

Probation officers did not know of many programs for youth across the spectrum, but particularly GNCT youth. "Our county doesn't have a lot of services for youth," lamented one of the staff interviewed. And the only agency mentioned as competent to serve GNCT youth in the community was RYSE Center. One staff mentioned the existence of Rainbow Community Center but acknowledged that Probation doesn't have a formal relationship with the organization and that she hadn't referred youth there since she worked at a local high school eight or nine years ago.

There are gaps in policy and practice within the Probation Department for youth across the gender spectrum.

Interviews with staff uncovered gaps in the Department's capacity to collect gender identity and expression data, training on GNCT youth, the development of an anti-discrimination policy, and programs for GNCT youth in the community. We explain each finding in more detail below:



Gender identity and gender expression

data collection: Staff identified the need to collect data regarding youth's gender identity and gender expression in order to better serve GNCT youth. "We're not asking the right questions," explained one of the interviewees, who went on to say that the Department needs "some type of database or system that would collect this information and [enable us] to respond appropriately."

Training on GNCT youth: Although all those interviewed have received training related to GNCT issues, several of them stated that Department staff could use further training. One commented, "I think training is always a great opportunity to educate the staff—to really have the staff be more open minded to the fact that people have different beliefs and cultures and ideologies."

Policy related to GNCT youth: One staff person emphasized the need to revise Department policies and procedures to explicitly address GNCT youth and to ensure that they are respected and protected. (1)

Programs for GNCT youth in the community: "The gaps are most prevalent in the community," explained one of the interviewees, "lack of community-based resources that negatively affect youth of color and [GNCT] youth." Staff mentioned the need for "safe places" like community centers, mentoring programs, and mental health services specifically serving youth across the gender spectrum.

(1) Notably, the Department is in the process of developing transgender youth and LGBTQ/GNCT youth protection policies in their partnership with Ceres Policy Research.

SUMMARY

Based on our review of best practices, we developed and completed the following gender responsive assessment checklist. The matrix is intersectional in that it takes into account whether programs affirm young people's gender identity and gender expression as they interact with race and ethnic identity:

Finding	Gender Responsive Continuum of Care Checklist
Yes, but not in institutions and only one site in community	There are programs that support the entire gender spectrum—cisgender, transgender, and gender nonconforming youth.
Yes, but only one site in community	The programs address multiple forms of trauma, including neighborhood and racial trauma.
Yes, but only one site in community	There are programs that encourage all youth to develop positive relationships (not just “girls” programs).
This is departmental policy for housing but not stated policy for community	The courts and probation allow youth to choose housing and community programs according to gender identity/expression.
Not yet available	There is access to affinity groups, depending on the desire of the young person. There might be a group for masculine of center youth, feminine of center youth, a group for all youth, etc.

RECOMMENDATIONS

Based on the checklist, we have the following recommendations:

Secure funding to develop and support a broader continuum of care.

Our report identifies specific opportunities for creating a more complete continuum of care. These include adding the Unity Circle to juvenile hall programming and working more closely with the Rainbow Community Center. To fill these gaps, we recommend that Probation identifies sources of funding to pay for expanded services and training.

Continue efforts to collect data on gender identity and gender expression.

The Probation Department has started the process of training staff how to collect SOGIE data. More importantly, they are part of the Whole Youth Initiative. Therefore, the SOGIE data collection training teaches line staff how to ask all youth about their gender identity and gender expression in a way that affirms all layers of young people's identity.

Train partner agencies on the Whole Youth Initiative.

The Probation Department should expand their training efforts so that all of their partner organizations know how to affirm young people's gender identity and expression.

Complete an anti-discrimination policy.

The Probation Department has started to develop an anti-discrimination policy. The completion of the policy will further affirm youth across the gender spectrum.

Expand programs that affirm gender and race at the same time.

Our interviews show that the RYSE Center currently affirms race and gender identity and expression for the youth that they serve. The Rainbow Center has this capacity as well. One Circle Foundation—which provides Girls Circle and Boys Council programming in the hall—has a Unity Council curriculum that aims to achieve similar goals. As such, we recommend that Probation develop and expand each of these relationships to serve youth in custody and in the community.

Engage in efforts to affirm both femininity and masculinity of Black and Latinx youth.

Current gender programming is designed to affirm femininity. We recommend that the Department intentionally find ways to also affirm masculinity—particularly of Black and Latinx youth.

Review practices that erase nonbinary youth.

When there are programs for “girls” and “boys,” there is no place for nonbinary youth to feel comfortable, let alone affirmed. This is one more reason to consider adopting the Unity Circle within juvenile hall and working with subcontractors to create safe spaces for youth with all gender identities.

Assign programs based on gender identity.

As the Department completes their anti-discrimination policy, we recommend that housing be assigned based on gender identity. This is best practice under the Prison Rape Elimination Act. Similarly, we recommend that youth be assigned to programming—in custody and within the community—based on their gender identity.



APPENDIX A: GLOSSARY

Gender identity: An individual's core and hard-wired sense of their own identity as a boy/man, woman/girl, something in between, or outside the male/female binary

Gender expression: A person's presentation or communication of their gender to others, through hairstyles, clothing, physical mannerisms, alterations of their body, or name and pronoun

Gender nonconforming: Describes a person whose appearance or manner does not conform to traditional gender stereotypes

Gender nonbinary: Describes a person whose gender identity is neither man/boy nor woman/girl

Gender queer: Describes a person whose gender identity is neither man/boy nor woman/girl

Transgender: Describes a person whose gender identity is different from their assigned sex and who lives, or desires to live, in accord with their gender identity

Cisgender: Describes a person whose gender identity matches their sex assigned at birth

Sex assigned at birth: The designation of an infant's sex at birth, usually by a medical professional, based on the child's external genitalia

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