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City Limits WEEKLY

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## SAFE AND SOUND: LEGISLATION WOULD PROTECT INCARCERATED LGBT YOUTH

State Senate and Assembly bills would ban discrimination based on sexual orientation in juvenile detention facilities. > *By Kamelia Angelova*

Lesbian, gay, bisexual and transgender youths in juvenile detention could gain new protections under pending state legislation. The Safe And Fair, Equal Treatment for Youth (SAFETY) Act, introduced by Assemblymember Roger Green, would outlaw discrimination based on sexual orientation and require staff to attend special training sessions on LGBT issues. A similar bill was also introduced by State Senator Tom Duane in March of this year.

The Urban Justice Center, a local advocacy group, helped push for the legislation after documenting several interviews with young people confined in state facilities run by the Office of Children and Family Services (OCFS). They describe physical abuse by OCFS staff and other residents along with slurs and intimidation.

"Children sent to facilities run by OCFS report being slapped, hit, punched, kicked, threatened, and called names by others residents and staff members," said Susan Hazeldean, staff attorney at the Urban Justice Center.

OCFS did not respond to numerous calls from *City Limits* regarding this article.

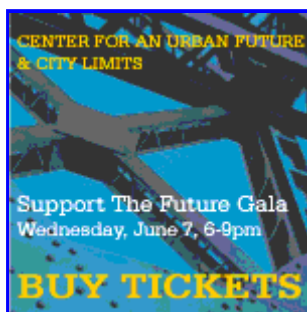
Hazeldean's group has filed two lawsuits on behalf of LGBT young people in foster care against New York City and State, but has yet to file any against juvenile correctional facilities. Hazeldean said it is harder to track the mistreatment of incarcerated youth. "They are locked away from their homes and have one phone call a week," she said.

Oversight of the facilities has also been relatively lax. OCFS has an ombudsman's office charged with taking complaints from youth, but when the former ombudsman, Robert Dodig, resigned last year, his position was left open for months.

"New York State has the responsibility to provide a safe environment for LGBT young people," said Ross Levi, director of public policy and government affairs at Empire State Pride Agenda, a statewide LGBT civil rights and advocacy organization. "It should not tolerate harassment."

And yet, for many, harassment is the norm. Alex\*, a transgender youth from Manhattan was arrested on a prostitution charge in 2000 and, after fleeing a New York City court, was sentenced to a year in an all-boys correctional facility in Albany county.

"They made me change my clothes in front of the boys, bathe in front of everybody, they wouldn't let me use the bathroom," said Alex, then 15 years old. "It was very humiliating." The abuse by correctional staff was more verbal than physical, she said, but OCFS employees failed to protect her from other youths.



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Joanne\*, a lesbian teen from Brooklyn, had a similar experience. In 2003, Joanne, then 13 years old, started selling crack on the streets of the Bronx. After she was arrested, Joanne was moved from one mixed correctional facility to another, but ultimately landed in an all-girls juvenile correctional facility in Staten Island. Other residents and staff routinely described her sexuality as "nasty" or "wrong," she said. "The constant questions about my sexual orientation got to me," said Joanne. "I stopped talking after a while."

Judy Yu, associate director of youth services at LGBT Community Center, a local nonprofit, has heard stories like this too many times. Gay teens are often thrown out of homes and drop out of schools, she said. "Adolescence is time to figure out who you are," said Yu. "LGBT youth have much less support going through that."

If the SAFETY Act is passed, OCFS would create policies and guidelines "to raise the awareness and sensitivity of program employees to potential discrimination or harassment," the bill states. Each facility will have at least one staff member trained to handle issues of discrimination. Anyone who reports harassment of a youth will have immunity from civil liability that may arise, as long as the allegations are reasonable. And an annual report will document specific incidents and examine overall trends.

Levi considers the bill a no-brainer. "This legislation creates policy, which should already be in practice in New York State," he said.

—[Kamelia Angelova](#)

*\*Names have been changed.*

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