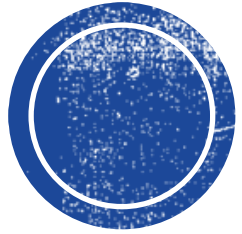


LGBTQ youth and the Criminal Legal System

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Challenge:

**as a room full of rule makers
and/or enforcers, what is our
role in criminalizing queer
youth?**

*Shifting attention from the “rule-breakers”
to the “rule-makers”*

An illustration of six diverse young people standing in a line. From left to right: a person in a red tank top and pants crouching; a person in an orange jumpsuit; a person in a yellow jumpsuit; a person in a green jumpsuit; a person in a blue t-shirt and pants; and a person in a purple hoodie and pants. The background is white.

Learning objectives

- **Identify issues experienced by LGBTQ youth involved in the criminal legal system**
- **Explore solutions to combat the disproportionate involvement of LGBTQ youth in the criminal legal system**

Queer Criminology

- Queer criminology focuses on the experiences of LGBTQ folks in the criminal legal system
- LGBTQ youth have unique challenges inside and outside of the criminal legal system
 - Home life
 - Health
 - School
 - The System





(No) Home Life



(No) Home Life

- LGBTQ youth often face abuse and neglect from their families
 - 30% of LGBT youth reported physical abuse from a family member
 - 26% forced to leave their families
- Displacement from home may lead to pathways to crime
 - Lack of familial bonds
 - Homelessness
 - Poverty

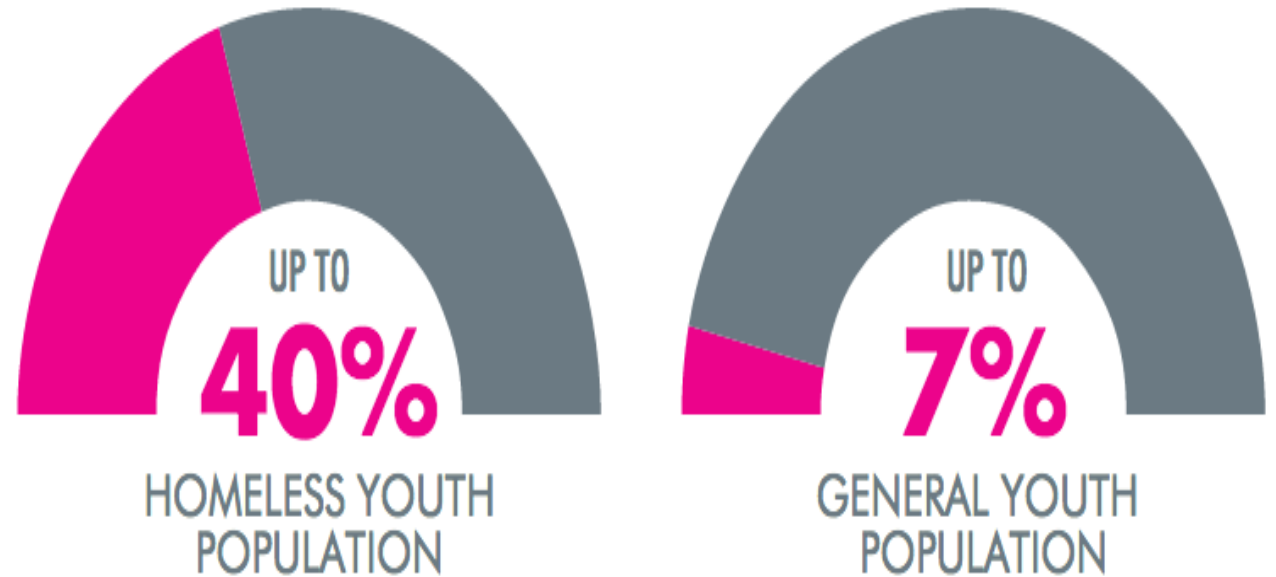
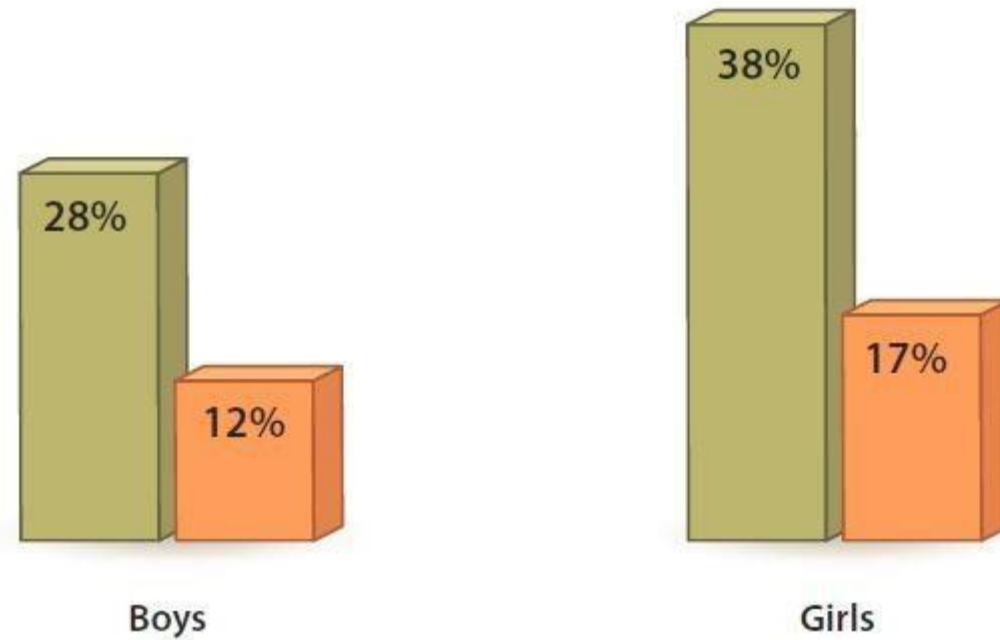


Figure 3: LGB Youth At Higher Risk For Being Detained as a Result of Running Away
Percent of Youth in Juvenile Justice System Reporting Being Detained for Running Away



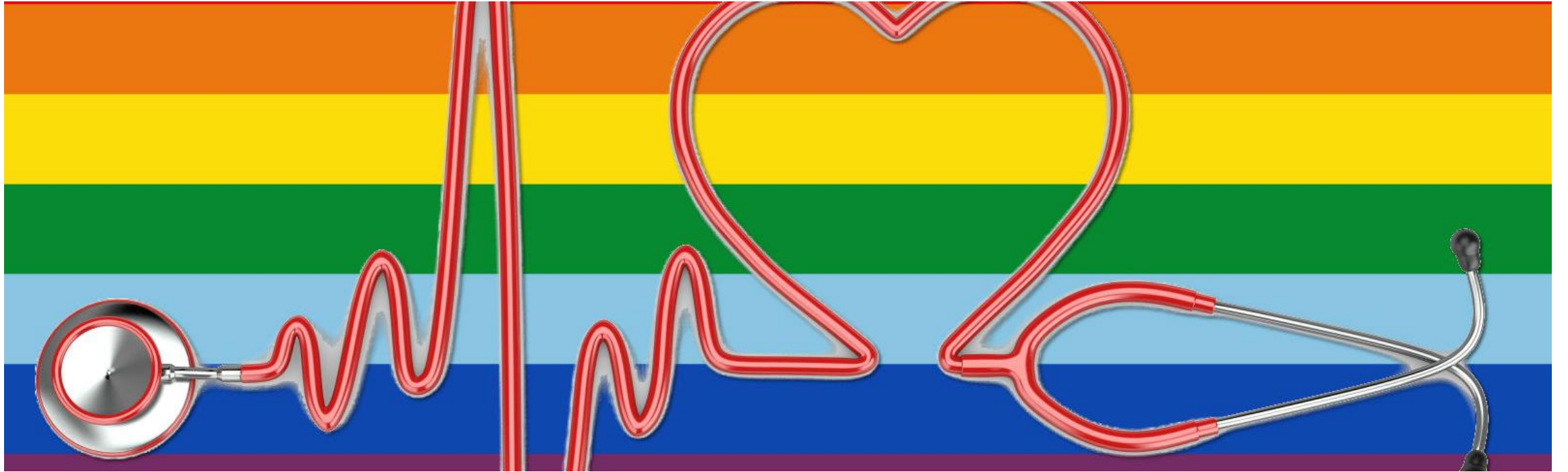
LGB Heterosexual



movement advancement project

Source: Angela Irvine, "LGBT Kids in the Prison Pipeline," *The Public Intellectual*, May 2, 2011.





Health





Risk of Depression, Suicide and Substance Abuse

LGB YOUTH ARE

~3X

as likely to

CONSIDER SUICIDE

as straight youth.

4½X

more likely to

ATTEMPT SUICIDE

than straight youth.

>2X

as likely to feel

SAD OR HOPELESS

every day for 2 or more weeks
in a row as straight youth.

>4½X

more likely to make a

**INJURY, POISONING
OR OVERDOSE**

that has to be treated by a doctor.

Centers for Disease Control and Prevention: <https://www.cdc.gov/mmwr/volumes/65/ss/pdfs/ss6509.pdf>

Healthcare

- LGBTQ youth often experience
 - Anxiety
 - Depression
 - Higher rates of suicidal ideation and completed suicide
 - Substance abuse
 - Young gay men and bisexual men accounted for 8 out of 10 HIV diagnoses among youth in 2014
 - Gay conversion therapy = ABUSE, not a medical treatment
 - Trans youth → counseling, transition, cost





School Life





School life

- Over half of LGBTQ youth report feeling unsafe in school because of their sexual orientation
 - 38.7% feel unsafe because of their gender expression
- Over half reported hearing negative comments about their sexual orientation or gender expression from faculty and staff
- Queer students who are victimized
 - Have higher truancy rates
 - Have lower GPAs
 - Experience higher rates of depression
 - Report low levels of self-esteem
 - Are less likely to pursue college



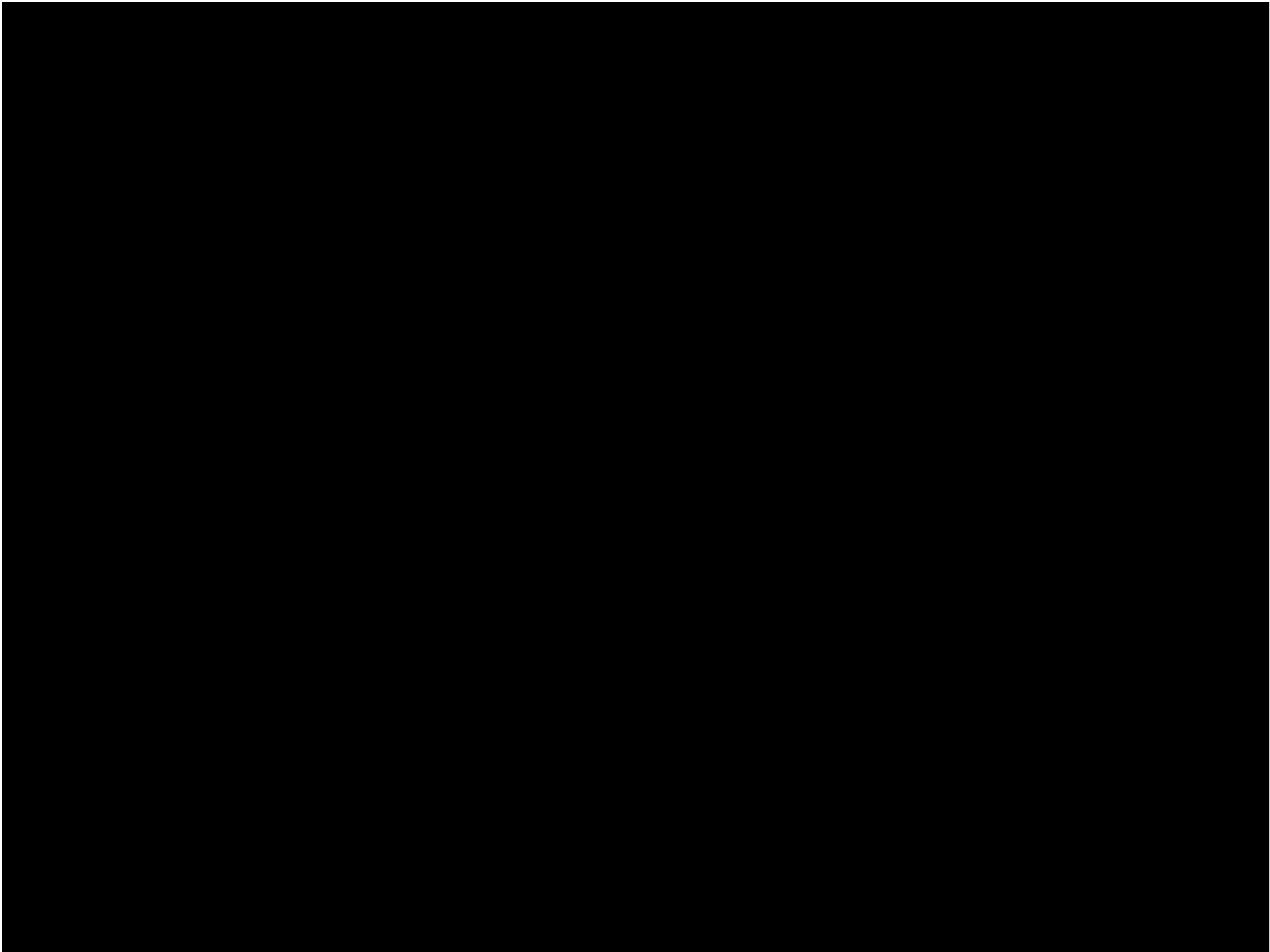
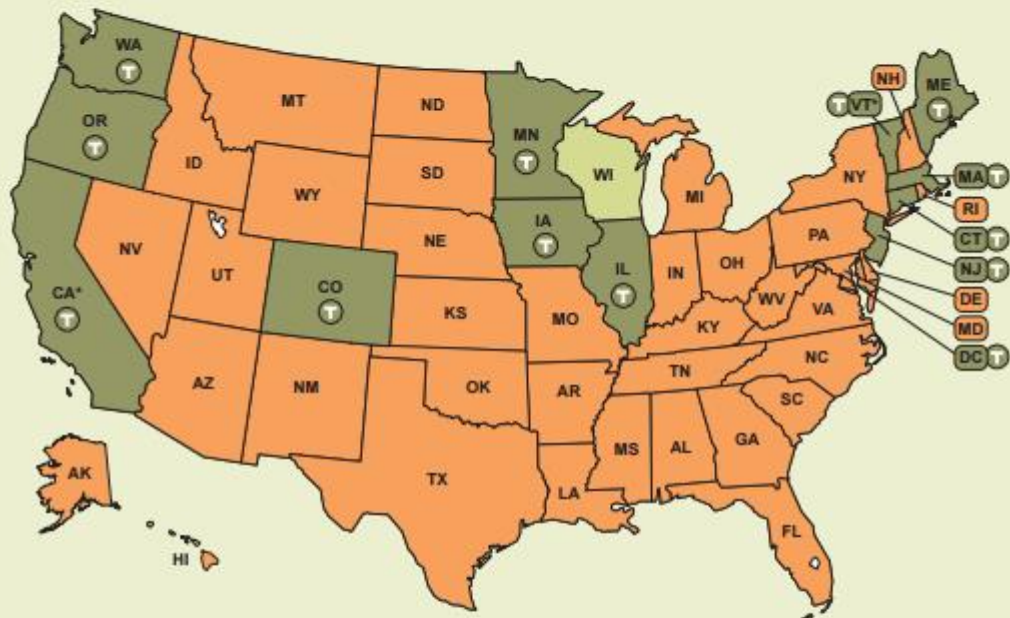
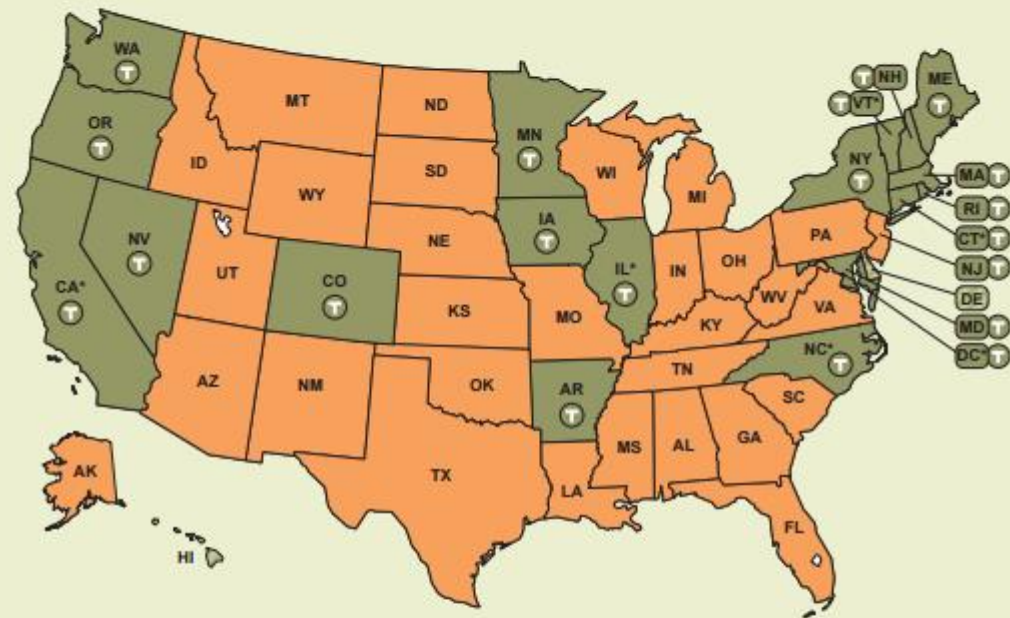





Figure 9: Safe School Laws By State




School Nondiscrimination Laws



Anti-Bullying Laws



-  Law prohibits discrimination in schools based on sexual orientation and gender identity (12 states + D.C.)
-  Law prohibits discrimination in schools based on sexual orientation only (1 state)
- * Law prohibits discrimination in schools based on association with someone with a listed characteristic (2 states)
-  No law protecting LGBT students (33 states)

-  Law prohibits bullying based on sexual orientation and gender identity (19 states + D.C.)
-  Law prohibits bullying based on sexual orientation only (0 states)
- * Law prohibits bullying based on association with someone with a listed characteristic (5 states + D.C.)
-  No law protecting LGBT students (24 states)



School-to-Prison Pipeline

- Queer youth, especially non-heterosexual females are more likely to face sanctions
 - Expulsion
 - Detainment
 - Conviction
- Queer youth as a whole are often disproportionately punished for:
 - Public displays of affection (actual and rumored)
 - Violations of school dress code
 - Self-defense from being bullied
 - Truancy





Darnell “Dynasty” Young

**Expelled for firing a
stun gun in the air in
response to anti-gay
bullying**





Megan Staker

Kicked out of school after making a Facebook post:

"I can't hide anymore, so here it is: I'm a lesbian"





In The System

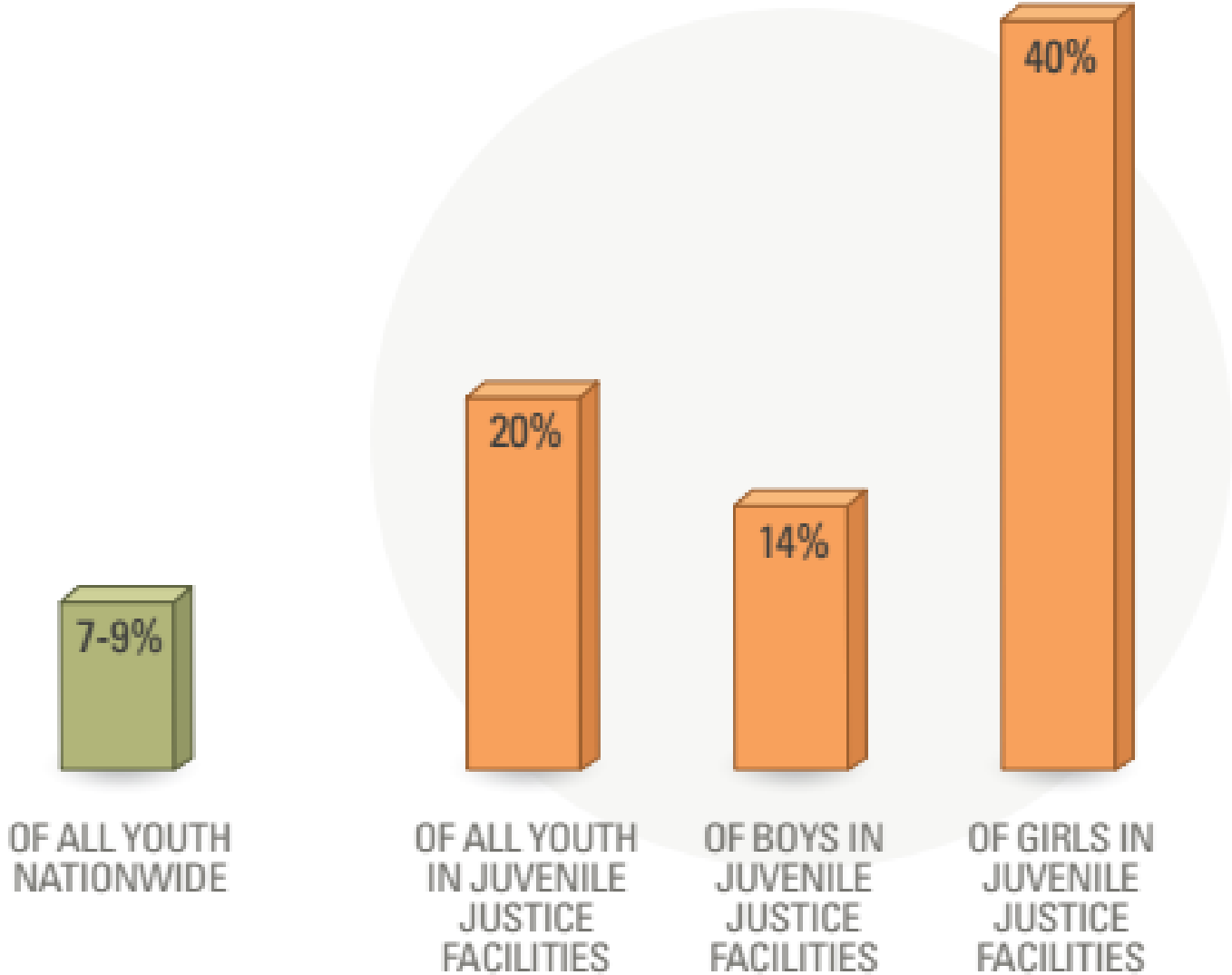


Reasons for Entering the System

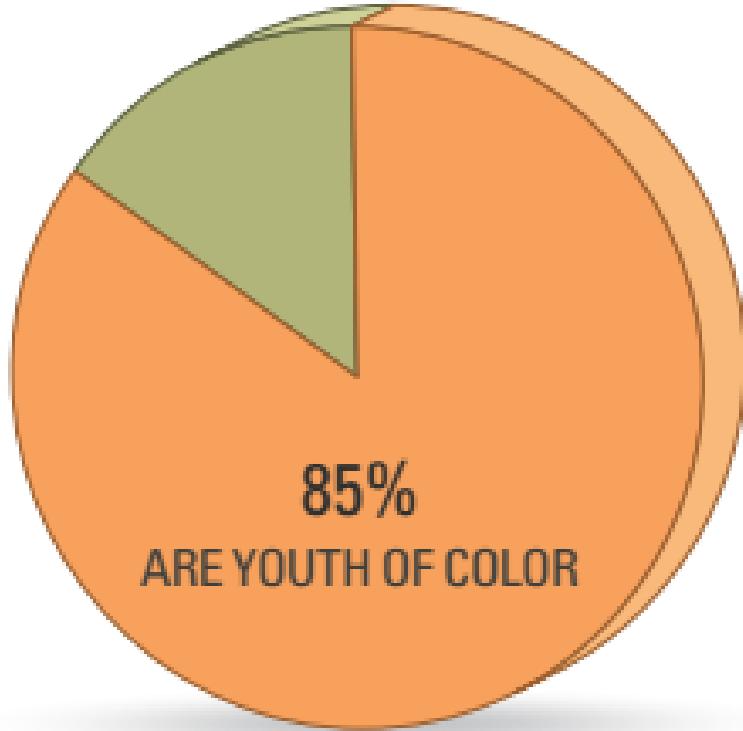
- 300,000 gay and trans youth are arrested and detained every year
- Discriminatory enforcement of laws
- Drugs
- Survival crimes
- Disproportionate contact with the police



LGBTQ YOUTH OVERREPRESENTED IN THE CRIMINAL JUSTICE SYSTEM

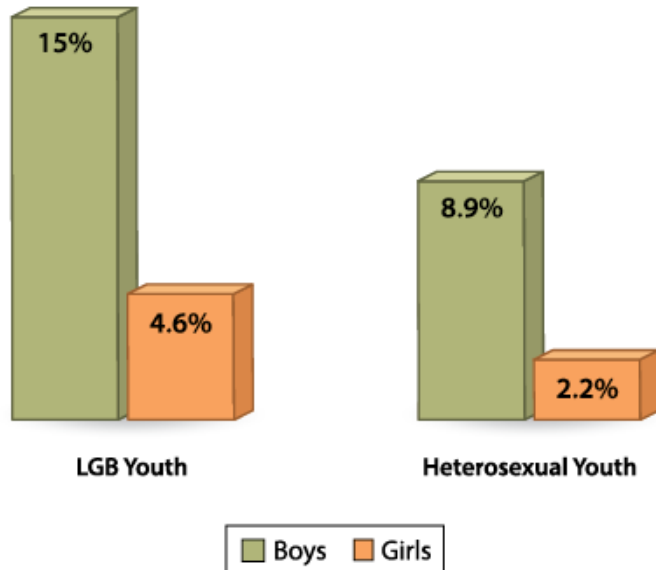


OF LGBT AND GNC YOUTH IN JUVENILE JUSTICE FACILITIES

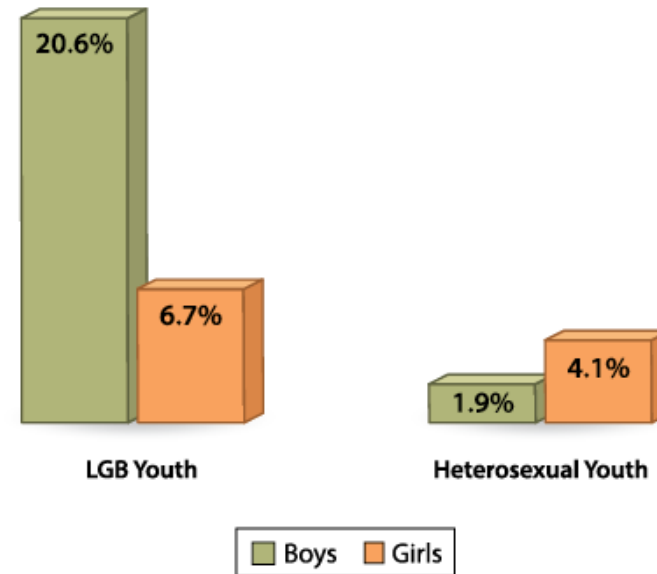


Sexual Assault

LGB Youth Report Higher Rates of Sexual Contact with Staff



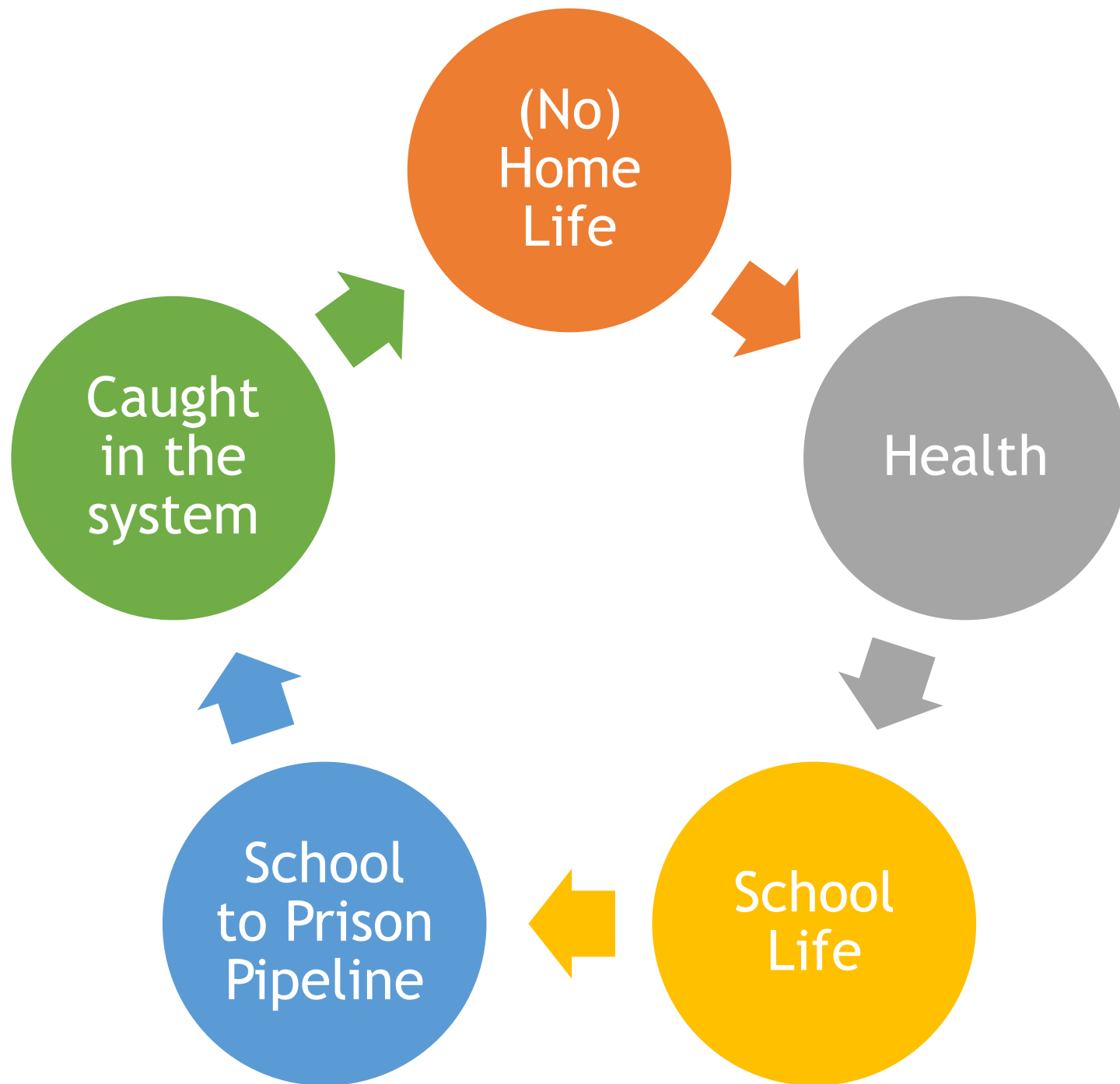
LGB Youth Report High Rates of Peer Sexual Assault



Source: Wilson et al., "Disproportionality and Disparities among Sexual Minority Youth in Custody," *Journal of Youth & Adolescence*, 2017.

Source: Wilson et al., "Disproportionality and Disparities among Sexual Minority Youth in Custody," *Journal of Youth & Adolescence*, 2017.





When the system fails them all...





Larry King

- **15** years old
- Adopted at **2** years old
- Reactive Attachment Disorder
- Repeated 1st grade
- Began being bullied by 3rd grade – came out at **10** years old
- Placed on probation at **12** for theft and vandalism
- Placed into foster care in **2007**
- Began wearing heels and makeup to school in January **2008**





Brandon McInerney

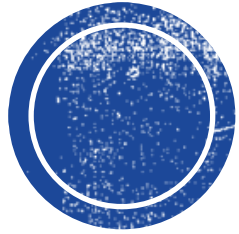
- 14 years old
- Mother had criminal history and addicted to methamphetamine
- Domestic violence (victim and observed his mother being abused)
- Removed from home to live with father
- Mother was in drug rehab
- Had begun exploring white supremacist ideas





February 13th, 2008

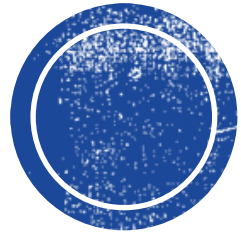




In what way did the system fail both of these children?

What could have been done to prevent Larry's death and Brandon's fate?

As criminal legal professionals, what role do you have in preventing the involvement of LGBTQ youth in the criminal legal system?



Thank you!

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