

# 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”*

## 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

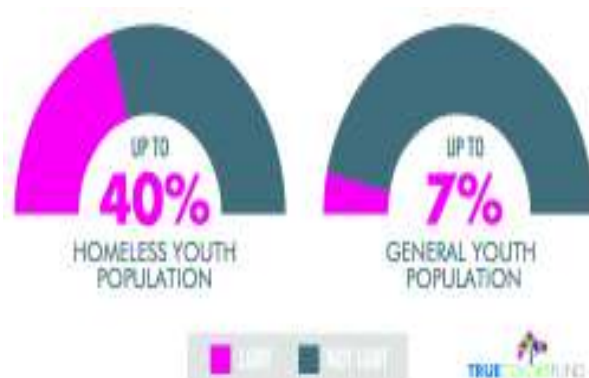


## (No) Home Life

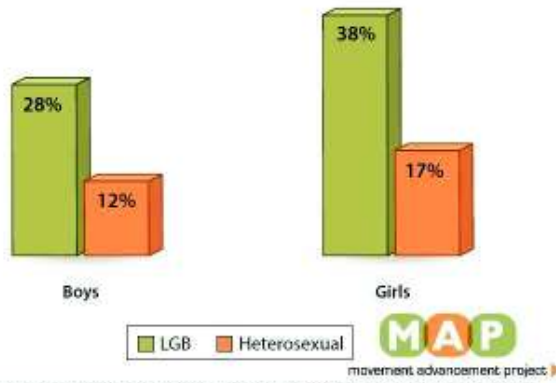


## (No) Home Life

- 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



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**

<p><b>&gt;3X</b> as likely to <b>CONSIDER SUICIDE</b> as straight youth.</p>	<p><b>4 1/2X</b> more likely to <b>ATTEMPT SUICIDE</b> than straight youth.</p>
<p><b>&gt;2X</b> as likely to feel <b>SAD OR HOPELESS</b> every day for 2 or more weeks in a row as straight youth.</p>	<p><b>&gt;4 1/2X</b> more likely to make a suicide attempt resulting in <b>INJURY, POISONING OR OVERDOSE</b> that has to be treated by a doctor.</p>

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## 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

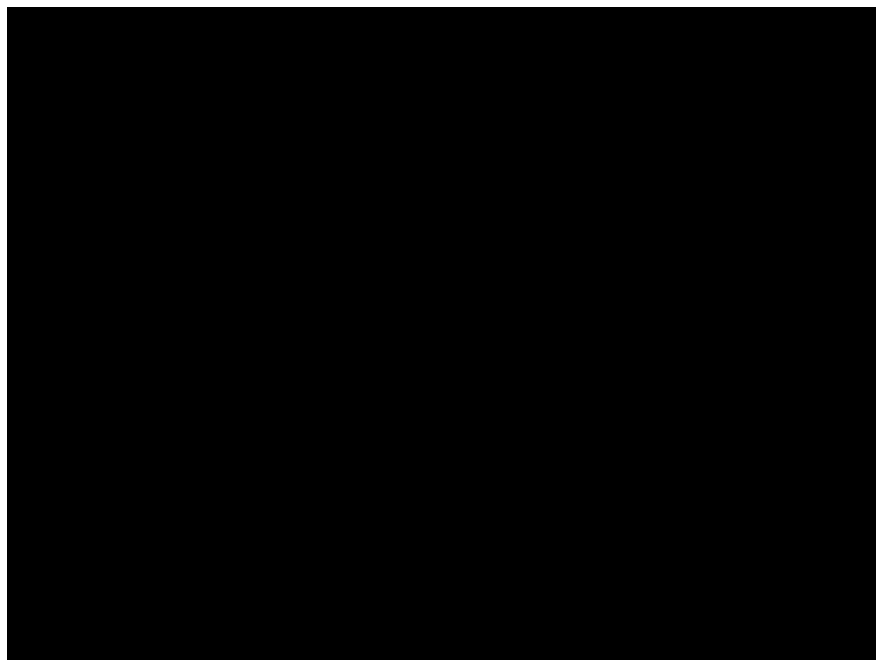
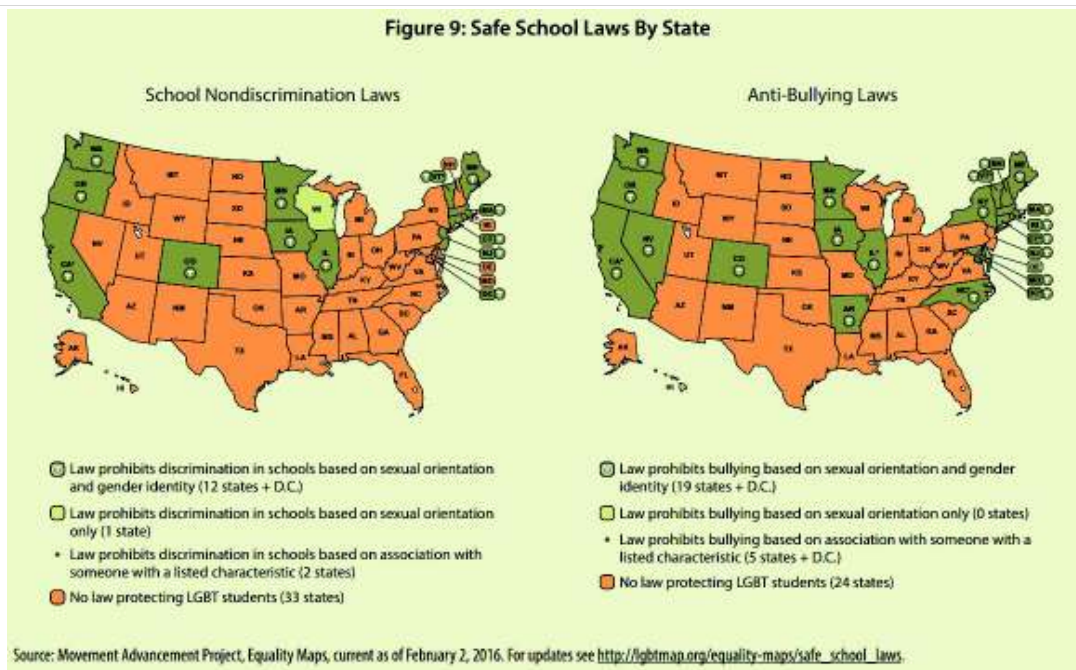




Figure 9: Safe School Laws By State



## School-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

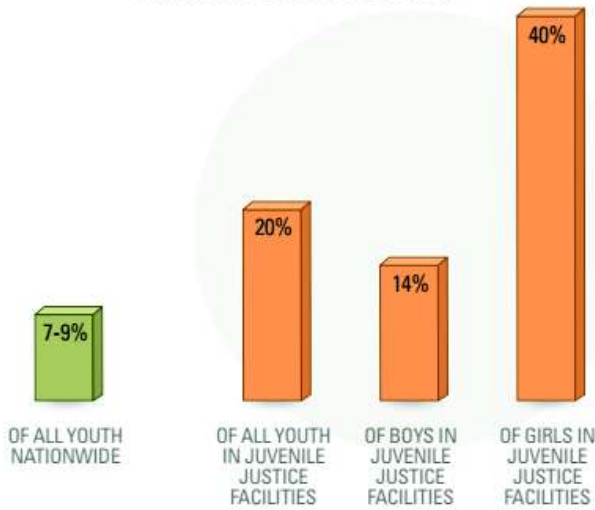


### Reasons for Entering the System

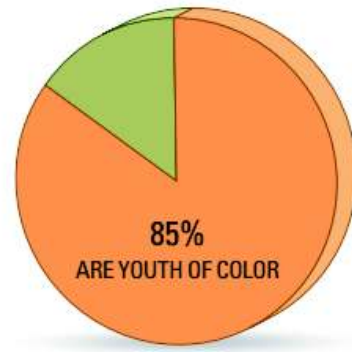
- 300,000 gay and trans youth are arrested and detained every year
- Discriminatory enforcement of laws
- Drugs
- Survival crimes
- Disproportionate contact with the police



### 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



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

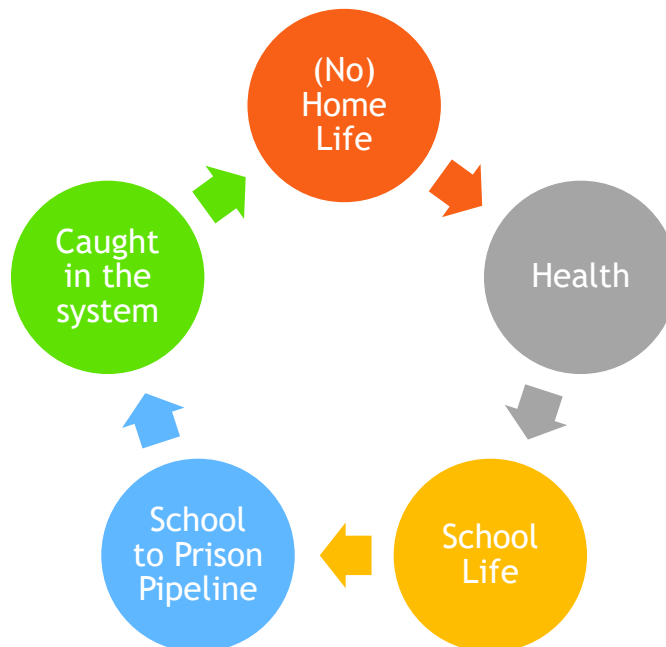
www.LGBTMAP.org

### 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.

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# When the system fails them all...



## Larry King

- 15 years old
- Adopted at 2 years old
- Reactive Attachment Disorder
- Repeated 1<sup>st</sup> grade
- Began being bullied by 3<sup>rd</sup> 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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