

LGBTQ Youths in the Juvenile Justice System

Youths' sexual orientations and gender identities are complex. Youths experience an ongoing process of sexual development as they mature into young adults. Adolescence presents a time in people's lives when they are unsure of themselves and begin to question who they are (Poirier et al. 2014; IOM 2011). Lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youths may present unique challenges in the juvenile justice system. Research has shown that LGBTQ youths are more likely to confront certain barriers and environmental risk factors connected to their sexual orientations and gender identities. For example, compared with their heterosexual classmates and peers, LGBTQ youths are more likely to experience bullying at school (Mitchum and Moodie-Mills 2014), more likely to experience rejection or victimization perpetrated by their parents/caregivers (often resulting in youths' running away from home) [Friedman et al. 2011], more likely to face homelessness (Burwick et al. 2014), twice as likely to be arrested and detained for status offenses and other nonviolent offenses (Irvine 2010), and at higher risk for illicit drug use (Heck et al. 2014).

Definitions

Sexual orientation (lesbian, gay, or bisexual) is based on the gender of the person or persons someone is emotionally, physically, sexually, or romantically attracted to. A *lesbian* is a girl or woman who is emotionally, romantically, and sexually attracted to girls or women, while *gay* typically refers to an individual who is emotionally, romantically, and sexually attracted to individuals of the same sex, made more often in reference to boys or men. The term *bisexual* refers to an individual who is emotionally, romantically, and sexually attracted to both males and females (Irvine 2010).

Questioning means that an individual, usually a younger person, is exploring or unsure about his or her sexual orientation or gender identity (ACLU 2013). *Intersex* involves a physical disorder or sexual development. A person has gonads (testes or ovaries) of one sex but often ambiguous external genitalia (Hopkins and Dickson 2014).

Gender identity refers to an individual's internal sense of being male or female, or in between, regardless of the person's sex assigned at birth (Irvine 2010; ACLU 2013). *Gender expression* has to do with the manner in which a person expresses his or her gender identity, such as through clothing, mannerisms, or chosen name (Irvine 2010; ACLU 2013). *Gender nonconforming* refers to youths who have gender identities or gender expressions that break social norms (Irvine 2010).

Transgender is a term that encompasses a variety of ways people may identify or express their gender, usually in opposition to the biological sex (Hopkins and Dickson 2014). As Irvine explains: "[A] transgender girl is a girl whose birth sex was male but who understands herself to be female. A transgender boy is a boy whose birth sex was female but who understands himself to be male" (2010, 1). Transgender is not defined by whether a person has undergone

surgery or hormone treatment to change his or her appearance or anatomy. Rather, it is defined by a person's internal sense of feeling male or female (Shuster 2014).

Many of these terms may overlap in meaning. For example, gender nonconforming is a broad term that can include, but is not limited to, transgender youth. However, any youth that does not conform to the social norms or expectations of his or her gender (through mannerisms, behavior, or even clothing choices) may be considered gender nonconforming, although that individual may not necessarily be LGBTQ (*FindYouthInfo.gov* 2014).

The Number of LGBTQ Youths in the Juvenile Justice System

While they vary, some studies have estimated the prevalence of youths who identify as LGBTQ in the juvenile justice system. Available research has estimated that LGBT youths represent 5 percent to 7 percent of the nation's overall youth population, but they compose 13 percent to 15 percent of those currently in the juvenile justice system (Hunt and Moodie-Mills 2012; Majd, Marksamer, and Reyes 2009).

A few studies have provided insight into the number of LGBTQ youths at particular stages of the juvenile justice system. Irvine (2010) conducted a study on pretrial detention and administered a survey of 2,100 youths in six juvenile justice jurisdictions across the country: Albuquerque, N.M.; Birmingham, Ala.; Las Vegas, Nev.; Minneapolis, Minn.; Portland, Ore.; and Santa Cruz, Calif. Youths in the pretrial detention population at each site were asked questions about demographics as well as histories of bullying and harassment, suspension and expulsion from school, and detention. Youths were categorized as LGB if they disclosed having a lesbian, gay, bisexual, or other sexual orientation; or they reported questioning their sexual orientation; or they had same-gender sexual attraction; or they had a history of running away or being kicked out of their home because of their gender identity or sexual orientation. The results from the survey showed that 11 percent of youths identified as being sexually attracted to individuals of the same gender and categorized as LGB (Irvine 2010).

With regard to adjudicated youth in custody, the Bureau of Justice Statistics (BJS) in 2012 conducted the *National Survey of Youth in Custody* to estimate the rates of sexual victimization in juvenile facilities. Responses were gathered from approximately 18,100 adjudicated youths placed in juvenile facilities across the country. Of those surveyed, 2,200 youths (about 12 percent) self-identified as nonheterosexual (that is, youths who identified their sexual orientation as gay, lesbian, bisexual, or other) [Beck et al. 2013], a rate similar to that reported in the 2010 study by Irvine.

Identifying the number of LGBTQ youths in the juvenile justice system is problematic. Reliable statistics are difficult to find, partially because they often rely on youths disclosing this information about themselves. However, youths may hide their gender identities and sexual orientation out of fear of reprisal from justice system officials, family members, or friends. In