

LGBTQ Youth Pathways Through The Juvenile/Criminal Justice System

LGBTQ (Lesbian, Gay, Bisexual, Transgender, Transsexual, Queer) youth are at heightened risk of coming to the attention of law enforcement. They are at disproportionate risk of:

ABUSE AT HOME

- LGBTQ youth have disproportionately high rates of physical or sexual victimization as a child.
- LGBTQ youth are disproportionately likely to experience rejection or victimization from parents or caregivers.
- 30% of LGBTQ youth experience family violence after “coming out” and are at heightened risk of being involved in child welfare programs, placed into foster care, group homes or of becoming homeless.

LGBTQ Youth in the Criminal Justice System³

LGBTQ youth are overrepresented in the criminal justice system—particularly among girls and youth of color.

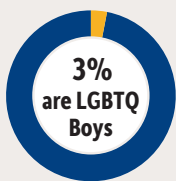
LGBTQ Youth in U.S.

7-9%

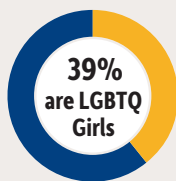
LGBTQ Youth in Juvenile Justice Facilities

20%

Gender

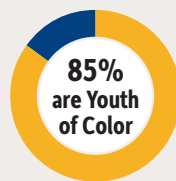


3% of all boys in the criminal justice system identify as LGBTQ.



39% of all girls in the criminal justice system identify as LGBTQ.

Race



85% of all LGBTQ and gender non-conforming youth in juvenile justice facilities are youth of color.

HOMELESSNESS

- LGBTQ youth represent 7% of the total youth population, but 20% to 40% of youth experiencing homelessness.
- Between 30% and 43% of homeless youth served by drop-in centers, street outreach programs, and housing programs, identify as LGBTQ.
- 20% of LGBTQ girls are or have been homeless.

SUICIDE

- LGBTQ youth are **2 to 7 times** more likely to have attempted suicide than their heterosexual peers.
- Those who have experienced family rejection are **8 times** more likely to have attempted suicide.

HARSH TREATMENT IN SCHOOL

- Schools often fail to recognize physical and verbal trauma, as well as bullying through social media.
- LGBTQ youths are 3 times more likely to miss school out of fear compared to their heterosexual peers.
- In the 2015 National School Climate Survey:
 - 96% of LGBTQ students heard other types of homophobic remarks.
 - 56% of LGBTQ students reported hearing homophobic remarks from their teachers or other school staff, and 64% reported hearing negative remarks about gender expression from teachers or other school staff.
 - 57% of LGBTQ students reported feeling unsafe at school due to their sexual orientation and 43% because of their gender expression.
 - 27% of LGBTQ students reported being physically harassed and 13% were physically assaulted.
 - 49% of LGBTQ students reported being harassed on social media.
 - 60% of LGBTQ students reported being sexually harassed, and 64% of these students reported that school staff did nothing in response.

- Transgender students are more likely to have experienced school disciplinary actions, including suspension or expulsion.
- Students who are LGBTQ or gender non-conforming face more discipline and school pushout. LGBTQ girls, particularly African Americans, who are perceived to be gender non-conforming, i.e. more masculine, face harsher discipline than non-LGBTQ girls.

ARREST

- LGBTQ and gender non-conforming (GNC) youth are more likely to be stopped by police than youth who identified as heterosexual.¹
- LGBTQ youth are twice as likely to be arrested for status offenses and other nonviolent offenses.²
- Lesbian, bisexual, and questioning girls are twice as likely as their heterosexual peers to be held for prostitution.
- Black and Pink's survey³ of more than 1,100 currently incarcerated LGBTQ adults, found that a majority (58%) had been arrested before age 18, with higher rates for black and Latino youth.
- LGBTQ youth are more likely to engage in "survival" crimes, including shoplifting, trading or other forms of sexually exploitative sex, or selling drugs.
- LGBTQ youth are more likely to use illicit drugs, or alcohol to cope with rejection, homelessness, and abuse.

INCARCERATION AS A RESULT OF ARREST (PARTICULARLY FOR LGBTQ YOUTH OF COLOR)

- 85% of incarcerated LGBTQ youth are youth of color.
- LGBTQ youth are disproportionately detained for nonviolent crimes due to homelessness (can range from public urination to sleeping in public).
- LGBTQ and gender-nonconforming youth were twice as likely to have been previously held in secure detention for truancy, warrants, probation violations, running away, and prostitution.
- LGBTQ youth represent 13%-15% of those currently in the juvenile justice system, but only 7% of the overall youth population.
- 39% of the girls within the juvenile justice system are LGBTQ.

HARSH CONDITIONS OF CONFINEMENT

- LGBTQ youth reported a significantly higher rate of youth-on-youth sexual victimization while in custody.
- LGBTQ youth face longer periods of time in solitary confinement, which can cause physical, developmental and psychological harm, including an increased risk of suicide.
- LGBTQ youth may be placed against their will in highly isolating and restrictive settings to keep them "safe" from victimization by other inmates.
- Transgender girls are at a greater risk of sexual abuse when automatically placed within a boys facility.

Harsh Conditions LGBTQ Youth Face in Juvenile Justice Facilities⁴



Little Oversight of Facilities



Inappropriate Placement



Inadequate Health Care



Abuse by Other Youth



Lack of Supportive Services



Inappropriate Community Supervision



Challenges with Family Visitation

1 A longitudinal study published in Pediatrics found that youth who reported identifying as LGBTQ or having same-sex attractions were more likely to be stopped by police, to be expelled from school, or to be arrested and convicted as juveniles and adults.

2 A status offender is a youth who is charged with breaking laws that only apply to youth, like running away, skipping school or breaking curfew.

3 Pink and Black, www.pinkandblack.org, is a support/advocacy group for LGBTQ incarcerated persons which provides education, direct service, and organizing.

4 Source: Wilson et al., "Disproportionality and Disparities among Sexual Minority Youth in Custody," Journal of Youth & Adolescence, 2017; Irvine and Canfield, "Reflections on New National Data on LGBTQ/GNCT Youth in the Justice System." LGBTQ Policy Journal at the Harvard Kennedy School, 2017, Volume VII, 2016-17.