

Juvenile & Criminal Justice

Legal Rights & Protections

Overview

Just as in foster care, LGBTQ youth are overrepresented in the juvenile justice system.¹ This is particularly true for girls of color. Nearly 40% of incarcerated girls identify as LGB and 85-90% of them are also youth of color.² LGBTQ youth, particularly youth of color, “face discrimination and stigma that lead to criminalization and increased interactions with law enforcement and the criminal justice system.”³ LGBTQ youth also tend to “lack support or are over-policed at school, pushing them out of school and onto the streets.”⁴ Once on the street, policing strategies and discrimination by law enforcement, along with status offenses, drug laws, and the criminalization of sex work, often target LGBTQ youth.⁵

Federal Law

Statutes:

- ◆ [Prison Rape Elimination Act](#), 42 U.S.C. § 147 (2012) ([PDF version](#)).

Additional Resources:

- ◆ [LGBT People and the Prison Rape Elimination Act](#)
- ◆ [Lesbian, Gay, Bisexual, Transgender, and Intersex Persons in Custodial Settings](#)

District of Columbia Law

D.C. Code:

- ◆ [§§ 2-1515.01-1515.10](#). Department of Youth Rehabilitation Services
- ◆ [Comprehensive Youth Justice Amendment Act of 2016](#)
 - [Explanation of Comprehensive Youth Justice Amendment Act of 2016](#)
- ◆ Bias-Related Crimes
 - [§ 22-3701](#). Definitions

D.C. Dept. of Youth Rehabilitation Services (DYRS) Policies:

A complete list of DYRS policies can be found [here](#).

- ◆ [Bullying Prevention](#)
- ◆ [LGBTQI Youth](#)
- ◆ [Prevention of and Response to Sexual Misconduct](#)
- ◆ [Protection of Confidential Information](#)
- ◆ [Youth Grievance Policy](#)

¹ CENTER FOR AMERICAN PROGRESS ET AL., UNJUST: LGBTQ YOUTH INCARCERATED IN THE JUVENILE JUSTICE SYSTEM 5-6 (2017), <https://www.lgbtmap.org/file/lgbtq-incarcerated-youth.pdf>.

² *Id.* at 5.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

Additional Resources:

- ◆ [Dept. of Youth Rehabilitation Services Youth Grievance Process](#)

Additional Resources

[Lesbian, Gay, Bisexual, and Transgender Youth in the Juvenile Justice System: Incorporating Sexual Orientation and Gender Identity into the Rehabilitative Process](#)

- ◆ This law review article argues that, given the relationship between sexual orientation and/or gender identity and involvement of LGBT youth in the juvenile justice system, the system must address the specific needs of these youth as part of the rehabilitative process.

[The Legal Rights of Lesbian, Gay, Bisexual, and Transgender Youth in the Juvenile Justice System](#)

- ◆ This report examines LGBTQ youth’s rights under the U.S. Constitution, state and federal statutes and regulations, and agency policy while in the juvenile justice system.

[Know Your Rights: Laws, Court Decisions, and Advocacy Tips to Protect Transgender Prisoners](#)

- ◆ This guide identifies laws, court decisions, advocacy tips, and other resources that may be helpful for adult transgender prisoners. It discusses PREA, safety and protection from violence, medical care, housing and administrative segregation, and searches and privacy.

Organizations

Name	Location or Area of Operation	Type(s)	Description
National PREA Resource Center (PRC)	Online	Policy, Resources	PRC’s aim is to provide assistance to those responsible for state and local adult prisons and jails, juvenile facilities, community corrections, lockups, tribal organizations, and inmates and their families in their efforts to eliminate sexual abuse in confinement. Their website contains an extensive library of resources.

Criminal & Juvenile Justice

LGBTQ Youth and Issues in the Justice System

Discrimination and Abuse

[Article: 'I Was Scared to Sleep': LGBT Youth Face Violence Behind Bars](#)

- ◆ This article discusses the disproportionate number of LGBTQ youth in the juvenile justice system and the system's failure to protect them from violence once they are detained.

[End the Abuse: Protecting LGBTI Prisoners from Sexual Assault](#)

- ◆ This four-part toolkit is designed for advocates both in and out of correctional settings to use the Prison Rape Elimination Act's (PREA) requirements to end the abuse of LGBTI individuals.

School-to-Prison Pipeline & Disproportionate Representation

[Article: LGBTQ Youth in the Juvenile Justice System](#)

- ◆ This article discusses the disproportionate number of incarcerated LGBTQ youth, examples of abuse in the system, and the harmful effects of isolation in detention.

[Beyond Bulling: How Hostile School Climate Perpetuates the School-to-Prison Pipeline for LGBT Youth](#)

- ◆ This report examines the disparate impact of harsh school discipline and the policing of schools on students of color and LGBT youth, as well as the role that adults in schools play in perpetuating hostile school climates for those youth. It also addresses the importance of having discipline policies that are fair and supportive, rather than punitive and criminalizing.

[LGBTQ Youth of Color: Discipline Disparities, School Push-Out, and the School-to-Prison Pipeline](#)

- ◆ This report summarizes the findings of a study examining LGBTQ youth of color and school climate, gender nonconforming youth, LGBTQ youth of color and the school-to-prison pipeline, and school pushout.

[Locked In: Interactions with the Criminal Justice and Child Welfare Systems for LGBTQ Youth, YMSM, and YWSW Who Engage in Survival Sex](#)

- ◆ This report summarizes a study focusing on LGBTQ youth who engage in survival sex and their interactions with the criminal and child welfare systems. It contains a literature review, plus chapters on LGBTQ interactions with and perspectives of law enforcement, system responses to youth, and stakeholder perspectives.

[The Overrepresentation of Lesbian, Gay, Bisexual, Questioning, Gender Nonconforming and Transgender Youth within the Child Welfare to Juvenile Justice Crossover Population](#)

- ◆ This report summarizes the results of a study surveying youth in seven juvenile detention facilities and discusses the reasons for LGBTQ overrepresentation.

[The School-to-Prison Pipeline for LGBT Youth](#)

- ◆ This short article discusses a qualitative example of the school-to-prison pipeline for LGBTQ youth and breaks down issue areas to examine in schools creating the pipeline.

[The Unfair Criminalization of Gay and Transgender Youth: An Overview of the Experiences of LGBT Youth in the Juvenile Justice System](#)

- ◆ This issue brief discusses the disproportionate pipelining of gay and transgender youth into the juvenile justice system, the bias and discrimination they face once within the system, and the steps that the federal government and state and local juvenile courts can take to ensure that gay and transgender youth are treated with dignity and respect.

[Unjust: LGBTQ Youth Incarcerate in the Juvenile Justice System](#)

- ◆ This spotlight report highlights the experiences of LGBTQ youth incarcerated in the juvenile justice system, highlighting limited oversight, inappropriate placement, and abuse and mistreatment as some of the key issues affecting youth.

[Unjust: How the Broken Criminal Justice System Fails LGBT People](#)

- ◆ This report examines evidence of ongoing and pervasive discrimination against LGBTQ people throughout the criminal legal system, from entry to exit. It also highlights the latest chapters in the long history of LGBTQ people's resistance to criminalization, turning a spotlight on both individual experiences and collective organizing campaigns.

Supporting Youth & Improving Outcomes

[Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts](#)

- ◆ This report seeks to educate professionals working in the juvenile justice system about the continuing stigma against LGBTQ youth, identify obstacles to fair and equitable treatment of LGBTQ youth in delinquency and status offense cases, and recommend concrete practice and policy reforms that will protect LGBTQ youth.

[Improving Services for Youth Who Are LGBT in Juvenile Justice Systems](#)

- ◆ This fact sheet seeks to enhance the capacity of State and local administrators and practitioners to improve policies and practices for LGBTQ youth. It explores the experiences of youth who are LGBT generally, their entry into juvenile justice systems, and their experiences in these systems, and recommendations for policy and practice.

[Lesbian, Gay, Bisexual and Transgender Youth in the Juvenile Justice System](#)

- ◆ This practice guide is designed to support Juvenile Detention Alternative Initiative (JDAI) in ensuring the safety and well-being of LGBT youth in the juvenile justice system. It includes a discussion of specific practices, such as talking with youth about sexual orientation and gender identity and making individualized classification and housing decisions.

[Mental Health Needs of LGBT Youth in the Juvenile Justice System](#)

- ◆ This PowerPoint provides information on basic terminology, statistics on the number of LGBTQ youth in the juvenile justice system, and the experiences of youth in that system.

[Model Policy & Practice Guidelines for Providing Non-Discriminatory Services to Lesbian, Gay, Bisexual, and Transgender \(LGBT\) Youth in Juvenile Justice Facilities](#)

- ◆ This model policy and practice guide serves as a template for juvenile justice facilities to better protect and support LGBTQ youth. It includes language addressing, amongst other things,

confidentiality, intake, placement, names and language, gender presentation, bathrooms and showers, and medical and mental health care.

[National Standards for the Care of Youth Charged with Status Offenses](#)

- ◆ Section 1.10, beginning on page 32 of this guide, discusses how LGBTQ youth who are charged with status offenses can receive fair treatment, equal access to services, and respect and sensitivity from all professionals and other youth in court, services, school, and placement.

[Responding to Sexual Abuse of Youth in Custody: Responding to the Needs of Boys, Girls, and Gender Non-Conforming Youth](#)

- ◆ This training series provides 14 training modules on various topics, including the applicable PREA standards for responding to sexual abuse in custody and their gender impact, dynamics of custodial sexual abuse for boys, girls and gender non-conforming youth, and components of adolescent development and sexuality and understand its impact on sexual abuse of youth.

[Restoring Justice: A Blueprint for Ensuring Fairness, Safety, and Supportive Treatment of LGBT Youth in the Juvenile Justice System](#)

- ◆ This issue brief reviews recently enacted nondiscrimination policies implemented to treat LGBT youth with dignity and respect in the juvenile justice system and finds that each contains similar themes and provisions, which, when taken together, reflect best practice guidelines that have long been promoted by experts in the field.

[Toward Equity: A Training Curriculum for Understanding Sexual Orientation, Gender Identity, and Gender Expression, and Developing Competency to Serve LGBT Youth in the Juvenile Justice System](#)

- ◆ This training curriculum is a comprehensive, interactive program dedicated to LGBT youth in the juvenile justice system. It seeks to provide a foundation for increased knowledge about SOGIE issues and to create safe, inclusive, and affirming environments for detained youth.

[Standing with LGBT Prisoners: An Advocate's Guide to Ending Abuse and Combating Imprisonment](#)

- ◆ This resource is designed to help introduce LGBT and allied activists to a range of issues that affect LGBT people behind bars, and prepare them to advocate for policies that will protect the safety, health, and rights of all LGBT people who may find themselves imprisoned.

['We've Had Three of Them:' Addressing the Invisibility of Lesbian, Gay, Bisexual and Gender Non-Conforming Youths in the Juvenile Justice System](#)

- ◆ This article seeks to challenge an assumption that LGBT youth come from middle class, white families, and therefore, juvenile justice jurisdictions detaining large numbers of youths of color do not serve them.

Practice Guides & Tips for Advocates

[In Defense of LGBT Youth: Strategies to Help Juvenile Defenders Zealously Advocate for their LGBT Clients](#)

- ◆ This article highlights the recommendations from the "Hidden Injustice" report, provided above, for juvenile defenders and presents strategies to help defense attorneys advocate for their LGBT clients as effectively as possible.

[Keeping LGBTQ Youth Safe in Juvenile Justice & Delinquency Placements](#)

- ◆ This fact sheet provides information for professionals working with LGBTQ youth in the juvenile justice system and discusses the importance of affirming placements, seeking alternatives to detention, and adopting policies to improve the quality of care provided to LGBTQ youth.

[Practice Tips for Juvenile Defenders](#)

- ◆ Published as a supplement to the “Hidden Injustice” report provided above, this practice guide includes tips for attorneys working with LGBT youth in the juvenile justice system, including advocating with a client-centered approach, developing meaningful attorney-client relationships, and responding to bias in the courtroom.

[Representing Lesbian, Gay, Bisexual, Transgender, Queer, or Questioning \(LGBTQ\) Youth in Juvenile Court](#)

- ◆ This guide provides basic information on LGBT youth in detention, the stigma and discrimination they experience, and best practices and strategies for representing them.

[10 Tips: Working with LGBTQ Youth \(in Juvenile Justice\)](#)

- ◆ This guide provides basic tips for attorneys working with LGBTQ youth in the juvenile justice system, including advice on conducting background interviews, asking difficult questions, respecting their privacy, finding experts, and utilizing the community.

Transgender Youth

[Entitled to Treatment: Medical Care for Transgender Adolescents in the Juvenile Justice System](#)

- ◆ This guide briefly discusses medical treatment for transgender youth, the legal implications of denying a juvenile in custody such treatment, and recommendations for supporting transgender and gender expansive youth in custody.

[FAQ: Answers to Common Questions about Mistreatment of Transgender and Gender Non-Conforming Incarcerated People](#)

- ◆ This FAQ provides information on multiple topics, including protesting prison mistreatment, legal protections for transgender people in prison, and access to health care.

[Law Enforcement Training Video on Interacting with Transgender Community](#)

- ◆ This training video, designed for law enforcement, provides information, tools, and techniques to help ensure that interactions with members of the transgender community are respectful, professional and safe for all involved.

[Police and the Trans Community](#)

- ◆ This presentation, created for the DC Metro Police Academy, seeks to provide information on trans rights in DC and ensure full compliance with MPD’s policy on interactions with transgender people.

Organizations

Name	Location or Area of Operation	Type(s)	Description
The Equity Project	Online	Advocacy, Policy	The Equity Project is an initiative to ensure that LGBT youth in juvenile delinquency courts are treated with dignity, respect, and fairness. The Equity Project examines issues of sexual orientation, gender identity, and gender expression (SOGIE) that impact youth during the entire delinquency process, ranging from arrest through post-disposition.