

The Experiences of Lesbian, Gay, Bisexual, and Transgender Girls in Juvenile Justice Systems

Feminist Criminology
2016, Vol. 11(1) 23–47
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DOI: 10.1177/1557085114557071
fcx.sagepub.com



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Abstract

Recent research finds that youth who identify as lesbian, gay, bisexual, or transgender (LGBT) are disproportionately incarcerated in juvenile justice systems. These systems have paid little attention to this subgroup in terms of their unique needs and risk factors. Using a feminist perspective, we analyze in-depth interviews with juvenile justice staff to better understand their perceptions about working with these youth. We examine the challenges for staff, for facilities, and for the girls, as well as consider staff recommendations for changes in policies or programs that are needed to support girls who identify as LGBT.

Keywords

sexuality issues, juvenile justice, qualitative research, girls, activism, female delinquency

Recent research finds that youth who identify as lesbian, gay, bisexual, or transgender (LGBT) are disproportionately incarcerated in juvenile justice systems (Hunt & Moodie-Mills, 2012). Although they represent approximately 6% of the youth population, it is estimated that this group makes up 13% to 15% of youth in juvenile justice systems, a number that often surprises juvenile justice professionals (Irvine, 2010; Majd, Marksamer, & Reyes, 2009). Although there are many possible explanations for this overrepresentation, which indict rejecting families, harsh school policies, and discriminatory juvenile justice practices, a thorough examination of these unique pathways into the juvenile justice system has yet to be undertaken. Also underexamined

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and concerning is the lack of study on how juvenile justice systems have responded to this overrepresented group and how their treatment may differ from their non-LGBT counterparts. The current study focuses on the experiences and perceptions of LGBT system-involved girls and, to a greater extent, the experiences and perceptions of the staff who work with them. This topic remains largely unaddressed in the current literature base, yet is one with considerable legal and ethical ramifications.

While much research is still needed regarding the experiences of LGBT youth involved in juvenile justice systems, the serious consequences of homophobia and heterosexism on LGBT youth have been well documented, particularly in the areas of abuse and victimization experiences (e.g., Birkett, Espelage, & Koenig, 2009; Bontempo & D'Augelli, 2002; Corliss, Cochran, Mays, Greenland, & Seeman, 2009; Fishbein, 2000; Grossman, D'Augelli, & Salter, 2006; Hunter, 1990; Pilkington & D'Augelli, 1995; Russell & Joyner, 2001), and negative mental health outcomes, including suicide attempts (e.g., Balsam, Beauchaine, Mickey, & Rothblum, 2005; Birkett et al., 2009; Bontempo & D'Augelli, 2002; Corliss et al., 2009; D'Augelli, 2002; D'Augelli & Hershberger, 1993; Diamond & Lucas, 2004; Gibson, 1989; Russell & Joyner, 2001; Salomonsen-Sautel et al., 2008; Scourfield, Roen, & McDermott, 2008; Thompson & Light, 2011; Walls, Laser, Nickels, & Wisneski, 2010; Walls, Potter, & van Leeuwen, 2009). Research has also highlighted the higher incidence of drug and alcohol use (Birkett et al., 2009; Bontempo & D'Augelli, 2002; Garofalo, Deleon, Osmer, Doll, & Harper, 2006; Russell & Joyner, 2001; Salomonsen-Sautel et al., 2008) and running away and homelessness (Garofalo et al., 2006; Salomonsen-Sautel et al., 2008; Walls et al., 2010; Walls et al., 2009), two behaviors thought to be closely associated with the negative societal reactions LGBT youth encounter on a regular basis. On a positive note, there are indicators that as society becomes more accepting about varying sexual orientations, youth are having more positive experiences than in the past when coming out to others about their sexual identity (Eccles, Sayegh, Fortenberry, & Zimet, 2003).

Much of the past research that has examined sexual identity within correctional institutions has simply examined sexual behaviors among adult incarcerated populations (for a review of studies focusing on females from 1913 to 2000, see Koscheski & Hensley, 2001). Pardue, Arrigo, and Murphy (2011) do offer a more sophisticated typology of sexual behavior in a women's prison that acknowledges sexual violence and situational homosexuality, and includes sexual relationships with staff. They argue for carefully reasoned policies to address exploitation and victimization in institutions. Despite these efforts, the lack of research related to sexual identity among incarcerated youth populations is alarming.

One notable exception is Irvine's (2010) survey of 2,100 youth in detention facilities across the country. Irvine discovered that 9% of the youth who identified as lesbian, gay, or bisexual (LGB) or gender nonconforming had chosen to conceal their sexuality by conforming to gender norms, a much larger group than the 3% of youth who were open about their LGB or gender nonconforming identity by not conforming to gender norms. Youth have good reason to keep their sexual identity private given real concerns for negative consequences, including victimization (D'Augelli, 2002).

For example, in Irvine's (2010) survey, LGB or gender nonconforming youth reported that they were twice as likely as their heterosexual and gender conforming peers to be removed from their home, placed in foster care, and to have experienced homelessness. These youths were also twice as likely to have experienced child abuse (Irvine, 2010).

Another rare self-report study of incarcerated youth found high rates of girls who identified as LGB, particularly African American girls (32.5% vs. 21% of White girls, compared with boys, 4.3% and 6.3%, respectively; Belknap, Holsinger, & Little, 2012). Youth who identified as LGB desired more treatment and counseling programs than their straight counterparts, especially sexual and physical abuse counseling. Moreover, analyses revealed that girls, 16 years and older, who identified as LGB reported more abuse victimizations and self-harming behaviors than girls who identified as straight (Belknap et al., 2012). The findings suggest that incarcerated youths' needs may be related to their sexual identity (Belknap, Holsinger, & Little, 2014).

Addressing disproportionate confinement issues is the responsibility of the juvenile justice system and requires a deeper understanding of LGBT youths' unique pathways into the system and a heightened awareness of how they are treated in these systems. The current study addresses this gap in the literature through a qualitative analysis of one county juvenile court utilizing in-depth interviews with juvenile justice staff and a focus group with system-involved girls. This research was undertaken in the hopes that by listening to LGBT girls and the staff that work with them, new and more effective policies and programs could be developed to respond to the needs of this population.

Pathways Into the Juvenile Justice System

Various theoretical explanations exist to explain the overrepresentation of certain groups of youth involved in the juvenile justice system. One such explanation can be found in general strain theory (Agnew, 1992), which suggests that various strains can lead to offending. Broidy (2001) expanded strain theory by examining how stressors such as sexual harassment, sexual abuse, or discrimination based on sex, race, religion, or sexual orientation can also be risk factors for offending. Pharr (1988, republished in 1997), in her book, *Homophobia: A Weapon of Sexism* identified many of the strains associated with growing up gay, lesbian, or bisexual. For instance, Pharr described losses in employment, family relationships, safety, and subsequent mental health issues that result from living in a homophobic world with built-in heterosexual privileges and protections.

Labeling theory, as conceptualized by Schur (1984), purports that women are uniquely stigmatized, devalued, and labeled around definitions of lesbianism, mental illness, and violence against women. Anecdotal research supports this hypothesis with regard to sexual identity; specifically, lesbians may be more likely to be labeled, processed, and detained (and even treated more harshly) as criminal or delinquent (Faith, 1993; Fishbein, 2000; Rafter & Stanko, 1982; Robson, 1992). An important study in this regard is an analysis of a large national data set, which found that LGB youth and

young adults, especially girls and women, were more likely than their straight counterparts to experience criminal legal interactions and sanctions (Himmelstein & Brückner, 2011). Himmelstein and Brückner's (2011) study revealed, for example, that LGB individuals were more likely than heterosexual individuals to be stopped by police and to be arrested and convicted. The authors underlined the fact that the disproportionate sanctions imposed on the LGB youths and young adults were not explained by greater engagement in illegal behaviors.

These strains and labels are often inflicted on youth by the negative judgments and rejection they experience from families, schools, and communities. Family rejection can lead to homelessness when youth are forced to leave their homes because their families do not accept them; in fact, it is estimated that 40% of the nation's homeless are LGBT youth (Majd et al., 2009). Homelessness is a strong predictor of juvenile justice system involvement when youths' behaviors, either from living on the street (i.e., violation of curfew laws, loitering, sleeping in public places) or employing the survival skills at their disposal (i.e., running away, theft, prostitution), put them at greater risk for juvenile justice system involvement. An interesting contrast of life experiences among youth was provided when they were asked to identify their most important problem in a survey conducted by the Human Rights Campaign. LGBT youth mentioned nonaccepting families (26%), bullying (21%), and fear of being out and open (18%), whereas non-LGBT youth named classes and grades (15%), college/career plans (14%), and financial pressures as their most important problems (11%; Human Rights Campaign, 2012).

Moreover, research on schools finds them to be verbally and physically harassing places for LGBT students (Birkett et al., 2009; Kosciw, Greytak, Diaz, & Bartkiewicz, 2010), where students have little confidence in school administrators to handle bullying (Dunn & Krehely, 2012). Another negative shift in schools is an increased reliance on harsh responses such as suspensions, expulsions, or involving law enforcement to manage disciplinary issues (Majd et al., 2009). Unfortunately, the youth most likely to disproportionately suffer from these punitive responses are LGB students, girls in particular (Himmelstein & Brückner, 2011). One explanatory factor may be that adults in authority often make assumptions based on physical characteristics, demeanor, dress, and mannerisms, and deviating from accepted gender norms in these realms can be problematic for LGBT youth (Hunt & Moodie-Mills, 2012).

The professionals in juvenile justice systems similarly play a role in how youth are labeled. For example, detention may be overused with this population as release is only an option when a parent or guardian is willing to take custody of the youth (Hunt & Moodie-Mills, 2012). There is evidence that prosecutors file status offense charges, such as being beyond parental control, as a result of parental objections to the youth's sexual identity (Majd et al., 2009). Moreover, LGB and gender nonconforming youth are two times more likely than straight youth to be put in detention before adjudication for nonviolent offenses like truancy, running away, and prostitution (Irvine, 2010). Practices like this unfairly criminalize LGBT youth. Another historical problem that continues to this day has been the equation of LGBT status with sexual deviance resulting in a sex offender classification (Estrada & Marksamer, 2006).

Juvenile Justice System Responses

Once adjudicated into the juvenile justice system, LGBT youth are likely to face greater bias and discriminatory treatment by organizations that are ill prepared to respond to their unique experiences and circumstances (Hunt & Moodie-Mills, 2012). Juvenile justice systems have paid little attention to this group in terms of their unique needs and risk factors. Furthermore, there is very little research that examines how these sexual identities influence treatment in the juvenile justice system, either from the youth or staff perspectives.

Multiple concerns have surfaced in recent years about how LGBT youths' federal and state rights are violated (Estrada & Marksamer, 2006). One of those concerns is the provision of safety and conditions of confinement, yet juvenile justice correctional facilities fail to protect LGBT youth from abuse and discrimination, as they are often the targets of violence. For instance, a Department of Justice report revealed that 12.5% of youth who identified as nonheterosexual reported sexual victimization by another youth while in custody, and that number was dramatically lower (1.3%) for heterosexual youth (Beck, Harrison, & Guerino, 2010).

In a review of successful federal claims, a case from Hawaii documented the anti-LGBT abuse and subsequent isolation experienced by three juveniles in a residential facility (Estrada & Marksamer, 2006). The three youth in this case faced constant verbal, physical, and sexual abuse while detained. The administration did not address the abuse except to move the juveniles to a single cell, and as the authors point out, because the administration did not address the problem, the attacks continued even after the youths were placed in isolation (Estrada & Marksamer, 2006). Mandates added in 2012 to the 2003 Prison Rape Elimination Act (PREA) recognize the unique vulnerability of LGBT individuals within correctional facilities and have required the implementation of new standards in areas such as housing assignments, the use of isolation (as well as protective custody and segregation), and staff training. The mandates also require institutions to take steps to reduce abuse and increase reporting avenues. Institutions that house juveniles have 1 year to comply, or face federal funding penalties.

Another right that has been frequently violated and, as a result, addressed by PREA mandates, is the freedom from unreasonably restrictive conditions of confinement. Segregation and isolation are often used with LGBT individuals under the justification that these methods are for their own protection and safety. Punishing LGBT victims of violence by placing them in isolation, instead of punishing their attackers, is a common practice across the country. This is a damaging practice not only because of the message it sends to the victims and the attackers but also because of the negative psychological effects it can have on the victims, particularly on children (Estrada & Marksamer, 2006).

A Feminist Criminological Perspective

Feminist criminology has been defined as a theoretical framework that recognizes intersecting inequalities or multiple oppressions such as race, class, gender, and sexual

identity as a way to understand peoples' lives (Belknap, 2007; Burgess-Proctor, 2006; Daly & Chesney-Lind, 1988). The strength of this perspective is in the recognition of how one's life is profoundly shaped by these intersecting variables and how the intersecting identities influence a person's experiences, opportunities, and choices (Parks, Hughes, & Matthews, 2004). For example, in a study of formerly incarcerated persons' perceptions of discrimination, women were more likely than men to report discrimination because of their sexual orientation (12.1% vs. 2.4%; LeBel, 2012).

Chesney-Lind and Eliason (2006) expounded on the criminal justice consequences of labeling lesbians as masculine and, subsequently, as deviant. They hypothesized that the criminalization of nonstraight, nongender conforming women is a backlash against feminism. The authors further argued that feminism is blamed for the rejection of traditional stereotypical femininity by nonstraight and nongender conforming women. As such, the masculinized woman is vilified, justifying harsher treatment at each stage of criminal justice processing—even including a greater likelihood of being on death row (Anderson, 1996; Brownworth, 1992).

A popular culture message, and one that has been furthered by researchers (see, for example, Adler, 1975; Simon, 1975; Ward & Kassebaum, 1965; Weis, 1976), is the notion that "heterosexual women in prison will be sexually victimized by predatory, aggressive lesbians" (Chesney-Lind & Eliason, 2006, p. 41). Yet, this stands in sharp contrast to ethnographic work by Owen (1998) who found powerful, personal bonds between women in prison, regardless of sexual orientation or gender identity. Despite the existence of the feminist framework, research on system-involved youths' sexual identity is virtually nonexistent, and therefore, this study attempts to fill a void in the literature by exploring the experiences and challenges faced by LGBT youth and the juvenile justice staff working with these youth.

Diverse feminist methodologies are employed by individual feminist scholars that are not rigidly defined but rather seek to elucidate the experiences and representations of women and girls and to critique the powerful and gendered systems they interact with. In this sense, it is difficult to classify feminist approaches to research, but key constructs shape those choices, such as an engagement with feminist or gender theories that recognize the importance of gender and power, of giving voice to diverse experiences, and the end goal of social change in the interest of women (Mason & Stubbs, 2011). In this way, feminist criminology allows for an inventive blend of scholarship and activism (Chesney-Lind, 2006) that, in practice, can be complicated.

Method

During the summer of 2011, one of the authors requested service-learning opportunities from a local juvenile justice system for students in an upcoming *Women, Crime, and Criminal Justice* university class. One of the pressing concerns identified by the court professionals was the difficulty some residential staff were experiencing supervising girls who identified as LGBT. As a result, a special class session was planned and conducted within the university class with staff from the facility invited to attend. In preparation for the class, the first author, after obtaining consent forms, conducted

a small focus group with three young women who self-identified as gay, lesbian, or bisexual and were either current or former residents of the facility. The findings from this focus group are shared in the following section as the comments of the girls, in part, prompted the current research project. After discovering the paucity of extant literature on this issue, the authors decided to further explore the issues and challenges that juvenile justice staff associate with working with girls who identify with the LGBT community.

While the objectives of feminist criminology can be achieved through multiple methodologies, the impact of smaller scale, qualitative, inductive modes of analysis have been one valued approach (Mason & Stubbs, 2011). Twenty-one in-depth interviews were conducted with juvenile justice staff during the summer of 2012. The staff members were all employees of a midwestern county family court system. The county, with a population of approximately 800,000 people, is generally considered an urban area, and consistently maintains the highest total crime index in the state (State Highway Patrol Statistical Analysis Center, 2014). The county's population is primarily White (70.5%) and Black (24.1%). The percentage of people living below the poverty level is high (17% as of 2012), with a median household income of approximately US\$47,000 (U.S. Census Bureau, 2014). The county family court holds jurisdiction over a wide range of domestic relations and juvenile issues, including juvenile delinquency, child dependency, and child custody matters. In delinquency cases, youths aged 16 and younger are generally considered as "juvenile" within this family court.

For the purposes of furthering understanding the context of this study, it is worth noting that the county is located within a state with very few pro-LGBT laws. For instance, although categories such as sexual orientation and gender identity are included within the state's hate crime law, the state continues to lack nondiscrimination laws that would prohibit discrimination based on sexual orientation and gender identity in employment, housing, and public accommodations. This particular state was also one of the first across the United States to pass a constitutional amendment against marriage between same-sex couples, and same-sex couples are treated as legal strangers when it comes to medical decision-making policies. These examples demonstrate how the political and social culture across the state may influence the environment within the county and those working for the family court.

We utilized a purposive sampling strategy to learn from staff that worked directly with system-involved girls. This recruitment strategy allowed us to target individuals who could speak directly to the issues of interest (Hennink, Hutter, & Bailey, 2011). The staff members involved in this study worked either at the one residential facility within the county that houses incarcerated girls, or as gender-specific juvenile probation officers who only have girls on their caseloads. Participants were recruited for this study in two ways. First, the researchers attended staff meetings at the facility for each of the three shifts where the purposes of the study and consent forms were explained. The voluntary nature of participation and the ability to schedule interviews during their regularly scheduled work hours was emphasized. Recruitment of the two juvenile probation officers who worked specifically with girls was initiated via email conveying the same information shared with facility staff.

All interviews were conducted on-site, either at the residential facility or at the probation office. All of the interviews were conducted in a private space so that the interviewees could speak freely about their perceptions and experiences. Consent forms were explained that outlined methods and procedures, the voluntary nature of participation, rights to discontinue participation, and confidentiality. The interviews were conducted by either of the two authors, and with the permission of each participant, a digital recorder was used. All of the interviews were transcribed verbatim; however, to help with clarity and readability, there were occasions for which text was edited either by eliminating unnecessary filler words or by using punctuation. The interviews ranged from 40 minutes to just over an hour, with an average length of approximately 50 minutes.

An interview guide with open-ended questions was used that encouraged participants to speak openly and directly about their experiences working with system-involved girls. The interviews encouraged staff to explore their ideas about what it means to work with girls of differing racial and ethnic groups, social classes, ages, and sexual orientations. They were asked about the challenges they faced working with various girls, what they liked about working with girls, whether they felt the girls' needs were being met, and about the services they felt were still needed for the girls. The participants were also asked whether they felt they received adequate training to be successful in their respective positions.

Five questions were the source for the majority of the data analyzed and are presented here:

1. What challenges do you experience working with girls of various sexual orientations and gender identities? How do challenges differ based on whether a girl identifies as bisexual or lesbian or transgender?
2. Can you describe any problems that you have witnessed in this facility related to girls' sexual orientation or gender identity?
3. Does within-institution sexual activity occur between girls? If yes, how is this dealt with? Why do you think this occurs?
4. Do girls discuss their sexuality in group discussions in the facility? If yes, how is this dealt with? How does the response vary depending on the disclosed sexual orientation or gender identity?
5. What changes in policies or programs do you think are needed to support girls who identify as bisexual or lesbian or transgender?

These questions served as categories of interest and represented an attempt to learn about the participants' perceptions about working with girls who identified with the LGBT community. Working directly from verbatim transcriptions of each interview, the data were analyzed by hand using an open coding method, a strategy consistent with grounded theory (Charmaz, 2006). Each researcher coded the transcripts separately to identify relevant and common themes, and findings were discussed to ensure agreement in interpretation of the data. The first step consisted of coding excerpts of the data using concise terms, allowing for categorization and summarization of each

interviewee's response to a specific question. The coding scheme was developed inductively, paying close attention to perceptions, attitudes, and contradictions. For instance, special attention was paid to the language used by the staff members when describing their experiences working with girls who identify as LGBT. After the initial coding process, selective coding was utilized to further explore any emerging patterns in the data; this also allowed for an examination of the frequency and significance of the participants' responses directly linked to the research questions. We used analytical memos to keep track of the patterns within the data and the relationships between emerging themes. Quotes were selected to illustrate and offer depth to the themes that surfaced.

In retrospect, the structure of the questions may have served to lump together staff responses about girls of varying sexual and gender identities as staff infrequently acknowledged or made distinctions between LGBT girls. In fact, while our study was intended to explore girls' experiences related to both sexual orientation and gender identity, our findings ended up focusing primarily on staff members' experiences with girls who identify as LGB. We recognize this as a limitation of our study and encourage future researchers to develop questions that would probe staff members' perceptions regarding the distinct sexual orientations and gender identities of their clients. To fully understand girls' marginalized identities and how their experiences within juvenile justice systems differ based on these intersecting identities, researchers must acknowledge how LGB identifiers are often privileged in conversations regarding members of the LGBT community, and therefore, researchers must take care to differentiate between sexual orientation and gender identity when studying these issues.¹

Sample Description

The sample included 21 juvenile court staff members who worked either as youth workers, supervisors, case management officers, counselors, or probation officers. Nineteen worked at the residential facility and 2 worked as gender-specific juvenile probation officers. Both of the gender-specific juvenile probation officers were female; 1 identified as African American and 1 identified as White. Of the 14 female residential staff members, 9 participants identified themselves as African American and 5 as White. Males interviewed included 5 residential staff members, 3 of whom identified as White and 2 as African American. The professional experiences of the sample were varied, but the majority of the sample had worked in some capacity with system-involved girls for several years. The number of years of related professional experience ranged from only 6 months to more than 30 years. Data were not collected on the age, sexual orientation, or gender identity of the staff interviewed; instead, participants could self-identify during the interview if they chose to do so (e.g., one staff member self-identified as a lesbian). While recognizing that staff may not feel comfortable "outing" themselves in their work setting, especially given the lack of antidiscrimination laws in the state for the LGBT population, this was an attempt at creating a safe space for the participants. In hindsight, this approach failed to elicit valuable data. Similarly, the sample size was not large enough to analyze how staff race or years of

experience shaped staff members' perspectives. The authors recognize the importance of examining how staff members' varying identities intersect and affect how they work with their clients, thus this limitation should be addressed in future research to fully understand girls' experiences within juvenile justice systems. For example, questions about staff members' sexual orientation and gender identity could be asked after reminding participants of the measures taken to keep their identities and any corresponding data confidential.

Limitations

We previously highlighted the limitations of our study where most applicable to the discussion; however, for purposes of reflexivity (Flavin, 2001), we would like to expound on one other limitation of our data. Work by the authors with this particular juvenile justice system exemplifies the complicated blend that often occurs in feminist criminological research of scholarship and activism. For example, previous training and data collection involvement may have affected whether the staff members' opinions were truly reflected. Our position as White, straight, college professors may have also affected the validity of the responses given. On one hand, our status as heterosexual women may have encouraged some staff to be open about their experiences as any social distance created from our race and/or educational background was mitigated by our perceived sexual orientation. On the other hand, the tendency of the participants might have been to produce attempts at being politically correct when asked to discuss issues that are often considered to be controversial by members of the larger society. This is especially true if they were speaking with someone they knew from a previous training, someone they knew to be affiliated with a local university and likely educated on the topic, and/or someone who seemed to be LGBT-friendly due to his or her concern about how these youth are being treated within juvenile justice systems (their specific facility included). However, the candor of the participants' responses seemed to indicate that they were not holding back; rather, the staff seemed to be open about their opinions and experiences working with girls of varying sexual orientations and gender identities. Their candor, though jolting at times, only added to the compelling nature and veracity of the findings. Even still, we recognize how our own social positions as educated, White, heterosexual women may have affected our study in a variety of ways. Because of this, we made a concerted effort during the data analysis and writing stages to lessen the impact of our own potential biases. For example, we constantly compared our own findings with those of past research to further explore any discrepancies and/or similarities that were uncovered, and we sought feedback from individuals not connected to the study but from varying social locations who could provide clarity and insight where needed.

Findings From the Focus Group

As previously mentioned, a focus group was conducted in 2011 with three African American young women (ages 18 and 19) who self-identified as lesbian ($n = 1$), gay

($n = 1$), or bisexual ($n = 1$). Two of the girls were former residents of the facility, but still had contact with probation officers, and one was a current resident of the residential facility at that time. The girls identified three main problems related to how they were treated due to their sexual orientations. It is important to note that these problems were linked to several specific staff members and not the entirety of the staff who worked in the facility. In fact, the girls did mention that some staff, supervisors, and administrators were supportive of them.

The first issue identified was that other residents and staff occasionally brought up their sexuality in negative ways. For example, one participant shared how she was told by another resident, "You are going to hell for being gay. God doesn't like you." At this point in the conversation, one of the girls noted that experiences like this hurt her, but staff assumed it did not because she was perceived as "tough." She commented that this perception failed to acknowledge her as a multifaceted person who was more than just "tough." Of particular concern was the comment that staff largely did not intervene by questioning the harassing behavior of other staff and residents when these negative statements about sexual orientation were made; in fact, the typical response was to ignore what happened.

The girls also reported feeling targeted and picked on by some staff, and this attention ultimately felt unfair to them. The girls also discussed how there was a double standard regarding their behavior. They noted that when other girls sat close together or held hands, these behaviors were ignored. However, when LGB girls engaged in the same behaviors, it was deemed a "boundary issue" worthy of a consequence. The girls made comments such as "Staff don't trust me, because I have been open about my sexuality," "I am under a microscope," and "Staff assume I have a sexual relationship with [name omitted], and they pick on us." The girls felt this approach was unfair and explained how they felt blamed for having "boundary issues." One of the participants shared how when she first arrived at the facility and no one knew her sexual identity, she was told by a staff member, "Stay away from [name omitted] because she is not a good person and is trying to turn everyone out" (i.e., trying to turn others gay like herself). They described their reaction to these experiences: "It's frustrating, it blows my mind, it is stressful," and "It makes me want to explode."

The girls reported that they lost levels (i.e., experienced punishment) over these boundary issues. When asked whether there were clear rules communicated to them regarding physical contact between residents, they said "yes" but that they were interpreted differently and applied inconsistently by different staff members. Even when girls tried to make their case to staff about the double standard, they felt unheard and dismissed. When asked to explain staff behavior, the girls recognized that staff may have been either fearful of a sexual relationship developing between two girls, or that staff were concerned that they would unduly influence other girls because of their sexual orientation or gender identity.

The final issue brought up by the girls was that residents who identified as heterosexual could talk about relationships during groups, but girls who identified as LGB were not allowed to talk about relationships. Staff members later revealed in the training session that they were concerned that by talking about sexuality, other girls would

be encouraged to have sexual relations within the facility. These findings make a compelling argument for further exploring these issues and strategizing about how to respond in ways that are more supportive to LGB youth in juvenile justice systems.

Findings From Staff Interviews

Population and Policy Changes

Staff interviews were conducted about 1 year after the focus group. Overall, staff observed that there were “a lot of questioning youth” and that they were generally seeing more youth who identify as LGB than in the past. For example, one residential staff member recalled how it was about 5 years ago that “we started getting all these gay kids.” Staff also spoke about recent improvements in the court’s responses to these youth. One participant stated, “recently we just try to be a little bit more sensitive to their personal preferences, you know as long as it falls within the guidelines of the whole facility.” The message came through in many interviews that the court has dealt with the issue of sexual identity among the residents more openly in recent years and that the court has a clear position on interactions between same-sex residents. For example, one youth worker asserted that LGB youth are not treated differently; rather, the environment of the facility is consistent for both girls and boys: “this is not a place where you’re trying to find a boyfriend or a girlfriend or have any kind of sexual activity, that’s not what’s supposed to be taking place in this setting.” Another youth worker said, “This is not the time or the place to experiment. I’m sorry, it is not.” Similarly, a caseworker explained,

There are certain things we do not allow here even between a boy and a girl. We do not allow them to start having very intimate relationships in the facility. The same rules apply to girl and girl. So I said this is not a church, we don’t care what your sexual orientation is, but there are certain standards we expect here, so let’s maintain those standards.

Some staff expressed how female residents expect a different standard of physical contact because of gendered ideas about physical contact between females. A youth worker explained,

The only thing again I would say is that the females think that because we’re all females that they can touch and feel and grope and stuff and that just because you know “hey this is my girl” or you know that “this is what I said that is going on” that I should just stand by and let it happen. And again it’s the same thing; we won’t let a boy be groping all over females, so there’s boundaries. You know, if that’s what you want to do, fine, it’s just not the place. You’re here to work on your program and you know you’ve made a few choices that have gotten you here. You know there’s plenty time for all that stuff after you leave.

Even with rules that clearly state no sexual contact or activity, and a shared definition by staff of those rules, all of the participants (with one exception) acknowledged that these encounters do happen. As a follow-up to this question, staff members were

asked to share how these incidents are handled and why they occur. There was a great deal of variation in staff members' answers to how such an incident would be handled, which may be partly explained by the nature of the incident they were envisioning. For example, some staff said they would just watch them more closely, "observe and document," or redirect them. Others referred to having informal trainings with the youth to remind them of the rules, separating the involved parties, or involving the counselor.

Moving into more formal responses, staff spoke of incident reports and written violations, which could then lead to consequences, including isolation, not having a roommate, losing a level, and/or losing a home pass. Some referred to a more formal hearing that involved witnesses and meetings to determine the outcome. One disconcerting comment came from a youth worker with just more than 1 year of experience on the job who shared an incident involving a hickey on one of the residents. The youth worker explained how the incident was "shrugged off" as "no big deal," and that she was told that it is "OK for them to get curious and experiment." The staff person noted, "they're not supposed to be in each other's room and just a lot of, you know, like a lot of rape and like sexual like pressuring can go on."

Across the board, staff reported that sexuality was discussed, and that regardless of sexual orientation, youth were allowed, particularly in the context of their gender-specific program, to discuss relationships. Some felt that these conversations were more likely to occur in the context of individual counseling. However, when they do occur, it appeared that these discussions only took place between female residents and female staff. For instance, one of the participants reported that "since I am a male, I avoided such talks," and another male staff member said that the topic does not come up in counseling sessions. Similarly, when asked about the challenges of working with girls of different sexual orientations, a different male participant said,

in what I do I never speak about it, it never comes up, it never comes up in our treatment groups, we don't speak about it. It does get spoken with their female therapists and you know more with the female staff.

When asked when and where these incidents would occur, staff thought they were more likely to happen on the third shift, and speculated behaviors such as girls crawling on the floor at night into another resident's room. The sentiment that staff was responsible to prevent sexual interaction by providing adequate supervision was prevalent, with one counselor noting, "If [staff] would've been doing what they were supposed to do in the first place, that wouldn't have happened."

Perceptions of Predatory Girls

As anticipated based on conversations with administration and comments from staff in the classroom training session, staff reported several problems regarding their work with girls who identify as LGB. By far, the most common problem identified by staff was the perception that LGB girls are "predators" who "perpetrate" on other girls; in fact, the words "predatize" and "preditorial" were used multiple times by various staff

members. For example, staff made comments such as, “We’ve had some [LGB girls] predatize [*sic*] on the other girls.” “I don’t want another female being a predator of my girls” and “don’t try and force it on these girls over here, the girls that aren’t . . . you know.” Staff explained how LGB girls specifically attempt to kiss and “get with” other girls, “trying to get them to say that they’re girlfriends.” One participant noted, “girls who are interested in other girls [don’t have] very good boundaries and so they [are] trying to act out sexually and again it [is] very difficult for the staff to maintain.”

Many comments emphasized the pressuring, manipulative, and even bullying behavior of LGB residents: “I’ve noticed, like bisexual girls, they come in and they take a stand and they kind of manipulate, you know, other females into trying different sexualities,” and “one of the [LGB] girls . . . she stated that’s her purpose of being here, and she was going to turn as many girls as she could turn out, so you know, that was a problem for us.” One staff member offered this perspective and implied that transgender girls are part of the problem:

I have seen it where we may hear about rumors or hear, you know, that some of the girls are pressuring the other girls to have some type of sexual contact and usually it’s, you know, staff will say “well you know this kid is being bullied by this kid,” and it’s usually the girls saying where they want to be a boy or consider themselves to be boys.

In fact, it was so common for LGBT girls to be thought of as aggressive, that one participant was shocked when a gay girl was not a bully:

We had this one girl that was somewhat of a bully and she was also gay, but she wasn’t trying to get the girls to be her girlfriend. She was just more of the bully. And, I know another girl came in and basically said . . . you know it’s kind of like the alpha do, you know . . . and basically said, “well you’re not going to tell me what to do” . . . and all of a sudden, that girl wasn’t a bully and became one of our better residents. Now, she was gay, but she never to my knowledge or anyone else’s, she was more mature. And she had supposedly a love interest on the outside, so she wasn’t in to . . . to her these girls were immature, so she didn’t try to hit on any of the girls or anything like that, and [she] became a good resident. So I guess it can work both ways.

Because of the widespread notions about the predatory nature of LGB girls, staff frequently mentioned that they have to watch and monitor these girls more closely and keep them as separated as possible. They noted which rules the LGB girls were likely to break (e.g., sneaking into each other’s rooms) and they used phrases like the need to “be more alert” and “keep a watchful eye.” The following comment exemplifies how complicated “separation” of female residents can be:

Well, we just had to notice it and separate them, or keep them separated as much as we could and just keep a watch out, make sure that they don’t, they’re not getting too close, aren’t having too much of a relationship as girlfriend and girlfriend, something like that. Just trying to keep them as separated as possible, not having sit close to each other like on the couch. They can sit next to each other in the cafeteria but when it comes to like on

the team, we have like one to a seat, like on the couch and not really close up together, hugged up or anything. Or we'll try not to have them have roommates because we have caught girls like that, and then we had to separate them of course.

Despite the pervasive idea among staff that LGB girls were aggressors, there was acknowledgment by some staff members that singling LGB girls out and watching them more closely also causes additional problems in how it makes the girls feel. Others working in this position were less fearful or less concerned about resident interactions, noting that some experimentation is a normal part of growing up, but protecting youth from exploitation by other youth was paramount. There was also the perception among some of the participants that older staff were more likely to react poorly to the girls as they are less likely to understand nonheterosexual sexuality.

Relational Tension

Another related issue was the perception that LGB youth create more relationship issues in residential facilities that lead to jealousy, drama, emotional breakdowns, and fights. One youth worker commented,

there was a problem that they were like trying to claim a friend, or a girl, like that was their girlfriend and they didn't want anybody else to really get close to them. Yes and they've had fights over, you know, certain girls and stuff like that.

Another noted, "two girls were fighting over one girl, you know, maybe not physically fighting but arguing you know, and she would play both girls. And there was a group of girls that were writing love letters to each other." Staff expressed that these dynamics made their job more difficult.

One youth worker noted that challenges vary considerably depending on the youth and how they present their sexuality:

You know, it all depends on who the person is as an individual. Everybody kind of carries their sexuality different. You may have a female who's gay, who doesn't make it big deal out of that fact, but then you have some that may go overboard in letting people know that this is what they do. Same way as a heterosexual female, which for the most part, that's the majority of what the girls say that they are, although they do experiment. The ones that experiment some, it's funny, are likely to kind of be ashamed of it, and if they're experimenting, they'll try to hide it because they don't want anybody to know that I let so-and-so do such and such to me. But then you have some girls that want the boys to know that this is what they do because, I don't know, well you've probably heard this, because they feel like the boys think that . . . will give the boys a reason to look at them. Like oh, yeah, she might, I might be able to invite her over and will have this threesome or something. I'm just telling you, you should hear this stuff that the girls and boys say and some of the things I observe. I've even seen girls who aren't gay give that appearance just to get the boys to look, because they're sitting all on top of each other type of thing. This is the funny [name of residential facility omitted] environment. I mean, sometimes kids are doing things to get attention.

One other participant made a similar comment about girls presenting as bisexual only to generate greater interest among the male residents.

Problems for Girls

Staff also referred to problems that they saw LGB girls experience either in the facility or during probation group settings. Beginning with how the girls interacted with each other, some staff expressed the opinion that varying sexual orientations are not a big deal for this generation:

In today's society, it is more of a norm than it used to be. And so the girls now these days, they haven't had such a great deal of a reactions, like, "oh my god," and stuff like that. They have not had that kind of reaction, because they've seen, they go to school with kids that are like this. So, when it comes to our group setting, it's nothing when, if they see a young lady that has her hair cut or maybe dressing more so like a man, it's not a shock or something they have not seen.

In spite of this perception, several staff noted that some girls tease other girls. One participant noted how teasing occurred, particularly for the ones "who are gay and don't want nobody to know." A youth worker who had only been working in this capacity for 3 months provided another example:

but there are girls here who are like, uh, "I will not share a room with them [girls who identify as gay, lesbian, or bi-sexual], I won't take a shower in the same place as them, I won't." And you know, and there . . . have been some issues with that. Threatening to run away because they're . . . going to go AWOL because . . . this girl might touch them.

In terms of the issues LGB girls experience with staff and the policies of the facility, some staff recognized how residents were punished for being open about their sexuality. For example, one participant explained,

I feel like a lot of times if the girl is open about her sexuality they get punished in the residential setting because they feel like that girl can't be around other girls, period. There was a particular client, who was openly gay, and she was in detention, and she had to stay in detention I would say almost a month because her officer was looking for a residential placement for her and the residential facility would not put her in a room with another girl. And since they wouldn't put her in another room, she had to stay in detention a month, and so it's kind of one of those things. I said we're punishing her for being open about being gay because if she didn't say anything, they would put her in a second in the room with another girl, and she would've been out of detention a month ago. But, because she's open about it, we have to wait for her to get placements.

Girls who identified as LGB were also reported to make special requests related to clothing (i.e., boxers, tighter bras, or men's hygiene products). A couple of staff members also mentioned how the girls expressed preferences regarding their preferred name or pronoun to address them, a discussion typically involving transgender youth.

This appeared to be the one exception where staff acknowledged an issue related to gender identity; however, the issue of whether to provide boxers to the LGB-identified girls was more often highlighted by staff than the issue of whether to recognize a girl's preferred choice of pronoun or name. There was quite a bit of discrepancy in staff responses as to whether these requests were granted; some said "yes" and some said "no," or as staff sometimes noted, it depended on what the girls requested. Based on what was discussed in the interviews, there was not a clear facility policy on these types of issues.

Staff Attitudes

The interviews revealed a great deal about staff level of comfort in discussing sexual identity and their personal beliefs and own level of knowledge on the subject. Some of the quotes already provided display a lack of comfort in discussing sexuality. Many staff members did make positive comments about youth of varying sexual orientations, noting their obligation to keep them safe and treat them with respect. For example, a participant commented,

Our job is to keep everybody safe. We don't have anything to do with your sex or your gender. All we have is . . . our duty is to keep everybody safe up here, and so just because you don't like gays, you don't have the right to insult them, to aggravate them, to create trouble for them.

Even for those who commented that they don't "agree" with homosexuality, they noted that it is a "new time" and that "it's my job." One staff member explained that they have to "prevent anything inappropriate from happening and at the same time not be judgmental about it." Another commented that "we don't know what they been through and stuff like that to cause them to be like that." Statements like these, although somewhat supportive of LGB youth, do not convey a level of familiarity and knowledge that would be helpful in working with the girls.

For example, a staff member felt that part of her job was to

let [the girls] know that don't think you have to dress a certain way because of your sexuality . . . you don't have to dress like a boy to be, um, to like the same gender . . . if you're going to be like that . . . don't think you have to dress like a boy just because you may not be as girly just to get this next sex to like you.

Other times, it seemed like staff were just unsure of the terminology and basic definitions. When a question was asked about challenges working with girls who identify as bisexual or lesbian or transgender, and after repeating the question several times, the youth worker said,

I understand what you're saying, where they want to be like the boys, they want to do whatever the boys do, and they act like the boys . . . like I have had some of them say they a boy and they know they a girl . . . is that what you are asking me?

Another participant noted that she was “not that informed on them” but asked, “Do they have a youth group, the L. A. Lesbian, Gay . . .?” When asked if she meant a LGBT support group, she confirmed that is what she meant. Another participant differentiated between a transgender person and a bisexual person by defining the transgender person as “more of a perpetrator . . . who will push and push and push until you crack.” She went on to say that when a

woman is used to being a man, and being in control, so for another woman to try and tell that transgendered something, or redirect that person, makes it hard because that person, that transgendered person, the majority of the time is defiant because you’re a woman and I’m telling the woman what to do.

Staff Recommendations

Staff were also asked whether they had any ideas for changes in policies or programs to support girls who identify as LGBT. Many staff members had a difficult time thinking of any concrete ideas, and several staff simply answered the question with a definitive “no.” One youth worker felt that it should not be the focus of any programming, and another noted, “if we put policies for them then we have to put in policies for this and that, and . . . whoever you decide to date or deal with is not a concern of ours.” These individuals focused on the need for youth to “work the program” currently in existence, and to get the support that they need or want elsewhere.

The most common responses centered on the provision of “good” staff training. “Bad” training that had been provided in the past was referenced in several of the interviews. For example, one participant explained,

The instructor seemed to harp a lot on lesbians, and the way she talked about it it made it sound like in dealing with it, you had to point out that’s a terrible bad thing, like it was a negative thing. How do you deal with this negative thing, and I don’t think we deal with it, I mean it hasn’t come [up in] my groups that I think of at the facility, I don’t think we deal with it like that at all.

Some staff referenced current trainings that had been helpful, as noted by one case manager: “I think it is the trainings that we are receiving to help them be themselves without falling out of order because they don’t behave the way that a girl behaves, so we try to make them feel comfortable.” Another youth worker commented on how the training she received during the university class with one of the researchers had been helpful:

Well, I know since coming here, we did attend your classroom with the LGBT, you know, population. Me personally, I’ve been reading a lot of different things about that too, but I guess with me, my own experiences, I have a lot of friends that are either lesbian, gay or transgendered, and I don’t look at people based on their preferences, you know. And I think that if we continue educating [staff] more, that that’s definitely a tool to help us deal with it when the need arises. And I think going through some of the classes has really helped a lot, you know.

Other staff members were concerned about the lack of training and education they were receiving on this topic. For instance, one supervisor was concerned about staff with very little exposure to LGBT individuals or issues, and noted, "I think being more tolerant, getting more education about being tolerant is a necessity." Another staff member commented,

[as a facility, we should] guard against them being mistreated by the other girls, and of course, the staff should try to be unbiased toward them. I think the staff have been pretty good about that. I just think it's . . . mostly making sure that they're not ostracized or treated unfairly by the staff or the other residents.

The next most common response given, as exemplified in the following quotes, was the use of outside or community resources that would be beneficial to the girls:

I mean, it's like we need a big book of great resources, you know, that we have here, if a kid says I want to do this, we flip the book and here's, "ok, here is where this is at, let me put you in contact. We'll set you up." I think it's just that we don't utilize outside resources enough, and I have to think that's a necessity for these kids to be successful.

I wish that we could have, you know, a lot of the girls express, you know, they're teenagers, they express curiosity when it comes to sexuality, and you know, we have some group discussion about that when it comes up, but there really aren't any . . . I would like to put the girls who are openly, you know, gay or whatever, just in touch with organizations that, where they can feel like they're more involved and more part of a community, because I feel like a lot of times, even if the girls in the group are accepting of the kids, a lot of times their parents aren't accepting. And I feel like we just kind of "okay that's just part of it. Let's just move on. Let's get your other things done."

Only one youth worker mentioned having counseling available for the LGBT youth. She said,

Maybe counseling focused towards that, just so they can talk about the frustrations they're having being there, or just they're experimenting, or you know, stuff like that. Maybe some special counseling for them. Not that they're wrong, but somebody for them to talk to, to support them.

Discussion

The current study revealed many issues for incarcerated youth who identify as LGBT and for the staff who work with them. While issues related to gender identity could not be easily identified in this study for reasons previously discussed, the findings did illustrate how sexual identity appeared to significantly and profoundly shape youths' experiences in juvenile justice systems. Although some training and policy development have taken place between the completion of the focus group and the staff interviews, a number of issues were still apparent in the comments made by staff. To

provide adequate mental and physical care will require a deeper understanding of the needs and risk factors of this population, and although there are existing studies to draw from, much work remains to be done with regard to implementation.

Policy and Program Implications

Although staff did not make statements reflecting girls' marginalized and intersecting racial and sexual orientation identities, gender and sexual orientation intersected in ways consistent with an analysis presented from a feminist criminological perspective. Numerous examples emerged from the data that equated a nonheterosexual identity to masculine, aggressive, and predatory personality traits. The ways in which LGB girls were targeted and punished as a result of these perceptions is problematic, whether it was youth feeling targeted and picked on, or being quite literally stuck in detention. Policies to avoid these outcomes must be developed.

Another concern to emerge from the data was the inconsistency related to policy and practice. Although the policy on contact between residents was clear and consistently stated by staff, there was much variation on how staff members talked about handling incidents of contact between residents. Similarly, there was a great deal of variation among staff in their understanding of what special requests made by girls would be granted. In both the classroom training session on LGBT issues and the staff responses in interviews, it was clear that some staff members did not feel that requests from girls regarding preferred names or pronouns should be honored. For example, a staff member explained to one of the authors outside of the context of this study that it is inappropriate to allow youth to use their gang names while incarcerated, and therefore, allowing them to use a different name or pronoun would also be unacceptable. This example illustrates how training is needed to help staff understand that these requests are not about giving girls preferential treatment or allowing girls to maintain their criminal identities. Rather, these requests are issues of personal identity that speak to the very core of the individual and, by permitting these requests, the staff show respect for an inherent characteristic of that person's identity.

Although staff did not appear to have many ideas for how to improve policies or programs for LGBT girls, they did speak about the need for more staff training. When staff members who do not "agree" with homosexuality, perhaps due to religious beliefs or lack of exposure to LGBT issues, are employed to work with system-involved youth, they must be trained not only on their constitutional duty to protect inmates but also on the requirement that they treat LGBT youth with respect, dignity, and fairness. This type of training is more challenging to provide than the routine training staff typically receive as it requires a self-awareness of beliefs and prejudices regarding sexual orientation and gender identity for both staff and facilitators. Staff members have many gaps in knowledge, and to ensure the protection of LGBT youth from discrimination, harassment, and abuse, these holes must be filled. For starters, staff should be taught the appropriate terminologies and definitions for members of the LGBT community so that they are comfortable using these terms with the youth in their care. Knowledge about the various challenges confronting LGBT youth should also be

provided in the context of staff training. However, the bigger challenge is likely the cultural shift required in institutions to address overarching societal biases, such as the negative and demeaning use of words like “fag” or phrases such as “that’s so gay.” This will also require staff and administrators to overcome the inability or reluctance to see offenders as victims as many of these youth committed criminal acts because of prior victimizations. LGBT youth encounter biases on many levels and staff should be prepared to work with youth on how to appropriately handle such biases.

Several protective factors could be incorporated into juvenile justice systems that counter the negative effects of growing up in a social context that has a limited understanding and acceptance for LGBT youth. For example, the opportunity for youth to express themselves with greater openness, receiving social support from others, and helping youth with identity integration would all be helpful strategies (Diamond & Lucas, 2004; Savin-Williams, 1995). Identity integration is viewed as a strong protective factor against developing a range of problems. Identity integration is defined as becoming accepting of your LGB identity, resolving internalized homophobia, adopting a positive attitude toward homosexuality, feeling comfortable with others knowing and disclosing to them, and getting involved in gay or lesbian activities (Rosario, Hunter, Maguen, Gwadz, & Smith, 2001). To help develop identity integration, youth will need to be provided with appropriate information and resources about sexuality and sexual health, including existing supportive services for youth who identify as LGBT.

Systems must work to develop policies and practices that ensure safe and equitable treatment and that provide services specific to the needs of the youth they serve (Irvine, 2010). The use of isolation or solitary confinement for protection is no longer an appropriate strategy for responding to LGBT youth. Due in part to PREA mandates, efforts are being made in the development of policies and procedures that will offer more sensitive and, therefore, less damaging results than past practices. The new policies and procedures will also address the needs of LGBT youth; for example, significant changes are currently being recommended in areas such as intake, classification, housing and rooming decisions, grievance systems, clothing requests, name and pronoun requests, suicide prevention, staff and offender education, and medical and mental health care (Majd et al., 2009; Marksamer, 2011). Although much work is still needed, policy development is an important step to be undertaken, not only to help juvenile justice systems in creating better outcomes for LGBT youth but also to avoid legal liability resulting from violating the rights of incarcerated youth.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

Note

1. While the authors were appreciative of all of the reviewers' comments, the authors were particularly thankful for the reviewers' insights related to this issue.

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