

APPENDIX TO POLICY 7

Fair and Impartial Policing: LGBTQ+ Youth

Strategies for Youth has created [12 Model Law Enforcement Policies for Youth Interaction](#) to provide law enforcement agencies and officers with guidance on how to interact with youth in developmentally appropriate, trauma-informed, equitable ways that comply with the law. This appendix contains additional source and background information for [Policy 7: Fair and Impartial Policing of Youth: LGBTQ+ Youth](#).

LGBTQ+ Terms

Media Reference Guide: Glossary of Terms, GLAAD)

<https://glaad.org/reference/terms/>.

Sexual Orientation and Gender Identity Definitions, HUM. RTS. CAMPAIGN

<https://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions>.

Guidance on Protected Characteristics and Law Enforcement Interactions

U.S. DEP'T OF JUST., GUIDANCE FOR FEDERAL LAW ENFORCEMENT AGENCIES REGARDING THE USE OF RACE, ETHNICITY, GENDER, NATIONAL ORIGIN, RELIGION, SEXUAL ORIENTATION, OR GENDER IDENTITY (2023)

https://www.dhs.gov/sites/default/files/publications/use-of-race-policy_0.pdf.

U.S. DEP'T OF JUST., GUIDANCE FOR FEDERAL LAW ENFORCEMENT AGENCIES REGARDING THE USE OF RACE, ETHNICITY, GENDER, NATIONAL ORIGIN, RELIGION, SEXUAL ORIENTATION, GENDER IDENTITY, AND DISABILITY (2023)

This guidance states that “federal law enforcement personnel may not consider race, ethnicity, gender, national origin, religion, sexual orientation, gender identity, or disability in law enforcement or intelligence activities unless the following conditions are met: (1) There is trustworthy context- and content-specific information, with sufficient details regarding factors such as locality, time frame, method, and purpose to provide assurance that the information is reliable and links persons possessing a particular listed characteristic to: an identified criminal incident, scheme, or organization; a threat to national or homeland security; a violation of Federal immigration or customs law; or an authorized intelligence activity;

Appendix to Policy 7 (cont'd)

and (2) Law enforcement personnel reasonably believe the law enforcement activity, including national or homeland security operations or intelligence activity to be undertaken is merited under the totality of the circumstances, weighing all factors, including any temporal exigency or the nature of any potential harm to be averted." *Id.*, at 3. The guidance also "prohibits the use of generalized assumptions or stereotypes about individuals or groups bearing these characteristics as a basis for law enforcement decision-making." *Id.*, at 2.

Guidance for Law Enforcement Interactions with LGBTQ+ Individuals

JAMES E. COPPLE & PATRICIA M. DUNN, GENDER, SEXUALITY, AND 21ST CENTURY POLICING: PROTECTING THE RIGHTS OF THE LGBTQ+ COMMUNITY, COMMUNITY ORIENTED POLICING SERVICES 1-17 (2017)

<https://www.iadlest.org/Portals/0/cops%20LGBTQ.pdf>

This document reports the results of a U.S. Department of Justice forum on this topic, as well as model practices, sample policies, and other resources.

NAT'L CTR. FOR TRANSGENDER EQUAL., POLICE DEPARTMENT MODEL POLICY ON INTERACTIONS WITH TRANSGENDER PEOPLE (2019)

https://transequality.org/sites/default/files/docs/resources/FTPS_MP_v6.pdf

NAT'L CTR. FOR TRANSGENDER EQUAL., FAILING TO PROTECT AND SERVE: POLICE DEPARTMENT POLICIES TOWARD TRANSGENDER PEOPLE (2019)

https://transequality.org/sites/default/files/docs/resources/FTPS_FR_v3.pdf

NAT'L CTR. FOR TRANSGENDER EQUAL., FAILING TO PROTECT AND SERVE: POLICE DEPARTMENT POLICIES TOWARD TRANSGENDER PEOPLE (2019)

This report analyzes policies of 25 large police departments (based on the number of full-time sworn personnel), and grades them on 17 criteria reflecting areas of interaction between law enforcement and transgender people. The report also provides model policies.

Overrepresentation of LGBTQ+ Youth in the Juvenile Justice System

Gabriel L. Schwartz et al., *Policing Sexuality: Sexual Minority Youth, Police Contact, and Health Inequity*, 20 SSM - POPULATION HEALTH 1, 4 (2022)

This study found that “sexual minority youth were more likely to be stopped, were stopped a greater number of times (at least among [sexual minority] women), and were stopped at younger ages than their heterosexual counterparts.”

Kathryn E. W. Himmelstein & Hannah Bruckner, *Criminal Justice & Schools Sanctions Against Nonheterosexual Youth: A National Longitudinal Study*, 127 PEDIATRICS 49, 49-57 (2011)

Research and surveys indicate that LGBTQ+ youth are more likely to be stopped by the police and tend to experience greater criminal sanctions, such as court referrals, detention and incarceration, that are not explained by higher levels of offending by these youth.

Jerome Hunt & Aisha Moodie-Mills, *The Unfair Criminalization of Gay and Transgender Youth: An Overview of the Experiences of LGBT Youth in the Juvenile Justice System*, CTR. FOR AM. PROGRESS (JUN. 29, 2012)

<https://www.americanprogress.org/article/the-unfair-criminalization-of-gay-and-transgender-youth/>

“Gay, transgender, and gender nonconforming youth are significantly over-represented in the juvenile justice system—approximately 300,000 gay and transgender youth are arrested and/or detained each year, of which more than 60% are black or Latino. Though gay and transgender youth represent just 5% to 7% of the nation’s overall youth population, they compose 13% to 15% of those currently in the juvenile justice system.” *Id.*

SOMJEN FRAZER ET AL., *PROTECTED AND SERVED?*, LAMBDA L. & BLACK & PINK NAT’L 45 (2023)

https://issuu.com/lambdalegal/docs/protected_and_served_5.22?e=2970157888/97360560

A survey of LGBTQ+ incarcerated individuals found that 58% of respondents’ first arrest occurred when they were under the age of 18, and that Black and Latinx LGBTQ+ respondents were more likely to have had their first arrest occur when they were under 18 (66%), as compared to white respondents (51%).

LGBTQ+ Youth and Unfair Treatment by Law Enforcement

KATAYOON MAJD ET AL., *HIDDEN INJUSTICE: LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH IN JUVENILE COURTS*, THE EQUITY PROJECT 3, 61-62 (2009)

https://www.nclrights.org/wp-content/uploads/2014/06/hidden_injustice.pdf

This report describes police “targeting” of LGBTQ+ youth, including profiling transgender youth as prostitutes, and subjecting LGBTQ+ youth to selective enforcement.

Appendix to Policy 7 (cont'd)

Rachele Girardi, 'It's Easy to Mistrust Police When They Keep on Killing Us': A Queer Exploration of Police Violence and LGBTQ+ Victimization, 31 J. GENDER STUD. 852, 852-62 (2022).

In this European study, the author found that a “correlation between queerness and deviance leads to a number of detrimental consequences, including police over-policing and criminalizing young LGBTQ+ individuals in public spaces, queer people underreporting hate crime incidents for fear of secondary victimization, and overall skepticism and mistrust towards the criminal justice system.” *Id.* at 852.

Brett G. Stoudt et al., *Growing Up Policed in the Age of Aggressive Policing Policies*, 56 N.Y.L. SCH. L. REV. 1332, 1350 (2011).

In a survey of New York City youth, youth who identified as lesbian, gay, bisexual, or questioning were “much more likely to have negative experiences with police (and slightly less likely to report positive experiences). LGBQ youth were proportionally more likely to have negative legal contact, verbal contact, physical contact, and, most concerning, more than twice as likely to report negative sexual contact with police in the last six months.” *Id.* at 1350. Additionally, “[m]ore than half of the sample of LGBQ youth reported feeling stressed or worried to some extent by police, as compared to straight youth.” *Id.* at 1354.

THE TREVOR PROJECT, BLACK LIVES MATTER SURVEY 3 (2021)

https://www.thetrevorproject.org/wp-content/uploads/2020/10/Trevor-Poll_BLM.pdf

The results of this survey indicated that LGBTQ+ youth, specifically Black LGBTQ+ youth, “deeply distrust the police,” and Trans and/or nonbinary youth and Black LGBTQ youth reported the highest level of being mistreated by the police).

NAT'L LGBT-HIV CRIM. JUST. WORKING GRP., POLICING AND THE LGBTQ COMMUNITY 3 (2019)

<https://docs.house.gov/meetings/JU/JU00/20190919/109952/HHRG-116-JU00-20190919-SD042.pdf>

Results from a survey of LGBTQ youth in New Orleans which found that 59% of transgender youth surveyed had been asked for a sexual favor by the police in New Orleans, along with 12% of nontransgender LGBQ youth.

LGBTQ+ Immigrant Youth Vulnerability to Police Misconduct

COPPLE & DUNN, *supra*, at 5

In a national survey of LGBT people and people living with HIV, LGBT people of color were five times more likely than white LGBT respondents to be asked about their immigration status by law enforcement officers. *See id.*

Appendix to Policy 7 (cont'd)

AMNESTY INTERNATIONAL, STONEWALLED: POLICE ABUSE AND MISCONDUCT AGAINST LESBIAN, GAY, BISEXUAL AND TRANSGENDER PEOPLE IN THE U.S. 172 (2005)

<https://www.amnesty.org/en/documents/amr51/122/2005/en/>

“Reports to [Amnesty International] indicate that young LGBT immigrants are especially at risk of police misconduct, since LGBT youth who are fleeing persecution and abuse in their home countries often arrive with no support network and end up homeless and destitute. Young LGBT immigrants of color reportedly also are more likely to be targeted by the police, and are profiled for stops and searches, or as gang members.”

Concerns of Unfair Treatment of LGBTQ+ Individuals and Inadequate Response by Law Enforcement to Requests for Assistance

U.S. DEP’T OF JUST., INVESTIGATION OF THE NEW ORLEANS POLICE DEPARTMENT, x, 36-37 (2011)

https://www.justice.gov/sites/default/files/crt/legacy/2011/03/17/nopd_report.pdf

The Department of Justice’s investigation into the New Orleans Police Department found “reasonable cause to believe that New Orleans Police Department (NOPD) practices lead to discriminatory treatment of LGBT individuals,” including targeting and arresting transgender women for prostitution, sometimes fabricating evidence of solicitation, charging transgender individuals with “crimes against nature.” *Id.* at x. The Department of Justice’s investigation also noted community complaints that LGBT individuals were subjected to “harassment and even sexual and physical abuse by law enforcement,” a culture of “insensitivity and animosity,” and a “long-standing failure by NOPD to take complaints by LGBT individuals seriously,” including the alleged failure to act on complaints of officer misconduct. *Id.* at 36.

COPPLE & DUNN, *supra*, at 5-6

This report documented concerns about treatment of LGBTQ+ people in police custody, including “unlawful, unnecessary, and humiliating searches to assign gender; homophobic and transphobic discrimination and abuse; and unsafe placement.” The report also highlights existing or recommended policies regarding field stops, frisking, searches, and detention. *See id.*, at 16-17, 37-51.

CHRISTY MALLORY, ET AL., DISCRIMINATION AND HARASSMENT BY LAW ENFORCEMENT OFFICERS IN THE LGBT COMMUNITY, WILLIAMS INST. (2015)

<https://williamsinstitute.law.ucla.edu/publications/lgbt-discrim-law-enforcement/>

This report summarizes surveys, research, and reports involving inadequate police response to LGBTQ+ individuals, including not always responding to claims of alleged physical assault, intimate partner violence and property crimes.

Appendix to Policy 7 (cont'd)

FRAZER ET AL., *supra*, at 33

LGBTQ+ individuals “were much more likely to say that the police treated them very unfairly” after they reported property crime or Intimate Partner Violence, and “more likely to say that police treated them very skeptically or dismissively” after assault, property crime, intimate partner violence or hate incidents, compared to individuals who were not LGBTQ+.

MAJD ET AL., *supra*, at 72

Parental rejection and abuse of LGBTQ+ youth can “lead to arguments that result in domestic violence charges,” such as when a physical altercation between a gay youth and his father resulted in police arresting the youth, despite indications that the father was abusing the youth for being gay.

FRAZER ET AL., *supra*, at 5-18 (2015)

https://legacy.lambdalegal.org/sites/default/files/publications/downloads/ps_executive-summary.pdf

In a survey of LGBT individuals and people with HIV, “62% of respondents who had been victims of personal assault reported experiencing at least one incident in which police failed to fully address their complaints about personal assault. 41% of respondents who had been victims of intimate partner violence (IPV) reported experiencing at least one incident in which police failed to fully address their complaints about IPV. More than one-third (39%) of respondents who were victims of sexual assault reported that the police did not fully address their complaints about sexual assault.” *Id.* at 7.

LGBTQ+ Youth in the Child Welfare System

SOON KYU CHOI ET AL., *SERVING OUR YOUTH 2015: THE NEEDS AND EXPERIENCES OF LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUESTIONING YOUTH EXPERIENCING HOMELESSNESS 4* (2015)

<https://truecolorsunited.org/wp-content/uploads/2015/05/Serving-Our-Youth-June-2015.pdf>

In this survey, approximately 32% of youth being served by homeless youth service providers identified as LGBTQ+.

MAJD ET AL., *supra*, at 45

“Many LGBTQ+ young people are in the child welfare system or experience homelessness because when they came out to their families, they were rejected and forced to leave their homes. Once in the child welfare system, these young people are often met by staff who are ill-equipped to provide competent care to LGBTQ+ youth. LGBTQ+ youth are more vulnerable to discrimination and harassment, which often leads to conflict that is punished and criminalized, turning the child welfare system into a direct pipeline into the juvenile justice system.”

CHILD.’S RTS., *LGBTQ+ YOUTH IN FOSTER CARE FACT SHEET* (2023)

<https://www.childrensrights.org/wp-content/uploads/2023/01/CR-LGBTQ-Youth-in-Foster-Care-2023-Fact-Sheet.pdf>

In this survey, 44% of LGBTQ+ youth in state custody reported that they were removed, ran away, or were thrown out of their family homes for reasons directly related to their identity.

Appendix to Policy 7 (cont'd)

NAT’T CTR. FOR LESBIAN RTS., ENDING CONVERSION THERAPY IN CHILD WELFARE 1 (2018)

https://www.nclrights.org/wp-content/uploads/2018/07/Conversion_Therapy-Child_Welfare-July_2018.pdf

This toolkit for child welfare agencies asserts that LGBTQ+ children in the child welfare system are vulnerable to being subjected to efforts by multiple actors, including social workers, foster parents, and placement staff, to change their sexual orientation or gender identity through “conversion therapy.”

ACLU, *Doe v. Abbott* (Sept. 22, 2023)

<https://www.aclu.org/cases/pflag-v-abbott>

This webpage summarizes litigation on behalf of transgender youth and their families in Texas, which challenges the governor’s directive that Texas child welfare authorities conduct child abuse investigations of families who support gender-affirming care for their children.