

Published on *The Nation* (<http://www.thenation.com>)

## 'I Was Scared to Sleep': LGBT Youth Face Violence Behind Bars

Daniel Redman | June 21, 2010

Over the phone, Krystal has a calm and lilting Southern accent. She identifies as a woman now, but when she entered Louisiana's juvenile justice system at 12 years of age, she presented herself as a boy and used male pronouns. Today, she's 18 and was just recently released from the system. Being closeted about her gender identity was never an option for her. "It's very obvious with me because of how I walk, talk, the way I do things," she says. And while her sentencing judge had told her that she wouldn't be in prison for long, it was five years before a sympathetic counselor made a formal request for her release. In her letter to the judge, the counselor mentioned in passing that Krystal had confided in her that she was probably transgender, and that she was in a romantic relationship with another boy at the facility. On the voicemail he left in response to the counselor's report, the judge openly laughed and called the recommendation a joke. He said that based on those facts, he would absolutely deny the request for a release hearing. "Many judges in rural Louisiana still conflate sex offenses with sexual orientation and gender identity," says Wesley Ware of the Juvenile Justice Project of Louisiana. It was months before Krystal was finally set free.

Across the United States, the brutal and dysfunctional juvenile justice system sends queer youth to prison in disproportionate numbers, fails to protect them from violence and discrimination while they're inside and to this day condones attempts to turn them straight. Antigay policies aren't just a problem in the Deep South or rural regions. According to Jody Marksamer of the National Center for Lesbian Rights, one of co-authors of a recent report on LGBT youth in the juvenile justice system, "These things happen in every state."

The road to incarceration begins in pretrial detention, before the youth even meets a judge. Laws and professional standards state that it's appropriate to detain a child before trial only if she might run away or harm someone. Yet for queer youth, these standards are frequently ignored. According to UC Santa Cruz researcher Dr. Angela Irvine, LGBT youth are two times more likely than straight youth to land in a prison cell before adjudication for nonviolent offenses like truancy, running away and prostitution. According to Ilona Picou, executive director of Juvenile Regional Services, Inc., in Louisiana, 50 percent of the gay youth picked up for nonviolent offenses in Louisiana in 2009 were sent to jail to await trial, while less than 10 percent of straight kids were. "Once a child is detained, the judge assumes there's a reason you can't go home," says Dr. Marty Beyer, a juvenile justice specialist. "A kid coming into court wearing handcuffs and shackles versus a kid coming in with his parents—it makes a very different impression."

Once adjudicated and sent to secure care, LGBT youth often face abusive peers. "I was scared to sleep at

night because I didn't know if I was going to wake up in the morning," writes one incarcerated youth at Louisiana's Swanson Center for Youth. One 15-year-old who was shuttled back and forth from group homes and secure facilities in Shreveport, New Orleans and Baton Rouge reports that staff did nothing when he reported a rape because he "reported it too late," that he was "whipped with a clothes hanger" for rule violations and that the abuse from staff and other youth was so bad that he tried to kill himself. Two of Krystal's gay friends were raped in prison by other youths. One of them was assaulted so viciously that the injuries required internal stitches. Staff put Krystal's other friend in isolation to protect him from further assault.

Krystal reports that she was physically attacked by other youth nearly every day that she was in the system. Shortly after arriving, Krystal found her shoes in the trash, covered in urine and spit. Frequently, youths attacked Krystal for refusing to perform sex acts. Other queer youth in the facility had similar experiences. "We're all in the same category," she says. And there was nowhere to hide. "It was basically like a big dorm—one big room where everybody sleeps, that's what's going on," Krystal says. "Sometimes you would get sent to lockdown for fighting back, but there's nothing else you can do." Krystal reported the abuse to staff, but "they would just wait till things happened. Sometimes the staff would tell the other youth to stop. Sometimes they wouldn't."

When Krystal was 13 or 14, the bullying and violence became so bad that staff placed her in protective custody, where she remained for a month. But even after what she had experienced, lockdown was so painful that she requested to be returned to the dorm. Sending LGBT victims of violence into isolation, instead of punishing their attackers, is common practice across the country, even though a federal court has held the practice to be unconstitutional and the American Psychological Association opposes it. And once the youth are put on lockdown—whether to punish or to protect—they miss out on crucial educational opportunities. In 2006, a bisexual youth in California petitioned the court to be removed from his facility because staff members had kept him in isolation for twenty-three hours a day. At 20 years old, he had missed so much schooling that he was only halfway to his high school diploma.

Besides using isolation to purportedly protect queer youth, guards also use lockdown as punishment. "We had one kid who wouldn't go to school because he was afraid" of the other youth in the facility, says Wesley Ware. And because he was on the mental health unit, a certain amount of social interaction was required as part of his rehabilitation program. For refusing to leave his cell, he was put on lockdown for noncompliance, and his chances for release diminished yet again.

Often, queer youth face as much hostility from prison guards as they do from peers. When a youth faces bullying or violence from another kid, staff can be reluctant to intervene. "The staff views it as [the kid] deserves it, or he's asking for it—so they don't intervene or they'll egg it on," Ware says. They view it as "good for the kid—gotta teach him and have it beat out of him. Then when the gay kid finally breaks, then he faces the disciplinary consequences."

Guards are often bullies themselves. Krystal reports that staff called her "a disgrace to mankind," a "punk" or "fucking faggot" on a daily basis and threatened her, saying, "I'll beat your fucking ass." When staff called Krystal "faggot" or other names, sometimes she talked back. "Sometimes I would even say, I'm proud to be that," Krystal says. She would receive more tickets for talking back.

There are even reports of staff members sending youths to attack other kids. "When it happened, it was something all the youth knew," Krystal says. "Basically, someone would be left out there in the open." This is not unique to Louisiana. A 16-year-old gay man in Los Angeles interviewed in 2008 reported that staff members used other youth to intimidate him. Another child in the California system reported that "a female staff member set up a bisexual youth and let straight guys into his room to beat him up. I woke up and saw blood on the walls and on the ground."

LGBT kids are often targeted for sexual assault. A 2009 Department of Justice report shows that across the country, LGBT youth are twelve times more likely than straight youth to report being sexually assaulted by a fellow inmate. In Louisiana alone, 10 percent of all youth—gay and straight—reported abuse by a staff member. Krystal reports that she was propositioned twice by guards when she was 14. When she refused, she was verbally abused and called a "bitch."

An LGBT youth's problems with the law frequently begin at home. "LGBT youth are more likely to be arrested than straight youth because they're more likely to be pushed out of their homes," says Dr. Beyer. And "family rejection is a direct pipeline to the juvenile justice system," says San Francisco State University researcher Caitlin Ryan of the Family Acceptance Project. While only 3-10 percent of Americans are lesbian, gay, bisexual or transgender, LGBT youth make up 15 percent of the prison population. Indeed, one-quarter of all LGBT youth are kicked out of their homes or run away. Compared to their heterosexual peers, incarcerated LGBT youth are twice as likely to report abuse at the hands of family members, homelessness or state-ordered foster placement. A shocking estimated 20-40 percent of homeless youth identify as LGBT.

Courts and law enforcement officials often fail to recognize the factors that drive LGBT youth into the system. Of a 16-year-old client who was a runaway, Picou says, "Everybody refused to allow him to be in a group home or foster care home. He was in super-custody like he's a terrorist. Nobody asked him why he ran away or whether he was prostituting to stay alive." And while a toxic home life leads LGBT youth to live on the street, an unwelcoming school system leads many to avoid school altogether, leading to truancy.

Until 2007, gay and gender non-conforming youth in Louisiana's juvenile justice system were regularly subjected to "sexual identity confusion" counseling. At 14, Krystal went through this process herself. Though she emphasized again and again that she was not confused and had no desire to change her sexuality or gender identity, counselors grilled her for five sessions. Remarks ranged from emotional appeals ("This is not who you are; I don't want you to be like that") to psychobabble ("Maybe you like boys because you're around them so much") to veiled threats ("You're making a distraction in the unit; while you're here, this is how you need to act because it's drawing attention to you"). For other kids, these threats translated into consequences. One feminine gay youth was sent to lockdown for having his hair up. When a male-to-female transgender youth wished to use a female name and pronouns, the counselors refused and advised staff to force her to wear male clothing.

More blatant and brutal antigay conversion efforts have taken place across the country. In an East Coast state that's the subject of an ongoing investigation, prison authorities permit religious volunteers to enter a youth facility to lead explicitly antigay Bible classes. Lesbian youths who refuse to attend the programs have had their sentences extended from nine to upwards of thirteen months. In Mississippi, a judge—with parental approval—sent a lesbian youth to a private hospital for two weeks to cure her homosexuality. In Pennsylvania, a counselor handed out antigay religious tracts to youth in her facility. In Georgia, when a child who had never committed a sexual offense came out as transgender, she was sent to a facility for youth likely to commit sexual offenses against children. Every major mental health, pediatrics or child welfare organization strongly condemns these practices.

The courts have not been silent on this issue. In 2006, in a stunning, first-of-its-kind decision, a federal court in Hawaii held that the facility's "relentless campaign of violence, physical and sexual assault, imposed social isolation and near constant use of homophobic slurs" was unconstitutional. The children who were plaintiffs in that case faced discriminatory and cruel treatment very similar to what Krystal and others have faced. This decision spurred advocates in California, New York, New Jersey and elsewhere to push for reform—with some success.

In the aftermath of the ruling, the Hawaii Youth Correctional Facility implemented mandatory training for the entire staff. The experience is instructive for other juvenile justice systems. "There were certain individuals sitting there with arms folded and steam coming out of their ears. They weren't about to have their opinions changed on the okayness of being LGBT," says Dr. Robert Bidwell, a pediatrician who assisted with the training and works at HYCF. The crucial difference, says Bidwell, is that "the training empowered the people who never felt comfortable with that prejudice to hear loud and clear from the director of youth services that this will not be tolerated."

To be sure, even in the worst facilities, gay youth can often find some allies. Krystal told me how in the midst of the terror she experienced, the women who taught school in the facility "were basically another momma to me." One staff member who physically attacked Krystal was ultimately investigated and fired. But at the root of this problem, says Jody Marksamer, is a cold truth. "In the juvenile justice world, even when staff members believe something poses a litigation risk, they'll keep doing it until somebody inside tells them we have to stop doing it, or they get sued."

**Source URL:** <http://www.thenation.com/article/36488/i-was-scared-sleep-lgbt-youth-face-violence-behind-bars>