

# *Intersectionality & the Justice System(s)*

*The Complications are Necessary*

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# *What does intersectionality look like?*

- Race/Ethnicity
- Sex
- Gender & gender ID & expression
- Sexual orientation
- Immigrant Status
- System involvement, etc., etc.
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# *(Juvenile) Justice System Outcomes*

- Structural inequalities create a broad funnel into system involvement:
  - Poverty
  - Racism & Discrimination
  - War on Drugs
- Multiple systems of confinement, especially for youth:
  - Justice system(s)
  - Foster care/dependency system
  - Immigration-related detention
  - School/educational system

# The Complications are Necessary

- Talking about the Justice System(s) requires talking about:
  - Race/ethnicity
  - Gender
    - System designed by and “for” men
    - These effects aren’t just additive (i.e. the “same” rules applied affect men & women differently)
      - Ex: security “requires” shackling “at all times” → Women shackled while giving birth
    - These effects are also unique
      - Ex: women disproportionately punished for minor infractions → Extra menstrual supplies = “contraband”
  - This is why an **intersectional lens** is necessary

# The Complications are Necessary

- What about Race and Gender??!?
  - WOC, especially Black & Native American women, receive the harshest treatment
    - They're even further away from the feminine ideal that *might* win them some favor
- We need to add another layer of complexity
  - We can't talk about Race & Gender
  - We can't talk about Justice

Unless we also talk about SOGIE

# *LGBQ & T/GNC Youth in the Justice System(s)*

- SGM youth are disproportionately represented in the JJS
  - 20% in the system (vs. ~6-10% in general population)
- SGM girls are disproportionately represented
  - In one study, nearly 40% of girls in detention identified as LGB
- SGM youth of color are disproportionately represented
  - 85 – 90% of SGM youth in the system are youth of color
- These figures defy common stereotypes that represent SGM youth almost exclusively as:
  - Male
  - White
  - Middle class

# SGM Girls of Color in the Justice System(s)

- In a patriarchal society, girls benefit to the extent they fit idealized standards of femininity
  - Girls of color already do not measure up
  - GOC seen as overly sexual, aggressive and violent, and are adultified
  - *Delinquent* girls even more so
- SGM GOC are even further away from the feminine ideal
  - Often perceived as sexual predators
  - Perceived as “tougher”, which often translates into more harsh & abusive treatment
  - Are subjected to racialized trans- and homophobia

# LGBQ & T/GNC Youth in the Justice System(s)

- Impacts on SGM:
  - Incarceration exacerbates mental health symptoms
  - Increases suicide ideation
  - Increase self-harm behaviors
- SGM youth *already* at higher risk for these negative outcomes
- Needs assessments & treatment plans rarely consider gender ID or sexuality
  - SOGIE is ~~relevant~~ imperative to consider for:
    - Placement
    - Programming
    - Protection
    - ALL Policies



# Latinx Youth in the Justice System(s)

Are not a monolithic group!

## *Vary by Generation Status*

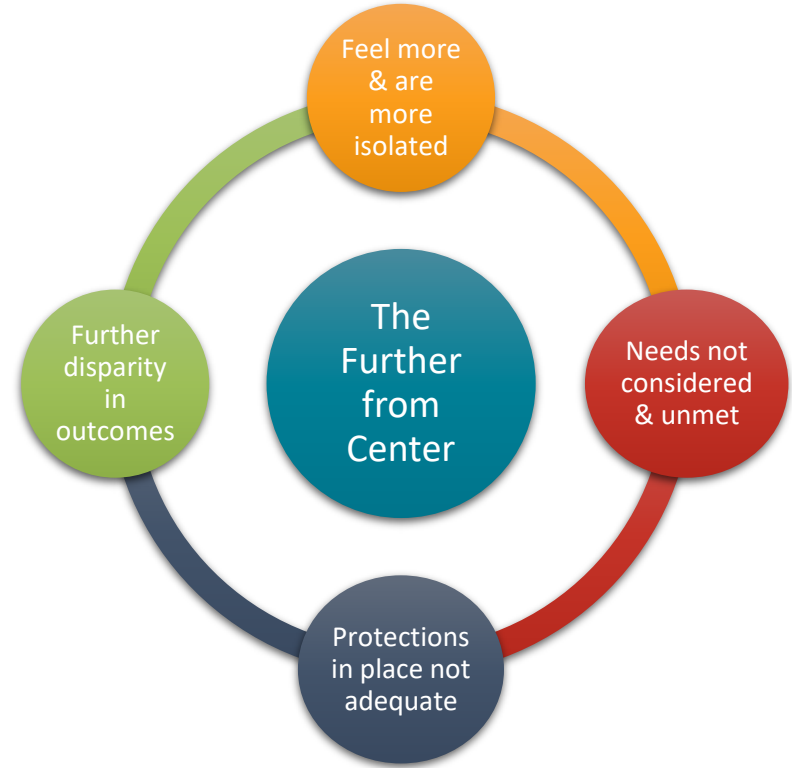
- Juvenile justice involvement generally increases by generation
  - Immigrant youth (and adults) have lower offending rates than native-born whites
- Immigrant parents can be more reluctant to question authority
  - Language barriers also huge in preventing full engagement and advocacy
- Acculturation gaps can be a source of strain and stress within families

## *Vary by Immigration Status*

- Undoc youth &/or youth w undoc parents can be more reluctant to engage w/ systems
- Undoc status can be a source of stress within families
- Dual status families face unique stressors – especially threat of being separated

# Latinx Youth in the Justice System(s)

- Vary by SOGIE!
  - Latinx youth are gay, straight, girls, boys, non-binary, gender-fluid, pan-sexual, two-spirit, etc. etc. etc.
  - May lack language/cultural ability to “come out” to family
  - Family may not have language/cultural ability to advocate for their child



# *Everyone has Intersections!*

- Remember we're still just talking about people
- We need to be aware of our own intersections
  - We don't feel them when they're in the center (places of privilege)
  - We feel them when they "pull" because they're not
- This empathetic exercise & way of understanding ourselves can help us think about others
- When we consider the whole person, outcomes are always better

# Recommendations

- A better understanding of how to effectively engage the perspectives of SGM youth of color who have been system-impacted
- A better understanding of the inequities experienced by SGM youth of color at every decision-making point in the system, from law enforcement contact to reentry
- Evidence on diversion and de-carceration strategies that are attentive to the needs of SGM youth of color
- **GATHER SOGIE DATA!**

***Thank You!***

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