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GROUNDBREAKING REPORT EXAMINES LGBT YOUTH IN JUVENILE COURTS

Hidden Injustice recommends extensive policy changes to protect youth

(San Francisco, CA, November 12, 2009) — Today, the Equity Project, a collaboration of the National Center for Lesbian Rights (NCLR), Legal Services for Children (LSC), and the National Juvenile Defender Center (NJDC), announced the release of *Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts*. This groundbreaking new report, based on extensive surveys and interviews of juvenile justice professionals and youth, provides the first comprehensive examination of the treatment of lesbian, gay, bisexual, and transgender (LGBT) youth in juvenile courts nationwide.

The report paints a sobering picture of the experiences of LGBT youth in delinquency courts. A significant percentage of youth in detention facilities, in some jurisdictions up to 13 percent, are LGBT, according to a recent study by Ceres Policy Research. Yet many juvenile justice professionals are simply unaware that LGBT youth exist, and are often treated unfairly in the system.

“The justice system has historically paid scant—if any—attention to the experiences of LGBT youth in the system. As a result, these adolescents are often misunderstood and mistreated by the very professionals who are responsible for protecting their rights, ensuring their safety, and promoting their rehabilitation,” said Shannan Wilber, LSC Executive Director.

Hidden Injustice exposes the multiple ways in which LGBT youth experience bias, a lack of understanding by juvenile court professionals, denials of due process rights, and a lack of services. Additionally, the report details how these youth are targeted for being LGBT and subjected to unnecessary detention and incarceration and appalling emotional, physical, and sexual abuse within detention and correctional facilities.

“Practitioners and policymakers simply cannot continue to ignore the serious injustices LGBT youth face,” said Katayoon Majd, NJDC Senior Staff Attorney and co-author of *Hidden Injustice*. “Anyone who works in the system—whether a judge, defense attorney, prosecutor, probation officer, or detention staff worker—has a responsibility to protect the rights, and ensure the safety, of all court-involved youth, including LGBT youth.”

The report contains extensive recommendations for judges, defense attorneys, prosecutors, probation officers, detention facility administrators, policy makers, and advocates. In addition, the report makes eleven core recommendations about how the system can work more effectively with LGBT youth, including that all agencies and offices develop and enforce policies that explicitly prohibit discrimination and mistreatment based on actual or perceived sexual orientation and gender identity.

“Without proper training and policies, juvenile justice professionals do not have the tools they need to meet their legal and ethical responsibilities to ensure the safety of LGBT youth,” said Jody Marksamer, NCLR Staff Attorney and co-author of *Hidden Injustice*. “The practice and policy recommendations in *Hidden Injustice* will help defenders, judges, prosecutors, probation, and detention facility staff ensure that all LGBT youth are safe and can live openly with the support they need to reach their full potential.”

As Youth Advocate and Equity Project Advisory Committee member Captain Young explained, “There are problems with the system for all youth, but it’s worse for LGBT youth.”

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The National Center for Lesbian Rights is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education. www.nclrights.org

The National Juvenile Defender Center is a national non-profit organization committed to ensuring excellence in juvenile defense and promoting justice for all children. www.njdc.info

Legal Services for Children is a non-profit law firms that provides free legal representation and social work services to children and youth in the San Francisco Bay Area to ensure that all children and youth have an opportunity to be raised in a safe environment with equal access to a meaningful education and the services and supports they need to become healthy and productive young adults. www.lsc-sf.org