

Gender, sexual identity and crime

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Young people who are Lesbian, Gay, Bisexual and/or Trans (LGBT) - and involved in criminality - are a “hidden population”, with limited research of their experiences (Knight and Wilson, 2016; 85). Existing literature is often centred on North American, Transgender studies. Most recent studies of LGBT populations have focussed on victimisation, surviving intimate partner violence, substance abuse or bullying, whilst dominant criminological theory has often focused on gender, race and age. It is in this context that “there is very little understanding of how sexual orientation and gender identity might shape the causes of crime today”.

It is important to bear in mind that “the issues faced by LGBT people appear to be significantly located in the homophobia or transphobia they have experienced...and its impact upon their well-being...rather than in their particular identity as LGBT people” (Knight and Wilson, 2016; 85). In other words, LGBT young people do not engage in episodes of offending as a consequence of their sexual or gender identity, but in part due to discrimination and adversity encountered. In examining this group of young people it is worth being mindful of the historical paradigm that viewed and treated this cohort in a suspicious and resentful manner. In addition to [longstanding criminalisation](#) of people on grounds of their sexual identity, LGBT people have encountered demonisation, bigotry and discrimination with “lingering stigma of sexual deviancy” ([Woods, 2014; 18](#)) amongst society.

Many young people experience significant challenges when making the transition into adulthood, encountering a [time of change](#), featuring additional challenges yet [limited resources](#). In navigating this terrain, some young people display criminal behaviour, with family rejection, homelessness, school exclusion, substance abuse and limited social circle sometimes contributing to these behaviours ([CYCJ, 2016](#)). Young people who identify as LGBT are of course no different. What differentiates them from their heterosexual and cisgender peers are additional disadvantages as a consequence of [people’s attitude towards their identity](#) which can have significant implications for them at home, at school and in the community.

Whilst attitudes are changing - particularly amongst younger people (Park, 2005) - there remains work to be done to address the gradual increase of reported hate crime in Scotland, which means LGBT young people “continue to experience marginalisation and feelings of vulnerability” (Knight and Wilson, 2016; 5). [Recent studies](#) have shown that 35% of LGBT young people have been the victim of a crime in the past year, 46% report that school is ‘bad’ and 92% have been the victim of bullying. These figures are even more acute for those young people who identify as transgender ([Ibid](#)) and may explain higher rates of school dropout amongst LGBT young people. Such stark figures contribute to the “[school to prison pipeline](#)” that excluded young people may encounter. Rates of substance abuse are [increased](#) amongst these populations, who cite the effects of discrimination and exclusion as contributory factors of this. Some 69% of homeless LGBT young people cite family rejection as a factor in them not having accommodation; 69% and 62% cite inter-familial abuse and aggression/violence respectively. Young people who are LGBT are significantly over represented within the homeless population. [Some studies](#) estimate the

Lesbian, Gay and Bisexual population to amount to 2% of people in the UK population; the unofficial estimate of the Trans population is around 1%. Meanwhile, LGBT young people account for 24% of all youth homelessness, with [one in four](#) Trans people having experienced homelessness at some point in their lives.

LGBT young people who engage in criminal behaviour experience a double bind; stigmatised due to their non-conformity with the law, and their non-conformity with the hegemony of Heterosexuality and [Cisgenderism \(Hochdorn et al., 2017\)](#).

Implications for practice - supporting LGBT young people

LGBT individuals report [lower levels](#) of life satisfaction, safety and mental wellbeing

which is likely to contribute to significant levels of [mental ill health, self-harm and suicidal behaviours](#) amongst this population. Figures show [48% of Trans young people](#) have made at least one attempt to end their life, whilst the figure amongst their LGB peers is 34%. ([Ibid](#))

It is clear that effective mental health supports, drug and alcohol counselling and housing resources are all necessary. Supporting those who encounter family and peer rejection appears important, as is a change in society's perception of gender and sexual identity. These are issues that are relevant to all young people. The Scottish Government's recent decision to accept the [recommendations](#) of the LGBTI Inclusive Education Working Group may go some way towards ensuring greater levels of inclusion and positive learning environment, which in turn may act as a barrier to offending. Amending [departmental paperwork](#) may also serve to better include all gender identities.

Whilst some research has found that LGB young people involved in crime request greater levels of counselling interventions (Belknap et al, 2014), Knight and Wilson (2016) offer a number of principles for practice that could specifically benefit LGBT people involved in the justice system:

- Avoid making assumptions about a person's gender or sexuality from their initial presentation or appearance
- Be aware that, for some people, disclosing their sexuality to a stranger is very difficult
- Practitioners should refer to individuals as their self-identified gender, regardless of their appearance or stage of transition
- Listen carefully to what is being said in conversation, as people give out clues about their identity to 'test out' your likely reaction.
- In cases of same-sex domestic violence and abuse do not assume that the violence and abuse would be less serious than in heterosexual relationships
- Heterosexual staff should celebrate the strengths and diversity of LGBT colleagues and young people; avoid making the assumption that being LGBT is a 'problem.' The problem lies with the heterosexism and homophobia within society.
- Ask LGBT young people their experiences of discrimination and abuse. There is a high probability that they will have experienced incidents that may be linked to their offending behaviour.
- Transgendered people should have access to support in order to explore their feelings about gender identity in a nonthreatening, non-judgemental, supportive environment that respects their confidentiality.
- Bodily integrity is crucial to the Trans person and consideration for privacy should be given whenever possible. (Adapted from Knight and Wilson, 2016; 258-260)

[View References.](#)

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