LGBT SELECTIVE VICTIMIZATION: UNPROTECTED YOUTH ON THE STREETS

NUMSRAV VENIMIGLIA

I. INTRODUCTION .................................................................440
II. LGBT YOUTH AND RISK FACTORS FOR HOMELESSNESS........440
    A. Intersecting Identities Lead to Higher Rates of Victimization of LGBT Homeless Youth.................................441
    B. Hate Crimes Represent a Portion of Victimization of LGBT Homeless Youth.........................................................443
III. VICTIMIZATION OF LGBT HOMELESS YOUTH STEMS FROM SYSTEMIC BIAS IN GOVERNMENT SERVICES AND RESTRICTED ACCESS TO SOCIAL SERVICES.............................................444
    A. Bias Leading to Homelessness.............................................444
        1. Angela, age eighteen (at time of initial report), transgender woman, African-American..................................................444
    B. LGBT Homeless Youth, Greater Victimization Due to Limitations in Subsistence.................................................................446
        1. Shelley Hilliard, age nineteen, transgender woman, African American............................................................446
    C. Limitations in Shelter Space for LGBT Youth..........................448
        1. Blair, age nineteen, white transgender male ....................448
    D. Exclusion of LGBT Youth from Protective Institutions............449
        1. Joe, age approximately sixteen to nineteen, gay non-transgender male, African American .....................................449
    E. Systemic Bias Has Real Effects on Rates of Homelessness for LGBT Youth, Rates of Victimization, and Access to Assistance..........................................................451
IV. CONCLUSION & RECOMMENDATIONS ..............................................452

1. Former Director, Victim Services, Equality Michigan (2010-2012). Equality Michigan is a state-wide LGBT anti-violence and advocacy organization. The Department of Victim Services receives eighty percent of it’s funding from the Victims of Crime Act, administered by the Michigan Department of Community Health. Prior to her tenure at Equality Michigan, Nusrat Ventimiglia served as the Legal Director at Freedom House Detroit, an organization providing shelter and legal services to those seeking asylum in the United States. She graduated from Wayne State University Law School in 2008, and received her bachelors degree from University of Michigan-Dearborn in 2005 with distinction political science and psychology.
I. INTRODUCTION

Homeless and street youth who identify as lesbian, gay, bisexual, transgender, queer or questioning\(^2\) are more persistently and more severely victimized than their heterosexual counterparts; yet, existing policies do not separately identify or address this particular vulnerability. Homeless and street youth who identify as lesbian, gay, bisexual or transgender are over represented amongst homeless youth in general. Furthermore, harms faced by LGBT homeless youth are rarely addressed by traditional routes of law enforcement due largely to longstanding and too-often reinforced mistrust of police. As a result, crimes and police misconduct often go unreported. Hate crimes laws, though important in addressing crimes directed against LGBT identities, often create a false dichotomy in public discourse, preventing the problem of LGBT selective victimization from being fully addressed. A full understanding of the problem of victimization of LGBT homeless and street youth demonstrates that though some of the crimes they fall victim to may be addressed by hate crimes law, changes in structural support are necessary to remedy the systematic victimization of homeless LGBT youth. Changes must be made also to increase LGBT cultural competency by police, prosecutors, and victim assistance agencies.

II. LGBT YOUTH AND RISK FACTORS FOR HOMELESSNESS

The difficulties of defining and counting homeless youth generally, and lesbian, gay, bisexual, and transgender (LGBT) youth in particular has been well documented;\(^3\) however, the general consensus is that anywhere from twenty\(^4\) to forty percent of homeless youth identify as lesbian, gay, or bisexual.\(^5\) There are fewer studies focusing on the

\(^{2}\) The term queer is a controversial term; though it is one of many ways an individual may describe their attractional identity. In the interest of efficiency, the acronym “LGBT” (lesbian, gay, bisexual and transgender) will be used, unless in reference to studies that exclude either lesbian, gay, bisexual, or transgender individuals.


\(^{5}\) Id.
numbers for transgender youth, and thus the inclusion of homeless transgender individuals who do not identify as gay, lesbian, or bisexual would likely raise the estimation of forty percent.\(^6\) Approximations of Detroit’s LGBT youth homeless population who are not receiving shelter services in any given day were estimated to be between 320 and 800 in 2005.\(^7\) A recent national survey of transgender men and women found that rates of homelessness were higher for African-Americans (thirteen percent), Native Americans (eight percent) and undocumented non-citizens (three percent).\(^8\) The racial and ethnic disparities in rates of homelessness seem to compound other risks along the continuum of homelessness.

A. Intersecting Identities Lead to Higher Rates of Victimization of LGBT Homeless Youth

LGBT homeless youth are more often victims of crime. Even accounting for overrepresentation amongst the homeless population, LGBT youth are more often victims of a range of crimes compared with their heterosexual counterparts. Of note is a recent finding by the Southern Poverty Law Center that gays and lesbians (transgender individuals were not counted) are most likely to suffer hate crimes compared with other groups for which hate crimes are tracked.\(^9\) Although the SPLC’s assessment does not necessarily take in account intersections of race, gender, and sexual orientation, the assessment mirrors findings of increased victimization of LGBT individuals, whether homeless or not. Homeless and street youth (those youth who are not residing in

---

6. See Stephen Gaetz, Safe Streets for Whom? Homeless Youth, Social Exclusion, and Criminal Victimization. 46 CANADIAN J. CRIMINOLOGY & CRIM. JUST. 423, 448 n.2 (2004). “Because the transgendered sample is so small (n=5), these respondents have been excluded from analysis. Future research should focus on the safety issues of this population, however, as transgendered youth are among the most marginalized-and, potentially, the most victimized-of street youth.” Id. See also Ray, supra note 3, at 13 n.59 (“The available research on the proportion of the U.S. population that identifies as transgender is too limited to permit an accurate estimation.”).


shelters) are shown to have been victimized at extremely high rates for violent crimes such as physical assault, violent robbery, and sexual assault.\textsuperscript{10} Social science research has produced a number of theories to explain higher rates of victimization amongst LGBT homeless youth including lifestyle and routine activities theory, social capital theory, and looking to background factors.\textsuperscript{11} Lifestyle and background factors offer descriptive insight into higher rates of victimization, however, social exclusion and a lack of social capital captures the essence of LGBT youth homelessness including increased risk, the amplification in risks and negative outcomes for those with intersecting oppressed identities.

Intersecting racial, ethnic, and sexual identities have a profound impact on negative outcomes for homeless youth, and an understanding of this impact is essential to the discourse on achieving social equality and inclusion for LGBT youth. The varied rates of victimization across race, class, and sexuality demonstrate the complexity of oppression.\textsuperscript{12} Any proposed solution to selective victimization and increased risk faced by LGBT homeless youth must be based on an understanding of this complexity. Individual cases of victimization of LGBT homeless youth may fall under the Matthew Shepard and James Byrd Hate Crimes Prevention Act,\textsuperscript{13} or under state hate crime laws in the concept of “bias motivation”; however, the increased risk for all crimes that LGBT

\textsuperscript{10} See Gaetz, supra note 6, at 436; Bryan N. Cochran et al., Challenges Faced by Homeless Sexual Minorities: Comparison of Gay, Lesbian, Bisexual, and Transgender Homeless Adolescents With Their Heterosexual Counterparts, 92 AM. J. PUB. HEALTH 773, 774 (2002).

\textsuperscript{11} Gaetz, supra note 6, at 425-26.

[A] consensus has emerged suggesting that a majority of street youth in Canada and the United States come from homes characterized by high levels of physical, sexual, or emotional abuse and neglect, compared with domiciled youth . . . . [A]ggressive behaviors [sic] produced by a violent upbringing may often lead to provocative interactions.\textit{Id.}


[P]eople of color and transgender people face disproportionate rates of certain forms of hate violence as compared to LGBTQH individuals who are non-transgender and white. This data also shows that being both transgender and a person of color increases the risk of violence and of murder . . . . [F]indings reveal further information about the increased risk of violence for transgender people, communities of color, and other impacted identities.\textit{Id.}

homeless youth face point to the problem of bias and inequality embedded within cultural and governmental systems.

B. Hate Crimes Represent a Portion of Victimization of LGBT Homeless Youth

Hate crime prevention legislation is important in addressing the peculiar harm that hate crimes cause—the violence directed towards an entire community; however, many of the victimizations of LGBT homeless youth cannot be characterized as hate crimes. For that reason, hate crime legislation is not a complete solution to increased vulnerability to victimization of LGBT homeless youth. The Matthew Shepard and James Byrd Jr. Amendment to the Hate Crimes Prevention Act

considers those crimes that are motivated by animus towards real or perceived sexual orientation or gender identity, produce bodily injury, and bear a connection to interstate commerce or occur on federal territory, as federal hate crimes. Additionally, for such crimes to be charged under federal law based on sexual orientation or gender identity bias the crime must be under federal jurisdiction. Because of the jurisdictional limitations, Shepard-Byrd is necessarily under-inclusive.

Some states fill the gaps with state legislation to criminalize hate motivated attacks in various ways, ranging from sentence enhancements to separately punishable felonies. For example, Michigan’s hate crimes law excludes crimes motivated by bias towards real or perceived sexual orientation, gender identity or gender expression. Michigan’s hate crime law, the Ethnic Intimidation Act, defines a hate crime as one that is motivated by the victim’s race, color, religion, gender, and/or national origin.

“Michigan is one of 18 states that excludes sexual orientation in hate crime law and one of 22 states that excludes gender identity or gender expression in hate crime law.” Michigan law requires specific intent to harass or intimidate, but does not necessarily require that such

14. Id.
15. Because Shepard-Byrd targets private conduct and not “color of law” conduct, the provisions relating to disability and gender are based on federal jurisdiction from the commerce clause of the Fifth Amendment to the U.S. Constitution. For provisions in the hate crime law relating to national origin, race and religions, authority for federal jurisdiction comes from the Thirteenth, Fourteenth, and Fifteenth amendments to the U.S. Constitution.
17. Id. (“A person is guilty of ethnic intimidation if that person maliciously, and with specific intent to intimidate or harass another person because of that person’s race, color, religion, gender, or national origin.”).
intent to harass or intimidate be the sole motivating factor for an attack that is otherwise prohibited conduct.\textsuperscript{19} Laws seeking to address the peculiar damage hate crimes have on communities united by common identities, such as race and/or sexual orientation, are necessary but not sufficient in addressing the risks homeless LGBT homeless youth face. Youth are targeted for complex reasons, including those that may coincide with sexual identity rather than be a direct cause.

III. VICTIMIZATION OF LGBT HOMELESS YOUTH STEMS FROM SYSTEMIC BIAS IN GOVERNMENT SERVICES AND RESTRICTED ACCESS TO SOCIAL SERVICES

The following stories represent the magnified risk that homeless or near-homeless youth face as a result of vulnerability, exposure and proximity to criminal actors, lack of cultural competence within systems, and the resulting failure of traditional protective systems to do so with respect to LGBT homeless or near-homeless youth.

A. Bias Leading to Homelessness

1. Angela, age eighteen (at time of initial report), transgender woman, African-American

Angela\textsuperscript{20} was placed in foster care in her early teens, after being severely abused by her father. Angela was placed in a home through a supervised independent living program (SIL), in which older adjudicated youth are placed in homes with rent assistance and social worker supervision. Although this SIL home purported to be transgender friendly, there was no criteria whatsoever for qualifying the home as such. After spending approximately six months in the home, Angela informed her case worker that the home supervisor pressured or coerced her and other young transgender women living in the home into sex work in exchange for housing. The supervisor allegedly threatened to “cause problems” for the young women living in the home if they did not cooperate, and verbally harassed, controlled and intimidated the residents at his whim. Angela claimed that the supervisor further threatened residents against reporting his conduct. Angela expressed great fear in revealing the information to the caseworker, and revealed information about the abuse and coercion in a piecemeal fashion. Angela explained to her caseworker that the information she revealed had to stay confidential.

\textsuperscript{20} Name changed to maintain privacy.
until she could find another living situation. The caseworker contacted the home supervisor, apparently under the impression that she required verification of the report before she could approve Angela to move under the SIL program. Angela’s self-protective measures, requiring assurances of confidentiality, withholding names of other transgender women with the same experience, and desire to secure other stable housing prior to coming forward with her allegations were interpreted by her caseworker to be signs of dishonesty. Angela stated that she was then confronted by her home supervisor and was in fear for her safety. Communication with Angela abruptly ended when she left the home. Her current whereabouts are unknown. She is believed to have moved out of state to find space at an LGBT shelter in another city.

The realities of systemic bias are revealed when studying the unique needs of LGBT children and youth in the jurisdiction of the foster care system. Unaccompanied LGBT identified youth face bias towards their identity from courts and attorneys charged with determining and acting within the youths’ best interest. As demonstrated by Angela’s case, whether such bias is benign or malicious, the effect is the same. Angela’s caseworker would have benefitted from training on rates and conditions of sex work amongst transgender women, patterns of self-protective measures youth may take, and a nuanced understanding of transgender inclusiveness and the lack of such factors in the SIL home in which Angela was placed. Indeed, LGBT youth face more severe problems in foster care because of sexual orientation and gender identity bias from verbal abuse and ridicule to physical and sexual assault. The lack of state-sponsored protection from discrimination based on sexual orientation or gender identity in foster care in most states further exacerbates the climate of abuse and exclusion for LGBT youth. The failure of the foster care system to provide for the needs of LGBT youth is evident throughout the process of adjudication and placement. Like

22. See id. at 803-04.
Angela, youth choose to leave placements in group homes or other supervised living arrangements as self-protective measures.26

The systemic biases coupled with further limitations in shelter and safe space makes LGBT homeless youth particularly vulnerable to victimization. Considering high visibility due to a lack of identity affirming shelters, perceived lack of social support, and limitations in choice in means of subsistence, movement and shelter it is not surprising that LGBT homeless youth are victimized at far higher rates than their heterosexual counterparts.27

B. LGBT Homeless Youth, Greater Victimization Due to Limitations in Subsistence

1. Shelley Hilliard, age nineteen, transgender woman, African American

Shelley Hilliard’s murder28 came as a sad shock to Detroit’s LGBT community, and made local and national news. Shelley was well loved, and had a reputation for being polite, pleasant, and considerate to her peers and staff at the Ruth Ellis Center, which she frequented. Shelley did not live at home, but for (at least) an intermittent two-month span prior to her death, lived in a suburban motel. Shelley spent a considerable amount of time at the Ruth Ellis Center, an organization dedicated to providing residential services and a drop-in center for LGBTQ identified homeless and street youth. Shelley by many accounts considered her friends and staff at the center as her own family. Although Shelley’s murder bore signs of a hate crime, it was later learned that the crime was the result of retaliation for cooperation with police (labeled “snitching”). Shelley had cooperated with police after being held for possession of a small amount of marijuana, by some family accounts Shelley felt coerced into assisting police. Shelley asked an alleged drug dealer, Qasim Raqib, to deliver drugs to a motel when police apprehended Raqib and his female companion. The $5,000 Raqib had in his possession was held as a forfeiture by police, while Raqib himself was released hours later. Raqib’s companion stated that during questioning officers told her of

27. Id.
Shelley’s cooperation with police, using her name and outing her as an informant. According to family members, Shelley was never informed about Raqib’s release from police custody. Two days later, on October 23, 2011, James Matthews (Raqib’s alleged drug boss) called Shelley, posing as an out-call client, as part of a plan hatched by Raqib and Matthews to murder Shelley in retaliation for the arrest and loss of money. Raqib and Matthews plead guilty in 2012 to second-degree murder.

Both participation in, and proximity to illegal behavior can, in part, account for higher levels of victimization. LGBT youth more often leave home as a result of physical abuse in the home, and such background risk factors are linked both to greater participation in “deviant” behavior and greater victimization. Deviant behaviors may include increased participation in sex work as well as substance abuse and sale of illegal drugs. Homeless youth who have sold illegal drugs are more likely to report having been victims of crime. It is important to note that gender differences exist in subsistence strategies, and that risks associated with survival sex also vary for female identified and male identified youth. In a federal study, 27.5% of street youth and 9.5% of shelter youth had engaged in survival sex, and engaging in sex work was positively related to age, time away from home, previous victimization, participation in criminal behaviors, and with drug use. Findings such as this demonstrate the difficulties in determining the proximal relation between involvement in criminal behavior and homelessness; however, for those who engage in survival sex or in the sex trade generally, there is far greater exposure to risk in potential assailants, and far greater vulnerability at least in part due to lack of access to protection from police. GLB youth significantly report engaging in survival sex. Non-transgender males, those who self-identified as gay or bisexual, are more likely to be sexually assaulted. In reports of hate violence and murders...
against LGBT persons, transgender women are far more likely, particularly transgender women of color, to experience violence than their non-transgender counterparts.\textsuperscript{36} As noted by the National Coalition of Anti-Violence Programs, “transgender women, particularly transgender women of color, may find that sex work may be one of the only ways to make a living wage.” Transgender women have high rates of participation in the sex industry, homelessness and a lack of social support, contributing to this social isolation and exclusion is the fact that sex work remains illegal in most states.\textsuperscript{37}

\textbf{C. Limitations in Shelter Space for LGBT Youth}

\textit{1. Blair, age nineteen, white transgender male}

Blair\textsuperscript{38} found himself homeless in Detroit. As a nineteen-year-old transgender male, the options for shelters were limited. Blair, with difficulty, found an available bed at a religiously based shelter. Blair was hesitant to go to the shelter, considering the reputation of the organization as being unwelcoming towards LGBT persons. Blair spent three days in the shelter. On Blair’s last day, he was confronted aggressively by another shelter resident with questions about his sexuality and gender expression. The argument escalated, and according to Blair, the shelter resident threw a chair at Blair. Rather than restraining the aggressor, Blair stated that two male staff members held Blair’s arms and stated, “[t]ake it like the man you wanna be.” When Blair asked the men to let him go, they laughed and stated, “you ain’t so big and bad.” The incident carried on later in the evening, culminating in Blair being attacked by three or more other residents at the shelter, with shelter staff looking on and allowing the attack to occur, with some encouraging the attackers and making transphobic remarks. When the shelter did call the police, Blair was the only person arrested. Blair described how the officers used excessive force when arresting him. After being charged with a felony assault, Blair entered a guilty plea in hopes of eventually obtaining a clean record through the Holmes Youthful Trainee Act,\textsuperscript{39} and

\begin{footnotesize}
\begin{enumerate}
\item[36.] GRE\textsuperscript{VIOLENCE, supra note 12, at 19.
\item[37.] \emph{Id.}
\item[38.] Name changed to maintain privacy.
\item[39.] MICH. COMP. LAWS § 762.11 (2012). To provide context, the Holmes Youthful Trainee Act, or HYTA, permits the trial court to hold a guilty plea for a person between seventeen and twenty-one years of age in abeyance until the individual can carry out the terms of his sentence or probation, at which point the trial court will reserve entering the judgment in the individual’s criminal record.
\end{enumerate}
\end{footnotesize}
expressed that his decision was at least partially informed by expected bias from potential jurors due to his gender identity and expression. Limitations in identity affirming shelters cause more LGBT youth to remain on the streets, increasing their vulnerability due to increased rates of participation in deviant subsistence strategies and higher visibility. The prevalence of faith based shelters, and the lack of LGBT-specific shelters, is troubling for a number of reasons. As Blair’s case demonstrates, those seeking assistance are reluctant to seek it at a shelter that is backed by an anti-LGBT religious organization, are more likely to be stigmatized and (particularly for youth) denied expression of their authentic selves.40 Once excluded from shelters, street youth are involved in larger numbers in survival sex and are at greater risk for victimization of all kinds.41

D. Exclusion of LGBT Youth from Protective Institutions

1. Joe, age approximately sixteen to nineteen, gay non-transgender male, African American

Joe, a young homeless gay male, did not complain of discrimination, harassment, or police misconduct. His revelation of persistent victimization in an area of the city where many LGBT youth congregate, and where sex work is also often done, came as part of a broader conversation on issues of transportation and cooperation with police. Joe described how he and his LGB or T-identified friends would be robbed, physically assaulted, and terrorized by motorists who attempted to hit the youth with their vehicles. When asked whether Joe would report these incidents, Joe described that some police would harass the youth rather than help them, calling them “fags” from patrol vehicles or refusing to take reports of being robbed, assaulted or otherwise victimized. Very few individuals in Joe’s position, or his friends’ positions, have contacted Equality Michigan’s report line. As Joe described, the general consensus is that nothing will come of complaints of police misconduct against LGBT youth.

Not only do LGBT homeless youth like Joe face greater victimization on the streets, LGBT youth, particularly LGBT youth of color, are less likely to receive assistance from police and may even be targeted for harassment by police. Many homeless youth, and many

40. RAY, supra note 3, at 85; Gilliam supra note 24, at 1039.
41. Cochran, supra note 10, at 774; Greene, supra note 32, at 1408; Gaetz supra note 6, at 434.
42. Name changed to maintain privacy.
LGBT youth, do not report victimization to police. In one study, not only did street and homeless youth refrain from reporting victimization to any adult, only twelve percent of street youth reported their most serious victimization to police.\textsuperscript{43} Low rates of reporting by LGBT persons have been well documented.\textsuperscript{44} The reasons for this underreporting are perhaps well demonstrated by Joe’s and indeed Shelley’s story, from fear of prosecution, retaliation, and finally fear of outright victimization.\textsuperscript{45} The further profiling of LGBT youth by police, particularly transgender women, contributes to negative attitudes towards police.\textsuperscript{46} LGBT youth are sent to prison in disproportionate numbers.\textsuperscript{47} LGBT youth are more likely than straight youth to be detained prior to adjudication for nonviolent offenses like truancy, running away, and prostitution.\textsuperscript{48} Police frequently profile transgender people for criminal activity deterring transgender women from approaching police officers for support.\textsuperscript{49} A San Francisco study on the effect of stigma on HIV risk for transgender women noted that the participants reported an immense amount of violence in their lives. All of the participants described being verbally attacked in the streets, many described being physically attacked, several had been stabbed, one had been shot and another had been threatened with a gun and though many said they called the police, no action was taken on their behalf.\textsuperscript{50} Many involved in the study perceived going outside the home as dangerous.\textsuperscript{51} The combination of police indifference, hostility, or a simple lack of cultural competency isolates LGBT homeless youth when they are victimized, and changes in training and policing policies would do much to improve the outcomes for LGBT homeless youth.

Aside from direct assistance from police, other assistance is available generally for victims of crime, but is often difficult for LGBT survivors of crime to obtain. The Crime Victim’s Rights Act established a fund for

\begin{itemize}
\item \textsuperscript{43} Gaetz, \textit{supra} note 6, at 440.
\item \textsuperscript{44} \textsc{Hate Violence} \textit{supra} note 12, at 31.
\item \textsuperscript{45} Gaetz, \textit{supra} note 6, at 440; \textsc{Hate Violence}, \textit{supra} note 12, at 41.
\item \textsuperscript{46} \textsc{Hate Violence}, \textit{supra} note 12, at 41.
\item \textsuperscript{47} Daniel Redman, ‘I Was Scared to Sleep’: LGBT Youth Face Violence Behind Bars, \textsc{Nation}, June 21, 2010, http://www.thenation.com/article/36488/i-was-scared-sleep-lgbt-youth-face-violence-behind-bars.
\item \textsuperscript{48} \textit{Id}.
\item \textsuperscript{49} \textsc{Hate Violence}, \textit{supra} note 12, at 21.
\item \textsuperscript{50} Rita M. Melendez & Rofeiro Pinto, ‘It’s Really a Hard Life’: Love, Gender and HIV Risk Among Male-to-Female Transgender Persons, \textsc{9 Culture, Health & Sexuality} 233, 238 (2007).
\item \textsuperscript{51} \textit{Id}.
\end{itemize}
assisting victims of crime. Through state administration, victim assistance agencies receive funding to help victims cope with the effects of victimization, including explaining the criminal justice process, assisting with completion of forms necessary to obtain compensation for medical expenses related to victimization, and other related tasks. Despite increased rates of victimization, including by some accounts being proportionately the most targeted “community,” LGBT victims of crime do not have “consistent access to culturally competent services.”

The emphasis on crime reporting to obtain benefits under the Crime Victim Compensation Fund further limits access to remedial resources for LGBT homeless youth.

E. Systemic Bias Has Real Effects on Rates of Homelessness for LGBT Youth, Rates of Victimization, and Access to Assistance

The difficulties LGBT homeless youth may face fall along a continuum of homelessness – from foster care to street life. This reality places LGBT homeless youth at greater risk of victimization and pushes the few lifelines that federal funding provides, further from reach. Lifelines intended to help all persons, regardless of their immutable identity. Higher rates of homelessness, higher rates of depression and stress, and the resultant higher risk for substance abuse is a result of a network of exclusion from the home, shelters, and restrictions even in


54. Gangamma, supra note 34, at 456.

55. RAY, supra note 3, at 52.

56. For example, the Salvation Army has come under scrutiny for its position statement on homosexuality:

The Salvation Army does not consider same-sex orientation blameworthy in itself. Homosexual conduct, like heterosexual conduct, requires individual responsibility and must be guided by the light of scriptural teaching. Scripture forbids sexual intimacy between members of the same sex. The Salvation Army believes, therefore, that Christians whose sexual orientation is primarily or exclusively same-sex are called upon to embrace celibacy as a way of life. There is no scriptural support for same-sex unions as equal to, or as an alternative to, heterosexual marriage. Likewise, there is no scriptural support for demeaning or mistreating anyone for reason of his or her sexual orientation. SALVATIONARMYUSA.ORG (last visited Apr. 4, 2012) (the Salvation Army removed its homosexuality positional statement from its webpage as of the
public spaces. Social exclusion may, therefore be seen as the denial (or non-realisation [sic]) of the civil, political, and social rights of citizenship. In order to help LGBT homeless youth reach services intended to help them, concrete steps must be taken to eradicate systemic bias in the provision of government services, and limitations in access to social services.

IV. CONCLUSION & RECOMMENDATIONS

LGBT youth have engaged in a number of effective self-protective measures, and such activities have served to improve their outcomes and increase their social capital. Creating their own families, in some cases referred to as “fictive street family relationships,” has been associated with reduced violence, where the primary bases of these relationships relate to mutual trust. In reflecting the existing self-protective measures youth already engage in, it is evident that trusting relationships providing instrumental assistance (such as shelter, food transportation) and social support reduce victimization. Social support networks counter the negative effects of homelessness, including the stress that leads to physical and mental health problems, as well as substance abuse. This most direct route to safety for LGBT homeless youth must be nurtured, in terms of opening funding streams for organizations that provide safe space for youth to meet their basic needs and further socialize with those provide reinforcement to the youths’ sense of self-worth. Opening funding streams for LGBT specific services would not only reduce risks for victimization directly, but would build the social capital of LGBT
identified youth by providing systemic support as well as personal support.

Legal buttresses to a supportive social system could take form as explicit prohibitions of discrimination on the basis of sexual orientation, gender identity, and gender expression. Such prohibitions must reach the conduct of social service providers, first responders, and actors charged with acting in the best interest of unaccompanied children such as guardians ad litem, lawyer guardians ad litem, etc. Finally, those involved in the provision of foster care services, first responders, direct service providers and police must be required to complete cultural competency training, ideally modeled by existing training offered by OVC funded LGBTQ specific training. Opening up funding streams for LGBT specific service providers, including shelters and anti-violence programs would go far in reducing the gap in needed services versus available services, particularly in shelter services for transgender individuals.

LGBT homeless youth face great challenges, and the persistent overrepresentation of LGBT youth in the homeless population and amongst those who are victimized signal a need for committed change in the provision of services and support. The marginalization of LGBT homeless youth is not unrelated to larger questions of inequality and discrimination, whether in housing, employment or public accommodations. Intersections of race and class amplify the negative effects of societal discrimination for these youth, expressed in audacious acts of harassment and violence and then in the denial of assistance on the basis of identity. However, successful models for assisting LGBT homeless youth exist, and can be found amongst existing anti-violence programs, and by examining the protective strategies the youth have themselves formed. These models are valuable in ensuring that persistent violence and brutality do not plague the lives of the most vulnerable, and that in its most basic form, equality amongst people includes a right for all to be free from violence.

61. See Dixon, supra note 12, at 41.