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I, Laura Rubino M.S., hereby submit this original work as part of the requirements for the degree of Doctor of Philosophy in Criminal Justice.

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Examining Intersectionality in Juvenile Legal System Processing: A Focus on LGBTQ+ Youth and Youth of Color

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by

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Abstract

Previous research has examined the overrepresentation of youth of color in the juvenile court; scholars have also found that lesbian, gay, transgender, and queer/questioning (LGBTQ+), along with gender non-conforming youth are overrepresented in the juvenile legal system. Literature suggests that youth with multiple marginalized identities, especially youth of color in the LGBTQ+ community, are exposed to more punitive treatment in the legal system. This study aims to examine the intersection of race/ethnicity and sexual orientation, gender identity, and gender expression (SOGIE) in the juvenile legal system and aims to gain a better understanding of how the juvenile court responds to youth. This study uses one year of data from one large Midwestern juvenile court's data management system from all youth entering the court that have provided SOGIE information ($n = 1,208$). This study examines the effect of race/ethnicity, gender identity, gender expression, and sexual orientation on court processing outcomes. Findings indicate that youth with multiple marginalized identities may receive harsher treatment than non-marginalized youth. LGBTQ+ and/or GNC youth, Black youth, and boys were more likely to be placed in the official system than straight, cisgender, and GC youth, white youth, and girls. LGBTQ+ and/or GNC youth, Black youth, and girls were more likely to be given a mental health referral; however, when MASYI-2 scales are added to the model, Angry Irritable (AI), Depressed-Anxious (DA), and Suicide Ideation (SI) scales were of the main predictors of mental health referral, with the strongest predictor being Suicide Ideation. Girls were more likely than boys to receive delinquent adjudication and results suggest that gender identity may moderate the relationship between race/ethnicity and adjudication outcome. These results have implications for future research, practice, and policy within the juvenile legal system.

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CHAPTER I: INTRODUCTION

Lesbian, gay, bisexual, transgender, queer, plus (LGBTQ+) individuals have been largely neglected in criminology and criminal justice research, especially in terms of addressing LGBTQ+ disparities in the criminal and juvenile legal systems.¹ For decades LGBTQ+ individuals have been murdered, abused, attacked, and many forced to stay closeted for their own protection in society (Herek, 2009; Herek & Berrill, 1992; Lee, 2008; Lombardi et al., 2002). LGBTQ+ individuals in the United States (U.S.) have often been othered, shunned, and labeled “illegal” through laws and policies (Lee, 2008; Najdowski, Clearly, & Stevenson, 2015; Tex. Penal Code Ann. § 21.11(b)(1)). One example is through the “pink” or “lavender scare” in which a moral panic broke out in the 1940s to the 1960s where gay, lesbian, and queer individuals were fired from federal positions and could be arrested under the “sex perversion elimination program” (Adkins, 2016; Johnson, 2009). Congress also passed an act to treat “sexual psychopaths” which labeled gay, lesbian, queer, and individuals in same-sex romantic relationships as mentally ill and accelerated the arrest of people who acted on their “same-sex desires” (Adkins, 2016; Johnson, 2009).

A second example of marginalization is through the LGBTQ+ panic defense, which allows someone that murdered an individual to claim that the reason they committed the murder

¹ The plus in LGBTQ+ refers to intersex and asexual individuals, two-spirit individuals (i.e., a term used by some Indigenous/Native individuals to describe their gender identity, gender expression, sexual orientation and/or spiritual identity) (see Pyle, 2018 for more information), as well as individuals of other genders (e.g., nonbinary) and sexual orientations (e.g., pansexual, demisexual). Please see appendix A for definitions of common terms.

The term juvenile “legal” system is used throughout rather than the traditional language of juvenile “justice”—researchers and advocates have identified numerous ways in which the system is not always just, equitable, nor fair. Scholar referring to the juvenile legal system instead of the juvenile justice system is becoming more common (see Granski, Javdani, Sichel, & Rentki, 2020; Javdani, Singh, & Sichel, 2017; Singh, Javdani, Berezin, & Sichel, 2020). This is especially true for Black, Indigenous individuals and people of color (BIPOC), LGBTQ+ individuals, women/girls, and other marginalized groups (e.g., immigrants, people living in poverty) (see Chesney-Lind & Eliason, 2006; Conron & Wilson, 2019; Epstein, Blake, & González, 2017; Irvine & Canfield, 2017; Gaarder, Rodriguez, & Zatz, 2006; Majd, Marksamer, & Reyes, 2009; Wilson et al., 2017).

was because they were afraid that the victim may be LGBTQ+ and might be coming onto them or about to do bodily harm (Lee, 2008; LGBTQ+ "Panic" Defense, 2020). This LGBTQ+ panic defense deems that murdering someone due to their marginalized gender identity, gender expression, or sexual orientation is legal (Lee, 2008; LGBTQ+ "Panic" Defense, 2020). In the U.S., the panic defense has been outlawed by only 11 states and is still being used today to excuse hate crimes and murder against LGBTQ+ individuals (LGBTQ+ "Panic" Defense, 2020).

Another example are Romeo and Juliet Clauses that states often implement to protect heterosexual couples that are in a relationship from statutory rape policies (Najdowski, et al., 2015; Tex. Penal Code Ann. § 21.11(b)(1)). However, this clause offers no safeguards for same-sex or queer couples (Najdowski, et al., 2015; Tex. Penal Code Ann. § 21.11(b)(1)). For instance, in Michigan a youth who is 17 years of age and a youth 15 years of age having consensual sex is classified as statutory rape (Najdowski, et al., 2015). The 17-year-old could be prosecuted for having consensual sex with their significant other and added to the sex offender register well beyond their youth (Najdowski, et al., 2015). Romeo and Juliet clauses would protect heterosexual couples from prosecution, but not gay, queer, lesbian, and same-sex couples (Najdowski, et al., 2015; Tex. Penal Code Ann. § 21.11(b)(1)). There are 19 U.S. states that require youth who plead guilty to sexting or consensual sex with other youths of a certain age to register as a sex offender; some sex registries require youth to be on it for 10 or more years or sometimes even life (Najdowski, et al., 2015). These serve as a couple of examples of how LGBTQ+ individuals face structural barriers in the criminal and juvenile legal system. These are also examples of broader barriers in the application of laws used to discriminate against the individuals in the LGBTQ+ community (Adkins, 2016; Johnson, 2009; Pizer et al., 2011). These are just a couple of examples which highlight that state and federal laws are lacking protections

for LGBTQ+ individuals; further, this extends into the criminal and juvenile legal system as well (Noga-Styron et al., 2012; Pizer, et al., 2011).

While research on this topic is still in its infancy in criminological research, early studies indicate that LGBTQ+ individuals are arrested, processed, convicted, or adjudicated at higher rates than straight, cisgender individuals (Center for American Progress & Movement Advance Project, 2016; Conron & Wilson, 2019; Hunt & Moodie-Mills, 2012; see appendix A for definitions). Research suggests this is especially pronounced for LGBTQ+ individuals of color, particularly Black individuals (Center for American Progress & Movement Advance Project, 2016; Conron & Wilson, 2019). In examining the history of the juvenile legal system, previous scholarship provides evidence that it was created to maintain the “norms” of the time and to control impoverished youth and immigrants into forced assimilation, especially through the goal of upholding white supremacy (Bell, 2016; Feld, 2019). One example of how this operates is through racial disparities that have persisted over time. Black and African American children once lived as enslaved people in the south, however, even when slavery was abolished Black and African American children were still discriminated against by Jim Crow laws that denied them access to white reform institutions (Bell, 2016; Nunn, 2002; Ward, 2012). Black and African American youth were also treated harsher in the juvenile legal system than white and European Americans and more likely to be arrested, convicted, and transferred to adult criminal court (Nunn, 2002), which is still true today (Bell, 2016; Hockenberry, 2014).

To better understand the juvenile legal system origins and current practices, it is vital to address that some of the systems created in the U.S. are rooted in white supremacy and the patriarchy (e.g., police, legal system). Modern day police can be traced back to “slave patrols” and are still oppressing Black individuals and enforcing white supremacy today (Du Bois, 2007;

Vitale, 2017). Structural oppression of Black individuals manifests through police brutality, abuse, murder, and mass incarceration (Alexander, 2020; Edwards et al., 2018; Edwards et al., 2019; Walker et al., 2012). The system also maintains a patriarchal society, which is a system to uphold the dominance of men in society across economic, legal, cultural, and social institutions (D'Ignazio & Klein, 2020). In this system, women, girls, and people assigned female at birth of other genders are held to different standards than cisgender men. For example, from a historical perspective, women, girls, and people assigned female at birth would be arrested, convicted, and sent to residential or correctional facilities for sexual activity (e.g., adultery, 'lascivious carriage,' prostitution), but men and boys would rarely be punished for sexual activity (Chesney-Lind & Pasko, 2012; Rierden, 1997).

Even in recent years, the juvenile legal system often aims to control the sexuality of girls' and youth assigned female at birth through certain offenses (e.g., incorrigibility) (Chesney-Lind & Pasko, 2012). In some states, girls are even treated as "prostitute" offenders in the juvenile legal system, when they are victims of sex trafficking based on U.S. federal legislation defining any commercial sex exchange among minors as human trafficking (Anderson et al., 2017; Cole & Sprang, 2014; Finklea et al., 2015). In sum, gender and racial/ethnic disparities have persisted over time in the juvenile legal system even if they manifest through different mechanisms today than in the past.

Similar to mainstream society in the U.S., the juvenile legal system has operated to conform to white Anglo cis-heteronormative ideals since its formation, reflected over the last century in juvenile court policy and practice (Chesney-Lind et al., 2008; Chesney-Lind & Shelden, 2013; Potter, 2015). The juvenile legal system heightens this by acting to enforce these ideals and "criminalizing" those who do not fall within them (e.g., LGBTQ+ youth and youth of

color). Moreover, recent research has documented that youth in the LGBTQ+ community, especially youth of color, are disproportionately represented in the juvenile legal system (Center for American Progress & Movement Advance Project, 2016; Conron & Wilson, 2019; Holsinger & Hodge, 2016; Hunt & Moodie-Mills, 2012; Irvine & Canfield, 2017). One explanation for this is that these youth are being exposed to certain systemic (e.g., institutional oppression, expectations around gender norms) and social experiences (e.g., higher rates of victimization including physical, sexual, and psychological abuse and bullying) at disproportionate rates (Conron & Wilson, 2019; Hunt & Moodie-Mills, 2012; Irvine & Canfield, 2017; Jonnson et al., 2019). Many LGBTQ+ and gender non-conforming youth experience pathways into the juvenile legal system that are further shaped and exacerbated by institutional oppression (Conron & Wilson, 2019; Hunt & Moodie-Mills, 2012; Irvine & Canfield, 2017; Jonnson et al., 2019). LGBT and gender nonconforming youth² often experience increased rates of abuse, rejection, and neglect, from family and guardians compared to straight, cisgender youth (Conron & Wilson, 2019; Irvine & Canfield, 2017; Jonnson et al., 2019). Rejection in particular can lead to LGBTQ+ youth running away from home at a higher rate than others, and while on the streets they may turn to informal means (e.g., sex work, selling drugs) for economic survival (Epstein & Edelman, 2013; Hunt & Moodie-Mills, 2012; Irvine & Canfield, 2017; Jonnson, et al., 2019). Furthermore, LGBT and gender nonconforming youth have a higher likelihood of being removed from their homes due to neglect or abuse, have a higher likelihood of experiencing homelessness, engaging in survival sex, and are more likely to be expelled or suspended from school (Conron & Wilson, 2019; Dank et al., 2017; Irvine & Canfield, 2017; Murphy, 2017). There are often

² Please note that the term LGBTQ and gender nonconforming terms are used here to reflect the studies discussed (see Conron & Wilson, 2019; Irvine & Canfield, 2017). Throughout this dissertation, the language and acronyms used will reflect those of the authors of the primary source.

multiple intersections of oppression for LGBTQ+ youth of various racial/ethnic backgrounds, diverse cultural upbringings, religions, genders, abilities, family socioeconomic status, and previous experiences with trauma.

Prior research identifies that the combination of racism (Aghasaleh, 2018; Epstein et al., 2016; Holley, 2006; Mitchell, 2005), misogyny (Chesney-Lind, 2020; Crenshaw, 1993), homophobia (Alden & Parker, 2005; Aghasaleh, 2018; Wilson et al., 2017), and transphobia (Ansara, 2012; Bettcher, 2014) are important to understand in society, which is why it is critical to take an intersectional lens to examine the innerworkings of individuals' identities.³ The term intersectional was coined by Kimberlé Crenshaw, a critical race scholar, lawyer, and civil rights activist, referring to the way in which individuals' various identities interact and intersect with one another internally and in society (e.g., Black lesbian women) (see Crenshaw, 1991). Humans have their own unique set of privileges and sources of oppression that come with their social identities (Collins, 2000; 2008). Oluo explains this further by stating that “these privileges and oppressions do not exist in a vacuum, however, and can combine with each other, compound each other, mitigate each other, and contradict each other” (Oluo, 2018, p. 67-68). Oluo (2018) points out that even social justice movements are often centered around the most privileged groups. For example, anti-racism groups tend to prioritize and focus on straight men of color and their needs, feminist groups prioritize white women, LGBTQ+ groups prioritize cisgender, white gay men, and disability rights groups often prioritize disabled white men (Oluo, 2018). Oluo (2018) asks readers to imagine where this may leave a transgender, disabled, Latinx woman on

³ It is also important to note that the individual's native language, location the individual was born, individuals' level of disability or non-disability, individuals' immigration status, skin color, ethnicity, and socioeconomic status, are also significant factors to note. This is especially true in American society in which xenophobia (Hayduk & García-Castañón, 2018; Lee, 2019; 2020), ableism (Campbell, 2009; Kattari, 2015; Morgan, 2018) colorism (Hunter, 2016; Reece, 2020), and classism (Aghasaleh, 2018; Holley, 2006) are widespread in society.

social and racial justice groups' priority lists. These groups often leave underrepresented populations behind even in the context of these progressive movements (Oluo, 2018). This highlights why intersectionality is an important framework in everyday life and is especially useful when conducting research or examining policies and practices impacting diverse populations. Given the issues of disproportionality across multiple, intersecting social identities that have been identified in research on system-involved youth, it is especially important to begin examining intersectionality in context of the juvenile legal system.

Juvenile Legal System: Intersectional Studies

Previous studies have examined the disparities and differential treatment across race/ethnicity or LGBTQ+ youth involved with the juvenile legal system (see, e.g., Cochran & Mears, 2015; Himmelstein & Brückner, 2011). As noted previously, research about youth of color in the juvenile legal system consistently documents issues of overrepresentation and disparities in juvenile court responses (Conron & Wilson, 2019; Leiber et al., 2016; Lehmann et al., 2017; Rodriguez, 2010). Using the Census of Juveniles in Residential Placement (CJRP) Survey conducted through the Office of Juvenile Justice and Delinquency Prevention (OJJDP), The W. Haywood Burns Institute (2016) identified system-involved Latinx(e) youth are almost two times more likely to be placed in out-of-home or secure residential facilities than white youth charged with the same offense. Additionally, Native American/Indigenous and Black youth are four times more likely to be placed than white youth charged with the same offense (W. Haywood Burns Institute, 2016). In 2013, there were 1.6 Latinx(e) youth, 4.3 Black youth, 0.3 youth who were Asian and/or Pacific Islander, and 3.7 Native American/Indigenous youth for every out-of-home placement for white youth (W. Haywood Burns Institute, 2016). These prevalence estimates were described in detail because they are national level estimates. Further,

there is a growing interest in research that examines potential disparities with respect to LGBTQ+ youth in the juvenile legal system. Irvine and Canfield (2017) identified that about 20% youth held in California detention centers are LGBQ and gender nonconforming youth; however, there are only about 7 to 9% of LGBTQ youth in the U.S. (W. Haywood Burns Institute, 2016). This data shows a disparity in terms of the overrepresentation of LGBTQ youth in the juvenile legal system (Center for American Progress & Movement Advancement Project, 2016). Also, the majority of LGBTQ+ and gender nonconforming youth in the juvenile legal system are Black, Indigenous, and People of Color (BIPOC) youth (Conron & Wilson, 2019; Irvine & Canfield, 2017). This suggests that multiple intersecting oppressive systems (e.g., white supremacy, racism, heterosexism, homophobia, transphobia) may be the underlying mechanisms causing these disparities. Because of this, research on intersectional identities and how the juvenile legal system responds to youth of intersecting marginalized identities is important.

Study Purpose and Research Aims

Due to the overrepresentation of LGBTQ+ youth, especially LGBTQ+ girls of color in the juvenile legal system, the vast number of policies and practices that further criminalize and/or deviantize LGBTQ+ youth at different intersecting identities and the interrelated consequences of these disparities (e.g., psychological and/or physical trauma from juvenile legal system encounters, violence and police brutality against youth, mental and physical health disparities, increased self-harm and suicide rates, and housing and employment discrimination), this dissertation serves to highlight the problems at different levels of court processing, influence policy and practice to help reduce disparities and the harmful, potentially deadly, long-term consequences that arise with them, and highlight interpersonal discrimination, as well as broader systemic issues that arise from oppressive systems (Aalsma et al., 2016; Casiano et al., 2013; Center for American Progress & Movement Advancement Project, 2016; Conron & Wilson,

2019; Hoytt et al., 2003; Iguchi et al., 2005; Irvine & Canfield, 2017; Pager, 2003; Shelton et al., 2018; The Trevor Project, 2021). This dissertation uses an intersectional multi-racial feminist framework to examine the interplay between race/ethnicity, gender identity, sexual orientation, and gender expression in the juvenile court and how the juvenile court responds to youth of various intersectional identities. An intersectional multiracial feminist framework is important to use to inform analyses and interpret results because all of these identities together, especially race/ethnicity and gender, affect the way in which individuals are treated interpersonally and systemically within systems of oppression and systems of power (Baca Zinn & Thornton Dill, 1996; Crenshaw, 1991; Collins, 2008). Further, an intersectional perspective allows various inequalities to be considered together even when examining different pathways to the juvenile legal system and court processing outcomes (Chesney-Lind, 2006). This dissertation aims to examine the association between intersectional identities in court processing in one large juvenile court in the midwestern U.S. with two main goals: (1) describe the prevalence of LGBTQ+ youth in the juvenile court and their intersections with race/ethnicity and (2) examine court processing outcomes for system-involved youth regarding sexual orientation, gender identity, gender expression, and race/ethnicity. These aims are urgent as youth of intersecting marginalized identities are often ignored in research and within the juvenile legal system. However, LGBTQ+ youth, especially girls of color face multiple oppressive systems and often are treated harsher and discriminated against in the juvenile legal system. To shed light on this, it is important to obtain prevalence rates, highlight the problem, and try to come up with viable solutions to stop these systems of oppression. Some notable consequences to oppression are police brutality and violence, murder and hate crimes, further trauma with juvenile legal system encounters, health disparities, higher suicide and self-harm rates, homelessness, and housing and employment

discrimination (Aalsma et al., 2016; Casiano et al., 2013; Hoytt et al., 2003; Iguchi et al., 2005; Irvine & Canfield, 2017; Shelton et al., 2018; The Trevor Project, 2021).

Within each of these research goals there are multiple research questions to provide more information. First, this dissertation includes a series of descriptive research questions examining information on gender identity, race/ethnicity, sexual orientation, and gender expression among additional demographic factors (e.g., age). Youth receiving various court referrals and court charges are examined regarding variations by race/ethnicity, gender identity, gender expression, and sexual orientation. Second, this dissertation includes a series of inferential research questions on how youth are processed in the official juvenile court and for youth that were diverted from the system, while examining the role race/ethnicity, sexual orientation, gender identity, and gender expression may play in court decision making. To be more specific, questions investigate whether sexual orientation, gender identity, or gender expression predict whether youth are diverted from the juvenile court or whether they are officially placed in the juvenile court system, and if different racial/ethnic categories moderate that relationship. This is used to determine if there are disparities across intersectional identities. In sum, the purpose of this dissertation is to gain a better understanding of how the juvenile court responds to various intersections of LGBTQ+ youth, especially regarding different racial/ethnic categories and if disparities across intersectional identities exist in the context of juvenile court processing. This is one of the first studies to examine these intersections among court-involved youth using a large administrative dataset with various court processing outcomes. Due to the consequences of disparities, this is very much life or death situations in many cases for youth as there are long-term effects of juvenile legal system involvement (e.g., physical and psychological trauma, violence, homelessness, and voting, employment, and housing discrimination) for BIPOC and

LGBTQ+ and GNC youth, especially LGBTQ+/GNC youth of color. These are critical and life-threatening consequences, youth are in danger and will continue to be if disparities and underlying oppressive systems are not properly addressed; this is why this dissertation is vital and aims to center intersectional identities of LGBTQ+ and GNC youth, girls, and youth of color, youth who have been previously ignored in research, practice, policy, and the juvenile legal system.

In the following chapters, the theoretical framework is discussed along with a review of relevant literature, research methodology, results, and the discussion chapter. More specifically, the literature review includes a discussion of the intersectionality, multiracial feminism, matrix of domination, and feminist pathways theoretical frameworks, an overview of the history of the juvenile legal system, previous research documenting manifestations of bias in the juvenile legal system based on social identities, and empirical work examining disparities in the juvenile legal system based on race/ethnicity, gender, and sexual orientation. The literature review chapter concludes with an overview of the current study and research questions. The methods chapter reviews all aspects of agency record data collection, including a detailed overview of the sample, variables and measures of interest, and the analytic plan. Next, the result chapter provides findings from both the descriptive and inferential research questions. Finally, the dissertation concludes with the discussion chapter, which provides discussions of key findings, implications, recommendations, and future research aims.

CHAPTER 2: LITERATURE REVIEW

Before discussing the current study in depth, it is important to understand the theoretical framework underlying the study, the history behind the juvenile legal system as it relates to youth of various races, ethnicities, genders, and sexual orientations, biases in the juvenile legal system impacting certain sub-populations of youth (e.g., girls, youth of color, queer youth), and racial, ethnic, gender, and LGBTQ+ disparities across outcomes in the juvenile legal system. These discussions, historical contexts, and prior treatment of youth provide an important foundation for the current study. This literature review is divided into five major sections including the theoretical frameworks, historical and contemporary responses by the juvenile legal system, biases in system responses, disparities in system processing, and aims of the current study.

First, intersectional, multiracial feminism, and feminist pathways theory are discussed as the theoretical framework for this study. This section includes subsections that further elaborate on intersectionality and multiracial feminism, which includes a discussion on the “matrix of domination” (see Crenshaw, 1991; Collins, 2000; Baca Zinn & Thornton Dill, 1996). These theories highlight the integrative approach of this study.

Second, the historical context and responses of the juvenile legal system are discussed, including the development and roots of the juvenile legal system, the child savers movement, the patriarchal juvenile legal system towards girls and youth that were assigned female at birth, and the intersectionality of gender, race, and sexual orientation. The section concludes with a review of policies and programming in the juvenile legal system, most notably gender-responsive programming and policy reform.

Third, the biases in the juvenile legal system's response to youth are reviewed as it can lead to further inequalities in how the system processes youth through inequitable dismissal, sanctions, diversion, or intervention. This section also includes a discussion regarding the perceptions of juvenile court actors (e.g., juvenile probation officers, social workers, judges), and implicit biases of actors within the juvenile legal system.

Fourth, the literature focusing on the disparities in the juvenile legal system are reviewed. This section reviews literature examining disparities across gender, race/ethnicity, and intersecting marginalized identities of youth in the system. This section also includes a review of research on system-involved LGBTQ+ youth.

Fifth, the final section of this literature review focuses on the aims of the current study, including key goals and research objectives.

Theoretical Framework: Feminist Pathways and Intersectionality/Multiracial Feminism

This dissertation draws on feminist pathways theory as well as intersectional, multi-racial feminist frameworks to examine court processing of youth. LGBTQ+ youth of color are overrepresented in the juvenile legal system and the child welfare system, especially girls of color (Irvine & Canfield, 2016; Wilson & Kastanis, 2015). Because of this, it is not enough to simply examine racial/ethnic disparities, nor gender disparities, nor LGBTQ+ disparities in the system alone, but it is important to examine them together accounting for youths' many intersectional identities. This study examines the intersections of race/ethnicity, gender identity, gender expression, and sexual orientation among youth involved with the juvenile legal system.

This dissertation uses an integrated theoretical framework based on intersectional feminism and feminist pathways theory. These theoretical frameworks provide a foundation for understanding how marginalized populations of youth become system involved and the potential

disparities with respect to differential responses and impacts while system involved. The theoretical framework for this dissertation is based on Kimberlé Crenshaw's intersectionality approach, Dr. Patricia Hill Collins's "matrix of domination", Drs Maxine Baca Zinn and Bonnie Thornton Dill's multiracial feminism perspective, and feminist pathways theory (see Baca Zinn & Thornton Dill, 1996; Crenshaw, 1991; Collins, 2000; Daly, 1992; Wattanaporn & Holtfreter, 2014). Prior to reviewing the intersectionality literature, feminist pathways theory and research is discussed as a theoretical anchor.

Feminist Pathways Theory

Feminist pathway theory holds that women and girls are often caught in a cycle of victimization and criminal or juvenile legal system involvement (Wattanaporn & Holtfreter, 2014). This theory highlights that girls and women have differential exposure to risks compared to boys and men (Salisbury & Van Voorhis, 2009). According to Brennan et al. (2012), there are risks that are associated with the behavior of boys/ men and girls/women that are often referred to as "gender-neutral" risks (e.g., education, peer associations, attitudes); however, there are also specific risk factors for girls/women (e.g., mental health needs, prior victimization experiences) that increase their likelihood of entering into the legal system. Feminist pathways theory holds that there are different pathways to the legal system for boys and girls and also holds that victimization set women and girls on a "pathway" to committing a criminal or delinquent act (Daly, 1992; Wattanaporn & Holtfreter, 2014). This pathway often begins in childhood or adolescence (Acoca & Dedel, 1998; DeHart & Moran, 2015; Wattanaporn & Holtfreter, 2014); further, this cycle highlights girls' experiences with trauma and their needs if they enter the juvenile legal system (Acoca & Dedel, 1998; Javdani & Allen, 2016). One commonly cited example is a girl running away from an abusive household, which was likely a survival strategy,

but it lead to her arrest and subsequent juvenile court involvement (Chesney-Lind, 1989). Girls who ran away were not able to take a job or enroll in school without being found, so often they were forced into theft, sex for money, or panhandling just to survive (Chesney-Lind, 1989). For youth, an arrest for running away is considered a status offense (Chesney-Lind, 1989; Chesney-Lind, Morash, & Stevens, 2008). Arrests for statuses offenses are often an initial referral pathway to the juvenile court, especially for girls (Chesney-Lind, 1989; Chesney-Lind, Morash, & Stevens, 2008). Homelessness could also lead to survival “crimes” (e.g., selling drugs, commercial sex) to make money for adequate food and housing, which could put the individual in a position to be victimized again (Chen, Tyler, Whitbeck, & Hoyt, 2004; Chesney-Lind, Morash, & Stevens, 2008). Other factors may intersect with gendered pathways (e.g., victimization) into the juvenile legal system as well (e.g., race, ethnicity, socioeconomic status, education, etc.) as poverty, racism, and a lack of education play a role in pushing girls away from institutions society deems conventions and towards antisocial subcultures (Arnold, 1992).

Prior research has provided extensive empirical support for this theory (Acoca & Dedel, 1998; Acoca, 1998; Wattanaporn & Holtfreter, 2014), including the finding that compared to incarcerated boys, incarcerated girls are three to four times more likely to have been abused in the past (Acoca, 1998). Literature on feminist pathways theory often solely focuses on binary gender and centers woman and girls, since most criminological theories are based on men and boys’ pathways to the system (Chesney-Lind & Eliason, 2006; Chesney-Lind, Morash, Stevens, 2008; Gaarder et al., 2004). However, the gender binary limits our understanding of pathways and lacks representation of other gender identities (e.g., gender fluid, bigender, genderqueer). Further, this literature often fails to take into account youths’ race/ethnicity. However, it is important to consider as many BIPOC youth experience racism on a daily basis and if

interpersonal racial discrimination is coming from a police officer or juvenile court actor it can be even more devastating for youth, especially girls of color in the juvenile legal system (Arnold, 1992; Center for American Progress & Movement Advancement Project, 2016; Cho et al., 2013; Crenshaw, 1991; Espiritu, 1997; Fagan, 2010; Majd et al., 2009; John Ridolfi, 2016; Wilson et al., 2017). Furthermore, it is important to examine the intersectional identities of youth (e.g., sexual orientation, race/ethnicity, gender identity, gender expression, socioeconomic status) and how they fit within Dr. Collin's *matrix of domination* as there are different power systems at play that oppress some identities (e.g., youth of color, queer, transgender) and leave other identities privileged (e.g., white, straight, cisgender). Because of this, it may be important to integrate intersectionality and feminist pathways theory as some researchers have called for previously (see Burgess-Proctor, 2006; Potter, 2015). In sum, there have been very limited applications of a feminist pathways and intersectional approach in studying youth populations.

Intersectionality

Intersectionality refers to the interplay between multiple identities (e.g., race, class, gender) and how these identities together shape the way in which individuals experience day to day life and how others treat people (see Crenshaw, 1991). The "matrix of domination" ties into Crenshaw's intersectionality approach as it refers to the power structures in place in which some individual identities are oppressed in society (e.g., Black, Indigenous, and people of color, women, LGBTQ+ individuals), while other identities are privileged (e.g., white, straight, cisgender men) (see Collins, 2000). These power structures are theorized to be the mechanisms that produce disparities across institutions in society. Multiracial feminism perspective is based on various intersectional works by women of color and holds that race should be considered a

power system that interacts with other oppressed identities to influence gender (see Baca Zinn & Thornton Dill, 1996). This section will discuss these perspectives in depth.

There has always been tension between dominant, mainstream identities and intersecting marginalized identities (Crenshaw, 1991). In the U.S., dominant mainstream identities often refer to and center white, straight, upper middle class or rich, cisgender men. Further non-mainstream identities often refer to Black, Indigenous, and people of color (BIPOC), impoverished individuals, LGBTQ+ individuals' and other marginalized identities (Collins & Bilgus, 2020; Crenshaw, 1991). This is often referred to as "identity politics"; however, one issue with the identity politics argument is that it often conflates and disregards differences within the intragroup, and not, as some critics claim that it is due the failure to show difference (Crenshaw, 1991). This is a problem as marginalization happens within groups for various reasons due to different forms of discrimination for various intersecting identities. For example, violence against women is often shaped by other identities such as race and class (Brograd, 1999; Crenshaw, 1991; Sokoloff & Dupont, 2005). If the victim is a middle-class Black or African American woman, then she may have other family or friends to turn to for help or support, but she may not call police for an emergency due to the disparities in treatment of Black individuals in the criminal legal system (Richie, 2000).

The feminist and anti-racist movements often do not consider intersections of sexism and racism in research, policy, and practice. The feminist movement largely centered white women and often ignored women of color (Andersen & Collins, 2004; Richie, 2000). Further, it was not until the third wave of feminism that multi-cultural and multi-racial issues were brought to light (Andersen & Collins, 2004; Daly & Chesney-Lind, 1988). In 2017, millions of people took to the streets for the Women's March, an ongoing organization that was created by women of color to

fight for the rights of all women (e.g., Black, Indigenous, Jewish, Muslim, Latin(x), Asian and Pacific Islander, immigrant, disabled, and LGBTQ+ women) (see Women's March, 2020). Despite these marches (and even within some of these marches), the feminist movement has been largely comprised of cis, white women using varying definitions of feminism. Although there are many different definitions, this study defines feminism as the “diverse and wide-ranging projects that name and challenge sexism and other forces of oppression, as well as those which seek to create more just, equitable, and livable futures” (D’Ignazio & Klein, 2020, p. 6). This definition was chosen due to its wide scope to incorporate intersectional marginalized identities that includes the work of Kimberlé Crenshaw, Dr. Patricia Hill Collins, Dr. Maxine Baca Zinn, and Dr. Bonnie Thornton Dill among others.

The problem is being publicized and politicized that people are either seen as women *or* as a person of color, not a woman *and* a person of color (Crenshaw, 1991). Black women, for example, are not in the traditional bounds of racism nor sexism (Barnett, 1993; Crenshaw, 1991; Collins, 2002). Black women’s experiences cannot be fully understood by simply looking at racism *or* sexism, it is imperative to examine them together (Crenshaw, 1991). Men of color often set the tone for anti-racist policy and white women often set the policies to reduce sexism (Crenshaw, 1991; Collins, 2002). However, neither of these groups fully understand and express the problems of racism and sexism combined that many women of color experience (Barnett, 1993; Crenshaw, 1991; Collins, 2002). Women of color can often be silenced by political actions and policy (Crenshaw, 1991). For example, sexual assault is often both sexist and racist, especially if the victim is a Black woman, as it does not matter if the perpetrator is Black, white, or another race because they are less likely to be charged and convicted (Crenshaw, 1991; Richie, 2000; Sokoloff & Dupont, 2005). Further, intersectionality is defined as:

Intersectionality investigates how intersecting power relations influence social relations across diverse societies as well as individual experiences in everyday life. As an analytic tool, intersectionality views categories of race, class, gender, sexuality, class, nation, ability, ethnicity, and age – among others – as interrelated and mutually shaping one another (Collins & Bilgus, 2020, p. 13).

Intersectionality acts as a way in which to view the complexity of the world, in humans and their various experiences (Collins & Bilgus, 2020). For example, Gaarder, Rodriguez, and Zatz (2004), evaluated the intersections of gender, class, race, ethnicity, and culture of girls in the juvenile legal system and found that many juvenile probation officers relied on gender, racial, and ethnic stereotypes when considering intervention referrals.

Crenshaw (1991) further notes that Black women's experiences also cannot be fully understood just by examining race and gender, scholars also need to consider color, sexual orientation, age, and class (also see Collins, 2002). In developing an intersectional theoretical framework, Crenshaw's work focuses on gender, class, and race as the three factors that work together to further marginalize groups, which act as multilayered systems of oppression. That is, women are faced with oppression based on gender and class and women of color are also faced with racial discrimination (Brograd, 1999; Crenshaw, 1991; Richie, 2000). Women of color often face racial discrimination in regard to health care, housing, employment as well, through: health care providers denying women of color, especially Black women, care or not taking their symptoms seriously, which results in worse health outcomes and higher death rates than white women (Howell et al., 2016; 2017; Martin & Montagne, 2017; Randall, 1993); redlining certain areas of housing and not selling or renting to a certain racial or ethnic groups and through discrimination when applying and interviewing for jobs (Crenshaw, 1991; Galster, 1990; Pager,

2003; Pager & Sheperd, 2008) Further, in many communities of color, there are high unemployment rates due to multiple forms of racial discrimination (e.g., interpersonal and institutional) (Pager, 2003; Pager & Shepherd, 2008; Western, 2006), making it difficult for women of color to depend on family or friends for temporary shelter if needed (Crenshaw, 1991; Hampton, Carillo, & Kim, 1998; Richie, 2000). Another example is a case of domestic violence against women in heterosexual relationships. Poorer women, usually women of color, were more likely to end up in a shelter for domestic violence (Browne & Bassuk, 1997; Crenshaw, 1991; Gregory, Nnawulezi, & Sullivan, 2017; Nnawulezi & Sullivan, 2014). Research has noted that white women usually have more resources and other options, so they rely on domestic shelters less (Crenshaw, 1991; Richie, 2000). Further, women of color are more likely to have negative experiences in these shelters compared to white women (Nnawulezi & Sullivan, 2014), which may be partially due to the cultural biases of the white women staffing the shelters (Donnelly, Cook, Van Ausdale, & Foley, 2005).

Across additional intersectional dimensions, immigrant women who married U.S. citizens or permanent residents had to be in the marriage for two years before applying for permanent residency themselves (see 8 U.S.C. & 1186a, 1988). Because of this many immigrant women were afraid to leave their abusive husbands as they feared deportation (Amanor-Boadu et al., 2012). Even with the Immigration Act of 1990, immigrant women still feared deportation as they often were not able to meet the requirements due to further lack of resources (e.g., filing police reports, medical records, medical doctors, psychologists, social workers) (Amanor-Boadu et al., 2012; Crenshaw, 1991). Sometimes there were cultural barriers or language barriers, in which the women relied on their husbands to provide information about residency and processes. In turn, the husband had a lot of power and could tell their wife whatever they wanted (e.g., you

will be deported if you do x). Language acts as a further structural problem as even many women's shelters turn non-English speakers away due to the lack of bilingual staff (Crenshaw, 1991). Women of color suffer from various types of marginalization most notably due to the practices and policies in place that do not take intersectionalities into account, especially in terms of gender, race, class, immigrant status, and whether English is the individual's native language (Brograd, 1999; Crenshaw, 1991, Cho, Crenshaw, & McCall, 2013; Purdie-Vaughns, & Eibach, 2008; Richie, 2000).

Further, intersectionality can provide a framework for viewing other marginalized groups experiences as well (e.g., LGBTQ+ individuals at different intersections of race/ethnicity) (Andersen & Collins, 2001; Collins, 2002; Collins & Bilgus, 2020; Crenshaw, 1991). For example, a queer woman of color is not just a queer individual in a group of queer people, or a woman in a group of women, or person of color (POC) in a POC group. This person may have very little shared experiences in a group of just all women, or all POC, or all queer people; even within groups where people share some multiple intersecting identities, there are still a lot of different and diverse experiences and perspectives. Thus, it is important to consider intersectional identities. In regard to the juvenile legal system, there are documented disparities for youth of color, girls, and LGBTQ+ youth (Fagan, 2010; Irvine & Canfield, 2016; Javdani, Sadeh & Verona, 2011; Sickmund & Puzanchera, 2014; Wilson et al., 2017). For legal system-involved girls, studies have documented an increased proportion of girls entering the juvenile legal system compared to boys over the last few decades (Sickmund & Puzanchera, 2014); this is largely due to the change in the system's response to girls as they are not necessarily committing more, or more serious, offenses (Javdani, Sadeh, & Verona, 2011). However, it is important to examine all these identities together as LGBTQ+ girls and other genders of color

are overrepresented in the juvenile legal system and experience multiple forms of oppression (e.g., racism, sexism, homophobia, transphobia) (Center for American Progress & Movement Advancement Project, 2016; Cho et al., 2013; Majd et al., 2009).

Multiracial Feminism

To advance knowledge on gender and crime, an explicit focus on intersecting identities and inequalities is needed (Burgess-Proctor, 2006). To accomplish this, scholars can examine links among crime and inequality using a framework that centers intersectional theory cultivated by multiracial feminism. The term multiracial feminism was coined by Maxine Baca Zinn and Bonnie Thornton Dill as a broad framework that focuses on intersectional connections (Burgess-Proctor, 2006, p. 28). In the U.S., multiracial feminism is made up of different perspectives created predominantly by women of color (e.g., Native Americans/Indigenous individuals, Latinas/Latina(e)(x) Americans, Asian/ Asian Americans, and Black/African Americans) (Baca Zinn & Thornton Dill, 1996). Some examples of previous works on these intersections includes Dr. Chela Sandoval's "U.S. third world feminism" (Baca Zinn & Thornton Dill, 1996) and *Black Feminist Thought* by Dr. Patricia Hill Collins (see Collins, 2002). U.S. third world feminism provides a different way of viewing oppression and feminism in the U.S. by focusing on the vast and varying genders, classes, languages, cultures, races, and ethnicities of individuals. This theory brings a different level of consciousness to multiracial feminism that includes new conditions and possibilities in terms of race, class, and gender consciousness (Sandoval, 1991).

Collins' (2002) work characterizes Black feminist thought as a critical social theory that centers Black and African American women. Further, Collins (2002) discusses the ways in which power functions within contexts of privilege and oppression. This perspective contributes voices of Black and African American women that have been historically silenced to multiracial

feminism. Multiracial feminism emphasizes “race as a power system that interacts with other structured inequalities” to influence genders (Baca Zinn & Thornton Dill, 1996, p. 324). Furthermore, for each individual these structured inequalities occur simultaneously to create a specific social location (Baca Zinn & Thornton Dill, 1996). Scholars assert that race, gender, class, and sexuality are factors of social interaction and structure; because of this, people of different genders experience differing forms of oppression and privilege (Baca Zinn & Thornton Dill, 1996). Individuals experience both privilege and oppression from various social structures and interactions, referred to as the notion of “both/and” (Burgess-Proctor, 2006; Collins, 2000; Daly & Stephens, 1995). The “both/and” concept simply highlights the importance of multiple social structures, how they intersect and interact with one another in society, and taking each of these identities and structures into account (Collins, 2000; Daly & Stephens, 1995). Multiracial feminism also includes the idea of relationality, which brings to light that women are structurally linked in society, in which some women (e.g., white, straight, cisgender) benefit from the oppression of others (e.g., women of color, queer individuals, transgender individuals) (Baca Zinn & Thornton Dill, 1996).

The “both/and” concept is important to note within multiracial feminism, which refers to the concept that people experience “both” forms of oppression “and” forms of privilege (Collins, 2000). This concept also relates to the innerworkings of both the social structure and the social interaction among people (Baca Zinn & Thornton Dill, 1996). One example of this in the criminological literature is the interactions between individuals’ identities based on race, class, and gender (Burgess-Proctor, 2006). For example, there are three modes in which scholars chose to study and examine the intersections of gender and race within the criminology and criminal justice literature (Daly & Tonry, 1997). First, scholars examine whether laws, practices, and

policies are sexist or racist by looking for the same or different treatment across genders and races (Daly & Tonry, 1997). Second, scholars investigate practices and laws from the treatment of white men (Daly & Tonry, 1997). Third, scholars examine racialized and gendered practices within law and policies, which also resembles an intersectional framework (Daly & Tonry, 1997). This perspective holds that all people live at the intersections of various gender, race, and class categories (e.g., white, working class man; Black, middle-class woman) (Daly & Tonry, 1997). In one empirical example, Leiber and Mack (2003) studied the effects of interrelated effects of gender and race on juvenile court outcome (e.g., diversion, adjudication) and found that Black and African American youth were treated harsher than white and European youth. They also found that white boys were given more lenient treatment compared to Black and African American boys and girls as well as white and European girls (Leiber & Mack, 2003). These findings further demonstrate the need for multiracial feminist approaches to research that take socialization processes into account, which is often framed by inequalities related to class, race and/or gender.

Multiracial feminism was created within the third wave of feminism as the second and first wave were not inclusive and only centered certain white women (Andersen & Collins, 2004; Burgess-Proctor, 2006, Belknap, 2020; Sokoloff, Price, & Flavin, 2004). The first wave of feminism focused on white women's suffrage, which began the women's movement in 1848 and ended in the early 1920s and excluded women of color and women of other marginalized identities despite their contributions to the women's movement (Belknap, 2020; Daly & Chesney-Lind, 1988; Mallicoat, 2018). In the mid 1960s, the second wave of feminism centered legal inequalities, sexuality, reproductive rights, victimization, and criminal behavior (Belknap, 2020; Daly & Chesney-Lind, 1988; Mallicoat, 2018; also see Hooks, 1981). The second wave of

feminism was often criticized for essentializing women and ignoring multi-cultural issues by lesbians and queer women, trans women, women of color, and individuals from other oppressed groups (Andersen & Collins, 2004; Belknap, 2001, 2020; Daly & Chesney-Lind, 1988).

Essentializing refers to one voice speaking on behalf of everyone and is usually a white, upper middle class or rich, cisgender, heterosexual voice (Sokoloff, Price, & Flavin, 2004). This voice often incorrectly assumes that all women have a similar experience due to their collective experience being oppressed by the patriarchy (Sokoloff, et al., 2004). Due to these problems multiracial feminism was born into the third wave of feminism. This wave focused on diverse perspectives and acknowledged the various intersectional identities of women (e.g., race/ethnicity, sexual orientation, gender). This approach holds that gender, sexuality, race, class, and other factors of inequality are historically based, dynamic socially constructed relationships in which are influenced by power and function concurrently at macro- and micro-structural levels (Burgess-Proctor, 2006; Weber & Parra-Medina, 2003).

Burgess-Proctor (2006) argues that the strongest intersectional approach is well-versed in multiracial feminism for three main reasons. First, because all interactions are racial. Second, since it has a commitment to social justice and change. Third, because of the emphasis on a coalition across races and reflects on BIPOC individuals' experiences (Burgess-Proctor, 2006; Daly & Stephens, 1995). There is very limited criminology and criminal justice research on the juvenile legal system using a multiracial feminism framework. However, there is a robust body juvenile research that examines a combination of some intersectional identities of youth (e.g., race, ethnicity, age, binary gender) (see Chesney-Lind, 2006; Cochran & Mears, 2015; Gaarder, Rodriguez, & Zatz, 2004; Freiburger & Burke, 2011; MacDonald & Chesney-Lind, 2001). For example, MacDonald and Chesney-Lind (2001) examined the intersections of race/ ethnicity

(e.g., East Asian, Hawaiian, white, Pacific/Southeast Asian), and binary gender (e.g., girls and boys) in the juvenile legal system. White girls and boys were more likely to be diverted from the system than youth of color (MacDonald & Chesney-Lind, 2001). They also found that binary gender and ethnicity played important roles in juvenile decision making as Hawaiian girls and other girls of color were dually disadvantaged in the juvenile legal system (MacDonald & Chesney-Lind, 2001).

Matrix of Domination. Collins (2000) coined the term the “matrix of domination” that refers to different power systems in which some individuals have higher power and unearned privileges than others. Collins included four main domains for this matrix. First, the structural domain posits that oppression is visible through laws and policies (Collins, 2008). For example, Jim Crow laws in the U.S. forced racial segregation in the past through laws on racial segregation and manifests in contemporary times through mass incarceration (Alexander, 2020; Collins, 2002; 2008). Second, the hegemonic domain acts to circulate oppressive thoughts and ideas through media and culture (Collins, 2008). For example, Black men were painted as hypersexual rapists following the Civil War and seen as a threat to white women; this myth was often used to “justify” the lynching of Black men (Collins, 2002; 2008). Third, the disciplinary domain acts to maintain and manage oppression by creating, upholding, and enforcing policy, practice, and laws (Collins, 2008). For example, the over-policing of Black communities (e.g., disproportionate minority contact and confinement) (Collins, 2002; 2008). Fourth, the interpersonal domain acts at the individual level and refers to the experiences of individuals in oppressive systems (Collins, 2008). Collins points out that often individuals are so focused on their own oppression, that they do not stop to consider other people’s marginalization nor how individual actions or thoughts may uphold oppressive systems (e.g., white supremacy, patriarchy,

heteronormativity (Collins, 2002; 2008). Furthermore, the matrix of domination ensures that one group dominates power through unearned privileges, which further oppresses marginalized groups (Collins, 2000; 2008).

Historical Responses of the Juvenile Court

The history of the juvenile legal system and how it was created is important to understand regarding the current juvenile legal system. This section is broken into three parts. The first subsection aims to discuss the origin of the juvenile legal system and the juvenile welfare system. Second, there is a discussion about the child savers movement generally and the Black child savers movement specifically. Third, the juvenile legal system's underlying patriarchal foundation is discussed along with how youth are treated based on gender, race, and sexual orientation. This section concludes with a review of policies and programs within the juvenile legal system and how youth are affected by these policies and practices (Appendix B reviews key historical points in the juvenile court).

In the 19th century, when a child committed a criminal act, they used to be arrested and housed with adults, while being viewed, not as children, but as “mini” adults (Fox, 1996; Rothman, 1980). This was problematic for many reasons. First, children's brains and bodies are not fully developed; second, there are unfair and dangerous power structures between adults and children; and third, kids being seen as easy victim targets by adults to name a few (Rothman, 1980). In the origins of the juvenile legal system was also influenced by social science research as research was conducted on the causes of delinquency (Sullivan, Piquero, & Cullen, 2012). Reformers of the juvenile legal system thought that they knew and understood the causes of criminal behavior in youth and by that they could come up with ways to respond to youth (Rothman, 1980). Further, William Healy was one of the most notable researchers to study the early juvenile legal system as he examined different factors that may cause delinquent behavior

in youth (e.g., mental activity, prior conditioning, social environment) (Healy, 1933; Laub, 2000; Sullivan, Piquero, & Cullen, 2012; Tanenhaus, 2004).

In 1824, a law was passed to open the House of Refuge for youth who were considered “reformable” in New York (Fox, 1996); however, it should be noted that Black children were not included in this effort (Bell, 2016). In 1828, another House of Refuge opened in Philadelphia and then other cities followed suit in the 1850s (Fox, 1996). These houses of refuge shared similar values and procedures, which included separating youth and adult individuals who committed a criminal act, aiming to rehabilitate youth as the primary goal, and only choosing certain youth who were deemed responsive to treatment (Fox, 1996). In the late 1830s, Black children started to be admitted to houses of refuge as well, but on average they were 1.5 to 2 years younger than white children and received much harsher treatment and longer sentences (Bell, 2016). In the late 1850s and early 1860s, the Chicago Reform School only took youth who would be fit to be reformed, which was largely discretionary (Fox, 1996). However, in the early 1870s the reform school closed and was deemed unconstitutional as no children were formally charged with a criminal offense and no children were granted due process (Fox, 1996). At this time, youth that were convicted of criminal charges were committed to a reformatory resembling an adult prison (Fox, 1996).

Child Savers Movement

In the late 1880s, the “child savers” began with a group of middle-class, Anglo white women who set out to try to make the city better, help impoverished children, and rid the city of “delinquents” (Platt, 1969; Platt, 1977). The main focus of the child savers was to take children out of the adult criminal legal process and design special programs for youth who committed delinquent acts, were neglected by guardians, or children who had nowhere else to go (Platt,

1969; Platt, 1977). Supporters of the child savers movement praised the child savers for creating a welfare system for children and their families, as well as for creating treatment programs for neglected children and youth who committed a delinquent act (Platt, 1969). The merging of the juvenile legal system with a welfare system was applauded by supporters of the movement and ensured that the underlying concept of the system included *parens patriae*, which allowed the juvenile court vast discretion for youth cases (Platt, 1969). During this time, juvenile cases were all informal and due process was “not applicable” in the same way as they acted for criminal safeguards for adults (Platt, 1969). However, this provided a way for the system to ignore and prevent any true safeguards to protect youth in the juvenile legal system (Rendleman, 1971).

In Pennsylvania, *parens patriae* was used for the first time to justify and ensure youths commitment to a residential facility (Rendleman, 1971). The juvenile courts often used *parens patriae* as a doctrine that allowed them to intervene in a child’s life to fill a parental role (Fox, 1996). This helped the child savers with their true goal of controlling youth who drank alcohol, begged, walked the streets, attended movies and dance halls often, participated in fighting, were sexual, and were seen at night (Platt, 1969). These goals were often directed at immigrant families and youth of lower-class migrants (Coupet, 2000; Platt, 1969). Lower class and poor immigrant children were disproportionately placed in the juvenile legal system as they were viewed as “genetically inferior” by Anglo, white native-born Americans (Coupet, 2000). In the year 1890, there were approximately 15,000 youth who were poor and/or neglected and came through the control of the juvenile legal system yearly (Fox, 1996). This was followed by the 1899 Act, which was to regulate the control and the treatment of neglected and dependent children, as well as children that committed a delinquent act (Fox, 1996). In 1899, the first

juvenile court was opened in Chicago, Illinois to start hearing cases for youth that were under 16 years of age (Bell, 2016).

History of the Child Welfare System. Part of the child savers movement aimed to stop child labor exploitation. The original child welfare system exploited youth who did not have a “stable” family, especially poor youth and ensured that these youth were indentured (Hacsi, 1996) and this was at the hands of the government and public officials (Hacsi, 1996). Years later, the child welfare system turned to asylums, then “placing-out” which took youth from impoverished urban areas and placed them into the country with protestant farmers (Katz, 1995) through the Children’s Aid Society which was anti-immigrant and anti-Catholic, then to boarding out or foster care (Hacsi, 1996). However, historically the child welfare system, especially during the asylum and placing out eras, excluded Black and African American children due to segregation and racial oppression (Billingsley & Giovannoni, 1972). Further, the child savers movement started the beginning the juvenile legal system, which was also tied to the rise in the child welfare system (Hacsi, 1996). However, the creation of the new court, increased the number of children in government wards outside of their family homes (Hacsi, 1996) and there was an overrepresentation of youth of color placed in the child welfare system (Courtney et al., 1996), which can be viewed as another mean of racial oppression by the government.

The Black Child Savers Movement. The child savers movement made sure that youth were treated separately than adults in the criminal legal system, a foundational component of an independent juvenile legal system; however, this movement was not without problems and limitations. Due to the child savers movement’s (created by middle class Anglo, white women) blatant silencing and ignoring of the racial and ethnic differences in societal power and poor treatment of Black youth, the Black child savers movement began (Bell, 2016; Chavez-Garcia,

2007; Platt, 1977). The Black child saver movement was developed by Black women, most notably, Julia Hooks, Ida B. Wells-Barrett, Janie Porter Barrett. Hooks and Wells-Barrett challenged white supremacy and Jim Crow laws in the south, but especially in Memphis (Ward, 2012). This movement was seen as an important turn for the juvenile legal system since Black youth were arrested and placed in institutions at a much higher rate than white and foreign-born youth during the early 20th century (Ward, 2012). Relatedly, the majority of Black and African American youth were placed in adult facilities (e.g., jails and prisons) (Chavez-Garcia, 2007; Ward, 2012).

Barrett became a prominent leader organizing and expanding juvenile legal system reforms in regard to race relations (Ward, 2012). She aimed to get every signal child out of jail and into local homes, including her own, where they would have space to grow and learn to become adults (Ward, 2012). In 1907 she was the first president of the Virginia State Federation of Colored Women's Clubs where she prioritized juvenile legal system reforms (Ward, 2012). However, there were financial challenges faced, many that white women did not have to worry about in their movement (Ward, 2012). For instance, white women were married and had access to white men with generational wealth, which made it easier for them to finance their plans and get legal advice (Platt, 1977; Ward, 2012). However, the leaders of the Black child savers movement did not have access to this type of wealth or white men, so they raised money themselves through small donations, usually from other Black individuals in the community (Ward, 2012). Barrett and others involved in the movement knew that the predominantly white government would probably not recognize their institutions or services, so Barrett took terms into her own hands and raised money herself from different clubs and two prominent Black community members who worked as an attorney and social worker (Ward, 2012). In 1915, she

opened the Home for Wayward Girls, which welcomed 28 Black girls from the Virginia court (Ward, 2012). After two years of self-funding, the government decided to subsidize it and was rated the highest institution in Virginia despite the limited programming and resources, Barrett was the superintendent until the 1930s when it was taken over by the Department of Public Welfare (Ward, 2012). Similar movements took place across the country in the hope to protect Black youth caught in the system. The Black child savers movement was influential, it decreased the amount of Black youth in adult prisons and jails, provided homes and interventions for youth in need, and challenged segregation laws.

Gender, Race, and Sexual Orientation in the Juvenile legal system

This section has three major and interrelated parts which are important to understand when considering the patriarchal and paternalistic history of the juvenile legal system. First, the ways in which girls are treated in the juvenile legal system relative to a patriarchal system are discussed. Second, the ways in which youth of different race/ethnicities are treated in the juvenile legal system. Third, the historical ways in which gender and race interacted in the juvenile legal system and how girls experience the system was predicated by race and sexual orientation are reviewed. Lastly, there is a discussion on how historical colonialism played a role in creating the gender binary and heterosexuality and how these systems are racialized.

The Patriarchal System. The juvenile legal system has always held to be a patriarchal institution, as the court acts as a “parent” to youth, especially girls, which is referred to as *parens patriae*. This term is Because of this, the juvenile court often follows the chivalry thesis. The chivalry thesis holds that stereotypes about gender influence decision making and outcomes for the person who committed the criminal or delinquent act (Rodriguez, Curry, & Lee, 2006). This thesis asserts that girls and women are “stereotyped as fickle and childlike” (p. 320), which

implies that girls are not fully responsible for the criminal act they committed (Rodriguez et al., 2006). This idea follows that girls and women need protection by boys and men (Rodriguez et al., 2006). Support for the chivalry thesis was found in adults (Rodriguez et al., 2006); however, more research is needed on chivalry in the juvenile legal system. When this thesis is applied to the juvenile legal system, it would follow that girls would receive preferential treatment by juvenile court actors who are cis straight men (Rodriguez et al., 2006). For example, a girl might be referred to the juvenile court because she was running away from home. Juvenile court actors may perceive a girl as more vulnerable and in need of help compared to a boy who ran away from his home. In turn, juvenile actors would take action when a girl runs away from home, but not when a boy runs away. The juvenile practitioner may act “chivalrous” as a way to try to “protect” the girl from harm. However, this thesis does not exist in a vacuum, there are still ongoing intersectional systems (e.g., racism, homophobia, transphobia, sexism, xenophobia, colorism) which may lead some girls to be “protected” and others punished or ignored. If the chivalry thesis is at play, we know that there are always individuals that fall outside of this driving decisions for youth as well, which is where selective chivalry comes to play. This holds that if youth labeled as “girls” are not stereotypically feminine, then they may be treated more harshly in the system, even worse than boys. This is further discussed in the next section.

Race/ethnicity in the Juvenile legal system. The effects of U.S. legal systems and colonization on youth of color throughout time are destructive, lethal, and still influences today's juvenile legal system (Bell, 2016) In 1819, the Civilization act was passed to capture and youth from Indigenous/Native American tribes, packaged it in a politicalized way of saying that they were trying to “save children from genocide”, and then forcefully kidnapped and abducted children from their homes and families to place them in boarding schools (i.e., residential

schools) far away from their families (Bell, 1996). In these “schools”, they were forced to adopt the values, beliefs, and morals of the “majority” (e.g., names, religion, behavior) population (e.g., white English and Protestant) and were banned from speaking their native languages, as a means of forced assimilation through beatings, starvation, neglect, and abuse (Bell, 1996; The National Native American Boarding School Healing Coalition, n.d.). Many children that were sent to these “schools” never returned home and were never addressed by the U.S. government (The National Native American Boarding School Healing Coalition, n.d.). In 1885, congress passed the Major Crimes Act that imposed English cultural values and made them the law of the land (Bell, 2016). This took away tribal sovereignty from Native American and Indigenous people and placed the power on the U.S. legal system (Bell, 2016). Furthermore, with the adoption of the first juvenile court in 1899, Black youth were marginalized and underserved in their communities and overrepresented in the juvenile legal system (Bell, 2016). In Tennessee, with racial segregation laws there were very separate systems for Black and white youth, the system for Black youth lacked resources and had small cottages, whereas white facilities had much more resources (e.g., courtroom, classrooms, housing, gyms) (Bell, 2016). Throughout time, youth of color were discriminated against repeatedly in the juvenile legal system (Bell, 2016). During the 1980s, a widely circulated myth that “super predators” would be the next dangerous criminals from birth would terrorize the community, which led to higher disparities in the youth and adult system for Black and brown youth (Bell, 2016). This movement further led to more tough on crime policies on delinquency and was even extended to school policies (Bell, 2016). Black girls were suspended at higher rates than girls of other racial/ethnic categories (Losen & Martinez, 2013). Further, Black youth were over four times as likely, Native American/ Indigenous youth were about three times as likely, and Latinx(e) youth about two

times as likely as white youth to be placed in residential placement facilities and prison (Hockenberry, 2014).

Intersectionality in the Patriarchal Juvenile legal system. In the 20th century, the juvenile legal system focused on “white⁴” ethnic immigrant youth to attempt to transform them from delinquents to new citizens and often excluded Black youth (Ward, 2012). For white immigrant girls, the juvenile legal system acted as a bit of a punishment, but more focused on reform school to teach girls how to be feminine, adhere to societal sex roles, and “be” heterosexual (Chesney-Lind, 1988; Chesney-Lind & Eliason, 2006; Irvine-Baker, Jones, Canfield, 2019; Singh, Javdani, Berezin, & Sichel, 2020). However, with the intersections of gender and race, Black girls were often not included in the juvenile legal system reforms for girls (Irvine-Baker, Jones, Canfield, 2019). The system today, often views LGBTQ+ girls and girls of color as “irredeemable” or “incapable of reform” and thought of as not worthy of treatment and resources that could help them exit the system in a successful way (Irvine-Baker et al., 2019, p. 325). In the juvenile legal system, if Black girls are viewed as violating colonization “femininity norms” (usually Anglo, white femininity norms such as passive, quiet, very thin), they are often treated more harshly in the system with focus on sanctions and punishment opposed to rehabilitation and programming (Irvine-Baker et al., 2019). This further clarifies that the juvenile

⁴ Immigrants, even from European countries were not always considered “white” by everyone in America (Guglielmo, & Salerno, 2012). However, Anglo white Americans worked hard to have (European) immigrant groups drop their past culture, language, religion, and values and assimilate into white American culture (e.g., white supremacy, the oppression of BIPOC individuals, and anti-Black racism) where they would be welcomed and rewarded with the privilege of “whiteness” (Guglielmo, & Salerno, 2012). This is how white supremacy was upheld and maintained in the U.S. This whiteness was first extended to northern Europeans, then eastern, and later southern (Guglielmo, & Salerno, 2012). These immigrant groups were often afforded the privilege of being considered “white on arrival” which helped many groups integrate over time; however, not all European immigrant groups were actually considered “white” by citizens in America in the 20th century (e.g., Italian immigrants) (Guglielmo, & Salerno, 2012). However, immigrants who were automatically considered “nonwhite” (e.g., Chinese immigrants) on arrival had a larger disadvantage and were further marginalized through racism and white supremacy (Guglielmo, & Salerno, 2012).

legal system may have racist and sexist undertones, using “traditional” white femininity as the measure for all girls. Further, the juvenile legal system often only identifies youth in strict binary “gender” categories (i.e., boy or girl). This is problematic as individuals do not always fit neatly into one of these categories, especially nonbinary transgender youth (Hyde et al., 2019; Montañez, 2017).

Colonialism Effects on Race, Gender, Sexual Orientation. These “femininity norms” are part of a larger issue in the U.S as there is evidence that the gender binary was created by colonialism, and at times white supremacy as well (Lugones, 2016; Quijano, 2001). Colonialism had the power to introduce social classifications to the world as a way to establish dominance (e.g., race, gender, heterosexuality) (Lugones, 2016; Quijano, 2001). For example, colonizers introduced these classifications to North America as Paula Gunn Allen, a Native American writer, professor, and activist, asserts that Native American tribes recognized more than two genders and often held a matriarchal society which starkly differed from the values and society that Anglo-European colonizers forced upon them (Lugones, 2016). Gender “norms” are often created by white, Anglo, women and men from middle class backgrounds (Yen Le Espiritu, 1997). These “norms” often create certain expectations for BIPOC individuals, which are often derived from racism. In turn, women of color are viewed as oversexualized and not deserving of the same amount of protections (e.g., sexual and social) as middle class white women (Espiritu, 1997). This brings to light another issue in that gender acts within heterosexual normativity that invades the patriarchal system, which is in itself racialized (Lugones, 2016, p. 15). Binary gender and heterosexuality were constructed by Anglo European colonialism to center white, straight, cisgender men and women, but also ensure that white, straight, cisgender men hold all the power (Lugones, 2016). Therefore, many of these sociostructural systems in place (e.g., patriarchy,

heterosexualism, homophobia, binary gender, racism, sexism, transphobia) may have derived from colonial roots (Lugones, 2016). It is important to understand the history of race, gender, and sexual orientation, especially being influenced by colonialism as these may be associated with how race, gender, and sexual orientation are viewed within the juvenile legal system in contemporary times.

Policies and Programming in the Juvenile legal system

This section discusses the policies and programming that were enacted within the juvenile legal system over the years and how this affected youth of various identities. This section also addresses mental health needs for youth in the juvenile legal system. This is important to consider as it adds to the overall discussion on how the juvenile legal system was created and how certain values are upheld (e.g., patriarchal ideals).

The Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) provided funding for deinstitutionalizing individuals receiving status offenses and diverting them from the system. After the JJDPA served as an attempt to deinstitutionalize youth, the system relabeled certain status offenses an act of delinquency to maintain social order for “incorrigible” girls (Feld, 2009). Delinquency caseloads for girls have increased by approximately 70% in the last 30 years, while male caseloads only increased by about 5% (Sickmund & Puzzanchera, 2014). The growing proportion of girls has largely to do with an increase in girls encountering the system for assault-related offenses (Sickmund & Puzzanchera, 2014). The increase in girls’ being punished for assaults could be reflective of social attitude changes, law enforcement policies, or increased observation of certain behaviors (Feld, 2009; Garland, 2001). One theory that lends support to this is the Selective Chivalry Thesis, which follows that girls who are perceived to deviate from stereotypical femininity will be treated more punitively in the system. Juvenile practitioners may

view certain acts as going against stereotypical societal gender norms (e.g., physical fights, sexual relations) and in turn view girls who commit certain acts as more blameworthy and more delinquent (Chesney-Lind, 1988; Chesney-Lind & Eliason, 2006; Gaarder, et al., 2004). This could vary based on practitioners' biases on race/ethnicity, cultural background, religion, gender expression, gender identity, and sexual orientation. Some argue girls are under the control of the juvenile court to "protect" them; however, girls' needs are not adequately being responded to through system practices and policies (Feld, 2009; Javdani et al., 2011). Only about 5% of federal, local, and private sources for juvenile funding are allocated to girls programming (Chesney-Lind, 1997; Javdani & Allen, 2016).

Gender-Responsive Programs in the Juvenile Legal System. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) indicated a need for gender-responsive programming in 1998 and it was clear that this programming was targeted towards girls specifically (see Irvine-Baker et al., 2019; Kerig & Schindler, 2013; Zahn, 2008). This acted as a response to the increasing disproportionate number of girls in the juvenile legal system in the 1990s (Sherman, 2005). Followed by the OJJDP Girls Study Group, which examined 29 promising and model programs, while also reviewing an additional 62 programs for girls who were labeled delinquent (Zahn, 2008). This Group identified clear ways in which some programs were effective and ineffective for girls (Zahn, 2008). The most notable finding was that there are no reliable, comprehensive, nor accurate information on intervention and prevention programs specifically for girls (Zahn, 2008).

Due to girls' unique pathways to the juvenile legal system, which often includes trauma, prior victimization, unsafe neighborhoods or schools, family troubles, and health concerns, researchers have advocated to consider the differences in pathways to the system compared to

boys (Chesney-Lind, Morash, & Stevens, 2008). Gender-responsive programming is empirically informed to focus on the risks and needs of girls in the system, including both the context in which girls receive services and the content of those services (Anderson et al., 2019; Salisbury, 2015). This type of programming is rooted in feminist pathways theory and many programs include restorative justice, individual treatment, relationship centered care, and cultural competence (Javdani & Allen, 2016; Wolf, Graziano, & Hartney, 2009). There has been a growing amount of research on the effectiveness of gender-responsive programs for girls, showing that it may have positive results for girls (Anderson et al., 2019; Javdani & Allen, 2016). For example, Anderson et al. (2019) examined the effects of a gender-responsive intervention for girls by using a quasi-experimental design and found that girls who received the intervention were significantly less likely to recidivate than girls who received standard probation services.

Challenges of Gender-Responsive Programming. Irvine-Baker et al. (2019) highlights several problems with this new reform focus. The intersections of race and gender were often ignored in these programs even though most girls in the system were girls of color. These programs also ignored many other intersectional identities of youth, including gender identity, sexual orientation, and gender expression (Irvine-Baker et al., 2019). Due to these crucial intersections being ignored, the “gender-responsive” paradigm usually only refers to programs designed for youth assigned female at birth and may unintentionally reinforce traditional gender roles (Irvine-Baker et al., 2019). Irvine-Baker et al. (2019) also highlight that “gender-responsive” programming is actually only for cis heterosexual girls. Society often views individuals who are queer, binary and nonbinary⁵ transgender, and gender nonconforming people

⁵ Nonbinary is an umbrella term for genders or lack of gender (i.e., agender) outside of the “traditional” gender binary (e.g., boy and girl). Nonbinary refers to individuals who are not fully boys, not fully girls, neither boy or girl,

as young, confused, and rebellious, which may speak to the large proportion of LGBTQ+ youth and girls in the juvenile legal system. This is often further exemplified for youth of color (Conron & Wilson, 2019; Irvine-Baker et al., 2019).

Mental Health Needs and Youth in the Juvenile legal system. Mental health needs are important to address in the juvenile legal system, especially for youth with multiple marginalized identities. Of youth in the juvenile legal system, prevalence rates of mental health disorders are higher compared to youth in the general population (Colins et al., 2010). One study found that the rates of youth in the general population of mental health disorders ranged from 14% to 22% but were much higher for youth in the juvenile legal system about 75% for girls and 65% for boys (Teplin et al., 2002), although scholars suggest that this may be a low estimate.

Suicide ideation has a higher prevalence for youth in the juvenile legal system as well compared to the general population (National Action Alliance for Suicide Prevention, 2013). Negative childhood experiences, such as abuse or trauma were associated with suicide ideation as well (Bhatta et al., 2014). Further, girls were more likely to have experienced abuse than boys (Hovey et al., 2017). Using the Massachusetts Youth Screening Instrument-Version 2 (MAYSI-2), girls were identified as more likely to present mental health symptoms compared to boys (Cauffman, 2004; Osterlind et al., 2002). Specifically, girls were more likely receive “caution” or “warning” scores than boys on the Depression-Anxious (DA) scale and the Suicide Ideation (SI) scale (Vincent et al, 2008). Further, LGBTQ+ youth are more likely than straight, cisgender youth to report suicide ideation (Taliaferro & Muehlenkamp, 2017). Transgender youth have a higher likelihood than lesbian, gay, and bisexual youth to have suicide ideation (Taliaferro et al.,

or both boy and girl. Nonbinary genders include gender fluid, third gender, transmasculine, transfeminine, androgyny, bigender, genderqueer. Many individuals that are nonbinary are transgender; however, some nonbinary individuals are not trans.

2019). Another study found that bisexual girls have higher rates of suicide ideation and suicidality than bisexual boys (Taliaferro et al., 2018). These findings should be provided context in that LGBTQ+ often face discrimination, stigma, and rejection at a higher rate than cisgender, straight youth (Mustanski & Liu, 2013), and LGBTQ+ youth of color not only face discrimination based on homophobia and transphobia, but also face racism as well. This has serious consequences as LGBTQ+ youth, especially youth of color have demonstrated higher rates of suicide, self-harm, post-traumatic symptoms, depression, and anxiety compared to cis, straight, and white youth (Casiano et al., 2013; Hirschtritt et al., 2019; The Trevor Project, 2021).

Mental Health Referrals. One study found youth ages 10 to 15 years were more likely to receive mental health referrals in the juvenile court compared to older youth and girls were more likely than boys to receive a referral (Breda, 2003; Yan & Dannerbeck, 2011). Studies also found that Black youth were less likely to be given mental health referrals compared to white youth, but only if youth were brought to the juvenile court through arrest by police (Breda, 2003; Yan & Dannerbeck, 2011). This finding highlights racial disparities in treatment referrals that may have arose from a combination of racial bias and discrimination with interpersonal interactions and systemic racism within the juvenile legal system. Prior research has found racial bias in mental health referrals for treatment as well (Rogers et al., 2001).

Bias in the Juvenile Legal System's Response to Youth

This section focuses on the bias juvenile court actions have and how this plays a factor in the court's response to youth, through interventions, dismissal, diversion, and sanctions. First, there is a discussion on perceptions of court actors to further understand court actors' biases towards certain youth (e.g., girls, BIPOC youth, queer or transgender youth). Second, implicit biases that may occur within the juvenile court are discussed since these affect the way in which youth are processed in the juvenile legal system.

Perceptions of Court Actors

Perceptions of criminal and juvenile legal system actors affect their decision making (Bridges & Steen, 1998). Prior research suggests that perceptions influence how court actors' make decisions about cases by forming a base of information to place each person into certain categories (Bridges & Steen, 1998). These meaningful categories place certain people into groups, which may lead to differential treatment among them (Bridges & Steen, 1998). Rodriguez, Curry, and Lee (2006) found that gender of the offender did affect their treatment outcome, especially with chances of being incarcerated. This may lead to inequalities in treatment for youth of color, LGBTQ+ youth and girls and other genders that are not cis boys (Conron & Wilson, 2019; Bridges & Steen, 1998).

Inequalities in court responses are important to highlight because it gives some youth an unfair advantage (e.g., white youth, rich or upper middle-class youth) and further oppresses other youth (e.g., youth of color, LGBTQ+ youth, working class and impoverished youth). For example, Mears, Shollenberger, Wilson, Owens, and Butts (2010) examined perceptions of juvenile court practitioners on the effectiveness of certain policy and practice from a nationally representative survey. Mears et al. (2010) found that juvenile practitioners perceive gaps in the systems' incompetent aptitude to conduct program evaluations, the need for suitable and culturally sensitive programs, the absence of gender-specific programs, and the public's support for rehabilitative treatment. Another important finding to note is that different groups of juvenile practitioners (e.g., prosecutors, public defenders, judges, and court administrators) had a different perception of effective programming. For example, prosecutors are typically more favorable toward "criminal court transfer laws and reduced confidentiality of court records, whereas [public] defenders hold more favorable views of community-based alternatives to

detention and reentry programming” (Mears, et al., 2010, p. 557). This could create a major problem in carrying out the major goal of the juvenile legal system, which is supposedly to rehabilitate youth. For example, practitioners who favor accountability responses may be more prone to target legal options such as detention and supervision. These interventions may ignore family and community needs of girls and youth of nonbinary genders, as well as their victimization histories (Sherman, 2009). However, some practitioners and courts may view these sanctions as rehabilitative while others may view them as more punitive. Regardless of their views, these sanctions have very real consequences for youth and at the same time they are difficult to measure in terms of what is better for a child’s wellbeing, especially when examining deeper court processes (e.g., diversion/program success). This could also create controversy over how youth are treated, especially girls, nonbinary genders, and implications for gender-responsive programing.

Implicit Bias of Court Actors

Juvenile court actors all have implicit biases, similar to mainstream society; because of these biases, there is often underlying, and many times unconscious stereotypes and prejudices that these actors hold that effects the treatment and programming of youth in the system (Bridges & Steen, 1998; Darling-Hammond, 2017; Gawronski & Bodenhausen, 2006; Fagan, 2010). This type of bias stems from implicit attitudes, which are referred to as consistent evaluative representations that stem from lifelong socialization encounters (Gawronski & Bodenhausen, 2006). The changes in implicit attitudes are largely unexplained in research (Gawronski & Bodenhausen, 2006). In the juvenile court system, there are many system actors who could show implicit bias against a certain racial/ethnic groups, genders and gender expressions, sexual orientations, cultures, and religions without being conscious of their attitudes. Subconscious bias

may be a producer of racial disparity along with racial differences in the severity of punishment and racial stereotypes (Fagan, 2010). Everyone has implicit biases, but if they go unchecked and you are in a position of power, especially in the juvenile court, it could have catastrophic consequences for youth, especially youth who are at various intersections of bias (Darling-Hammond, 2017; Gawronski & Bodenhausen, 2006; Fagan, 2010).

One example of this bias could be held for girls and/or people that are assigned female at birth (AFAB) that are not stereotypically “feminine,” which aligns with the selective chivalry hypothesis. Prior research suggests that selective chivalry plays a role in our juvenile legal system (Rodriquez et al., 2006). Selective chivalry, also referred to as the evil woman hypothesis, holds that special treatment is only given to females that do not go against “traditional” gender roles (Rodriquez et al., 2006). If girls or youth AFAB (of any gender) do not take on feminine roles, then they are treated more harshly compared to feminine women and to men in general (Rodriquez et al., 2006). Youth AFAB is mentioned here because the majority of juvenile courts only indicate binary sex (i.e., boy, girl) and many do not acknowledge binary and nonbinary transgender youth and their needs. If selective chivalry is used by juvenile justice actors, then they may treat youth who do not conform to typical gender norms differently and sentence them more harshly than other youth. This would have implications for youth who do not adopt to conventional, societal norms, queer youth, transgender youth, more masculine presenting girls, and gender-nonconforming youth. Himmelstein and Bruckner found that youth who self-identify as lesbian or bisexual are stopped, arrested, and petitioned more often than straight youth (Irvine & Canfield, 2017). This also has dangerous implications for youth of color, most notably transgender or gender nonconforming youth of color and Black girls (and youth AFAB). Adultification also plays a factor here in that Black girls are often assumed to be older

than their biological age and are considered more culpable for their actions than white girls (Epstein, Blake, & Gonzalez, 2017; Goff, et al., 2014). According to Puzanchera and Hockenberry, the consequences of this are that Black girls are 2.7 times more likely to be referred to the juvenile court and 20% more likely to be formally petitioned compared to white girls (Epstein, et al., 2017). And stereotypes about girls based on race, sexual orientation, gender identity and expression worsen their experiences in the juvenile legal system (Irvine & Canfield, 2017). Moreover, transgender youth of color may be the most at risk as they have multiple intersecting marginalized identities and often are exposed to racism, sexism, and transphobia.

Furthermore, Chesney-Lind and Eliason (2006) explored the treatment of lesbians and how the media and academics have participated in the demonization of these girls and women, deeming their queerness as “unfeminine.” Girls of color and lesbians are often viewed as dangerous and violent, especially lesbians of color (Chesney-Lind & Eliason, 2006). Lesbians are often associated as being masculine and deviant in society (Chesney-Lind & Eliason, 2006). In the media and film, it was not until recently that lesbians made it out of the prison movie in which they were portrayed as violent, sexual predators towards innocent straight girls/women (Chesney-Lind & Eliason, 2006). This often plays out in the juvenile court as well with juvenile court actors only relying on what they know and trying to place a square puzzle piece in a round hole. The dangers of perceiving lesbian women and girls to be masculine is that they are treated more harshly in the court system (Chesney-Lind & Eliason, 2006). In sum, the media often demonizes and masculinizes different groups of girls (e.g., Black girls, other girls of color, lesbians, and queer girls) and places them into criminal and deviant stereotypes (Andersen et al., 2019; Chesney-Lind & Eliason, 2006) that arise from sexism, racism, homophobia, classism and/or a combination of these. This does not only arise in the media—as there are very real

consequences for girls getting arrested by police, girls in the juvenile legal system, and girls in detention or residential facilities (see Chesney-Lind & Eliason, 2006).

Bias in the Intersecting Identities of Girls. Gaarder, Rodriguez, and Zatz (2004) conducted a qualitative study where they examined probation case files and interviews with juvenile probation officers who worked with girls of various race/ethnicities. This study had three main findings (Gaarder et al., 2004). The first major finding was that juvenile practitioners had various perspectives on girls' lives. For example, practitioners failed to acknowledge the extent to girls' trauma and abuse histories, one practitioner states "[Girls] feel like they're the victim. They try from, "Mom kicked me out" to "Mom's boyfriend molested me" to "My brother was sexually assaulting me." They'll find all kinds of excuses to justify their actions... Personally, I think 98% is false..." (Gaarder et al., 2004, p. 557). Another example is practitioners describing girls, primarily Black and Hispanic girls, on their caseload as "manipulative," having "loose morals" and having "unpredictable personalities" (Gaarder et al., 2004, p. 556). This suggests that there may not be just a gender bias, but a racial bias as well. This can be more accurately explained as racism and sexism combined, as often these "biases" and discrimination of Black and Hispanic girls lead to further incarceration, increased sanctions, and decreased rehabilitation programs. Second, this study found a disconnect on the realities of girls and their family life and how practitioners perceived their lives. For example, many probation officers referred to the girls' mothers in a similar manner as they referred to the girls on their caseload, describing their mothers as "promiscuous" and "sluts" (Gaarder et al., 2004, p. 561). One officer described a Hispanic's girl's family as this provides an example of how of court actors show bias and discrimination through racism and sexism: "Her background is the classic. Her sister uses drugs. The other sister has a baby, has had two or three kids. Mom--she's

a slut. Mom--she's on her third marriage” (Gaarder et al., 2004, p.561). This study found that over 12% of Hispanic women lived close to the Mexican border and dealt with poverty, discrimination, and language barriers. Some practitioners described girls as having a “good grasp” of English but said that many of their parents only speak Spanish. Girls of color often experience racism and sexism and sometimes in combination with other forms of discrimination (e.g., xenophobia) from juvenile court staff which leads to girls being given harsher sanctions and increased time in the juvenile legal system.

The last major finding was that practitioners did not seem to see the realities for girls in society and in the juvenile legal system as the system was created for boys' needs and programming. Most practitioners acknowledged that girls get arrested more often for status offenses and pointed out that it was because parents like to “keep a closer eye” on girls and said that they believe girls are in the system for their own safety (Gaarder et al., 2004). However, some practitioners recognized the harm in heavily policing girls, one stated that, “Domestic violence and incorrigibility needs to be directed away from the courtroom and into specialized programs. We're turning a lot of these girls into criminals” (Gaarder et al., 2004, p. 566). Some practitioners claimed that girls were not acting “normal,” which suggests that these practitioners are just relying on their own stereotypes and biases of how they think girls should act, for example, one practitioner stated:

They're not your typical girls.., you know, the fingernails, the make-up, the Ms. Prissy. They're just like the boys. They're worse than some of the boys. They go out and they prove themselves like they're not feminine. You know they don't want anybody to think... well, I'm helpless. I can take care of myself, so they play the role as portraying to be something that they're not. (Gaarder et al., 2004, p. 567)

When practitioners viewed girls in this way, they were often treated similar to boys, treated more harshly in the system (Gaarder et al., 2004). Further, practitioners discussed cultural differences in working with girls, but juvenile actors often lacked resources and training and relied on racial stereotypes to discern girls' needs (Gaarder et al., 2004). This is problematic as it perpetuates racism and other forms of discrimination, while harming the girls in the juvenile court having to cope with microaggressions and incorrect placements from racist and sexist thinking processes. Practitioners also mentioned that there were no cultural resources available for Asia youth, particularly Southeast Asians (e.g., Cambodian, Vietnamese). Practitioners discussed that the juvenile probation departments in California do not have interpreters for families that speak Vietnamese or Khmer or other Southeast Asian languages (Gaarder et al., 2004). When one practitioner was asked if they consider race/ethnicity when placing youth, they mentioned that the only time they would consider ethnicity if the youth only speaks Spanish, then went on to say, "I don't like making big issues about that. I have major issues with people saying a lot of rights are broken because of the color they are, when a lot of rights for White people are as well. My perspective is, if they're a good counselor, they can work with any of them" (Gaarder et al., 2004, p. 572).

Disparities in the Juvenile Legal System

This section reviews studies examining disparities at various juvenile court decision points. First, there will be a brief discussion on disparity through one identity (e.g., gender, race/ethnicity). Then, there is a greater focus on disparities from multiple intersecting identities of youth (e.g., gender, race/ethnicity, and LGBTQ+ youth) in the juvenile court.

Gender Disparities

This section discusses binary gender bias and disparities, which often play into each other. For example, juvenile practitioner bias may lead to the practitioner giving harsher

recommendations towards a certain gender for certain crimes (e.g., girls and status offenses), which follows with the judge taking the practitioner's recommendation repeatedly that leaves girls being referred to the court for status offenses more than boys (Feld, 2009; Sickmund & Puzzanchera, 2014). One study examined juvenile practitioners' views on court-involved youth by binary gender (Lanctot, Ayotte, Turcotte, & Besnard, 2012). This mixed methods study found that male practitioners were more likely to prefer working with boys over girls (Lanctot, et al., 2012). Practitioners that stated they would rather work with boys, simply stated that their reason was because they were more familiar with boys than girls (Lanctot, et al., 2012). Male practitioners mentioned that they would rather not work with girls, since they are often victims that have a history of sexual abuse and sexual risk behaviors (Lanctot, et al., 2012). However, girls were preferred by some practitioners who stated that they prefer individual experiences to group experiences, emphasized the importance of affective rapport with youth, reported that they feel best when acting as a mother figure to youth, and recognized that they had the ability to encourage youth to engage in reflective thinking (Lanctot, et al., 2012). Another practitioner described their unwillingness to work with girls:

I don't connect with girls, the hypocrisy, the complaining, the competition and the getting worked up explain a good part of it. They seem more superficial and manipulative. They are more capable of getting to you, of shaking your values. (Lanctot, et al., 2012, p. 2245)

Further, most studies exclusively focus on boys in the juvenile legal system or only study the gender binary (i.e., girls and boys). This highlights the importance of examining girls and other genders in the system. Girls are more likely to get detention longer for violating probation compared to boys, but if they are on probation, they are less likely to receive services to target

their needs compared to boys (Beger & Hoffmann, 1998) This is not surprising, as the juvenile legal system was created for boys by men. However, girls account for an increased proportion of youth in the system, one explanation of this is that girls are violating traditional gender roles (Peck et al., 2013). This places an unfair target on youth of color, transgender, and gender nonconforming youth.

Racial and Ethnic Disparities

Studies that focused on disparities in the court system, typically focused on one identifying factor for youth. Race/ethnicity is usually a major focus on disparities in the juvenile legal system. Many studies have found racial/ethnic disparities in the juvenile court (Bridges & Steen, 1998; Campbell et al., 2018; Cochran & Mears, 2015; Rubino, Anderson, & Campbell, 2020). However, because several studies have found that extralegal and legal factors alone were not able to highlight racial bias in the juvenile legal system (Bishop, 2005), it brings to light cumulative disadvantage for youth of color (Fagan, 2010). In the juvenile legal system, racial disparities early in the system (e.g., arrest, intake/referral) can lead to harsher outcomes for youth of color compared to white youth (Fagan, 2010). According to Rodriguez (2010), Latino, Indigenous, and Black youth were treated harsher than white youth at early and late stages in the system. This an important factor to measure; however, it is also important to examine the intersecting identities of youth in addition to race/ethnicity. For example, one study examined gender and race, and found that African American boys and girls were treated differently. African American boys were more likely to receive a dismissal instead of a diversion program and they are less likely to receive a community-based treatment, but more likely to receive detention (Leiber, Brubaker, & Fox, 2009).

Intersectional Disparities in the Juvenile Court

The focus of this section is to understand the disparities in the juvenile legal system that relate to intersectional youth identities. First, there is a discussion on the intersections of binary gender and race/ethnicity and how there are disparities within the system. Second, research is presented on the ways in which gender, race/ethnicity, and LGBTQ+ youth intersect and the vast disparities among the intersections of these identities (e.g., disparities for LGBTQ+ girls of color) in the juvenile legal system.

Intersections of Binary Gender and Race/Ethnicity. First, Peck, Leiber, and Brubaker (2013) found that gender and race mattered when examining two different decision points in the juvenile legal system for status offences (e.g., court referral/intake and adjudication), when examining these effects from an intersectional perspective. This study examined all referrals to the juvenile court in 13 counties from 2003 to 2008 in two mid-Atlantic states (Peck et al., 2013). This study focused on gender as a binary term (i.e. boy and girl), but never specified what that actually meant (Peck et al., 2013). Further this analysis mainly focused on Black and white boys and girls. The study did have an “other” race category (e.g., Hispanic, Asian, Indigenous, Pacific Islander and other), but the sample size was too small compared to other groups to include each racial/ethnic group separately (Peck et al., 2013). This is a major limitation to this study as this “other” category is very broad and individuals in this category may have very different experiences in the juvenile legal system. Results showed that gender did not affect the juvenile court outcome, but race did when controlling for age and the number of prior referrals (Peck et al., 2013). Black status offenders were more likely to be adjudicated (Peck et al., 2013). However, when taking gender and race into account Black girls were more likely to be adjudicated than Black boys (Peck et al., 2013). White girls were more likely to receive intake referrals compared to Black boys, but less likely to be adjudicated compared to Black youth.

White, Black, and other race girls that committed a status offense have a higher likelihood of receiving an intake referral compared to Black boys (Bishop & Frazier, 1996; Peck et al., 2013). However, Black girls obtained the harshest punishment for status offenses (Peck et al., 2013).

Freiburger and Burke (2011) examined the effects gender and race/ethnicity have on the juvenile court outcome, adjudication. This study examined the intersections of binary gender (e.g., girls and boys only) and four racial/ethnic categories (e.g., Black, white, Hispanic, and Native American) (Freiburger & Burke, 2011). They found that Native American boys, Black girls, and Hispanic youth were more likely to be adjudicated than white males (Freiburger & Burke, 2011). When researchers split the models by binary gender, they found no significant differences among girls of different racial/ethnic categories; however, the model with boys found that Hispanic and Native American boys were more likely to be adjudicated than white boys.

Bortner and Reed (1985) found that Black girls compared to Black boys and white youth, were more likely to be treated harshly in the juvenile court. However, Sarri (1983) found that Black boys were treated the harshest in the juvenile legal system, compared to the same gender/racial categories. Further, Guevara, Herz, and Spohn (2006) found that race was more important at pre-adjudication for boys than girls and more important for girls than boys at disposition decisions, when considering binary gender. This study found that white girls were more likely to receive out of home placement and were less likely to be placed on probation or dismissed from a case than girls of color (Guevara et al., 2006). Also, white girls and girls of color did not have differing likelihoods of getting placed in detention. However, for boys, race/ethnicity was not a factor in charge dismissal, but white boys were more likely to be placed on probation and less likely to be given out of home placement compared to boys of color (Guevara et al., 2006).

Leiber and Johnson (2008) examined the effects of race and age on boys in the juvenile legal system. They found that Black/African American boys were more likely to receive severe court sanctions and more likely to be dismissed instead of placed in diversion programs compared to white boys (Leiber & Johnson, 2008). Race and age influenced court decision making through the symbolic threat theses, Black/African American boys were stereotyped as “threatening” and “dangerous” and in need of greater social control interventions than white/ European Americans (Leiber & Johnson, 2008). There were several limitations to this study. First, they only used two racial categories, Black and white. Second, this study only used boys and there was no mention of what that meant or if that was inclusive of all or just boys. Third, the study only examined misdemeanors or felonies for crime severity.

One study collected survey data from adults of a wide range of racial and ethnic backgrounds and education levels across the U.S to examine perceptions of race and birth sex (Epstein et al., 2017). Their findings indicate that participants viewed Black girls needs differently than white girls (Epstein et al., 2017). For example, participants indicated that Black girls need less comforting, less nurturing, less protection, and less support than white girls (Epstein et al., 2017). These findings are important as they show how juvenile court staff may also view Black girls, which provides a contributing factor as to why they are treated more punitively in the system. This is aligned with other research that has found that race/ethnicity predicts placement decisions (Fader et al., 2013). Their findings indicate that youth of color are more likely to receive physical interventions (e.g., bootcamps), while white youth were more likely to receive therapeutic interventions (e.g., mental health treatment) (Fader et al., 2013). Also, these perceptions could be further exacerbated if the youth is also LGBTQ or gender nonconforming (Irvine-Baker et al., 2019). Therefore, it is important to examine the intersections

of race/ethnicity, gender identity, gender expression, and sexual orientation within the juvenile court and to examine the courts response to youth (Burgess-Proctor, 2006; Potter, 2015).

Gender, Race/Ethnicity, and LGBTQ+ Youth. Himmelstein and Bruckner (2011) found that youth who self-identified as LGB had a higher likelihood of being stopped by police, arrested, convicted, and convicted as an adult compared to straight youth. Further, this study also found that LB girls were at a higher risk than GB boys of being arrested, convicted, stopped by the police, and convicted as an adult (Himmelstein & Bruckner, 2011); however, this study used binary birth sex, which serves as a limitation. According to one study in California, 12.1% of boys in the juvenile legal system were gay, bisexual, questioning, or gender nonconforming (Irvine, Wilber, & Canfield, 2017). However, a meta-analysis found that sexual minority (i.e., not heterosexual) boys were slightly less likely to be involved with the juvenile legal system compared to heterosexual boys (Jonsson et al., 2019). Meanwhile, 51.1% of girls in the system were lesbian, bisexual, questioning, or gender nonconforming (Irvine, Wilber, & Canfield, 2017). A meta-analysis had similar findings, sexual minorities in the girls' system were at higher risk of becoming involved in the juvenile court compared to heterosexual girls (Jonsson et al., 2019). The majority of LGBTQ and gender nonconforming youth in the court system are labeled as "girls" and are youth of color (Irvine-Baker, Jones, & Canfield, 2019). Furthermore, once these youth enter the juvenile legal system, many face harassment, racism, sexism, homophobia, and transphobia (Bridges & Steen, 1998; Epstein, Blake, Gonzalez, 2017; Gaarder, Rodriguez, & Zatz, 2004; Irvine & Canfield, 2017; Holsinger & Hodge, 2016; Marksamer, 2008), which has detrimental consequences to youth: through health disparities, exposure to trauma, abuse, physical or psychological violence (Iguchi et al., 2005; Irvine & Canfield, 2017); by giving marginalized youth (e.g., LGBTQ+ girls of color) harsher treatment and sanctions, increased

police presence, violence, and brutality (Hoytt et al., 2003); by contributing and exacerbating mental health problems, suicidal ideation, and self-harm (Casiano et al., 2013; The Trevor Project, 2021).

Youth of color are overrepresented in the juvenile legal system, which has been widely documented in research on the juvenile legal system (Bridges & Steen, 1998; Conron & Wilson, 2019; Fader, Kurlychek, & Morgan, 2013; Irvine & Canfield, 2017). Further, LGBTQ youth of color are even more at risk of being involved with the juvenile court (Center for American Progress & Movement Advancement Program, 2016; Conron & Wilson, 2019). Transgender and gender nonconforming youth of color have increased contact with police and are harassed at a higher rate compared to gender conforming, white classmates (Center for American Progress & Movement Advancement Program, 2016; Conron & Wilson, 2019; Irvine & Canfield, 2017). Further, police are more likely to arrest transgender youth of color even when they are calling police for help and are more likely to experience the use of transphobic and homophobic slurs (Irvine & Canfield, 2017). In addition, gender nonconforming Black girls are stopped by police more often and assumed to be gang affiliated (Conron & Wilson, 2019; Irvine & Canfield, 2017). Once LGBT and gender nonconforming youth of color are brought to residential or detention facilities, they are more likely to experience harsher punishments, verbal and physical assaults, and discrimination (Conron & Wilson, 2019; Irvine & Canfield, 2017).

Irvine-Baker, Jones, Canfield (2019) reviewed existing literature to work towards decreasing racial disparities, bring to light the experiences of LGBTQ+ and gender nonconforming youth, and further examine how race intersects with gender identity, sexual orientation, and gender expression in the juvenile legal system. Survey research about youth inside juvenile legal system camps, ranches, and detention facilities identified that 2.2% are

gender conforming and gay, bisexual, or questions and 12.1% of boys were GBQ or gender nonconforming and/or transgender in California's county operated facilities (Irvine-Baker, Jones, & Canfield, 2019). They also found that 48.9% of girls in California's county run facilities are heterosexual and gender conforming, which makes the majority of girls (51.1%) LBQ and/or gender nonconforming and/or transgender (Irvine-Baker et al., 2019). Singh et al. (2018) had similar findings in that the majority were girls of color and approximately half were also LGBT in a community-based program in New York (also see Javdani & Allen, 2016). Also, 8% of boys and 7.9% of girls are gender nonconforming and/or transgender and heterosexual. There were also 0.5% of youth whose gender was outside the binary. It should be noted that 90% of these youth are BIPOC youth (Irvine-Baker et al., 2019). In sum, BIPOC LGBTQ+ youth are overrepresented in the juvenile legal system (Center for American Progress & Movement Advancement Program, 2016; Conron & Wilson, 2019; Irvine-Baker et al., 2019).

Current Study: Goals and Objectives

Youth in the LGBTQ+ community, especially BIPOC youth, are overrepresented in the juvenile legal system (Center for American Progress & Movement Advancement Program, 2016; Chiricos, & Bales, 2017; Conron & Wilson, 2019; Epstein, Blake, & González, 2017; Fagan, 2010; Irvine & Canfield, 2017; W. Haywood Burns Institute, 2016). To investigate this further, it is important to take youths' intersecting identities into account to understand youth processing in the juvenile legal system. For example, a youth could be a Latina, queer girl; each of these identities exist together as they are not mutually exclusive (Crenshaw, 1991; Collins, 2000; Baca Zinn & Thornton Dill, 1996; Oluo, 2018). Advocates for taking an intersectional perspective argue that it is not enough to just examine racial or ethnic disparities, gender disparities, or even LGBTQ+ disparities in the juvenile legal system, but it is important to examine all of them at once (Crenshaw, 1991; Collins, 2000; Baca Zinn & Thornton Dill, 1996). Prior quantitative

research has been limited by sample size constraints and obtaining valid and reliable measures of key social identities (e.g., sexual orientation, race and ethnicity, gender identity, gender expression) (Bridges & Steen, 1998; Irvine, Wilber, & Canfield, 2017; Lanctot, Ayotte, Turcotte, & Besnard, 2012; Leiber, Brubaker & Fox, 2009; Sickmund & Puzanchera, 2014; Zahn, 2008). This dissertation uses an intersectional, multi-racial feminist framework to examine youth referral and processing in the juvenile legal system. Further, feminist pathways theory is used as an anchoring perspective to contextualize youth court pathways with an aim to extend feminist pathways theory using an intersectional, multi-racial feminist framework by focusing on LGBTQ+ youth.

There are three major gaps this dissertation addresses to add to the literature on intersectionality and the juvenile legal system. First, most studies on system-involved youth ignore gender identity, gender expression, and sexual orientation. Research on this topic is further limited by often not examining intersectionality with respect to race/ethnicity. Second, most studies that examine “gender” differences are only looking at binary (e.g., male/female) gender (i.e., socially constructed feminine or masculine or other identity) or sex assigned at birth (i.e., intersex, female, or male label given by a medical doctor at birth). Research using the gender binary often gives very little context as to how youth are grouped into the binary. In these studies, gender is not being considered fully as some youth may be inappropriately grouped into “male” or “female” categories in research. Some youth may be placed into the wrong binary category and some youth may not fit into one category altogether (Irvine-Baker, Jones & Canfield, 2019); because of this, prior research may have limited findings for diverse populations of youth. Research focusing on gender differences (Lanctot, Ayotte, Turcotte, & Besnard, 2012; Sickmund & Puzanchera, 2014), feminist pathways (Wattanaporn & Holtfreter, 2014; Zahn,

2008), and gender-responsive programming (Chesney-Lind, Morash, & Stevens, 2008; Kerig & Schindler, 2013) primarily examines and recognizes binary gender and often fails to consider intersectional identities (Irvine-Baker, Jones & Canfield, 2019). The current project addresses this issue and examines gender identity and gender expression and move beyond the gender binary. Third, recent research indicates that youth who are part of the LGBTQ+ community enter the juvenile court system at higher rates than their straight and cisgender counterparts (Irvine & Canfield, 2016; 2017; Jonnson, et al., 2019). Furthermore, these disparities may be exacerbated for youth of color (Irvine & Canfield, 2016; 2017).

Given these gaps in the literature, this dissertation aims to examine the intersection of race/ethnicity and sexual orientation, gender identity, and gender expression in juvenile court processing by accounting for potential disparities in court responses to LGBTQ+ youth—especially at the intersection of different racial and ethnic categories. This dissertation has two major areas of inquiry: (1) descriptive research questions regarding the prevalence of court-involved youth across identities; (2) inferential research questions regarding disparities in court processing across these intersectional identities. This study addresses the following research questions, starting with a series of nine descriptive questions:

1. How many youths self-reported that they are LGBTQ+ within the juvenile court? How many youths are LGBTQ+ within different racial/ethnic groups?
2. What are the sexual orientations of youth in this juvenile court?
3. How many youths are transgender? How many are cisgender? Questioning?
4. What are youths' gender expression within this juvenile court? And what are youths' gender identities across race/ethnicity, gender expression, and sexual orientation?

5. Is the proportion of LGBTQ+ youth entering the juvenile court the same as in the community?
6. What are the mental health needs across youth of various sexual orientations, gender identities, gender expressions, and racial/ethnic categories?
7. What is the referral source that brought youth to the juvenile court and are there differences across race/ethnicity, gender identity, sexual orientation?
8. Are there differences across race/ethnicity, sexual orientation, gender identity, and gender expression based on entering the juvenile court through the two primary routes, the detention or intervention center?
9. What is the distribution and severity of offenses across gender identity, sexual orientation, and race/ethnicity?

Further, there are four inferential research questions regarding court processing (with corresponding sub-questions):

1a. Are *LGBTQ+ and/or GNC youth* associated with official court processing or diversion?

Is *gender identity* associated with whether youth receive official court processing or are diverted from the system?

1b. Is *race/ethnicity* associated with whether youth receive official court processing or are diverted from the system?

1c. Do *LGBTQ+ and/or GNC youth* moderate the relationship between race/ethnicity and whether youth receive official court processing or are diverted from the system?

Does *gender identity* moderate the relationship between race/ethnicity and whether youth receive official court processing or are diverted from the system?

2a. For the youth that were diverted from the court, is *LGBTQ+ and/or GNC youth* associated with referral to mental health treatment?

Is *gender identity* associated with referral to mental health treatment?

2b. In the youth that were diverted from the court, is *race/ethnicity* associated with youth referrals to mental health treatment?

2c. Does *LGBTQ+ and/or GNC youth* moderate the relationship between *race/ethnicity* and referrals to mental health treatment?

Does *gender identity* moderate the relationship between *race/ethnicity* and referrals to mental health treatment?

3a. Among the youth that were diverted from the juvenile court, is *LGBTQ+ and/or GNC youth* associated with the court deeming youth as successful or unsuccessful in diversion?

Among the youth that were diverted from the juvenile court, is *gender identity* associated with the court deeming youth as successful or unsuccessful in diversion?

3b. Among the youth that were diverted from the juvenile court, is *race/ethnicity* associated with the court deeming youth as successful or unsuccessful in diversion?

3c. Are intersectional identities of youth (e.g., BIPOC girls) associated with the court deeming youth as successful or unsuccessful in diversion?

4a. For youth in the official juvenile court, is *LGBTQ+ and/or GNC youth* associated with the court's adjudication outcome (e.g., delinquent, not delinquent/dismissed)?

For youth in the official juvenile court, is *gender identity* associated with the court's adjudication outcome (e.g., delinquent, not delinquent/dismissed)?

4b. For youth in the official juvenile court, is *race/ethnicity* associated with the court's adjudication outcome (e.g., delinquent, not delinquent/dismissed)?

CHAPTER III: METHODS

Design

This dissertation aims to examine the association between juvenile court processing and the intersectionality of sexual orientation, gender identity, gender expression, and race/ethnicity. The dissertation employs 13 months of data from one large juvenile court in an urban Midwestern county and will utilize a cross-sectional design from September 2019 to October 2020. The researchers obtained a partnership with the juvenile court involved, and a Memorandum of Understanding (MOU) was developed and signed for data sharing purposes. Data extraction took place October 2020, and all data is de-identified and confidential. Data were retrieved through the court's case management system; thus archival, administrative data is being used for this study. Archival data are not necessarily designed for research purposes—that is, questions and information collected by the court were not worded, collected, or operationalized for research use (Zaitzow & Fields, 2006). However, many studies on the juvenile legal system rely on archival data to answer research questions (see, e.g., Anderson et al., 2016; Campbell et al., 2018; Cochran & Mears, 2015).

Data Feminism as a Framework for Analyzing Agency Records

This dissertation also aims to center data feminism, which provides ways to think about data, data display, and analyses that are informed by feminist critical thought and activism (D'Ignazio & Klein, 2020). The definition of feminism used for this study, defined in the previous chapter, encompasses widespread projects that identify and challenge forces of sexism and other forms of oppression (D'Ignazio & Klein, 2020). Data feminism acknowledges that power is not equally distributed in society (D'Ignazio & Klein, 2020). In the U.S., people with the most power are cis, white, straight men that are able bodied. Data feminism is defined as a “way of thinking about data, both their uses and their limits, that is informed by direct

experience, by a commitment to action, and by intersectional feminist thought” (D’Ignazio & Klein, 2020, p. 8). An important underlying theory behind data feminism is the understanding that harm is brought to everyone by oppressive systems, and these systems undermine our research’s validity and quality and impede us all from pure, long-lasting social impact alongside data science (D’Ignazio & Klein, 2020). This perspective is not only about gender, but intersectional feminism (including Crenshaw’s Intersectionality and Collin’s matrix of domination) and recognizing multiple intersecting factors including race, ethnicity, ability, age, class, sexual orientation, religion, and others (D’Ignazio & Klein, 2020). Further, working within this perspective, we also must acknowledge the history behind these systems (e.g., history of the juvenile legal system) (D’Ignazio & Klein, 2020). Data feminism does this by understanding the how systems work as oppressive for some individuals (e.g., BIPOC, queer, nonbinary and transgender individuals, and women/girls) and privileged to other individuals (e.g., straight, cisgender, white, and boys/men) as this understanding will influence what questions researchers ask and how researchers use variables, concepts, and data to analyze these questions. This approach influenced the research questions, analyses, and interpretation of the analyses. If data feminism was not used it would be very difficult to understand what research questions to ask and how analyses should be interpreted; without acknowledging and understanding the historical context, along with the power systems and oppressive systems at play in society, this research could be very harmful and damaging to marginalized communities, especially youth with intersecting marginalized identities involved in the juvenile legal system (see Baca Zinn & Thornton Dill, 1996; Crenshaw, 1989; 1991; Collins, 2000; 2008; D’Ignazio & Klein, 2020). Further, this dissertation uses a data feminism framework to examine and interrogate archival data and agency records using an intersectional multi-racial feminist lens.

Data Collection

Data was obtained through the juvenile court's data management system. The juvenile court involved in this study obtained a grant to start collecting data on sexual orientation, gender identity, and gender expression (SOGIE). The court received a brief training from Ceres Policy Research and started collecting SOGIE data in 2019. The court set up interviews for youth entering the court through the early intervention and diversion center and the detention center. SOGIE interviews took place between youth and a trained juvenile court officer. Before the COVID-19 pandemic was declared in March 2020, interviews were conducted in-person, while after the pandemic was declared, this interview was conducted through video conference online or over the phone. Staff read from a SOGIE questionnaire and then record the youth's answers.

Specifically, this dissertation assesses youth coming into the court through the detention and intervention center. The official data from the court management system was shared with researchers in October 2020. The data includes 1,914 cases overall. These data are deidentified and stored on a password protected computer network. Institutional Review Board (IRB) approval was obtained through University of Cincinnati and determined as non-human subjects' research.

The court extracted variables that include youth demographic information (e.g., age, race/ethnicity, education status, assigned sex at birth) and SOGIE data (e.g., sexual orientation, gender identity, gender expression). In addition, the court extracted information on youths' current charges; youths' prior record; who referred the youth to the juvenile court; whether the youth entered the juvenile court from the detention or intervention center; whether youth were diverted from the system or in the official system; whether youth were adjudicated in the official court; whether youth were deemed successful or unsuccessful in diversion; and assessment data

(e.g., Ohio Youth Assessment System—OYAS Diversion Tool, Massachusetts Youth Screening Instrument—MAYSI-2).

Per the MOU, the court shared deidentified data from their court management system, which included data on youth who entered the court through the early intervention and diversion and detention centers. Within these centers the screening process for youth slightly differs. The early intervention and diversion center (EIDC) youth often come in with parents, they may have a scheduled appointment, or they may be coming out of arraignment. These interviews with youth are conducted separately from parents using the OYAS diversion screening. The MAYSI-2 is scored for every youth in the EIDC. For the detention center, youth were coming in under arrest or through the sheriff's department from a court room. Youth in the detention center do not receive an OYAS but do receive the MAYSI-2.

Court SOGIE Training

The Court was trained by Ceres Policy Research on how to collect data on sexual orientation, gender identity, and gender expression (SOGIE) and to build authentic relationships with youth while focusing on enhancing the youth's well-being (Canfield, Wilber, Irvine, & Larrabee-Garza, 2019). The SOGIE data collection has nine guided principles. First, variations in SOGIE are a normal part of the human condition (Canfield et al., 2019). Second, the increased risk among LGBTQ+ and gender nonconforming individuals, especially youth of color are not from their identities but from discrimination, rejection, and maltreatment (Canfield et al., 2019). Third, LGBTQ+ and gender nonconforming youth thrive when their families, communities, and schools support them (Canfield et al., 2019). Fourth, trying to change a youth's sexual orientation or gender identity is harmful (Canfield et al., 2019). Fifth, LGBTQ+ and gender nonconforming youth are not a homogenous group and have various intersecting identities which

include unique strengths and stressors (Canfield et al., 2019). Sixth, everyone in the Court and outside the court that encounters youth are required to treat LGBTQ+ and gender nonconforming youth equitably and with respect, no matter what the personal beliefs of the court actor or contractor (Canfield et al., 2019). Seventh, treating the youth in relation to the whole youth model will improve services provided (Canfield et al., 2019). Eighth, asking youth questions about SOGIE and race/ethnicity will help court actors to help use the whole youth model to better understand the youth's intersectional identities (Canfield et al., 2019). Lastly, it is important to ensure youth can disclose or not to disclose SOGIE information to focus on safety and healthy development of the individual (Canfield et al., 2019). For more information on recommended SOGIE data questions for case management systems, please see Canfield and colleagues (2019).

Positionality

Positionality is important to consider and not just in qualitative work, but quantitative as well. My identities impact the way in which this dissertation was written and analyzed as I am a person with identities stemming from oppression and others through privilege. I have white privilege, learned English as my first language (and only fluent language currently), and was born in the U.S., which also gives me privileges associated with American citizenship. Further identities I hold are that I come from a working-class background, am a first-generation college student, and am Sicilian. Also, I am a queer, trans nonbinary individual that experiences sexism, transphobia, and homophobia. My personal intersections influence the way in which I view the world, write, and conduct data just the same as all other humans collecting, analyzing, and presenting data.

Sample Characteristics

The target population of interest include youth involved with the juvenile legal system. In particular, one juvenile court in a large midwestern state was selected for inclusion in the study. This juvenile court was selected because they are one of a few sites that are collecting SOGIE information in the state of interest over a one-year period. Since the juvenile legal system operates locally, there can be challenges to integrating data across multiple sites since individual counties often have different ways of processing youth.

The county of interest has a large urban area with a population estimate July 1, 2019 as being just over 1,235,000 according to the US Census Bureau. Within this county, it is estimated by the U.S. Census Bureau that 6.3% of residents are Hispanic or Latino, 2.3% of residents are two or more races, 3.4% Asian, 0.3% Native American, Indigenous, or Alaska Native, 30.5% Black or African American, and 63.5% white, European, Arab, or North African. According to the U.S. Census Bureau, of this county, 89.3% of residents above 25 years of age was a high school graduate or higher from 2014 to 2018 and 31.9% had a bachelor's degree or higher. Also, from 2014 to 2018 the median household income was \$48,435 with 17.9% of individuals living in poverty in this county.

The sample includes all youth who were referred to the court from September 2019 through August 2020. Data include court processing decisions, charge information, risk assessment (e.g., OYAS diversion scores), Massachusetts Youth Screening Instrument (MAYSI-2) scores, and demographic information (including sexual orientation, gender identity, and gender expression). A total of 1,914 youth entered the court in one year (from 2019 to 2020). Among these youth, 599 (31.3%) refused to answer the SOGIE questionnaire and youth who had missing SOGIE information (105 youth; 5.5%). Comprehensive SOGIE information is vital to

this study, so any youth that did not agree to the SOGIE interview or had missing information will not be included in the analyses. There is a total of 1, 210 (63.2%) youth who volunteered to take the SOGIE questionnaire, which was administered by a trained staff member at the court. For this dissertation, only the youths' first incident with the court will be counted, so youth will be placed either in the diversion category or the official court category based on their first incident. In June 2020, the court estimated that since September of 2019, 591 youth entering the intervention center obtained a SOGIE interview (i.e., questionnaire on personal sexual orientation, gender identity, and gender expression information). For this court the intervention center is newer and is officially called the Intervention and Diversion Center and usually is comprised of youth walking into the center with a parent or guardian for intake into the juvenile court. The court also held that about 12% of the youth within the court are LGBTQ+ or gender nonconforming.

Court Processing Dependent Variables

There will be four models with different dependent variables to examine each research question and corresponding sub-questions. The dependent variables include (1) overall court dispositions (diversion or official court processing), (2) mental health service referral for youth within diversion, (3) successful or unsuccessful completion of diversion, (4) adjudication outcomes for youth with official court processing (e.g., adjudicated delinquent, not adjudicated delinquent⁶).

Independent Variables

⁶ Youth who were adjudicated delinquent by the juvenile court were coded as 1 and youth coded as 0 were either found not delinquent ($n = 19$), unruly ($n = 3$), dismissed with prejudice ($n = 34$), dismissed without prejudice ($n = 28$), or nollied ($n = 10$), which totals to 94 youth.

The independent variables include demographics (e.g., SOGIE, race/ethnicity), offense severity, MAYSI-2 scores, risk assessment scores, and age. Prior literature consistently indicates that these variables predict juvenile court dispositions (Bridges & Steen, 1998; Campbell, Papp, Barnes, Onifade, & Anderson, 2018; Fader et al., 2014; Irvine & Canfield, 2017; Jonnson, et al., 2019).

Race, ethnicity, pronouns, sex assigned at birth, gender identity, gender expression, and sexual orientation were all self-reported by youth to a staff member during SOGIE interviews. In terms of race and ethnicity, on the questionnaire race is listed with a blank line and ethnicity is also listed with a blank line next to it. The race/ethnicities reported by youth are as follows: (1) Black or African American; (2) white or European American; (3) Hispanic; (4) Native American; (5) white and Hispanic; (6) Black and Hispanic; (7) Biracial and Hispanic; (8) MENA (i.e., Middle Eastern or North African); (9) Biracial; (10) “other”; and (11) Pacific Islander, Indian, or Asian. Race/ethnicity was self-reported by youth through the SOGIE interview; however, there were 34 youth that did not self-report race and ethnicity. To keep these individuals in the analyses, race information was used from official court data or from diversion court data. This serves as a limitation as there are several inconsistencies with race and ethnicity among self-report information from youth and from official and diversion data from the court. For example, an individual reports they are “white” and official data labels them as “other” or and individual reports their race as “Black” and ethnicity as African American and official data labels them as “white” or, in another case “other.” There are youth that report their race is “white” and are labeled “Black or African American” in the official system and individuals reporting their race is “white” and ethnicity “Hispanic” and official data labels them “Black or African American” or some instances where the youth reported their race and ethnicity to be

“other” but official or diversion data labeled them Black or African American or white in other instances. However, this is unsurprising as race is merely a social construct (Zuberi, 2001) and because this is common when using administrative data. Further, it should be noted that youth’s self-report information of race and ethnicity was coded based on their reports, not based on official or diversion data, aside from the 34 cases in which self-report data was not available.

Within the questionnaire, pronouns are listed as “gender pronouns” with a blank line next to it for the information to be filled in, under the line says “(i.e., he/she/ze/zir/they)”. Youth in this court reported their pronouns as they/them, she/her, or he/his. For assigned sex at birth, the question was posed as “*What was your assigned sex at birth?* with the following options: *male; female, intersex (if you were born with a mix or variation of male and female anatomy); and decline to answer.* For gender, the question asked on the questionnaire was *what is your gender? (Check all that apply)* and the options consisted of the following: *girl/woman; boy/man; transgender (if your gender is different now than it was when you were born); genderqueer/nonbinary (if you don’t identify with being just one gender); write in your own response; I don’t know; and decline to answer.* Another gender identity variable was created to identify individuals that were transgender or cisgender or questioning. If a youth’s assigned sex at birth was different from their gender identity, then they were labeled as transgender. If a youth’s assigned sex at birth (e.g., female) was the same as their gender identity (e.g., girl/woman), then they were labeled cisgender. If a youth indicated that they did not know, then they were labeled as questioning.

In terms of gender expression, the question was posed as *what is your gender expression? (check all that apply) (gender expression describes how you dress, behave and carry yourself)* and the options are: *masculine; feminine; non-binary (elements of both masculine and*

feminine expressions); *write in your own response*; *I don't know*; and *decline to answer*. To note, including nonbinary as a gender expression is incorrect as nonbinary is a gender (and an umbrella term for a multitude of genders) and nonbinary individuals can have any gender expression (e.g., feminine, masculine, androgynous). Also, a gender nonconforming variable was coded as well. If the youths' self-reported gender expression (e.g., masculine) was different (based on societal "norms") from their gender (e.g., girl/woman) then they were marked as gender nonconforming and individuals who self-reported a gender expression (e.g., feminine) consistent with their gender (e.g., girl/woman) then they were categorized as gender conforming and if youth reported "I don't know" or questioning for gender or gender expression, then they were placed in the "I don't know/questioning" category for gender expression.

Sexual orientation data was obtained through the questionnaire by asking *what your sexual orientation is (check all that apply) (sexual orientation means who you are romantically and physically attracted to. This is how you identify yourself)* with the following options to choose from: *heterosexual/straight*; *lesbian*; *gay*; *bisexual (if you are attracted to both boys/men and girls/women)*; *questioning (if you aren't quite sure if you are attracted to boys/men, girls/women, both, neither, or another gender)*; *queer (an umbrella term used by some members of the LGBT community)*; *asexual (if you are not attracted to any sex or gender)*; *pansexual (if you are attracted to many genders or do not consider gender when dating someone)*; *write in your own response*; *I don't know*; and *decline to answer*.

A LGBTQ+ identity binary variable coded as 0 and 1 was also created to encompass every youth that self-reported their sexual orientation being LGBTQ+, or their gender being different than their assigned sex at birth (e.g., transgender and/or nonbinary). The zero was coded for every straight and cisgender youth, whereas the one was coded for LGBTQ+ youth. Another

binary variable was coded which included 1 for LGBTQ+ youth and youth that were coded as gender nonconforming (GNC) (see gender nonconforming variable) and 0 for straight, cisgender, and gender conforming (GC) youth.

The following variables act as control variables: age, offense severity, mental health needs (e.g., MAYSI-2), and a risk assessment (e.g., OYAS Diversion Tool). Age at the time of the youth's first incident which brought them into the court was used for this dissertation. Offense severity will be measured by youths' offense charge when they first encounter the court. This was measured by examining status, misdemeanor, and felony offense charges. Youth who received multiple charges were placed in the most severe category. For example, if youth received a misdemeanor and felony charge based on their first court incident then they would be counted in the category of receiving a felony charge. The MAYSI-2 acts as a control variable for mental health needs and is a widely used validated tool to assess mental health needs of youth (Ford et al., 2008; Grisso & Barnum, 2001; 2006; McCoy, Vaughn, Maynard, & Salas-Wright, 2014). This instrument has been widely used in juvenile court populations to screen youths' mental and behavioral health (e.g., Aalsma, Schwartz, & Perkins, 2014; Aalsma et al., 2015; Fazel, Doll, & Långström, 2008). This is important as most youth in the juvenile legal system meet criteria for a mental illness (Fazel et al., 2008).

MAYSI-2 Administration. MAYSI-2 was given to youth through a trained staff member and consists of a self-report interview with 52 questions (Grisso & Barnum, 2001). Questions are based on how the youth was feeling, thinking, and/or behaving within the last few months and they are presented for youth to answer yes or no (Grisso & Barnum, 2001). There are seven scales of this screening instrument, which include: (1) alcohol/drug use; (2) angry-irritable; (3)

depressed-anxious; (4) somatic complaints; (5) suicide ideation; (6) thought disturbance; and (7) traumatic experiences (Grisso & Barnum, 2001; 2006).

First, the alcohol/drug use (AD) scale was to identify youth who use alcohol or drugs to a heightened degree and who are at risk of substance abuse (Grisso & Barnum, 2001; 2006). This scale includes five items asking about negative consequences of substance use disorders and three items that represent substance abuse (Grisso & Barnum, 2001; 2006).

Second, the angry-irritable (AI) scale is to evaluate youths' feelings on anger, irritability, and frustration and is based on two items about behavioral symptoms of anger, three items that address risk of impulsivity, and four items about angry thoughts and mood (Grisso & Barnum, 2001; 2006).

Third, the depressed-anxious (DA) scale is to identify depression and anxiety symptoms with four items centering depressed moods, and five items about inner turmoil and anxiety symptoms (Grisso & Barnum, 2001; 2006).

Fourth, somatic complaints (SC) scale includes six items asking about bodily symptoms of anxiety, aches, or pains (Grisso & Barnum, 2001; 2006).

Fifth, the suicide ideation (SI) scale addresses symptoms of depression and suicide risk by looking at three items on intensions and self-harm thoughts, two items on depression symptoms (Grisso & Barnum, 2001; 2006).

Sixth, thought disturbance (TD) scale was created to identify youth with severe mental illness dealing with one's sense of reality with five items (Grisso & Barnum, 2001; 2006). Four items focused on differing perceptions of reality that have been associated with psychotic disorders and one item that refers to an abnormal perception (Grisso & Barnum, 2001; 2006).

When creating the MAYSI-2, TD scales were only identified in boys, so TD scales are only applied to boys as the TD scale does not apply to girls (Grisso & Barnum, 2001; 2006).

Lastly, traumatic experiences (TE) scale is to measure whether youth have had more traumatic experiences compared to others (Grisso & Barnum, 2001; 2006). However, it should be noted that this Court does not have information on the TE scale for youth as they were not collecting this information, the TE scale scores were not be included in the analyses. This scale differs for boys and girls and asks youth about their experiences and feelings over their lifetime (Grisso & Barnum, 2001; 2006). Results for the MAYSI-2 are labeled as “warning” and “caution” for high scores on every scale; however, each scale has various cut off scores (Grisso & Barnum, 2001; 2006). Warning cut off scores could be anywhere from 2 to 8, whereas caution cut off scores could range anywhere from 1 to 5 (Grisso & Barnum, 2006).

OYAS Diversion Tool. The Ohio Youth Assessment System (OYAS) Diversion tool acts as another control variable, which will serve for two of the research questions on court processing, as the court only collected OYAS information for individuals coming in through the intervention center. The OYAS is a validated, standardized risk assessment tool (Lovins & Latessa, 2013), based on the central eight risk and need predictors of future criminal or delinquent behavior including: (1) criminal history; (2) anti-social associates; (3) anti-social cognitions; (4) anti-social personality; (5) substance abuse; (6) family; (7) school/work; and (8) leisure/recreation (Andrews et al., 2011). The Court’s Early Diversion and Intervention Center (EDIC) uses the diversion tool in which they indicated an overall risk score for each youth, classifying them as low (e.g., scores 0-1), moderate (e.g., scores 2-4), or high risk (e.g., scores 5-7) (Lovins & Latessa, 2013; University of Cincinnati Corrections Institute, 2015). The OYAS diversion tool has six main questions. First, the assessment asks if the youth has any prior

offenses by scoring 0 (no) and 1 (yes) for this item. Second, the diversion tool enters the youth's current charge as a status offense (coded as 0), a misdemeanor (coded as 1), or a felony (coded as 2). Third, the tool asks about the youth's first contact with the juvenile legal system and whether the youth was 16 or older (coded as 0) or 15 or under (coded as 1). Fourth, the tool asks whether the youth was on probation before, a score of one is given to youth who have had probation and 0 if they have not. Fifth, the tool asks whether close family members have been arrested, no is coded as zero and yes is coded as one. Sixth, the tool asks whether parents or caregivers have a difficult time supervising the youth no is coded as zero and yes is coded as one. Among these six questions, juvenile court officers give youth a score for each and then add the scores to identify the youth's overall risk level (e.g., low, moderate, or high) (University of Cincinnati Corrections Institute, 2015).

Although there is consensus that risk assessments are useful for youth overall, some studies highlight the limitations of current risk assessments in the field (Campbell et al., 2018; Fass et al., 2008; Onifade et al., 2009; Van Voorhis, et al., 2008). Potential risk assessment bias towards certain groups (e.g., girls and youth of color) could lead to further racial and gender disparities in the system. This is exceptionally important to consider due to the historically unjust treatment of youth of color (e.g., unfair sentencing, disproportionate minority contact) in the juvenile legal system (Campbell et al., 2018; Onifade et al., 2009). Just as the literature identifies that there are specific risks for girls to recidivate (e.g., trauma), there may be other specific risks for other marginalized youth groups (Campbell et al., 2018; Onifade et al., 2009), including: BIPOC youth, LGBTQ+ and gender nonconforming (GNC) youth. These intersectional studies of gender and race are needed, and future research should follow suit to examine the experiences of LGBTQ+ youth involved with the legal system.

Analytic Approach

Descriptive statistics were conducted to examine the prevalence of LGBTQ+ and/or GNC youth across different racial/ethnic categories and to answer the nine descriptive research questions provided. First, this dissertation examines how many youths self-reported that they are LGBTQ+ within the juvenile court and how many youths are LGBTQ+ within different racial/ethnic groups. A crosstabulation was conducted to answer this question. Second, a frequencies table was conducted to show the sexual orientations of each youth. Third, a frequency table was created to show how many youths are transgender, cisgender, or questioning. Fourth, I established the youths gender expression by creating a table of youth self-reported gender expression and whether the youths gender expression classified as gender nonconforming using frequency tables. Fifth, the proportion of LGBTQ+ youth entering the juvenile court was compared to the general U.S. LGBTQ+ youth population using cross tabulations and a chi-squared test. Sixth, crosstabulations were conducted to examine mental health needs across youth of various sexual orientations, gender identities, gender expressions, and racial/ethnic categories. Seventh, referral source was examined by a frequency table, then by crosstabulations to view the differences in referral source to the juvenile court by race/ethnicity, sexual orientation, and gender identity. Eighth, youths' entrance into the juvenile court (e.g., detention or intervention center) was examined through a frequency table, along with crosstabulations to examine the differences across race/ethnicity, sexual orientation, gender identity, and gender expression. Lastly, the distribution and severity of offenses across gender identity, sexual orientation, gender expression, and race/ethnicity were examined through crosstabulations and chi-squared analyses.

A series of four major models were conducted to answer the court processing research questions using a statistical software package (e.g., SPSS). See Figure 1 in the Appendix C for

variables and proposed analyses for each inferential research question. First, this dissertation aims to examine whether LGBTQ+ and/or GNC youth are associated with youth being placed in the official juvenile court or whether the youth were diverted from the court controlling for gender identity (e.g., the youth's reported gender), race/ethnicity, age (e.g., age in years at first incident with the juvenile court), and offense severity, (see 1a in Figure 1 in the Appendix C). LGBTQ+ and/or GNC youth was coded as a binary variable encompassing all LGBTQ+ and/or GNC youth. Gender identity was examined for association with youth being placed in the official juvenile court or whether the youth was diverted from the court controlling for LGBTQ+ and/or GNC youth, race/ethnicity, age, and offense severity. Race/ethnicity was examined for association with youth being placed in the official juvenile court or whether the youth were diverted from the court controlling for gender identity, LGBTQ+ and/or GNC youth, race/ethnicity, age, and offense severity. The next research question (1c) asks: *Do LGBTQ+ and/or GNC youth moderate the relationship between race/ethnicity and whether youth receive official court processing or are diverted from the system?* This model includes multiple parts to examine the interaction of LGBTQ+ and/or GNC youth and race/ethnicity while controlling for age and offense severity; the interaction of gender identity and race/ethnicity while controlling for LGBTQ+ and/or GNC youth, age, and offense severity. A binary logistic regression was used for all of these models within research question 1a-1c with official court processing or diversion as the dependent variable.

Second, research question 2a, *For the youth that were diverted from the court, are LGBTQ+ and/or GNC youth associated with referral to mental health treatment*, was answered while controlling for race/ethnicity, age, MAYSI-2 scores, OYAS diversion risk level, and offense severity. Gender identity was examined for association with mental health referral

controlling for LGBTQ+ and/or GNC youth, race/ethnicity, age, MAYSI-2 scores, OYAS diversion risk level, and offense severity. Race/ethnicity will be examined for association with mental health referral controlling for gender identity, LGBTQ+ and/or GNC youth, race/ethnicity, age, MAYSI-2 scores, OYAS diversion risk level, and offense severity. This model includes multiple parts to examine the interaction of LGBTQ+ and/or GNC youth and race/ethnicity while controlling for age and offense severity; the interaction of gender identity and race/ethnicity while controlling for LGBTQ+ and/or GNC youth, MAYSI-2 scores, OYAS diversion risk level, and age. A binary logistic regression was used for all these models with mental health referral (yes/no) as the dependent variable.

Third, the research question of 3a is “*Among the youth that were diverted from the juvenile court, are LGBTQ+ and/or GNC youth associated with the court deeming youth as successful or unsuccessful in diversion?*” In this model a logistic regression was not conducted due to low cell sizes on multiple independent variables, the dependent variable, as well as control variables. However, to answer this research question association tests were conducted to understand more about youth labeled successful or unsuccessful in diversion. Within this framework LGBTQ+ and/or GNC youth, race/ethnicity, gender identity, age, MAYSI-2 subscales, OYAS diversion risk levels, were assessed to their association with diversion outcome. Further intersectional identities (e.g., BIPOC girls, LGBTQ+ and/or GNC BIPOC youth) were assessed to determine their association, if any, to diversion outcome. Tests of association and tests assessing association strength (e.g., chi-square test) were used to answer these research questions using diversion outcome (successful/unsuccessful) as the dependent variable.

Fourth, research question 4a is: *For youth in the official juvenile court, are LGBTQ+ and/or GNC youth associated with the court's official adjudication (e.g., delinquent, not delinquent/dismissed)?* This question was examined while controlling for gender identity, race/ethnicity, age, and offense severity. Within this model gender identity was examined for association with juvenile court adjudication controlling for LGBTQ+ and/or GNC youth, race/ethnicity, age, and offense severity. Race/ethnicity was examined for association with juvenile court adjudication controlling for gender identity, LGBTQ+ and/or GNC youth, race/ethnicity, age, and offense severity. The next research question (4c) asks: *Does LGBTQ+ and/or GNC youth moderate the relationship between race/ethnicity and adjudication outcome?* This model includes multiple parts to examine the interaction of LGBTQ+ and/or GNC youth and race/ethnicity while controlling for age and offense severity; the interaction of gender identity and race/ethnicity while controlling for LGBTQ+ and/or GNC youth, age, and offense severity. A binary logistic regression was used for all of these models within research question 4a-4c with official court processing or diversion as the dependent variable.

CHAPTER IV: RESULTS

This results chapter has two major components. First, descriptive research question results are presented, as outlined in chapter two. Second, inferential research question results are presented.

Descriptive Research Questions

How many youths self-reported that they are LGBTQ+ within the juvenile court? How many youths are LGBTQ+ within different racial/ethnic groups?

In the sample, 143 (11.9%) of youth self-reported that they were part of the LGBTQ+ community, while 1058 (88.1%) identified as straight and cisgender (see Table 1b). In the court, 186 (15.5%) individuals were LGBTQ+ and/or gender nonconforming and 1016 (84.5%) of youth were straight and gender conforming (see Table 1b).

Table 1: Descriptive Statistics for Full Sample

Variable	Frequency (%)		
	Descriptive Statistics RQ	<i>n</i> for Descriptive Statistics RQ	Descriptive Statistics for Inferential RQs
Race/Ethnicity		1208	
Black or African American	721 (59.7)		
White	353 (29.2)		
Hispanic	28 (2.3)		
Biracial	19 (1.6)		
Native American	2 (0.2)		
Hispanic and White	42 (3.5)		
MENA	15 (1.2)		
Hispanic and Black	9 (0.7)		
Labeled “Other”	14 (1.2)		
Hispanic and Biracial	2 (0.2)		
Indian	1 (0.08)		
Asian	1 (0.08)		
Hawaiian/Pacific Islander	1 (0.08)		
Race/Ethnicity		1208	
Black or African American			724 (59.9)
White or European American			353 (29.2)
Hispanic (Any Race)			79 (6.5)
NonBlack & nonHispanic Youth of Color			52 (4.3)
Binary Race/Ethnicity (White/BIPOC)		1208	
BIPOC			855 (70.8)
White			353 (29.2)
Binary Race/Ethnicity		1208	
Black or African American	724 (59.9)		
Non-Black Individuals	484 (40.1)		

Table 1a: Gender Identity and Pronouns Descriptive Statistics

Variable	Descriptive Statistics RQ	Frequency (%) <i>n</i> for Descriptive Statistics RQ	Descriptive Statistics for Inferential RQs
Gender Identity		1204	
Woman/Girl	493 (40.9)		
Man/Boy	706 (58.6)		
Nonbinary or Genderqueer	1 (0.1)		
Questioning	4 (0.3)		
Binary Gender Identity		1199	
Woman/Girl			493 (41.1)
Man/Boy			706 (58.9)
Pronouns		1102	
She/Her	450 (40.8)		
They/Them	6 (0.5)		
He/Him	646 (58.6)		

Table 1b: LGBTQ+ Youth Descriptive Statistics

Variable	Frequency (%)	
	Descriptive Statistics RQ	Descriptive Statistics for Inferential RQs
Trans/Cisgender		1203
Transgender	2 (0.2)	
Cisgender	1184 (98.4)	
Gender Differs from ASAB/Not Trans	13 (1.1)	
Questioning	4 (0.3)	
Trans/Cis Binary		1203
Transgender/ Questioning	19 (1.6)	
Cisgender	1184 (98.4)	
Sexual Orientation		1202
Lesbian or gay	27 (2.2)	
Pansexual	12 (1.0)	
Bisexual	71 (5.9)	
Asexual	2 (0.2)	
Questioning	21 (1.7)	
Straight	1069 (88.9)	
Binary Sexual Orientation		1202
LGBQ+		133 (11.1)
Straight		1069 (88.9)
Trans/Cis and/or GNC		1201
Cis and GC	1080 (89.9)	
Trans and/or GNC	121(10.1)	
LGBTQ+		1201
Yes LGBTQ+	143 (11.9)	
Not LGBTQ+	1058 (88.1)	
LGBTQ+/GNC		1202
LGBTQ+ and/or GNC	186 (15.5)	
Straight and Gender Conforming	1016 (84.5)	

For Table 1b, the Trans/Cis binary variable focuses on whether the youth is transgender or cisgender. There were 13 youth whose gender did not match their assigned sex at birth, but they did not directly label themselves as trans. For the purposes of this dissertation, these 13 youth were added to Transgender/questioning label. Also, 4 youth disclosed that they were questioning whether they were cisgender or transgender.

Table 1c: Gender Expression Descriptive Statistics

Variable	Frequency (%)		
	Descriptive Statistics RQ	<i>n</i> for Descriptive Statistics RQ	Descriptive Statistics for Inferential RQs
Gender Expression		1199	
Feminine	403 (33.6)		
Masculine	706 (58.9)		
Feminine & Masculine	73 (6.1)		
Questioning	17 (1.4)		
Gender Expression Combined		1199	
Feminine			403 (33.6)
Masculine			706 (58.9)
Feminine & Masculine or Questioning			90 (7.5)
Gender Non-Conforming		1199	
GC			1084 (90.4)
GNC or Questioning			115 (9.6)

In Table 1c, the gender Expression Combined variable was condensed into three categories for the purposes of analyses. Individuals that have feminine and masculine expression are not questioning. However, youth that were questioning their expression were included in the same label as these individuals may be experimenting with various expressions.

Table 1d: Descriptive Statistics of Control and Dependent Variables

Variable	Frequency (%)		
	Descriptive Statistics RQ	<i>n</i> for Descriptive Statistics RQ	Descriptive Statistics for Inferential RQs
Age		1074	
6-12 years			150 (14.0)
13-14 years			309 (28.8)
15-16 years			420 (39.1)
17-18 years			195 (18.2)
Court Entrance		1188	
Intervention Center	863 (72.6)		
Detention Center	325 (27.4)		
First Incident in Court		1076	
Diversion			684 (63.6)
Official			392 (36.4)
*Referral Source		684	-
School	32 (4.7)		
Police	608 (88.9)		
Parent/Guardian	27 (3.9)		
Court	4 (0.6)		
Store Security	13 (1.9)		
OYAS Diversion Score (0 – 6)	<i>M</i> = 2.64 <i>SD</i> = 2.1	629	-
OYAS Diversion Level	-	629	
Low (0-1)			198 (31.5)
Moderate (2-4)			418 (66.5)
High (5-7)			13 (2.1)
Mental Health Referral		546	
No Referral	-		342 (62.3)
Referral	-		207 (37.7)
Offense Severity		971	
Status	80 (8.2)		80 (8.2)
Misdemeanor	692 (71.3)		692 (71.3)
Felony	153 (15.8)		199 (20.5)
Felony and Misdemeanor	46 (4.7)		
Diversion Outcome		542	
Unsuccessful	41 (7.6)		
Successful	501 (92.4)		
Adjudication Outcome		292	
Not Adjudicated Delinquent	-		94 (32.2)
Adjudicated Delinquent	-		198 (67.8)

In Table 1d, the Referral Source variable listed is for diversion only. Youth coming in through the detention center that are placed in the official system are usually arrested by police.

Mental health referrals for youth were only calculated for youth whose first incident was in diversion, 679 youth were placed in diversion only upon their first encounter with the juvenile court; however, 130 youth in diversion are missing this information (see Table 1d).

In terms of LGBTQ+ youth within different racial and ethnic categories, 1056 youth identified as straight and cisgender (two cases were dropped as information on their race/ethnicity was unknown) and 143 youth were LGBTQ+. Of the LGBTQ+ youth, 75 (52.4%) were Black youth, 47 (32.9%) were white youth, 15 (10.5%) were Hispanic youth, and 6 were non-Black, non-Hispanic, youth of color (see Table 2). These racial and ethnic groupings (e.g., Black youth, white youth, Hispanic youth, and youth of color who identify as nonBlack and nonHispanic) are very limited and does not capture the different experiences and types of discrimination, historically and currently, individuals endure. For Black youth, 75 (10.4%) were LGBTQ+, 47 (13.4%) white youth were LGBTQ+, 15 (19.2%) Hispanic youth were LGBTQ+, and 6 (11.5%) non-Black, non-Hispanic youth of color were LGBTQ+.

Table 2: Race/Ethnicity across LGBTQ+ and Gender Nonconforming Youth

	Frequency (%) <i>n</i> = 1200	
	Straight and GC	LGBTQ+ and/or GNC
Black Youth	619 (61.0)	98 (52.7)
White Youth	296 (29.2)	56 (30.1)
Hispanic Youth	58 (5.7)	21 (11.3)
nonBlack & nonHispanic Youth of Color	41 (4.0)	11 (5.9)
Total	1014 (100%)	186 (100%)

Note: If youth declined to answer any of these questions (about sexual orientation, gender identity, gender expression) without self-reporting that they were LGBTQ+ and/or gender nonconforming or questioning, then they were counted as missing.

Black youth accounted for 52.7% of LGBTQ+ and/or gender nonconforming youth across all racial and ethnic categories followed by 30.1% of white youth, 11.3% of Hispanic youth, and 5.9% of non-Black, non-Hispanic youth of color (see Table 2). Youth of color (who identified as nonBlack and nonHispanic) are self-reported as Native American, Asian, Indian, Hawaiian, MENA, biracial, and “other” youth (see Table 1 for full detailed information). In

terms of all Black youth, 13.9% were LGBTQ+, and/or questioning, and/or gender nonconforming while 86.1% identified as straight, cisgender, and gender conforming youth. In terms of white youth, 16% were LGBTQ+, and/or questioning, and/or gender nonconforming, followed by 21.2% of nonBlack, nonHispanic youth of color, and 26.6% of Hispanic youth.

What are the sexual orientations of youth?

Youth that provided SOGIE information to the court, had the following sexual orientations: 27 (2.2%) were lesbian or gay; 12 (1.0%) were pansexual; 71 (5.9%) were bisexual; 2 (0.2%) were asexual; 21 (1.7%) were questioning their sexual orientation; and 1069 (88.9%) identified as straight (see Table 1a). For the purposes of analysis, LGBQ+ youth were combined due to the low cell sizes in each sexual orientation category. For analysis a binary variable was created for LGBQ+ youth and straight youth, there were 133 (11.1%) of youth who were LGBQ+ and 1069 (88.9%) who were straight (see Table 1b). Condensing sexual orientation into a binary category limits the analysis and is further discussed in the limitations section in the discussion chapter.

How many youths are transgender? How many are cisgender? Questioning?

Two (0.2%) youth self-identified as transgender in addition to their gender identity, 13 (1.1%) youth had a gender identity that did not align to society's "norms" in regard to their ASAB, 4 (0.3%) of youth were questioning their gender identity, and 1184 (98.4%) of youth had a gender identity that aligned with society's "norms" regarding their ASAB (see Table 1b). Unfortunately, due to the small cell sizes, a binary variable was developed but was not included in analyses also due to the small cell sizes. For the binary trans and cisgender variable, 19 (1.6%) of youth were transgender or questioning and 1184 (98.4%) of youth were cisgender (Table 1b).

What are youths' gender expression?

In terms of gender expression, 403 (33.6%) of youth presented a feminine gender expression, 706 (58.9%) presented as masculine, 73 (6.1%) presented as both feminine and masculine, and 17 (1.4%) were questioning their gender expression (see Table 1c). A combined gender expression variable was created as well due to low cell sizes where feminine and masculine expression and youth questioning their gender expression were combined for analysis purposes. In the combined variable 90 (7.5%) of youth reported that their gender expression was feminine and masculine, or they were questioning their expression (see Table 1c).

Youth were labeled as gender nonconforming if youth reported a gender expression that differed their gender based on social “expectations” as all of these variables are social constructs. In total, 115 (9.6%) youth were labeled gender nonconforming. In contrast, 1084 (90.4%) youth were counted as gender conforming as their gender and gender expression fit within social “expectations”. limited views (see Table 1c).

What are youths’ gender identities across race/ethnicity, gender expression, and sexual orientation?

In terms of gender identity, 493 (40.9%) of youth were girls, 706 (58.6%) were boys, one youth was nonbinary or genderqueer, and four (0.3%) youth were questioning their gender identity (see Table 1a). In terms of gender identity of Black youth, 37.4% were girls, 62.3% were boys, and 0.3% were questioning their gender. In terms of white youth, 46.3% were girls, 0.3% were genderqueer or non-binary, 52.8% were boys, and 0.6% were questioning their gender. In terms of Hispanic youth of all races, 50% were girls and 50% were boys. In terms of non-Black, non-Hispanic youth of color (e.g., Native American, Asian, MENA youth), 37.3% were girls and 62.7% were boys (see Table 3).

In terms of gender identity and LGBTQ+ youth, straight and cisgender youth comprised of 36% of girls and 64% of boys in the court. These data are limited as only 1196 youth were used in this cross tabulation compared to the 2194 youth who came through the juvenile court during 2019 to 2020, this is further discussed in the limitations section. Of LGBTQ+ youth in the court, 79% were girls, 17.4% were boys, 0.7% were genderqueer, and 2.9% were questioning their gender. In terms of gender identity by LGBTQ+ identities, 77.8% of girls and 96.6% of boys identified as straight and cisgender (see Table 3).

Table 3: Descriptive Information among Gender Identities

	Frequency (%)				<i>n</i>
	Girl/ Woman	Boy/Man	Genderqueer or Non-binary	Questioning	
Race/Ethnicity					1202
Black or African American	270 (55.0)	449 (63.6)	0 (0.0)	2 (50.0)	
White or European American	163 (33.2)	186 (26.3)	1 (100)	2 (50.0)	
Hispanic (any race)	39 (7.9)	39 (5.5)	0 (0.0)	0 (0.0)	
Youth of Color (nonBlack & nonHispanic)	19 (3.9)	32 (4.5)	0 (0.0)	0 (0.0)	
LGBTQ+					1196
Straight/ Cisgender	381 (77.8)	677 (96.6)	0 (0.0)	0 (0.0)	
LGBTQ+	109 (22.2)	24 (3.4)	1 (100)	4 (100)	
Gender Expression					1193
Masculine	19 (3.9)	685 (98.0)	0 (0.0)	1 (25.0)	
Feminine	398 (81.4)	4 (0.6)	0 (0.0)	1 (25.0)	
Feminine and Masculine	63 (12.9)	3 (0.4)	1 (100)	1 (25.0)	
Questioning	9 (1.8)	7 (1.0)	0 (0.0)	1 (25.0)	
Gender Nonconforming					1193
Gender Conforming	399 (81.6)	685 (98.0)	0 (0.0)	0 (0.0)	
Gender Nonconforming	90 (18.4)	14 (2.0)	1 (100)	4 (100)	

Approximately 22.2% of girls and 3.4% of boys were LGBTQ+ along with 100% of individuals questioning their gender and genderqueer/non-binary youth (see Table 3). Of the LGBTQ+ boys in the sample, 7 (29.2%) were gay, 7 (29.2%) were bisexual, 2 (8.3%) were asexual, 5 (20.8%) were questioning their sexuality, and 3 (12.5%) were trans boys. For LGBTQ+ girls, 19 (17.4%)

were lesbian or gay, 9 (8.3%) were pansexual, 58 (53.2%) were bisexual, 16 (14.7%) were questioning, and 7 (6.4%) were trans girls.

In terms of gender expression for girls, 3.9% had a masculine gender expression, 81.4% had a feminine expression, 12.9% had a feminine and masculine expression, and 1.8% were questioning their expression. For boys, 98% had a masculine gender expression, 0.6% had a feminine expression, 0.4% had a feminine and masculine expression, and 1.0% were questioning (see Table 3). For youth that were questioning their gender identity ($n = 4$), one had a masculine expression, one a feminine expression, one a feminine and masculine expression and one was questioning (see Table 3). In terms of gender nonconforming individuals, 18.4% of girls and 2.0% of boys were gender non-conforming in their gender expression (see Table 3). In terms of 104 girls and boys that were gender nonconforming youth, 86.5% of girls and 13.5% of boys had a different gender expression than their gender identity. Of white youth, 7.7% of youth are gender nonconforming, followed by 9.4% of Black youth, 15.2% of Hispanic youth, and 17.3% of non-Black, non-Hispanic youth of color (see Table 3).

Is the proportion of LGBTQ+ youth entering the juvenile court the same as in the community?

There are not precise estimates of the number of LGBTQ+ youth in the juvenile court county or state as there are no reliable or systematic data collection on these sociodemographic characteristics. This creates challenges for identifying how the proportion of LGBTQ+ youth entering the court compared to LGBTQ+ youth in the community. However, there are a few ways to develop estimates. For instance, the Youth Risk Behavior Surveillance System (YRBS) is a school-based survey for youth managed by the Centers for Disease Control and Prevention (CDC) and is state-administered (Mallory et al., 2019). The YRBS survey indicates that 10.4% of youth in the national sample in 2017 were lesbian, gay, and/or bisexual. Further the Williams

Institute estimates that approximately 72,300 youth ages 13 to 17 years of age are LGBT with an estimation that 69,500 youth are LGB and 5,900 identify as transgender in 2017 in the same state the juvenile court resides (Mallory et al., 2019). A separate measure was created to estimate the proportion of LGBTQ+ youth in the state to compare it to the rates of youth who reported they are LGBTQ+ in the juvenile court. The U.S. Census estimated that there were 2,583,291 youth in the state in 2019, the Williams Institute estimated that there were 72,300 LGBT youth in the same state in 2017. This was calculated to estimate the percentage of youth that were LGBTQ+ in the state, 2.8% of youth in the state were LGBT. However, there are several limitations to this estimate: (1) estimates were taken from different years and the population could have changed overtime and with laws, policies, and practices changing; (2) LGBT estimates in the state were calculated from the Williams Institute and has limitations of its own; (3) many LGBTQ+ youth may not report they are LGBTQ+ due to safety concerns or fear of discrimination. The calculation of 2.8% is a very low percentage for a state, this does not show that LGBTQ+ youth do not exist, but this speaks more to LGBTQ+ youth not being out or reporting they are LGBTQ+ in schools or other settings. The 2.8% estimate of LGBTQ+ youth in the state was compared to LGBTQ+ youth in this juvenile court from 2019 to 2020, which was 11.9% (see Table 1b). This trend suggests that LGBTQ+ youth are likely disproportionately placed in the juvenile legal system relative to the general population estimate.

What are the mental health needs across youth of various sexual orientations, gender identities, gender expressions, and racial/ethnic categories?

Of the youth who were placed in diversion based on their first incident with the court, 342 (62.3%) were not referred to mental health treatment, while 207 (37.7%) did receive a mental health referral (see Table 1d). For mental health referrals across binary sexual orientation,

67.2% of LGBTQ+ youth and 34.1% of straight youth were referred (see Table 4). Further, when addressing both sexual orientation and gender identities, 68.2% of LGBTQ+ youth and 33.6% of cisgender and straight youth received a mental health referral (see Table 4). LGBTQ+ youth were more likely to be referred to mental health services than straight, cisgender youth. A chi-square and Cramer's V test were conducted to test for strength and direction. Sexual orientation and gender identity were significantly moderately related to referrals ($\chi^2 = 29.518, p < 0.001$; $\Phi = 0.232, p < 0.001$).

When examining gender identity and mental health referrals, 47.3% of girls and 27.3% of boys were referred along with 100% of youth questioning their gender and genderqueer and/or nonbinary youth (see Table 4). Gender identity and mental health referrals had a significant moderate association ($\chi^2 = 23.246, p < 0.0001$; $\Phi = 0.207, p < 0.001$) as girls were more likely than boys to be referred. Individuals with feminine gender expressions made up 48.1% of the referrals in diversion followed by 37.9% of masculine presenting youth, 10.7% of feminine and masculine presenting youth, and 3.4% of youth questioning their gender expression (see Table 4). Further, 46.3% of youth with a feminine expression, 27.3% youth with a masculine expression, 59.5% of youth with both feminine and masculine expression, and 87.5% of youth questioning their gender expression were given a mental health referral. This suggests that there may be another factor at play (e.g., whether the youth's gender expression is deemed gender nonconforming) rather than just looking at youths' gender expression as most youth that have both feminine and masculine expression were referred to mental health services. According to Table 4, 64.8% of gender nonconforming youth and youth questioning their gender expression received a mental health referral while only 34.8% of gender conforming youth received a referral. Gender nonconforming youth and mental health referrals are weakly associated with

each other ($\chi^2 = 18.608, p < 0.001$; Phi = 0.185, $p < 0.001$). Further, when examining LGBTQ+ and/or GNC, 65.5% received a referral while 32.6% of straight, cisgender, and GC youth received a referral (see Table 4). LGBTQ+ and/or GNC youth are significantly moderately associated with mental health referrals ($\chi^2 = 33.685, p < 0.001$; Phi = 0.248, $p < 0.001$). Also, 90% of transgender youth and youth questioning their gender identity were referred to mental health treatment compared to 36.3% of cisgender youth.

Table 4: Mental Health Referral and Descriptive Statistics Across Multiple Identities

Variable	Frequency (%)		<i>n</i>	Chi-square (Phi or Cramer's V)
	No Referral	Referral		
Race/Ethnicity			549	18.675 (.184)
Black or African American	141 (41.2)	123 (59.4)		
White or European American	154 (45.0)	58 (28.0)		
Hispanic (Any Race)	31 (9.1)	17 (8.2)		
Youth of Color (nonBlack & nonHispanic)	16 (4.7)	9 (4.3)		
Sexual Orientation			548	25.309 (.215)
LGBQ+ Youth	20 (10.8)	41 (11.3)		
Straight	166 (89.2)	321 (88.7)		
LGBTQ+ Youth			548	29.518 (.232)
LGBTQ+ Youth	21 (6.2)	45 (18.8)		
Straight & Cisgender	320 (93.9)	194 (81.2)		
Trans/Cis Binary			545	
Cisgender Youth	341 (99.7)	194 (95.6)		
Transgender Youth or Questioning Youth	1 (0.3)	9 (4.4)		
LGBTQ+ and/or GNC Youth			547	33.685 (.248)
Straight, Cisgender, & GC	310 (91.2)	150 (72.5)		
LGBTQ+ and/or GNC Youth	30 (8.8)	57 (27.5)		
Gender Identity			546	23.246 (.207)
Girls	137 (40.0)	123 (60.3)		
Boys	205 (60.0)	77 (37.7)		
Nonbinary or Genderqueer Youth	0 (0.0)	1 (0.5)		
Questioning Youth	0 (0.0)	3 (1.5)		
Gender Expression			545	
Feminine	115 (33.9)	99 (48.1)		
Masculine	208 (61.4)	78 (37.9)		
Feminine & Masculine	15 (4.4)	22 (10.7)		
Questioning	1 (0.3)	7 (3.4)		
Gender Nonconforming			547	18.608 (.185)
Gender Conforming	320 (94.3)	171 (83.0)		
Gender Nonconforming	19 (5.6)	35 (17.0)		

Variable	Frequency (%)		<i>n</i>	Chi-square (Phi or Cramer's V)
	No Referral	Referral		
Intersectional Identities				
Race/Ethnicity & Gender Identity				
BIPOC Boys	111 (59.0)	60 (41.7)	332	9.857 (.172)
BIPOC Girls	77 (41.0)	84 (58.3)		
White Boys	93 (60.8)	17 (29.4)	211	15.224 (.270)
White Girls	60 (39.2)	39 (67.2)		
White Nonbinary/Genderqueer or Questioning Youth	0 (0.0)	2 (3.4)		
Black Boys	82 (58.2)	50 (41.3)	264	6.725 (.161)
Black Girls	59 (41.8)	69 (57.0)		
Black Youth Questioning Gender Identity	0 (0.0)	2 (1.7)		
Hispanic Boys	17 (54.8)	5 (29.4)	48	2.859
Hispanic Girls	14 (45.2)	12 (70.6)		
Boys of Color (non-Black & non-Hispanic)	13 (81.3)	5 (62.5)	24	
Girls of Color (non-Black & non-Hispanic)	3 (18.75)	3 (37.5)		
Race/Ethnicity & LGBTQ+/GNC				
Straight, Cisgender, & GC BIPOC Youth	164 (89.1)	110 (73.8)	333	13.228 (.199)
LGBTQ+/GNC BIPOC Youth	20 (10.9)	39 (26.2)		
Straight, Cisgender & GC White Youth	141 (92.2)	110 (84.6)	211	23.198 (.332)
LGBTQ+/GNC White Youth	12 (7.8)	20 (15.4)		

Intersectional Identities. Next, race/ethnicity, LGBTQ+ and/or gender nonconforming youth and mental health referrals are briefly explored (see Table 4). Race/ethnicity was significantly weakly associated with mental health referral ($\chi^2 = 18.675, p < 0.001$; Phi = 0.184, $p < 0.001$). BIPOC youth who are LGBTQ+ and/or gender nonconforming were compared to BIPOC youth who are straight and gender conforming regarding referrals. Further, 66.1% of LGBTQ+ and/or gender nonconforming BIPOC youth were referred while 40.1% of straight, cisgender, and gender conforming BIPOC youth were referred (see Table 4). LGBTQ+ and/or gender nonconforming BIPOC youth were more likely than straight, cisgender, and gender conforming BIPOC youth to receive a referral. BIPOC youth who are LGBTQ+ and/or gender nonconforming are significantly weakly to moderately associated with mental health referrals ($\chi^2 = 13.228, p < 0.001$; phi = 0.199, $p < 0.001$). For white LGBTQ+ and/or gender nonconforming

youth, 62.5% were referred while 21.2% of straight, cisgender, and conforming white youth were referred (see Table 4). White LGBTQ+ and/or gender nonconforming youth are more likely to be referred compared to white straight, cisgender, conforming youth. Further, white youth who are LGBTQ+ and/or gender nonconforming are significantly moderately associated with mental health referrals ($\chi^2 = 23.198, p < 0.001$; Phi = 0.332, $p < 0.001$).

Race/ethnicity and Gender Identity. Girls may have a higher likelihood of receiving a mental health referral across racial and ethnic categories. For Black girls, 53.9% received a mental health referral and 37.9% of Black boys received a mental health referral (see Table 4). To analyze this further, a chi-square test and a Cramer's V test was conducted and found that Black youth and gender identity were significantly associated with obtaining a mental health referral ($\chi^2 = 6.725; p = 0.01$); however, the Cramer's V test showed a small/weak association (Phi = 0.161; $p = 0.01$). For white girls, 39.4% received a referral and 60.6% of them did not, while 37.9% of white boys received a referral and 62.1% did not (see Table 4). White youth and gender identity have a moderate association with mental health referrals ($\chi^2 = 15.224, p = 0.00$; Phi = 0.270, $p = 0.00$). Black and white youth who were nonbinary or gender queer or questioning their gender all were referred to mental health services. For Hispanic youth, 46.2% of girls and 22.7% of boys were referred (see Table 4). Hispanic youth and gender identity was not significantly associated with mental health referrals ($\chi^2 = 2.859; p = 0.091$). Further, 50% of non-Black, non-Hispanic girls of color were given a referral along with 27.5% of non-Black, non-Hispanic boys of color (see Table 4). The majority of BIPOC girls (52.2%) were given a mental health referral and the majority (64.9%) of BIPOC boys were not given a referral (see table 28). BIPOC youth and gender identity had a small/weak association with mental health referrals ($\chi^2 = 9.857, p = 0.002$; Phi = 0.172, $p = 0.002$).

What is the referral source that brought youth to the juvenile court and are there differences across race/ethnicity, gender identity, sexual orientation?

Youth entering the court through diversion ($n = 684$) for their first incident had a referral source listed for each youth. There were 4.7% of youth referred by their school, 88.9% referred by the police, 3.9% by a parent or guardian, 0.6% through court, and 1.9% by store security (see Table 1d). Cross tabulations were conducted on racial/ethnic categories and the referral source to the court based on the youth's first incident and if they were placed in diversion (see Table 5). In terms of school being the referral source for youth, 46.9% of Black youth were referred, 21.9% of white youth, 18.8% of nonBlack, nonHispanic youth of color, and 12.5% of Hispanic youth. Police was the most common referral source to the juvenile court overall, across race/ethnicity, 47.9% of Black youth were referred, followed by 39.6% of white youth, 7.9% of Hispanic youth, and 4.6% of nonBlack, nonHispanic youth of color. Further in terms of parent/guardian and court referral, Black youth had a higher percentage than all other racial/ethnic groups (see Table 5). With store security, 53.8% white youth were referred, followed by all other racial/ethnic groups (see Table 5).

Table 5: Referral Sources Across Intersectional Identities

	Frequency (%)					
	School	Police	Guardian	Court	Store Security	<i>n</i>
Race/Ethnicity						684
Black or African American	15 (46.9)	291 (47.9)	19 (70.4)	4 (100)	2 (15.4)	
White or European American	7 (21.9)	241 (39.6)	3 (11.1)	0 (0.0)	7 (53.8)	
Hispanic (Any Race)	4 (12.5)	48 (7.9)	2 (7.4)	0 (0.0)	2 (15.4)	
Youth of Color (nonBlack & nonHispanic)	6 (18.8)	28 (4.6)	3 (11.1)	0 (0.0)	2 (15.4)	
Sexual Orientation						683
LGBQ+ Youth	3 (9.4)	65 (10.7)	3 (11.1)	1 (25.0)	2 (7.7)	
Straight	29 (90.6)	542 (89.3)	24 (88.9)	3 (75.0)	11 (92.3)	
LGBTQ+ Youth						683
LGBTQ+ Youth	3 (9.4)	71 (11.7)	3 (11.1)	1 (25.0)	2 (7.7)	
Straight & Cisgender	29 (90.6)	536 (88.3)	24 (88.9)	3 (75.0)	11 (92.3)	
Trans/Cis Binary						680
Cisgender Youth	32 (100)	595 (97.9)	26 (100)	4 (100)	13 (100)	
Transgender or Questioning Youth	0 (0.0)	13 (2.1)	0 (0.0)	0 (0.0)	0 (0.0)	
LGBTQ+ and/or GNC Youth						682
Straight, Cisgender, & GC	26 (81.3)	516 (85.1)	24 (88.9)	3 (75.0)	11 (84.6)	
LGBTQ+ and/or GNC Youth	6 (18.8)	90 (14.9)	3 (11.1)	1 (25.0)	2 (15.4)	
Gender Identity						680
Girls	16 (50.0)	283 (46.7)	8 (30.8)	2 (50.0)	10 (76.9)	
Boys	16 (50.0)	319 (52.6)	18 (69.2)	2 (50.0)	3 (23.1)	
Nonbinary or Genderqueer Youth	0 (0.0)	1 (0.2)	0 (0.0)	0 (0.0)	0 (0.0)	
Questioning Youth	0 (0.0)	3 (0.5)	0 (0.0)	0 (0.0)	0 (0.0)	
Gender Expression						680
Feminine	17 (53.1)	324 (53.6)	18 (66.7)	2 (50.0)	3 (23.1)	
Masculine	13 (40.6)	239 (39.6)	6 (22.2)	2 (50.0)	8 (61.5)	
Feminine & Masculine or Questioning	2 (6.3)	41 (6.8)	(11.1)	0 (0.0)	2 (15.4)	
Gender Nonconforming						680
Gender Conforming	29 (90.6)	551 (91.2)	24 (88.9)	4 (100)	11 (84.6)	
Gender Nonconforming	3 (9.4)	53 (8.8)	3 (11.1)	0 (0.0)	2 (15.4)	

	Frequency (%)					<i>n</i>
	School	Police	Guardian	Court	Store Security	
Intersectional Identities						
Race/Ethnicity & Gender Identity						
BIPOC Girls	13 (52.0)	169 (46.3)	7 (30.4)	2 (50.0)	5 (83.3)	423
BIPOC Boys	12 (48.0)	194 (53.2)	16 (69.6)	2 (50.0)	1 (16.7)	
BIPOC Youth Questioning Gender Identity	0 (0.0)	2 (0.5)	0 (0.0)	0 (0.0)	0 (0.0)	
White Girls	3 (42.9)	114 (47.5)	1 (33.3)	0 (0.0)	5 (71.4)	257
White Boys	4 (57.1)	124 (51.7)	2 (66.7)	0 (0.0)	2 (28.6)	
White Youth Questioning Gender Identity	0 (0.0)	2 (0.8)	0 (0.0)	0 (0.0)	0 (0.0)	
Black Girls	8 (53.3)	138 (47.6)	6 (33.3)	2 (50.0)	1 (50.0)	329
Black Boys	7 (46.7)	150 (51.7)	12 (66.7)	2 (50.0)	1 (50.0)	
Black Youth Questioning Gender Identity	0 (0.0)	2 (0.7)	0 (0.0)	0 (0.0)	0 (0.0)	
Hispanic Girls	4 (100)	21 (43.8)	1 (50.0)	0 (0.0)	2 (100)	56
Hispanic Goys	0 (0.0)	27 (56.3)	1 (50.0)	0 (0.0)	0 (0.0)	
Girls of Color (nonBlack & nonHispanic)	1 (16.7)	9 (33.3)	0 (0.0)	0 (0.0)	2 (100)	38
Boys of Color (non-Black & non-Hispanic)	5 (83.3)	18 (66.7)	3 (100)	0 (0.0)	0 (0.0)	
Race/Ethnicity & LGBTQ+/GNC						
Straight, Cisgender, & GC BIPOC Youth, LGBTQ+/GNC	19 (76.0)	305 (84.0)	21 (87.5)	3 (75.0)	3 (50.0)	422
BIPOC Youth	6 (24.0)	58 (16.0)	3 (12.5)	1 (25.0)	3 (50.0)	
Straight, Cisgender & GC White Youth	6 (85.7)	206 (85.8)	3 (100)	0 (0.0)	7 (100)	257
LGBTQ+/GNC White Youth	1 (14.3)	34 (14.2)	0 (0.0)	0 (0.0)	0 (0.0)	

All gender identities were primarily referred to the court by the police. School referral accounted for 4.5% of referrals by gender. Store security was more common for girls than boys

(see Table 5). Further, 88.8% of cisgender youth were referred by police and 100% of transgender youth and questioning youth had police referrals (see Table 5). Referral by police was the most serious path to the juvenile court, especially when their first incident with the court was through diversion. There is a slight trend in that transgender youth and youth questioning their gender identity may have more referrals from police regardless of sexual orientation.

Further, the relationship between gender expression and referral source indicated that 53.1% of youth referred by schools were masculine, followed by 40.6% feminine, and 6.3% of youth had both feminine and masculine expressions, or they were questioning their expression (see Table 5). For police and parent/guardian referrals youth who had a masculine expression had a higher percentage in these areas, which also may be attributed to the large number of cisgender, gender conforming boys in the sample. In terms of store security, 61.5% of youth with a feminine expression were referred by security, followed by 23.1% of masculine expressing youth, and 15.4% of feminine and masculine expressing youth and youth questioning their expression (see Table 5). In terms of LGBTQ+ and/or gender nonconforming youth, 88.2% were referred by the police followed by 5.9% referred by their school (see Table 5). Also 89.0% of straight, cisgender, and gender conforming youth were referred by police and 4.7% referred by their school (see Table 5). Approximately 25% of youth referred to the court by the court were LGBTQ+ and/or gender nonconforming youth, followed by 18.8% of youth referred by their school, 15.4% referred by store security, and 11.1% referred by parents/guardians (see Table 5).

Intersectional Identities. To test intersectional identities across referral source, BIPOC LGBTQ+ youth and white LGBTQ+ and/or GNC youth were evaluated (see Table 5). We see that 50% of youth referred to the court by store security were BIPOC and LGBTQ+ and/or gender nonconforming youth, followed by 25.0% of youth referred by the court, 24.0% were

referred by their school, 16% were referred by police, and 12.5% of youth were referred by parents/guardians (see Table 5). In Table 5, we see that 14.3% of youth referred to the court by their school were white and LGBTQ+ and/or gender nonconforming youth, followed by 14.2% of youth referred by police. There is a clear difference when examining Table 5 in regard to the racial/ethnic differences of LGBTQ+ and/or gender nonconforming youth, race/ethnicity categories matter in the way in which youth are referred to the court and the proportion of youth entering the court as BIPOC youth are overrepresented in the juvenile legal system. Further, these trends indicate that BIPOC and LGBTQ+ and/or gender nonconforming youth may have a higher likelihood court referral by their school, police, the court, by a parent/guardian, and store security.

Race/ethnicity and Gender Identity. Among Black youth, girls may be more likely to be referred by their school and boys may be slightly more likely to be referred by police and parents/guardians (see Table 5). Also, Black youth were the only youth who were referred to the juvenile legal system through the court. For white youth, boys may be more likely to be referred to the court from their schools, police, and parent/guardians, while girls may be more likely to be referred by store security (see Table 5). Table 5 was created to look at all BIPOC youth for more information on trends due to the low sample sizes in each category. From this Table we see a couple minor trends from this limited data, that BIPOC girls may be more likely than BIPOC boys to be referred to the court by their school and store security (see Table 5). This trend shows for Black girls and Hispanic girls in regard to school referral to the court. Across racial and ethnic categories, boys seem to be more likely to be referred by police. Also, the few youth who are nonbinary, genderqueer or are questioning their gender identity were all referred to the court by police, this may be a trend but there is a low sample to make any meaningful results.

Are there differences across race/ethnicity, sexual orientation, gender identity, and gender expression based on entering the juvenile court through the two primary routes, the detention or intervention center?

In this sample, the majority of youth 863 (72.6%) entered the juvenile court through the intervention center and 325 (27.4%) of youth entered through the detention center (see Table 1d). In terms of routes into the juvenile court, 50.2% of Black youth were entered into the court through the intervention route followed by 36.2% of white youth, 8% of Hispanic youth, and 5.6% of non-Black, non-Hispanic youth of color (see Table 6). For the detention route, in which most youth are brought in through arrest by police, 84.3% were Black youth, followed by 11.7% of white youth, 2.8% of Hispanic youth, and 1.2% of nonblack, nonHispanic youth of color (see Table 6). Race/ethnicity was found to be significantly, moderately associated with routes to the juvenile court ($\chi^2 = 114.367, p < 0.001$; Phi = 0.311, $p < 0.001$). Further, 61.2% of Black youth entered the court through the intervention center and 38.8% entered through the detention center (see Table 6). Meanwhile 89.1% white youth entered through the intervention center and 10.9% entered through the detention center (see Table 6).

Gender identity is placed in a cross tabulation with route into the juvenile court; 65.9% of boys entered through the intervention center and 34.1% entered through the detention center, while 81.8% of girls entered through the intervention center and 18.2% entered through the detention center (see Table 6). No significant association was found for sexual orientation (coded as a binary variable) ($\chi^2 = 1.046, p = 0.306$) nor LGBTQ+ youth ($\chi^2 = 1.202, p = 0.273$), nor LGBTQ+/gender nonconforming youth ($\chi^2 = 1.283, p = 0.257$).

Table 6: Routes to the Juvenile Court and Race/Ethnicity

	Frequency (%)		<i>n</i>	Chi-square* (Phi or Cramer's V)
	Intervention	Detention		
Race/Ethnicity			1186	114.367 (.311)
Black or African American	432 (50.2)	274 (84.3)		
white or European American	312 (36.2)	38 (11.7)		
Hispanic (any race)	69 (8.0)	9 (2.8)		
Youth of color (nonBlack & nonHispanic)	48 (5.6)	4 (1.2)		
Sexual Orientation			1177	1.046
LGBQ+ Youth	102 (11.9)	31 (9.7)		
Straight	757 (88.1)	287 (90.3)		
LGBTQ+ Youth			1179	1.202
LGBTQ+ Youth	110 (12.8)	33 (10.4)		
Straight & Cisgender	752 (87.2)	284 (89.6)		
Trans/cis Binary			1181	-
Cisgender Youth	842 (98.1)	320 (99.1)		
Transgender youth or questioning Youth	16 (1.9)	3 (0.9)		
LGBTQ+ and/or GNC Youth			1176	1.283
Straight, Cisgender, & GC	716 (83.4)	274 (86.2)		
LGBTQ+ and/or GNC youth	142 (16.6)	44 (13.8)		
Gender Identity			1182	36.303 (.176)
Girls	401 (46.7)	89 (27.6)		
Boys	453 (52.7)	234 (72.4)		
Nonbinary or Genderqueer Youth	1 (0.1)	0 (0.0)		
Questioning Youth	4 (0.5)	0 (0.0)		
Gender Expression			1177	30.277 (.160)
Feminine	329 (38.4)	72 (22.5)		
Masculine	459 (53.6)	228 (71.0)		
Feminine & Masculine or Questioning	68 (8.0)	21 (6.5)		
Gender nonconforming			1177	.468
Gender Conforming	770 (90.0)	293 (91.3)		
Gender Nonconforming	86 (10.0)	28 (8.7)		

	Frequency (%)		<i>n</i>	Chi-square* (Phi or Cramer's V)
	Intervention	Detention		
Intersectional Identities				
Race/ethnicity & Gender Identity				
BIPOC Girls	525 (64.2)	73 (25.5)	831	34.281 (.203)
BIPOC Boys	291 (35.6)	213 (74.5)		
BIPOC Youth Questioning Gender Identity	2 (0.2)	0 (0.0)		
White Girls	147 (47.3)	17 (45.9)	348	.042
White Boys	161 (51.8)	20 (54.1)		
White Nonbinary, Genderqueer or Youth Questioning Gender Identity	3 (0.9)	0 (0.0)		
Black Girls	199 (46.3)	67 (24.5)	703	34.115 (.221)
Black Boys	229 (53.3)	206 (75.5)		
Black Youth Questioning Gender Identity	2 (0.4)	0 (0.0)		
Hispanic Girls	34 (50.0)	5 (55.6)	77	.098
Hispanic Boys	34 (50.0)	4 (44.4)		
Girls of Color (non-Black & non-Hispanic)	18 (38.3)	1 (25.0)	51	
Boys of Color (non-Black & non-Hispanic)	29 (61.7)	3 (75.0)		
Race/Ethnicity & LGBTQ+/GNC				
Straight, Cisgender, & GC BIPOC Youth	445 (81.8)	250 (88.0)	828	5.366
LGBTQ+/GNC BIPOC Youth	99 (18.2)	34 (12.0)		
Straight, Cisgender & GC White Youth	265 (85.2)	28 (73.7)	349	3.339
LGBTQ+/GNC White Youth	46 (14.8)	10 (26.3)		

* If chi-square is significant ($p < .05$) then Phi or Cramer's V was also reported.

Further, gender expression was weakly significantly associated with the route in which youth entered into the juvenile legal system ($\chi^2 = 30.277, p < .001$; Cramer's V = .160, $p < .001$). Of youth that are masculine presenting, 33.2% entered through detention and 66.8% entered through the intervention center (see Table 6). For feminine presenting youth, 18% entered through detention and 82% through intervention (see Table 6). For masculine and feminine presenting youth, 23.6% entered through detention and 76.4% entered through the intervention center (see Table 6). Further, gender nonconforming youth and routes into the juvenile court were not significantly related ($\chi^2 = .468; p = .494$) (see Table 6).

Intersectional Identities. BIPOC youth who are LGBTQ+ and/or gender nonconforming do have a weak, but significant association with routes to the juvenile court ($\chi^2 = 5.366, p < 0.05$, Cramer's $V = .081, p < 0.05$). For Black youth ($\chi^2 = 2.201, p = .138$), nonBlack youth of color (no chi squared test was conducted due to low cell size) and white youth ($\chi^2 = 3.339, p = .068$) who are LGBTQ+ and/or gender nonconforming no significant association was found. Also, 39.9% of straight, cisgender, and gender conforming Black youth entered the system through the detention center and 60.1% entered through the intervention center (see Table 6). For LGBTQ+ and/or gender nonconforming Black youth, 32% entered through the detention center and 68% through the intervention center (see Table 6). For straight, cisgender, and gender conforming white youth, 9.6% entered the court through the detention center, while most entered through the intervention center and 17.9% of LGBTQ+ and/or gender nonconforming white youth entered through the detention center opposed to the intervention center (see Table 6). This suggests a trend in that LGBTQ+ and/or gender nonconforming white youth may be more likely to enter the juvenile legal system through the detention center than straight, cisgender, and gender conforming white youth.

Race/ethnicity and Gender Identity. Intersectional identities are examined within racial/ethnic categories and youths' gender identity in regard to routes to the juvenile court. For Black youth in the system, Black boys were more likely to enter through the intervention center and most notably the detention center (see Table 6). In terms of Black boys, 52.6% entered through intervention and 47.4% entered through detention. Also, 74.8% of Black girls entered through the intervention center and 25.2% entered through the detention center. After Black youth who were questioning their gender identity were removed due to low cell sizes, Black youth gender identity was associated with routes into the juvenile court ($\chi^2 = 34.115, p < .001$;

Cramer's $V = .221, p < .001$). Further, 51.8% of white youth were boys entering through the intervention center and 46.3% were girls (see Table 6). For the detention center 54.1% of boys entered the court in this manner and 45.9% of girls (see Table 6). For white boys in the system, 89% entered the juvenile court through the intervention center, and 11% through the detention center. For white girls, 89.6% entered through the intervention center and 10.4% entered through the detention center. Gender identity and routes to the juvenile court were not significantly related for white youth ($\chi^2 = .042, p = .838$). White youth who are nonbinary/gender queer or questioning were removed from the analysis due to low cell size. For Hispanic youth entering from the intervention center 50% are girls and 50% boys and for detention 55.6% were girls and 44.4% were boys (see Table 6). In terms of Hispanic girls in the system, 87.2% entered through the intervention center and 12.8% entered through the detention center. For Hispanic boys, 89.5% entered through the intervention center and 10.5% through the detention center. Gender identity and routes into the juvenile court were not significantly related to each other for Hispanic youth ($\chi^2 = .098, p = .754$); however, there is a trend that suggests Hispanic girls may be more likely to enter the juvenile legal system through the detention center. For nonBlack, nonHispanic youth of color, boys held the majority of youth who entered from both the intervention center and detention center (see Table 6). BIPOC youth were also placed together due to the low sample size, for BIPOC girls 77.5% entered through the intervention center and 22.5% entered through the detention center. For BIPOC boys 57.7% entered through the intervention center and 42.3% entered through the detention center. Also, there is a significant moderate association between gender identity and routes to the juvenile legal system for BIPOC youth ($\chi^2 = 34.281, p < .001$; Cramer's $V = .203, p < .001$) after youth questioning their gender identity were removed.

What is the distribution and severity of offenses across gender identity, sexual orientation, and race/ethnicity?

In terms of offense severity, 8.4% ($n = 80$) youth entered the system for a status offense for their first incident with the court, 71.3% ($n = 692$) were charged with a misdemeanor offense, 15.8% ($n = 153$) were charged with a felony offense, and 4.7% ($n = 46$) were charged with both felony and misdemeanor offenses (see Table 1d).

Black youth were disproportionately charged with status, misdemeanor, and felony offenses (see Table 7). Further, in this sample 26.5% of Black youth received felony charges, while 11.5% of white youth, 12.1% of Hispanic youth, and 13.3% of nonBlack and nonHispanic youth of color were charged with a felony offense (see table 7). Race/ethnicity and offense charges were moderately significantly associated ($\chi^2 = 46.540, p > .001$; $\Phi = .219, p < .001$). Further, 22.2% of youth of color who did not identify as Black or Hispanic were charged with a status offense at disproportionate rates (see Table 7). Binary race/ethnicity was weakly significantly related to offense charges ($\chi^2 = 25.261, p > .001$; $\Phi = .161, p < .001$) (see Table 7). Trends suggest that BIPOC youth have higher rates of receiving status offenses (9.1%) and felony offenses (24.3%) compared to white youth (status offense = 6.3% and felony offense = 11.5%), DMC and racial discrimination are often the reasoning for these trends.

Table 7: Severity of Offense Charges Across Various Identities

	Status	Frequency (%)		<i>n</i>	Chi-square* (Phi or Cramer's V)
		Misdemeanor	Felony		
Race/Ethnicity					
Black or African American	48 (60.0)	373 (53.9)	152 (76.4)	971	46.540 (.219)
White or European American	18 (22.5)	236 (34.1)	33 (16.6)		
Hispanic (Any Race)	4 (5.0)	54 (7.8)	8 (4.0)		
Youth of Color (non-Black & non-Hispanic)	10 (12.5)	29 (4.2)	29 (4.2)		
Sexual Orientation					
LGBTQ+ Youth	9 (11.4)	79 (11.5)	19 (9.7)	961	.479
Straight	70 (88.6)	608 (88.5)	176 (90.3)		
LGBTQ+ Youth					
LGBTQ+ Youth	9 (11.2)	85 (12.4)	22 (11.2)	963	.242
Straight & Cisgender	71 (88.8)	602 (87.6)	174 (88.8)		
Trans/cis Binary					
Cisgender Youth	79 (100)	677 (98.3)	195 (98.0)	1181	-
Transgender or Questioning Youth	0 (0.0)	12 (1.7)	4 (2.0)		
LGBTQ+ and/or GNC Youth					
Straight, Cisgender, & GC	69 (86.3)	576 (83.8)	170 (87.2)	962	1.464
LGBTQ+ and/or GNC Youth	11 (13.7)	111 (16.2)	25 (12.8)		
Gender Identity					
Girls	36 (45.6)	39 (9.3)	46 (23.1)	967	31.661 (.181)
Boys	43 (54.4)	377 (90.0)	153 (76.9)		
Questioning Youth	0 (0.0)	3 (0.7)	0 (0.0)		
Gender Expression					
Feminine	32 (40.0)	256 (37.3)	37 (18.8)	964	32.054 (.182)
Masculine	44 (55.0)	380 (55.3)	152 (77.2)		
Feminine & Masculine or Questioning	4 (5.0)	51 (7.4)	8 (4.0)		
Gender Nonconforming					
Gender Conforming	75 (93.8)	619 (90.1)	185 (93.9)	964	3.475
Gender Nonconforming	5 (6.2)	68 (9.9)	12 (6.1)		

	Status	Frequency (%) Misdemeanor	Felony	<i>n</i>	Chi-square* (Phi or Cramer's V)
Intersectional identities					
Race/ethnicity & Gender Identity					
BIPOC Girls	29 (47.5.)	194 (42.7)	38 (22.9)	681	22.929 (.184)
BIPOC Boys	32 (55.5)	258 (56.8)	128 (77.1)		
BIPOC Youth Questioning Gender Identity	0 (0.0)	2 (0.4)	0 (0.0)		
White Girls	7 (38.9)	118 (50.4)	9 (27.3)	285	6.078 (.146)
White Boys	11 (61.1)	115 (49.1)	24 (72.7)		
White Nonbinary or Genderqueer Youth or Youth Questioning Gender Identity	0 (0.0)	1 (0.4)	0 (0.0)		
Black Girls	26 (55.3)	156 (41.9)	33 (21.7)		25.869 (.213)
Black Boys	21 (44.7)	214 (57.5)	119 (78.3)		
Black Youth Questioning Gender Identity	0 (0.0)	2 (0.5)	0 (0.0)		
Hispanic Girls	3 (75.0)	24 (45.3)	2 (25.0)	65	-
Hispanic Boys	1 (25.0)	29 (54.7)	6 (75.0)		
Girls of Color (non-Black & non-Hispanic)	0 (0.0)	14 (48.3.0)	2 (33.3)	45	-
Boys of Color (non-Black & non-Hispanic)	10 (0.0)	15 (51.7)	4 (66.7)		
Race/Ethnicity & LGBTQ+/GNC					
Straight, Cisgender, & GC BIPOC Youth	52 (83.9)	373 (82.9)	143 (87.7)	675	2.106
LGBTQ+/GNC BIPOC Youth	10 (16.1)	77 (17.1)	20 (12.3)		
Straight, Cisgender & GC White Youth	16 (88.9)	200 (85.1)	28 (84.8)	286	-
LGBTQ+/GNC White Youth	2 (11.1)	35 (14.9)	5 (15.2)		

* If chi-square is significant ($p < .05$) then Phi or Cramer's V was also reported.

Gender identity and offense charges are weakly but significantly associated with each other after the removal of the youth who were questioning their gender identity due to low cell size to fit the assumptions of the chi-square test ($\chi^2 = 31.661, p > .001$; Phi = .181, $p > .001$). Further, 26.7% of boys were charged with a felony offense while 11.8% of girls were charged

and in terms of status offense charges 9.2% of girls were charged and 7.5% of boys (see Table 7). Table 7 shows the breakdown of offense charges across trans, cis, and questioning youth; however no statistical tests were conducted due to low cell sizes. In terms of sexual orientation, there was no significant association with offense charges ($\chi^2 = .479, p = .787$) (see Table 7). Further, there was no significant association with LGBTQ+ youth and offense charges ($\chi^2 = .242, p = .886$). For LGBTQ+ and/or gender nonconforming youth and offense severity no significant association was found ($\chi^2 = 1.464, p = .481$); however there does seem to be a trend in which more LGBTQ+ and/or gender nonconforming youth are given misdemeanor offense charges compared to straight, cis, and gender conforming youth (see Table 7). Gender expression and offense charges are weakly significantly associated and shows similar trends as gender identity ($\chi^2 = 32.054, p > .001$; Phi = .182, $p > .001$). Further, 9.8% of youth with a feminine gender expression are charged with a status offense when 7.6% of masculine presenting youth and 6.3% of youth with both masculine and feminine expression are charged with status offenses (see Table 7). In terms of gender conforming/nonconforming youth and offense charge no significant associations were found ($\chi^2 = 3.475, p = .176$) (see Table 7).

Intersectional Identities. There were no significant differences found with LGBTQ+ and/or GNC BIPOC youth ($\chi^2 = 2.106, p = .349$) and offense charges. However, there are some trends in which LGBTQ+ and/or gender nonconforming BIPOC youth have slightly higher rates of receiving a misdemeanor and status offense charge compared to straight, cisgender, and gender conforming BIPOC youth (see Table 7). In terms of BIPOC youth, the most prevalent group is Black youth in this sample, with 568 Black youth with information on sexual orientation and gender expression. Because of this, Black LGBTQ+ and/or gender nonconforming youth were also examined, although there was no significant association ($\chi^2 = 1.904, p = .386$), Black

LGBTQ+ and/or gender nonconforming youth received a higher rate of misdemeanor (69.6%) and status (10.1%) offense charges compared to straight, cisgender, and gender conforming Black youth (misdemeanor = 64.4% and status = 8.2%). For white youth, a chi-square test was not able to be conducted due to low cell sizes; however, some trends have been identified. White LGBTQ+ and/or gender nonconforming youth have slightly higher rates of receiving felony and misdemeanor charges compared to straight, cisgender, and gender conforming white youth (see Table 7).

Race/ethnicity and Gender Identity. For Black youth, gender identity was moderately significantly associated to offense charges ($\chi^2 = 25.869, p < .001$; Phi = .213, $p < .001$) when youth questioning their gender identity were removed from the analysis due to low cell size. Black girls are more likely to receive a status offense charge than Black boys. Black boys may be more likely to receive felony offense charges than Black girls (see Table 7). For white youth, gender identity and offense charge were weakly significantly associated ($\chi^2 = 6.078, p < .05$; Phi = .146, $p < .05$) when white nonbinary or genderqueer youth were removed from analysis due to low cell size (see Table 7). White boys have higher rates of status and felony offenses compared to white girls. For Hispanic youth and nonBlack and nonHispanic youth of color, no statistical tests were conducted due to low cell sizes; however, there are trends to highlight that Hispanic girls seem to have higher rates of status offense charges than Hispanic boys and that Hispanic boys have higher rates of felony offense charges than Hispanic girls (see Table 7). For youth of color that do not identify as Black or Hispanic, boys seem to receive status and felony offense charges at higher rates than girls. For BIPOC youth overall, gender identity and offense charges were weakly significantly associated ($\chi^2 = 22.929, p < .001$; Phi = .184, $p < .001$) when youth who were questioning their gender identity were removed from the sample. In turn, BIPOC girls

are given status offense and misdemeanor charges at a higher portion than BIPOC boys, and BIPOC boys are given felony charges at a higher proportion than BIPOC girls.

Inferential Research Questions

This section is divided into four subsections to account for the four models conducted to answer the inferential research questions on court processing. First, court processing of whether youth were placed in the official system or diversion was examined with binary logistic regressions and subgroup analyses to examine whether LGBTQ+ and/or GNC youth or gender identity moderated the relationship between race/ethnicity and court processing. Second, mental health referrals were examined by using binary logistic regressions to test whether LGBTQ+ and/or GNC youth, race/ethnicity, or gender identity predicted mental health referrals and if LGBTQ+ and/or GNC youth or gender identity moderated the relationship between race/ethnicity and referrals. Third, diversion outcome (i.e., whether youth were labeled successful or unsuccessful) was examined through tests of association with various predictor variables (e.g., LGBTQ+/GNC youth, race/ethnicity, gender identity) since assumptions were not met for a binary logistic regression. Fourth, adjudication outcome was examined by using binary logistic regressions to test whether LGBTQ+ and/or GNC youth, race/ethnicity, or gender identity predicted adjudication outcome (e.g., adjudicated delinquent or not adjudicated delinquent) and if LGBTQ+ and/or GNC youth or gender identity moderated the relationship between race/ethnicity and adjudication outcome.

Court Processing: Official or Diversion

After youth enter through either the intervention or detention center, they are processed through the official court or through diversion. Also, the way in which youth entered into the juvenile court (e.g., intervention or detention center) and court processing (whether youth were placed in the official system or diversion) are strongly associated ($\chi^2 = 414.741, p < .001$;

Cramer's $V = .626, p < .001$). Of youth placed in diversion, 95.7% ($n = 653$) entered through the intervention center and 4.3% ($n = 29$) entered through the detention center. Of youth who were placed in the official system 39.7% ($n = 149$) youth entered through the intervention center and 60.3% ($n = 226$) entered through the detention center.

Cross tabulations were conducted for five categorical independent variables and the dependent variable (e.g., whether youth were placed in the official system or diversion): (1) whether the youth is LGBTQ+ and/or gender nonconforming; (2) race/ethnicity; (3) age; (4) binary gender identity; (5) offense severity (see Table 8). Gender expression was removed from the analysis due to multicollinearity issues as it was very strongly correlated with binary gender identity ($\chi^2 = 1059.059, p < .001$; $\Phi = .944, p < .001$). Youths' gender expression was also weakly and significantly associated with court processing ($\chi^2 = 19.992, p < .001$; $\Phi = .137, p < .001$) (see Table 8). Whether youth were LGBTQ+ and/or gender nonconforming did not have a significant association with court processing ($\chi^2 = 1.783, p = .182$); however there seems to be a trend in that there is a higher proportion of LGBTQ+ and/or gender nonconforming youth placed in the official system opposed to diversion (see Table 8). Race/ethnicity was moderately significantly associated with court processing with four categories (e.g., Black youth, white youth, Hispanic youth, and nonBlack and nonHispanic youth of color) ($\chi^2 = 86.254, p < .001$; $\Phi = .301, p < .001$) and two categories (e.g., BIPOC youth and white youth) ($\chi^2 = 59.379, p < .001$; Cramer's $V = .249, p < .001$) (see Table 8). Age at the youth's first incident with the court and subsequent court processing is moderately significantly associated ($\chi^2 = 103.894, p < .001$; $\Phi = .330, p < .001$) (see Table 8); youth ages 15 to 16 received diversion more than other age groups and youth ages 13 to 14 years were placed in the official system more than other age groups. Binary gender identity was used for this model to fit the assumptions of logistic

regression due to low cell sizes of additional genders outside of the gender binary. Gender identity was found to be weakly significantly related to court processing ($\chi^2 = 14.377, p < .001$; $\Phi = .123, p < .001$) (see Table 8). Girls may be more likely to receive diversion and boys may be more likely to be placed in the official system. Offense severity and court processing are moderately significantly associated ($\chi^2 = 146.096, p < .001$; $\Phi = .391, p < .001$) (see Table 8).

Table 8: Court Processing Descriptive Statistics (n = 955)

	Court Processing Frequencies (%)		Chi-square* (Phi or Cramer's V)
	Diversion	Official	
LGBTQ+ and/or GNC			1.78
Straight, Cisgender, and Gender Conforming	497 (86.6)	318 (82.6)	
LGBTQ+ and/or GNC	77 (13.4)	63 (16.5)	
Race/Ethnicity			86.25 (.301)
Black or African American	269 (46.9)	293 (76.9)	
White or European American	223 (38.9)	60 (15.7)	
Hispanic (Any Race)	47 (8.2)	18 (4.7)	
Youth of Color (non-Black & non-Hispanic)	35 (6.1)	10 (2.6)	
Binary Race/Ethnicity			59.38 (.249)
BIPOC	350 (61.0)	321 (84.3)	
White (non-Hispanic)	224 (39.0)	60 (15.7)	
Age			103.89 (.330)
6 to 12 Years of Age	46 (8.0)	81 (21.3)	
13 to 14 Years of Age	133 (23.2)	151 (39.6)	
15 to 16 Years of Age	248 (43.2)	124 (32.5)	
17 to 19 Years of Age	147 (25.6)	25 (6.6)	
Gender Expression			19.99 (.137)
Feminine	223 (38.9)	101 (26.5)	
Masculine	317 (55.3)	255 (66.9)	
Feminine and Masculine	33 (5.8)	25 (6.6)	
Binary Gender Identity			14.38 (.123)
Girls	262 (45.6)	127 (33.3)	
Boys	312 (54.4)	254 (66.7)	
Offense Severity Charges			146.10 (.391)
Status Offense Charge	70 (12.2)	9 (2.4)	
Misdemeanor Offense Charge	457 (79.6)	224 (58.8)	
Felony Offense Charge	47 (8.2)	148 (38.8)	

*If chi-square is significant ($p < .05$) then Phi or Cramer's V was also reported.

Logistic Regression Results

This section aims to provide answers to the research questions presented in Figure 1, in the previous chapter. The first binary logistic regression aims to examine of effect of the independent variables (e.g., LGBTQ+ and/or GNC youth, binary race/ethnicity, and binary gender identity) on court processing, whether youth were placed in the official system or diversion, while controlling for age and offense severity charges. Next, the regression aims to test whether LGBTQ+ and/or GNC youth or binary gender moderate the relationship between binary race/ethnicity and court processing.

This first binary logistic regression was conducted to examine the effect of LGBTQ+ and/or GNC youth on court processing, whether youth were placed in the official system or diversion, controlling for race/ethnicity, age, binary gender identity, and offense severity charges. The model Chi-square was significant ($\chi^2 = 309.978$; $p < .001$), indicating that the estimated model significantly improved after predictor variables were added. In the constant logistic classification table, there were 60.1% correctly classified; however, when the predictors were added 75.2% were classified correctly, which shows that the predictor variables improved the model.

The independent variables (LGBTQ+ and/or GNC youth, race/ethnicity, and gender identity) were found to significantly predict whether youth are placed in the official court system or diversion controlling for age and offense severity charges. LGBTQ+ and/or GNC youth were 1.766 times more likely to be sent into the official system, compared to straight, cisgender, and gender conforming youth (Wald = 6.023, $p = .014$) (see Table 9). Further, Black youth were 3.233 times more likely to be placed in the official system compared to white youth (Wald = 38.107, $p < .001$). For binary gender, boys were more likely than girls to be placed in the official system (Wald = 4.148, $p = .042$). The control variables, age and offense severity charges also significantly improved the model. Youth ages 6 to 12 (Wald = 48.749, $p < .001$), 13 to 14 (Wald = 47.089, $p < .001$), and 15 and 16 years (Wald = 12.129, $p < .001$) were more likely to be placed in the official system than youth 17 to 19-years old (see Table 9). Of these age groups, youth ages 6 to 12 years old were the strongest contributor to youth being placed in the official system as the odds ratio value was farthest from one ($\exp(B) = 8.728$). Of offense severity charges, youth with misdemeanor (Wald = 21.294, $p < .001$) or felony charges (Wald = 66.455, $p < .001$) were more likely to be placed in the official system compared to youth charged with a

status offense. Of offense charges, a felony charge was the strongest contributor to be placed in the official system ($\exp(B) = 29.887$). Further, the Area under the curve (AUC) for this model was statistically significant at predicting court processing ($AUC = .814, p < .001$).⁷

Table 9: Logistic Regression for Court Processing in Diversion or Official System (n = 955)

	b (SE)	Odds Ratio	Confidence Interval (CI)	p
LGBTQ+ and/or GNC	.569 (.232)	1.766	1.121— 2.781	.014
Black Youth	1.173 (.190)	3.233	2.227 — 4.693	.000
Hispanic Youth	.161 (.344)	1.175	.599 — 2.303	.639
Youth of Color (Non-Black & Non-Hispanic)	-.040 (.434)	.961	.410 — 2.251	.927
6 to 12 Years of Age	2.167 (.310)	8.728	4.751 — 16.035	.000
13 to 14 Years of Age	1.847 (.269)	6.343	3.743 — 10.752	.000
15 to 16 Years of Age	.913 (.262)	2.493	1.491— 4.168	.000
Binary Gender Identity (Girls/Women)	-.356 (.175)	.701	.498 — .987	.042
Misdemeanor Charge	1.770 (.383)	5.869	2.768 — 12.444	.000
Felony Charge	3.397 (.417)	29.887	13.205 — 67.643	.000
Constant	-4.351 (0.480)	.013		.000

Note: Model strength was established by Nagelkerke R squared (0.375). Reference groups include white youth for race/ethnicity, status offense for change severity, and individuals 17 to 19 years for age.

In terms of missing information, offense severity charges had the most missing information from the court and lowest sample size of 971 compared to the other variables included in the model and other variables had 1076 cases with information; however, 955 cases were included in the final analysis due to missing values within LGBTQ+ and/or GNC youth and binary gender identity.

Testing Moderation. Next, subgroup analyses were conducted and a formal test by Brame et al. (1998) was used to test for moderation to determine whether LGBTQ+ and/or GNC youth and gender identity moderated the relationship between binary race/ethnicity and court

⁷ Influential cases were investigated using leverage values. The average leverage value is the estimated parameters in the model (p) divided by the sample (i.e., p/n) (Norusis, 2008). The average leverage for this regression model was 14/955 or .01465969. There were no substantial outliers found.

processing. Two additional binary logistic regression models were conducted, one with BIPOC youth and one with white youth. In order to conduct these additional regression models' offense severity charge was recoded in a dichotomous variable (1 = felony charge and 0 = status or misdemeanor charge) due to low cell sizes for status offenses. Also, due to the low cell sizes and low sample of white youth, age was coded as a binary category (0 = 6 to 14 years and 1 = 15 to 19 years). Table 10 shows the subgroup analyses for the two samples to test for moderation. BIPOC youth, LGBTQ+ and/or GNC youth (Wald = 1.080, $p = .229$) and binary gender identities (Wald = 3.350, $p = .067$) did not significantly predict court processing (see Table 10). At a trend level, boys may be placed in the official system slightly more than girls (see Table 10). For BIPOC youth, youth who received a felony charge are more likely to be placed in the official system than youth who received a status or misdemeanor offense charge. For age, youth who are 6 to 12 years, 13 to 14 years, and 15 to 16 years are more likely to be placed in the official system compared to 17- to 19-year-old individuals (see Table 10). Further, the Area under the curve (AUC) for the BIPOC youth model was statistically significant at predicting court processing (AUC = .356, $p < .001$). For white youth, LGBTQ+ and/or GNC youth did not significantly predict court processing (Wald = 7.542, $p = .006$). Binary gender identity was not found to significantly predict court processing (Wald = .658, $p = .417$); however, a trend suggests that boys may be more likely than girls to be placed in the official system. Youth ages 6 to 14 years were more likely to be placed into the official system compared to youth 15 to 19 years (see Table 10). Also, youth who received a felony offense charge was more likely to be placed into the official court than youth who received a status or misdemeanor offense charge (see Table 10). Further, the area under the curve (AUC) for the white youth model was statistically significant at predicting court processing (AUC = .754, $p < .001$).

Table 10: Subgroup Analyses for Moderation of Court Processing in Diversion or the Official System

	BIPOC Youth (<i>n</i> = 672)				White Youth (<i>n</i> = 283)			
	b (SE)	Odds Ratio	Confidence Interval (CI)	<i>p</i>	b (SE)	Odds Ratio	Confidence Interval (CI)	<i>p</i>
LGBTQ+ and/or GNC	.275 (.265)	1.317	.783 — 2.214	.299	1.163 (.423)	3.200	1.395—7.338	.006
Binary Gender Identity (Girls)	-.363 (.196)	.695	.473 — 1.021	.064	-.279 (.344)	.757	.386—1.485	.417
6 to 12 yrs.	2.207 (.355)	9.090	4.530 — 18.240	.000	-	-	-	-
13 to 14 yrs.	1.689 (.316)	5.415	2.914 — 10.064	.000	-	-	-	-
15 to 16 yrs.	1.048 (.311)	2.851	1.549 — 5.248	.001	-	-	-	-
Binary Age (15 to 19 yrs)	-	-	-	-	-1.377 (.423)	.252	.127— 501	.000
Offense Severity Charge (Felony)	1.917 (.230)	6.798	4.335 — 10.660	.000	1.559 (.420)	4.754	2.088—10.823	.000
Constant	-1.732 (0.298)	.177		.000	-1.101 (.265)	.333		.000

Note: Model strength was established by Nagelkerke R squared for BIPOC youth (0.279) and white youth (0.217) subgroups.

To formally test whether LGBTQ+ and/or GNC youth or binary gender identity moderated the relationship between race/ethnicity and court processing the equation indicated by Brame et al. (1998) was used. The equation to test these coefficients to determine whether they are significantly different by Brame et al. (1998) is: $z = \frac{b_1 - b_2}{\sqrt{(SE)(b_1)^2 + (SE)(b_2)^2}}$ This was used to calculate the coefficients for LGBTQ+ and/or GNC youth ($z = -1.50$) and binary gender identity ($z = -1.60$) among the two subgroups. These groups are not significantly different in terms of LGBTQ+ and/or GNC youth and binary gender identity and court processing outcomes.

Referral to Mental Health Treatment

Mental health referrals for youth placed in diversion were examined across intersectional identities. The research questions are: (1) Is LGBTQ+ and/or GNC youth (and additional independent variables: race/ethnicity and gender identity) associated with mental health referrals and (2) Does LGBTQ+ and/or GNC youth or gender identity moderate the relationship between race/ethnicity and referrals to mental health treatment? Combinations of independent variables, control variables, and moderation variables were accounted for as well.

Youth placed in diversion, 342 (50.4%) were not referred to mental health treatment, 207 (30.5%) were referred, and 130 (19.1%) were missing mental health referral data (see Table 1d). In this juvenile court, all youth placed in diversion and the official system were to be given the MAYSI-2; however, the court was only able to share information on youth placed in diversion during this time frame. There are 540 cases that have information on all variables except MAYSI-2 subscale scores, however, MAYSI-2 information is important for this model, therefore, it was still included in the model which left 428 valid cases.

The regression model with MAYSI-2 information as a control variable, provides this model with 428 valid cases. Table shows the descriptive information for all of the variables in the model and their frequencies in relation to mental health referrals. LGBTQ+ and/or GNC youth are moderately significantly associated with mental health referrals ($\chi^2 = 18.746, p < .001$; Cramer's $V = .209, p < .001$). Race/ethnicity is weakly significantly associated with mental health referrals ($\chi^2 = 14.560, p = .002$; Cramer's $V = .184, p = .002$) and for binary race/ethnicity as well ($\chi^2 = 13.971, p < .001$; Cramer's $V = .181, p < .001$). LGBTQ+ and/or GNC youth and BIPOC youth are more likely to receive a mental health referral than cisgender, straight, gender conforming youth and white, non-Hispanic youth (see Table 10). Age is weakly significantly associated with mental health referral ($\chi^2 = 11.453, p = .010$; Phi = .164, $p = .010$). Binary gender

identity is moderately significantly associated with mental health referrals ($\chi^2= 19.939, p < .001$; Cramer's $V = .216, p < .001$). Alcohol/drug (AD) subgroup of the MAYSI-2 was included in Table 10 but was not included in the regression analysis due to low cell size. The Angry-irritable (AI) subscale ($\chi^2= 127.317, p < .001$; Cramer's $V = .545, p < .001$), Depressed-anxious subscale ($\chi^2= 114.690, p < .001$; Cramer's $V = .518, p < .001$), and Suicide ideation (SI) ($\chi^2= 130.541, p < .001$; Cramer's $V = .542, p < .001$) were relatively strongly associated with mental health referrals. The Somatic Complaints (SC) subscale was moderately significantly associated with mental health referrals ($\chi^2= 36.736, p < .001$; Cramer's $V = .293, p < .001$). Thought Disturbance (TD) was not significantly associated with referrals ($\chi^2= 3.320, p = .068$). For OYAS diversion risk scores, cell sizes were too small to include all three risk levels (e.g., low, moderate, and high), as a result this variable was recoded to low and moderate/high categories. Binary OYAS diversion risk level was weakly significantly associated with mental health referral ($\chi^2= 13.136, p < .001$; Cramer's $V = .177, p < .001$); however, due to limited information with low cell size, it was removed from the model.

Table 11: Mental Health Referrals Descriptive Statistics (n = 428)

	Mental Health Referral Frequencies (%)		Chi-square* (Phi or Cramer's V)
	No Referral	Referral	
LGBTQ+ and/or GNC			18.746 (.209)
Straight, Cisgender, and Gender Conforming	260 (91.5)	110 (76.4)	
LGBTQ+ and/or GNC	24 (8.5)	34 (23.6)	
Race/Ethnicity			14.560 (.184)
Black or African American	119 (41.9)	86 (59.7)	
White or European American	129 (45.4)	39 (27.1)	
Hispanic (Any Race)	24 (8.5)	13 (9.0)	
Youth of Color (non-Black & non-Hispanic)	12 (4.2)	6 (4.2)	
Binary Race/Ethnicity			13.971 (.181)
BIPOC	154 (54.2)	105 (72.9)	
White (non-Hispanic)	130 (45.8)	39 (27.1)	
Age			11.453 (.164)
6 to 12 Years	34 (12.0)	11 (7.6)	
13 to 14 Years	48 (16.9)	43 (29.9)	
15 to 16 Years	128 (45.1)	63 (42.8)	
17 to 19 years of age	74 (26.1)	27 (18.8)	
Binary Gender Identity			19.939 (.216)
Girls	107 (37.7)	87 (60.4)	
Boys	177 (62.3)	57 (39.6)	
MAYSI-2 Subscales			-
No AD Caution/Warning	281 (98.9)	126 (87.5)	
AD Caution/Warning	3 (1.1)	18 (12.5)	
No AI Caution/Warning	230 (81.0)	36 (25.0)	127.317 (.545)
AI Caution/Warning	54 (19.0)	108 (75.0)	
No DA Caution/Warning	235 (82.7)	44 (30.6)	114.690 (.518)
DA Caution/Warning	49 (17.3)	100 (69.4)	
No SI Caution/Warning	274 (96.5)	73 (50.7)	130.541 (.524)
SI Caution/Warning	10 (3.5)	71 (49.3)	
No SC Caution/Warning	148 (52.1)	31 (21.5)	36.736 (.239)
SC Caution/Warning	136 (47.9)	113 (78.5)	
No TD Caution/Warning	229 (80.6)	105 (72.9)	3.320
TD Caution/Warning	55 (19.4)	39 (27.1)	
OYAS Diversion Risk Level			13.136 (.177)
Low	101 (36.2)	27 (19.0)	
Moderate	178 (63.8)	115 (81.0)	

Note: AD scale and OYAS diversion risk level were removed from regression model due to low cell sizes.

*If chi-square is significant ($p < .05$) then Phi or Cramer's V was also reported.

Logistic Regression Results

Mental health referral was the second court processing outcome examined. This model examined the effect of LGBTQ+ and/or GNC youth, race/ethnicity, and binary gender identity on mental health referrals, whether youth received a mental health referral or not, controlling for age and MAYSI-2 subcategories for youth who were placed in diversion based on their first incident date with the juvenile court. A regression was conducted to determine whether LGBTQ+ and/or GNC youth or binary gender identity moderates the relationship between race/ethnicity and mental health referrals while controlling for age and MAYSI-2 scores.

Regression for Main Effects. The model Chi-square was significant ($\chi^2 = 238.986$; $p < .001$), which indicates that the estimated model significantly improved after predictor variables were added. In the constant logistic classification table, there were 66.4% correctly classified; however, when the predictors were added 83.6% were classified correctly, indicating the predictor variables improved the model.

The independent variables (e.g., LGBTQ+ and/or GNC, race/ethnicity, and binary gender identity) were not found to significantly predict mental health referrals when controlling for MAYSI-2 subcategories and age. However, there are trends that are important to note, LGBTQ+ and/or GNC youth may be more likely to be given a mental health referral than straight, cisgender, and GC youth (Wald = 3.112, $\exp(B) = 2.203$, $p = .078$) (see Table). Black youth may be more likely to be given a mental health referral compared to white youth (Wald = 3.406, $\exp(B) = 1.882$, $p = .065$). Additional trends include Hispanic youth are less likely to receive a mental health referral compared to white youth (Wald = .306, $\exp(B) = .741$, $p = .580$); and youth of color who do not identify as Black or Hispanic may be more likely than white youth to receive a mental health referral (Wald = .411, $\exp(B) = 1.556$, $p = .411$). A trend was also

detected in binary gender, in that girls may be more likely than boys to receive a mental health referral (Wald = 1.946, Exp(B) = 1.762, $p = .163$) (see Table 11). Several age groups and MAYSI-2 scales significantly predicted mental health referrals. Youth ages 6 to 12 (Wald = 5.349, $p = .021$) were less likely than 17 to 19 years old to receive a mental health referral. Youth ages 13 to 14 years (Wald = 5.898, $p = .015$) were more likely to receive a mental health referral than youth 17 to 19 years old (see Table 11). Of these age groups, youth ages 13 to 14 years old were the most likely to receive a mental health referral as the odds ratio value was farthest from one (exp(B) = 2.992). Of MAYSI-2 scales, youth with a cation or warning on the angry-irritable (Wald = 18.418, $p < .001$) depressed-anxious (Wald = 15.968, $p < .001$), and suicide ideation (Wald = 28.935, $p < .001$) scales were significantly more likely to be given a mental health referral compared to youth that were not given these indicators. Of the control variables, Suicide ideation (SI) was the strongest contributor to be given a mental health referral (exp(B) = 11.154). Further, the Area under the curve (AUC) for this model was statistically significant at predicting court processing (AUC = .910, $p < .001$).⁸ In terms of missing information, the majority of cases were missing in diversion in regard to MAYSI-2 scales as they were not entered into case management system data.

⁸ Influential cases were examined for this regression also using leverage values. The average leverage value is the estimated parameters in the model (p) divided by the sample (i.e., p/n) (Norusis, 2008). The average leverage for this regression model was 15/428 or .03504673; however, no substantial outliers were found.

Table 12: Logistic Regression for Mental Health Referral (n = 428)

	B (SE)	Odds Ratio	Confidence Interval (CI)	p value
LGBTQ+ and/or GNC	.790 (.448)	2.203	.916 — 2.296	.078
Black Youth	.632 (.342)	1.882	.962 — 3.682	.065
Hispanic Youth	-.299 (.541)	.741	.257 — 2.140	.580
Youth of Color (non-Black & non-Hispanic)	.442 (.689)	1.556	.403—6.010	.411
Ages 6 to 12 yrs.	-1.507 (.652)	.222	.062 — .795	.021
Ages 13 to 14 yrs.	1.096 (.451)	2.992	1.236 — 7.245	.015
Ages 15 to 16 yrs.	.224 (.396)	1.252	.576 — 2.720	
Binary Gender Identity (Girls)	.566 (.406)	1.762	.795 — 3.903	.163
AI (Caution/Warning)	1.367 (.319)	3.923	2.102 — 7.324	.000
DA (Caution/Warning)	1.302 (.326)	3.676	1.941 — 6.961	.000
SI (Caution/Warning)	2.412 (.448)	11.154	4.632 — 26.858	.000
SC (Caution/Warning)	.414 (.334)	1.513	.786 — 2.910	.215
TD (Caution/Warning)	.704 (.432)	2.022	.866 — 4.719	.104
Constant	-3.696 (0.520)**	.025		.000

Note: Model strength was established by Nagelkerke R squared (0.593). Reference group for race/ethnicity was white youth and for age was 17- to 19-year-old youth.

Regression Without MAYSI-2. Another binary logistic regression model was conducted for the 540 youth (without MAYSI-2 information) to provide more context and examine the effect of LGBTQ+ and/or GNC youth, race/ethnicity, and gender identity on mental health referrals, controlling for age. In this model, LGBTQ+ and/or GNC youth (Wald = 16.156, $\text{Exp}(B) = 3.055$, $p < .001$) and girls (Wald = 12.570, $\text{Exp}(B) = 2.050$, $p < .001$) were significantly more likely to be referred to mental health treatment compared to straight, cisgender, and gender conforming youth and boys. Also, Black youth were significantly more likely than white youth to be referred to mental health treatment (Wald = 17.842, $\text{Exp}(B) = 2.472$, $p < .001$).

Missing Values. The regression without MAYSI-2 information include these 112 cases. The 112 cases with missing MAYSI-2 scores were examined, 19.6% ($n = 22$) of these youth were LGBTQ+ and/or GNC and 80.4% ($n = 90$) were straight, cisgender, and GC, the mean age was 15.09 years with a range from 10 to 19 years, compared to the 540 cases with mental health

treatment referral information in which 14.8% ($n = 80$) were LGBTQ+ and/or GNC youth and 85.2% ($n = 460$) were straight, cisgender, and GC and mean age was 15.03 years with a range of 6 to 19 years. Within the missing 112 MAYSI-2 cases, 63.4% ($n = 71$) were BIPOC youth and 36.6% ($n = 41$) were white youth, while the 540 total cases had 61.1% ($n = 330$) BIPOC youth and 38.9% ($n = 210$) white youth. Finally in the 112 missing MAYSI-2 cases, 57.1% ($n = 64$) were girls and 42.9% ($n = 48$) were boys compared to 47.8% ($n = 258$) of girls and 52.2% ($n = 282$) of boys in the 540 cases. Overall, LGBTQ+ and/or GNC youth, BIPOC youth, and girls are overrepresented in these missing MAYSI-2 data and in turn are underrepresented in the regression model conducted with the 428 sample, further straight, cisgender, and GC youth, white youth, and boys are overrepresented in the 428 sample. This is important to keep in mind when reading these results.

Regression to Test Moderation. The model Chi-square was significant ($\chi^2 = 236.187$; $p < .001$), which indicates that the estimated model significantly improved after predictor variables were added. In the constant logistic classification table, there were 66.4% correctly classified; however, when the predictors were added 83.9% were classified correctly, which shows that the predictor variables improved the model. None of the independent variables, LGBTQ+ and/or GNC youth, race/ethnicity, and binary gender identity were found to significantly predict mental health referrals when controlling for age and MAYSI-2 scales (see Table 12). Because these predictor variables were not significant, the interactions of binary race/ethnicity and LGBTQ+/GNC youth and race/ethnicity and binary gender identity cannot be properly interpreted. Age and a few MAYSI-2 scales were significant in predicting mental health referral. Youth ages 6 to 12 years of age were significantly less likely to be given a referral compared to 17- to 19-year-olds (Wald = 5.146, $p = .023$); however, youth ages 13 to 14 years of age were

significantly more likely to be given a referral than 17- to 19-year-olds (Wald = 4.652, $p = .031$) and youth ages 15 to 16 years were not significantly different than individuals 17 to 19 years old (see Table 12).

Across MAYSI-2 subscales, youth with a caution or warning on the angry-irritable (Wald = 19.581, $p < .001$) depressed-anxious (Wald = 14.930, $p < .001$), and suicide ideation (Wald = 28.568, $p < .001$) scales were significantly more likely to be given a mental health referral compared to youth that were not given these indicators. Of these predictor variables, Suicide ideation (SI) was the strongest contributor to be given a mental health referral ($\exp(B) = 10.865$). Further, the area under the curve (AUC) for this overall regression model was statistically significant at predicting court processing (AUC = .907, $p < .001$).

Table 13: Binary Logistic Regression for Mental Health Referrals Testing Moderation

	b (SE)	Odds Ratio	Confidence Interval (CI)	<i>p</i> value
LGBTQ+/ GNC	.595 (.724)	1.814	.439 — 7.497	.411
Binary Race/Ethnicity (BIPOC Youth)	.728 (.505)	2.071	.770 — 5.568	.149
Binary Gender Identity (Girls)	.897 (.618)	2.452	.730 — 8.232	.147
Ages 6 to 12 yrs.	-1.480 (.653)	.228	.063 — .818	.023
Ages 13 to 14 yrs.	.966 (.448)	2.627	1.092 — 6.318	.031
Ages 15 to 16 yrs.	.168 (.397)	1.183	.543 — 2.576	.672
Binary Race/Ethnicity (BIPOC Youth) by LGBTQ+/GNC Youth	.190 (.900)	1.209	.207 — 7.052	.833
Binary Race/Ethnicity (BIPOC Youth) by Binary Gender Identity (Girls)	-.498 (.687)	.608	.158 — 2.336	.468
AI (Caution/Warning)	1.402 (.317)	4.064	2.184 — 7.562	.000
DA (Caution/Warning)	1.231 (.319)	3.425	1.834 — 6.395	.000
SI (Caution/Warning)	2.386 (.446)	10.865	4.530 — 26.058	.000
SC (Caution/Warning)	.365 (.330)	1.441	.755 — 2.752	.268
TD (Caution/Warning)	.707 (.430)	2.028	.872 — 4.715	.101
Constant	-3.765 (.577)	.023		.000

Note: Model strength was established by Nagelkerke R squared (0.588) and goodness of fit was established by conducting the Hosmer and Lemeshow test (chi-square = 310.499, $p = .588$), which shows good model fit. For age 17- to 19-year-old youth were the reference group.

Suicide Ideation. Because Suicide Ideation was the strongest predictor, cross tabulations and chi-squared tests were conducted for the independent variables. LGBTQ+ and/or GNC youth

were moderately significantly associated with receiving a caution or warning for the MAYSI-2 SI scale ($\chi^2 = 33.373, p < .001$; Cramer's $V = .279, p < .001$). 14.6% of straight, cisgender, and GC youth were given caution or warning while 46.6% of LGBTQ+ and/or GNC youth were given a caution or warning on the SI scale. Race/ethnicity was not significantly associated with Suicide Ideation ($\chi^2 = 2.282, p = .131$); however, trends suggest that BIPOC youth may be slightly more likely to be given a caution or warning for the SI scale as 21.2% of BIPOC youth and 15.3% of white youth were given a caution or warning for the SI scale. Binary gender identity was moderately significantly associated with the suicide ideation scale ($\chi^2 = 25.284, p < .001$; Cramer's $V = .243, p < .001$). Girls are more likely to be given a caution or warning on the SI scale with 29.4% of girls and 10.3% of boys receiving caution or warning label on the SI scale.

Diversion Outcome

Cross tabulations were conducted to examine whether diversion outcome and predictor variables were significantly associated. LGBTQ+ and/or GNC youth were not significantly associated with diversion outcomes ($\chi^2 = 2.183, p = .140$). Binary race/ethnicity (i.e., BIPOC youth and white youth) was weakly significantly associated to diversion outcome ($\chi^2 = 9.185, p = .002$; Cramer's $V = .130, p = .002$). This suggests a disparity in relation to BIPOC youth receiving an unsuccessful label with diversion compared to white youth. Further trends are suggested with Black youth receiving the largest proportion of unsuccessful labels followed by youth of color that do not identify as Black or Hispanic, Hispanic youth, and then white youth (see Table 13). A chi-square test could not be completed for age due to small cell size; however, trends are suggested in that the majority of unsuccessful and successful labels are given to youth ages 15 and 16 years old. Further binary gender identity was not significantly associated with diversion outcomes ($\chi^2 = 1.906, p = .167$). In Table 13, it appears boys receive the majority of

unsuccessful labels and girls receive the majority of successful labels; however, proportions are examined it tells more. Interestingly, 14.7% of girls receive an unsuccessful label in diversion compared to 9.9% of boys, which suggests that girls may be slightly more likely to receive an unsuccessful label in diversion compared to boys. For the MAYSI-2 scales AI ($\chi^2 = 2.357, p = .125$), DA ($\chi^2 = 1.763, p = .184$), SI ($\chi^2 = .397, p = .528$), SC ($\chi^2 = .022, p = .883$), and TD ($\chi^2 = .506, p = .477$), they were not significantly associated with diversion outcomes (see Table 13). To conduct a chi-square test for OYAS diversion risk levels, this was recoded into a binary variable where 0 was for low-risk labels and 1 was for moderate and high-risk labels. No significant association was found between OYAS diversion risk levels and diversion outcomes ($\chi^2 = 2.828, p = .093$); however, trends suggest that moderate risk level labels may relate to unsuccessful diversion labels.

Intersectional Identities

Intersectional identities were examined in regard to their association with diversion outcome labels. Race/ethnicity and binary gender identity were examined along with race/ethnicity and LGBTQ+ and/or GNC youth to test various associations to diversion outcomes. BIPOC youth and binary gender identity were not significantly associated with diversion outcome decisions ($\chi^2 = .480, p = .488$). Diversion outcome was not significantly associated with Black youth and binary gender identity ($\chi^2 = 1.478, p = .224$); however, trends suggest that Black boys may receive an unsuccessful diversion label slightly more than Black girls.

Table 14: Descriptive Information on Diversion Outcomes

	Diversion Outcome Frequencies (%)		<i>n</i>	Chi-square* (Phi or Cramer's V)
	Unsuccessful	Successful		
LGBTQ+ and/or GNC			542	2.183
Straight, cisgender, and gender conforming	32 (78.0)	433 (86.4)		
LGBTQ+ and/or GNC	9 (22.0)	68 (13.6)		
Race/Ethnicity			542	-
Black or African American	28 (68.3)	234 (46.7)		
White or European American	7 (17.1)	205 (40.9)		
Hispanic (Any Race)	3 (7.3)	38 (7.6)		
Youth of color (non-Black & non- Hispanic)	3 (7.3)	24 (4.8)		
Binary Race/Ethnicity			542	9.185 (.130)
BIPOC	34 (82.9)	295 (58.9)		
White (non-Hispanic)	7 (17.1)	206 (41.1)		
Age			542	-
6 to 12 Years	3 (7.3)	51 (10.2)		
13 to 14 Years	15 (36.6)	107 (21.4)		
15 to 16 Years	16 (39.0)	215 (42.9)		
17 to 19 Years	7 (17.1)	128 (25.5)		
Binary Gender Identity			537	1.906
Girls	15 (36.6)	87 (60.4)		
Boys	26 (63.4)	237 (47.8)		
MAYSI-2 Subgroups				
No AD Caution/Warning	21 (84.0)	388 (96.5)	427	-
AD Caution/Warning	4 (16.0)	14 (3.5)		
No AI Caution/Warning	12 (52.2)	268 (67.7)	419	2.357
AI Caution/Warning	11 (47.8)	128 (32.3)		
No DA Caution/Warning	13 (56.5)	276 (69.7)	419	1.763
DA Caution/Warning	10 (43.5)	120 (30.3)		
No SI Caution/Warning	18 (78.3)	330 (83.3)	419	.397
SI Caution/Warning	5 (21.7)	66 (16.7)		
No SC Caution/Warning	10 (43.5)	166 (41.9)	419	.022
SC Caution/Warning	13 (56.5)	230 (58.1)		
No TD Caution/Warning	17 (73.9)	317 (80.1)	419	.506
TD Caution/Warning	6 (26.1)	79 (19.9)		
OYAS Diversion Risk Level			499	-
Low	6 (17.6)	146 (31.4)		
Moderate	28 (82.4)	309 (66.5)		
High	0 (0.0)	10 (2.2)		

	Diversion Outcome		<i>n</i>	Chi-square* (Phi or Cramer's V)
	Unsuccessful	Successful		
Intersectional Identities				
Race/Ethnicity & Gender Identity				
BIPOC Boys	20 (58.8)	154 (52.6)	327	.480
BIPOC Girls	14 (41.2)	139 (47.4)		
White Boys	5 (83.3)	105 (51.7)	209	-
White Girls	1 (16.7)	98 (48.3)		
Black Boys	18 (64.3)	121 (52.2)	260	1.478
Black Girls	10 (35.7)	111 (47.8)		
Hispanic Boys	0 (0.0)	18 (47.4)	41	-
Hispanic Girls	3 (100)	20 (52.6)		
Boys of Color (non-Black & non-Hispanic)	3 (100)	15 (65.2)	26	-
Girls of Color (non-Black & non-Hispanic)	0 (0.0)	8 (34.8)		
Race/Ethnicity & LGBTQ+/GNC				
Straight, cisgender, & GC BIPOC Youth	26 (76.50)	248 (84.4)	328	1.377
LGBTQ+/GNC BIPOC Youth	8 (23.5)	46 (15.6)		
Straight, Cisgender & GC White Youth	6 (85.7)	180 (87.8)	212	-
LGBTQ+/GNC White Youth	1 (14.3)	25 (12.2)		
Straight, Cisgender & GC Black Youth	22 (78.6)	205 (87.6)	262	1.764
LGBTQ+/GNC Black Youth	6 (21.4)	29 (12.4)		
Straight, Cisgender & GC Hispanic Youth	1 (33.3)	30 (78.9)	41	-
LGBTQ+/GNC Hispanic Youth	2 (66.7)	8 (21.1)		
Straight, Cisgender & GC Youth of Color (non-Black & non-Hispanic)	4 (66.7)	48 (77.4)	68	-
LGBTQ+/GNC Youth of Color (non-Black & non-Hispanic)	2 (33.3)	14 (22.6)		

Pearson Chi-square test of association was not conducted due to low cell sizes for race/ethnicity, AD scale, OYAS diversion level, Hispanic and white girls, girls of color (nonblack and nonHispanic) LGBTQ+/GNC youth of color who do not identify as Black nor Hispanic.

* If chi-square is significant ($p < .05$) then Phi or Cramer's V was also reported.

With limited information, trends of Hispanic youth and binary gender suggest that Hispanic girls may be more likely to receive an unsuccessful label in diversion than Hispanic boys. Next, race/ethnicity and LGBTQ+ and/or GNC youth were examined for associations with diversion outcomes. BIPOC LGBTQ+ and/or GNC youth were not significantly associated ($\chi^2 = 1.377, p = .241$); however, 14.8% of BIPOC LGBTQ+ and/or GNC youth were given an unsuccessful label in diversion while 9.5% of straight, cisgender, GC BIPOC youth were given an unsuccessful

label in diversion. LGBTQ+ and/or GNC Black youth were not significantly associated with diversion outcome labels ($\chi^2 = 1.764, p = .184$); however, trends were detected as 9.7% of straight, cisgender, GC Black youth were given an unsuccessful label in diversion and 17.1% of LGBTQ+ and/or GNC Black youth were given an unsuccessful label. These trends suggest that disparities may be present for Black LGBTQ+ and/or GNC youth. In terms of missing cases, there were 137 cases that were missing information on whether youth with their first incident date in diversion were marked successful or unsuccessful.

Reasons for Association Tests Only. Overall, of youth placed in diversion, 501 (92.4%) were considered successful and 41 (7.6%) youth were considered unsuccessful in diversion (see Table 1); however, when all of the variables were added to the model, there were 23 (5.6%) of youth labeled unsuccessful and 388 (94.4%) labeled successful in diversion. Because of this and various low cell sizes across multiple independent and control variables, a logistic regression was not able to be completed following binary logistic regression assumptions. The third regression model was not able to be conducted due to low cell sizes and limited variation in the dependent variable, diversion outcome. All of the predictor variables in the equation were recoded as binary variables to try and meet assumptions for binary logistic regression; however, these binary variables still had low cell sizes and 18 youth that were given an unsuccessful diversion label were missing information for predictor variables. This model was supposed to examine whether the independent variables (LGBTQ and/or GNC, binary gender identity, and binary race/ethnicity) predict diversion outcomes when controlling for age, MAYSI-2 scales, and binary OYAS diversion risk level. Because this model did not meet assumptions, tests of associations were conducted on the overall diversion sample ($n = 542$) to understand more about possible trends in diversion processing.

Adjudication Outcome

Regression four aims to answer the fourth inferential research question in which the dependent variable, adjudication outcome (whether youth were adjudicated and labeled delinquent) for youth placed in the official system based on their first incident date with the court. Further, combinations of IVs, control, and moderation variables provided in the previous chapter were accounted for as well. This model examined whether the independent variables (LGBTQ and/or GNC, binary gender identity, and binary race/ethnicity) predict diversion outcomes when controlling for age and offense severity. This section has two parts, the description of the sample in the regression model and the logistic regression results.

The dependent variable has 292 cases in the overall model (see Table 1) and 286 cases in the sample for the current model to test adjudication outcome. In this sample, 194 (67.8%) of youth were adjudicated delinquent and 92 (32.2%) were not adjudicated delinquent in the juvenile court based on the youths' first incident date with the court and placed into the official system. Cross tabulations and chi-square tests were conducted for five categorical variables and the dependent variable (e.g., whether youth were labeled delinquent through adjudication): (1) whether the youth is LGBTQ+ and/or gender nonconforming; (2) race/ethnicity; (3) age; (4) binary gender identity; (5) offense severity (see Table 14). LGBTQ+ and/or GNC youth were not significantly associated with adjudication outcome ($\chi^2 = 2.027, p = .155$). Binary race/ethnicity was not significantly associated with adjudication outcome ($\chi^2 = .184, p = .668$). Age was recoded for the purposes of this model as the cell sizes were too low from the age category of 17 to 19 years, the age ranges were 8 years to 17 years old with a mean of 13.8 years. Age was moderately significantly associated with adjudication outcome ($\chi^2 = 14.184, p = .001$; Phi = .223, $p = .001$). This suggests that older youth may be more likely to be given the delinquent

label than younger (8 to 12 years old) youth (see Table 14). Binary gender was not significantly associated with adjudication outcome ($\chi^2 = .435, p = .510$). Offense severity was also recoded due to the low cell size for status offenses, six status offenses were included with the misdemeanor category. Offense severity and adjudication outcome were not significantly associated ($\chi^2 = .000, p = .999$).

Table 15: Adjudication Outcome Descriptive Statistics (n = 286)

	Adjudication Outcome		Chi-square* (Phi or Cramer's V)
	Frequencies (%)		
	Not Adjudicated "Delinquent"	Adjudicated "Delinquent"	
LGBTQ+ and/or GNC			2.027
Straight, Cisgender, and Gender Conforming	72 (78.3)	165 (85.1)	
LGBTQ+ and/or GNC	20 (21.7)	29 (14.9)	
Race/Ethnicity			-
Black or African American	72 (78.3)	86 (80.9)	
White or European American	12 (13.0)	29 (14.9)	
Hispanic (Any Race)	2 (2.2)	6 (3.1)	
Youth of color (non-Black & non- Hispanic)	6 (6.5)	2 (1.0)	
Binary Race/Ethnicity			.184
BIPOC	80 (87.0)	165 (85.1)	
White (non-Hispanic)	12 (13.0)	29 (14.9)	
Age			14.184 (.223)
8 to 12 Years	31 (33.7)	32 (16.5)	
13 to 14 Years	39 (42.4)	80 (41.2)	
15 to 17 Years	22 (23.9)	82 (42.3)	
Binary Gender Identity			.435
Girls	30 (32.6)	71 (36.6)	
Boys	62 (67.4)	123 (63.4)	
Offense Severity			.000
Status/Misdemeanor	55 (59.8)	116 (59.8)	
Felony	37 (40.2)	78 (40.2)	

Chi-square tests were not conducted due to low cell sizes for race/ethnicity.

* If chi-square is significant ($p < .05$) then Phi or Cramer's V was also reported.

Logistic Regression

A binary logistic regression was conducted to examine the effect of the independent variables (LGBTQ+/GNC youth, binary race/ethnicity, and binary gender identity) on

adjudication outcome (e.g., labeled delinquent or not labeled delinquent) and to examine whether LGBTQ+/GNC youth or binary gender identity moderate the relationship between binary race/ethnicity and adjudication outcome when controlling for age and offense severity charges.

The model Chi-square was significant ($\chi^2 = 25.679$; $p = .001$), which indicates that the estimated model significantly improved after predictors were added. In the constant logistic classification table, there were 67.8% correctly classified; however, when the predictors were added 68.2% were classified correctly, which shows that the predictor variables slightly improved the model. The Independent variables LGBTQ+ and/or GNC youth and binary race/ethnicity were not found to significantly predict adjudication when controlling for offense severity and age. The binary gender identity variable was significantly predictive of adjudication outcome, in that girls may be more likely than boys to be adjudicated delinquent (Wald = 1.391, Exp(B) = 1.457, $p = .238$) (see Table 15). Youth ages 8 to 12 years were significantly less likely to get a delinquent label compared to youth ages 15 to 17 years (see Table 15). Youth 13 to 14 years were not significantly less likely to receive a delinquency label through adjudication than 15- to 17-year-old youth but this was trending and nearing significance ($p = .050$) (see Table 15). Further, offense severity was not a significant factor in adjudicated outcome. In terms of the interaction variable to test moderation, race/ethnicity by LGBTQ+/GNC youth were not able to be properly interpreted due to the independent variables' binary race/ethnicity and LGBTQ+/GNC, not producing significance in this model apart nor together. This interaction term would usually be removed from the model; however, because this was part of the main research question, the interaction term is included. The variable binary race/ethnicity by binary gender identity did significantly predict adjudication outcome and had a crossover interaction effect. Binary gender identity (girls/boys) did moderate the relationship between binary

race/ethnicity (BIPOC youth/white youth) and adjudication outcome. Due to the limited sample size, the chance for Type II errors may increase (Hess, Hu, & Blair, 2014).

Table 16: Logistic Regression for Adjudication Outcome (n = 286)

	b (SE)	Odds Ratio	Confidence Interval (CI)	p value
LGBTQ+/ GNC	-1.983 (1.177)	.138	.014 — 1.38	.092
Binary Race/Ethnicity (BIPOC Youth)	.277 (.521)	1.319	.475 — 3.66	.595
Binary Gender Identity (Girls)	2.991 (1.254)	19.903	1.704 — 232.52	.017
Ages 8 to 12 yrs.	-1.263 (.355)	.283	.141 — .567	.000
Ages 13 to 14 yrs.	-.621 (.317)	.537	.289 — 1.00	.050
Offense Severity (Felony)	-.016 (.282)	.984	.566 — 1.71	.954
Binary Race/Ethnicity (BIPOC Youth) by LGBTQ+/GNC Youth	1.472 (1.250)	4.357	.376— 50.54	.239
Binary Race/Ethnicity (BIPOC Youth) by Binary Gender Identity (Girls)	-2.943 (1.291)	.053	.004 — .662	.023
Constant	1.093 (0.550)	2.984		.047

Note: Model strength was established by Nagelkerke R squared (0.120) and goodness of fit was established by conducting the Hosmer and Lemeshow test (chi-square = 11.283, $p = .186$), which shows good model fit.

CHAPTER V: DISCUSSION

Intersectional identities of youth including race/ethnicity, sexual orientation, gender identity, and gender expression have been largely excluded from research on how the juvenile legal system responds to youth through court processing outcomes (Conron & Wilson, 2019; Irvine & Canfield, 2017). Intersectional identities matter relative to court responds to youth, especially for BIPOC youth, girls, and LGBTQ+ and GNC youth as there are racial, gender, sexual orientation, and gender expression disparities within the juvenile legal system at different levels of court processing. These disparities are most notable for youth with multiple marginalized identities. Youth of marginalized identities experience discrimination interpersonally (e.g., bullying, overt discrimination, microaggressions towards an individual) and through oppressive systems (e.g., inequitable treatment by the system). Interrelated consequences of disparities and discrimination include psychological and/or physical trauma from encounters with the juvenile legal system (Irvine & Canfield, 2017), police brutality and violence against youth (Hoytt et al., 2003), absence of legal defense options (Hoytt et al., 2003), mental and physical health disparities (Aalsma et al., 2016; Iguchi et al., 2005), higher suicide and self-harm rates (Casiano et al., 2013; The Trevor Project, 2021), and housing and employment discrimination (Pager, 2003; Shelton et al., 2018; Western, 2006). Further, there are several key findings that will be addressed both from the descriptive research and inferential research results.

Intersectionality is a valuable and vital framework to utilize when studying the juvenile legal system. Intersectionality was developed by Crenshaw (Crenshaw, 1989; 1991) and expanded on through the work of Dr. Baca Zinn and Dr. Thornton Dill's Multi-Racial Feminism theory (Baca Zinn & Thornton Dill, 1996) and Dr. Collin's Matrix of Domination concept (Collins 2000; 2008). These frameworks work together to provide better understanding of

oppressive systems, processes, and interpersonal experiences. Experiences do not occur in a vacuum as people possess social identities that are from a place of privilege and other from a place of oppression and they often interact with each other in different ways across different situations (Oluo, 2018; Collins 2000; 2008). For example, a Black trans girl may have very different experiences with the juvenile legal system compared to a cis white boy; these processes (e.g., white supremacy, anti-Black racism, transphobia, misogyny, sexism, and so on) may have further led to disparities of BIPOC youth and LGBTQ+ youth in the juvenile legal system. Relative to the severe consequences youth of color face disproportionately by the system, disparities in legal system processing between boys and girls, and limited research on LGBTQ+ youth in the system, employing an intersectional framework is critical to understand court processing outcomes (Irvine-Baker et al., 2019).

There are four key descriptive findings. First, these results indicated that the prevalence of LGBTQ+ youth and the prevalence of LGBTQ+ and GNC youth at various intersectional identities within the juvenile court. For this sample, 15.5% of youth reported that they are LGBTQ+ and/or GNC individuals and 69.9% of these youth identified as youth of color, while the majority of LGBTQ+ and/or GNC individuals (52.7%) identified as Black youth. The majority of LGBTQ+ and/or GNC individuals were also girls. When the sample for this juvenile court was compared to other proportion estimates of LGBTQ+ youth in the general population, it was highlighted that LGBTQ+ youth are likely overrepresented in this juvenile legal system, especially LGBTQ+ youth of color. This is supported by prior research literature on the overrepresentation of LGBTQ+ youth, especially LGBTQ+ youth of color in the juvenile legal system (Center for American Progress & Movement Advance Project, 2016; Conron & Wilson, 2019; Hunt & Moodie-Mills, 2012; Irvine & Canfield, 2017). Prior research has also found that a

reason for this is because LGBTQ+ and GNC youth are often exposed to systemic, institutional, and social oppression at disproportional rates compared to straight, cisgender, and GC youth and this exposure is further exacerbated for LGBTQ+ and GNC youth of color due to various oppressive systems (e.g., white supremacy, systemic racism) working together to further marginalize youth (Conron & Wilson, 2019; Hunt & Moodie-Mills, 2012; Irvine & Canfield, 2017; Jonnson, Bird, Li, & Viljoen, 2019). Consequences of oppressive systems include—but are not limited to—heightened surveillance of racial/ethnic groups not considered white, housing and employment discrimination, violence and hate crimes against marginalized groups, criminalization of LGBTQ+ and GNC individuals, barriers to voting, and disparities in legal systems processing and outcome (Aalsma et al., 2016; Casiano et al., 2013; Iguchi et al., 2005; Irvine & Canfield, 2017; Hoytt et al., 2003; Shelton et al., 2018; The Trevor Project, 2021).

These consequences affect marginalize youth in the juvenile legal system, especially youth of intersecting marginalized identities, BIPOC and LGBTQ+ and GNC youth are overpoliced, experience police brutality, abused, experience overt and covert discrimination by court actors, and treated harsher in the system and are forced to stay longer than cis, white straight and GC youth (Center for American Progress & Movement Advance Project, 2016; Conron & Wilson, 2019; Irvine & Canfield, 2017). Meanwhile, youth will endure these consequences themselves and have watched their family, friends, and/or community experience these effects of oppression. This could lead to unemployment, homelessness, suicide, physical/mental health issues, and further victimization (Aalsma et al., 2016; Casiano et al., 2013; Pager, 2003; Shelton et al., 2018; The Trevor Project, 2021).

Second, the most common referral source to the juvenile court was by police, with 88.9% of youth being referred by police officers. Black youth were considerably overrepresented in five

referral sources to the juvenile court including referral by police, parent/guardians, courts, and schools. Hispanic youth and youth of color who did not identify as Black or Hispanic were to be overrepresented as well compared to the general youth population in the state. For LGBTQ+ and/or GNC youth, the majority (88.2%) were referred to the court by the police followed by school referrals (5.9%). All transgender and nonbinary youth and youth questioning their gender identity were referred to the court by police. Of BIPOC youth, 16% of LGBTQ+/GNC youth were referred to the court by police and of white youth, 14.2% of LGBTQ+/GNC youth were police referred. BIPOC youth overall are overrepresented in the juvenile court, but BIPOC LGBTQ+/GNC youth may have an even higher likelihood of being referred to the court, especially by police. These findings may suggest that policing is one of the reasons why these disparities exist as police are often youths' first contact with the juvenile legal system and often enforce, even unintentionally, societal "norms" and oppressive systems (see section on Policing of Youth).

Third, overall, the majority of youth entered the court through the intervention center (72.6%) compared to the detention center (27.4%). Black youth were overrepresented through entering the system via the detention center. Youth entering through the detention center were primarily referred by police and brought in through an arrest. Among Black boys, 52.6% entered through then intervention center and 47.4% through the detention center. Among Black girls, 74.8% entered through the intervention center and 25.2% entered through the detention center. However, white youth were underrepresented, for white boys 89% entered through the intervention center and 11% entered through detention and of white girls 89.6% entered through intervention and 10.4% entered through detention. Trends suggest that Hispanic girls may be more likely to enter the court through detention. LGBTQ+ and/or GNC identity was not

significantly associated with routes to the juvenile court; however, trends suggest that of BIPOC youth only, 25.6% were LGBTQ+/GNC youth and entered through the detention center.

However, of white youth, 17.9% LGBTQ+/GNC youth entered through the detention center.

Fourth, the majority of youth in the sample were charged with misdemeanor offenses (71.3%) based on their first incident with the court, followed by (20.5%) felony offense charges and (8.2%) status offense charges. Boys had higher rates of felony offenses than girls. Girls had higher rates of status offenses than boys. When examining intersectional identities, Black girls and Hispanic girls had higher rates of status offense charges than Black boys and Hispanic boys. This is likely due to the interconnected racism and sexism experienced by Black girls and Hispanic girls in schools, courts, police, and other institutions. Trends suggest that BIPOC LGBTQ+/GNC may have slightly higher rates of receiving misdemeanor and status offenses than BIPOC straight, cisgender, and GC youth. For white youth, trends suggest that white LGBTQ+ and/or GNC youth may have slightly higher rates of receiving misdemeanor and felony charges compared to straight, cisgender, and GC youth.

Court Processing Outcomes

Court processing (e.g., diversion and official system) was strongly associated with entry point (e.g., detention or intervention center). This means that if youth entered the juvenile court through the intervention center, then they were likely placed in diversion and if youth entered through the detention center, they were more likely placed in the official system. Detention as an entry point is potentially more severe as youth are typically brought there by police officer who arrested them. BIPOC youth were disproportionately accounted for in detention center referral and placement in the official system (86.7%) compared to white youth. LGBTQ+ and/or GNC youth were also disproportionally accounted for in placement in the official system. For BIPOC youth, 13.4% were LGBTQ+ and/or GNC youth and for white youth, 33.3% were LGBTQ+

and/or GNC youth. BIPOC youth and LGBTQ+ and/or GNC youth were overrepresented as youth who entered the juvenile court by arrest through the detention center and placed into the official system. Prior research has also identified racial disparities of BIPOC youth and disparities of LGBTQ+ and GNC youth in the juvenile legal system (Center for American Progress & Movement Advancement Project, 2016; Conron & Wilson, 2019; Irvine & Canfield, 2017). However, this dissertation is the first study to take a deeper look at disparities of intersectional identities of youth at different points in juvenile court processing. The way in which youth enter the court is important to note, especially through police and through the detention center, as this has consequences and influences further system involvement (e.g., harsher treatment, future arrests).

The overall model for court processing indicated that LGBTQ+ and/or GNC youth, binary gender identity, race/ethnicity, age, and offense severity charge predicted court processing (i.e., whether youth were placed in the official system or diversion). Boys were more likely than girls to be placed in the official system. Black youth, compared to white youth were more likely to be placed in the official system. LGBTQ+ and/or GNC youth were more likely to be placed in the official system compared to straight, cisgender, and GC youth. Subgroup analyses were used to test for moderation and further examine interactions. For the subgroup of BIPOC youth only, LGBTQ+ and/or GNC youth and binary gender identity did not significantly predict court processing. Trends suggest that boys who identified as BIPOC youth may be more likely to be placed in the official system than girls. For BIPOC youth ages 6 to 16 years were more likely to be placed in the official system compared to individuals 17 to 19 years and youth charged with a felony offense was also more likely to be placed in the official system, these were similar

findings for white youth as well. For white youth, LGBTQ+ and/or GNC youth significantly predicted placement in the official system.

There was no significant moderation finding for race/ethnicity and LGBTQ+/GNC youth or race/ethnicity and gender identity; however, it is notable that there were different significance levels for LGBTQ+/GNC youth across BIPOC youth and white youth. One possible explanation for this through a multi-racial feminism lens may be that for BIPOC youth, especially Black youth, the systems of white supremacy and racism greatly affect youth first and foremost; however, this does not mean that youth of multiple intersectional identities are not also further marginalized by additional oppressive systems (e.g., misogyny, sexism, homophobia, transphobia, xenophobia).

Mental Health Referral

All youth who came through the juvenile court were either referred to mental health treatment or not referred; however, for this dissertation, information was only obtained for youth in diversion, due to the court being in the process of changing their case management system. Mental health assessment information was captured by the MAYSI-2, a standardized and validated tool to assess youths' mental health needs (Grisso & Barnum, 2001; 2006; McCoy, Vaughn, Maynard, & Salas-Wright, 2014). Of these youth, the majority (62.3%) were not referred to mental health treatment and 37.7% did receive a referral. With the full sample of youth in diversion, sexual orientation, gender expression, and gender identity were significantly associated with mental health referrals. LGBTQ+ youth were more likely than straight youth to be referred to mental health treatment. Youth who are gender nonconforming were more likely than gender conforming youth to be referred. Further LGBTQ+ and/or GNC youth were more likely to be referred than straight, cisgender, and GC youth. Girls were more likely to be given a mental health referral compared to boys, this finding held for BIPOC girls and white girls. BIPOC

LGBTQ+ and/or GNC youth were more likely to receive mental health referrals compared to BIPOC cis, straight, and GC youth; white LGBTQ+ and/or GNC youth were more likely to receive mental health referrals compared to white cis straight GC youth. This may suggest that LGBTQ+ and gender nonconforming youth across racial/ethnic categories are being referred to mental health treatment at a higher rate than straight, cisgender, conforming youth.

LGBTQ+ and/or GNC youth and girls were more likely than straight, cisgender, and GC youth and boys to receive a mental health referral; also, Black youth were more likely than white youth to be referred to mental health treatment when MAYSI-2 information was not controlled for. However, after controlling for MAYSI-2 subscales, LGBTQ+/GNC youth, race/ethnicity, and gender identity did not significantly predict mental health referrals. The strongest predictor of mental health treatment was suicide ideation subscale of the MASYSI-2. LGBTQ+ and/or GNC youth and girls were significantly associated with receiving a caution or warning on the suicide ideation scale compared to straight, cisgender, and GC youth and boys.

Diversion Outcome

For youth placed in diversion the vast majority (92.4%) of youth were labeled successful and 7.6% were labeled unsuccessful. Although LGBTQ+ and/or GNC youth were not significantly associated with diversion outcome, there was a higher proportion of LGBTQ+/GNC youth who received an unsuccessful label compared to straight, cisgender, GC youth. There was also a higher proportion of girls receiving an unsuccessful label compared to boys. There is an association between binary race/ethnicity and diversion outcome in which BIPOC youth are slightly more likely to be given an unsuccessful label compared to white youth. OYAS diversion risk levels were not significantly associated with diversion outcome but suggests that youth who receive moderate risk levels may relate more to unsuccessful diversion labels. This is concerning as the OYAS diversion risk assessment is in theory supposed to predict diversion outcomes. A

logistic regression was not conducted due to low cell and sample sizes among the independent and dependent variables. The proportion of white LGBTQ+ and/or GNC youth was slightly higher than white straight, cisgender, GC youth. Of BIPOC youth, 14.8% of LGBTQ+ and/or GNC youth were given an unsuccessful label in diversion while 9.5% of straight, cisgender, GC youth were given an unsuccessful label in diversion. Additional trends suggest that Black LGBTQ+ and/or GNC youth may have higher disparities for receiving an unsuccessful label in diversion. This may be due to underlying bias of juvenile court actors, as court actors have viewed and described girls, primarily Black and Hispanic girls as “manipulative” or as “having loose morals” which highlights that’s these biases may stem from racist and sexist systems (Gaarder et al., 2004). There is also evidence that court actors view girls of color and lesbians, but especially lesbians of color as “violent” and “dangerous” (Chesney-Lind & Eliason, 2006). In turn, court actors bias plays a role in how they treat youth and make decisions that will affect youth. If court actors have BIPOC and LGBTQ+ and GNC girls and youth on their caseload and are making a decision on whether to label youth successful or unsuccessful in diversion, they may use those biases in their decision-making and label BIPOC and/or LGBTQ+ and GNC girls and youth as unsuccessful despite their behavior.

Adjudication Outcome

Gender identity and age significantly predicted adjudication outcome (whether or not youth were adjudicated delinquent). Girls were more likely than boys to be considered adjudicated delinquent and youth ages 8 to 12 years old were less likely to receive a adjudicated delinquent label compared to 15- to 17-year-old youth. LGBTQ+ and/or GNC youth and race/ethnicity were not found to significantly predict adjudication outcome, nor was there a significant interaction found. This may have been due to the low sample size of this model ($n = 286$).

Overall, there was no statistically significant effect of race/ethnicity on adjudication outcome; however, there was a crossover interaction between binary race/ethnicity (BIPOC youth and white youth) and binary gender identity (girls and boys). This suggests that gender identity may moderate the relationship between race/ethnicity and adjudication outcome. This finding provides evidence that youth's intersectional identities matter, in this case race/ethnicity and gender identity, and they may affect juvenile court processing. This influence is likely due to various oppressive systems in place.

Contextualizing Intersectional Disparities in Juvenile Legal System Processing

These findings highlight the racial, ethnic, SOGIE, and gender disparities for youth entering the court and at multiple points in court processing, which could also predict later system involvement and juvenile actor decision making. Police, courts, sentencing, and interventions are all interconnected and disparities in the front end of the system (e.g., arrest, charges) may also affect disparities near the back end of the system (e.g., sentencing, detention). These results extend prior research on juvenile legal system disparities as this study examined race/ethnicity, and SOGIE information at multiple court processing points. These disparities may occur because youth of color are being targeted through practice or policies (e.g., police targeting communities of color) (Poe-Yamagata, 2009). They may occur because police have different reactions towards victims (Poe-Yamagata, 2009). For example, a young white girl may be perceived as a victim but a Black trans nonbinary individual may be perceived as an “offender” and treated very differently in the system. Or disparities may occur because juvenile court personnel, including police may show overt or implicit bias (Poe-Yamagata, 2009). Self-report surveys indicate that youth of color are actually less likely than white youth to commit certain offenses (Felson & Kreager, 2015); however, they are still overrepresented in the system along with LGBTQ+ and GNC youth. Prior research has found that police and probation officers may

view Black youth as more blameworthy and culpable for their actions than white youth, which may lead to more arrests and harsher treatment in the juvenile legal system (Bridges & Steen, 1998; Fagan, 2010). Further, negative and dangerous stereotypes about LGBTQ+ and GNC youth, especially girls of color being violent or predatory also may lead to disparities and harsher treatment in the system (Chesney-Lind & Eliason, 2006).

White supremacy, the patriarchy, misogyny, cis-heteronormativity, heterosexism, and additional oppressive systems may be playing a large role in explaining why these disparities exist. One way in which this could play out is through disproportionate minority contact (DMC) and discrimination (e.g., racism and homophobia and transphobia) portrayed by police officers, school and court officials, and store security staff on the front end of the system. Youth who are system involved were more likely to be arrested compared to youth who reported similar offending patterns (Beardslee et al., 2019). This suggests that once youth enter the juvenile legal system, it is extremely difficult to leave, regardless of whether youth change their behavior (Beardslee et al., 2019). This may mean that large disparities upfront for BIPOC youth and LGBTQ+ and GNC youth, would make it difficult for marginalized youth to leave the system, not because of their behavior, but due to the juvenile legal system's response.

Further, the way in which youth enter the juvenile court matters (i.e., through intervention or detention centers) as decisions to detain youth were more focused on race and risk factors commonly correlated with race opposed to actual behavior (Fagan, 2010). In turn marginalized youth, especially of intersecting marginalized identities, may have worse court processing outcomes (e.g., harsher treatment, higher surveillance) than cisgender white, straight, and GC youth. This trend also highlights the important of Dr. Crenshaw's coined term, intersectionality as BIPOC youth are not only marginalized because of racism and white

supremacy, but also because of homophobia, transphobia, sexism, cis-heteronormativity, heterosexism, and so on (see Crenshaw, 1989; 1991). Disparities at adjudication may also signify that oppressive systems are at play, not just through system actor bias and not just at the court entrance level, but during court sentencing and later system involvement. These disparities have future consequences as well, including housing, employment, and healthcare discrimination (Crenshaw, 1991; Pager, 2003; Western, 2006), physical and psychological health disparities (Iguchi et al., 2005), and increased suicide rates (Casiano et al., 2013; The Trevor Project, 2021). Further, it is important to note that Black, Indigenous youth of color, especially girls who are LGBTQ+ and/ or gender nonconforming experience multiple forms of oppression, these appear through bias, interpersonal, structural, and institutional discrimination (Crenshaw, 1989; 1991; Chesney-Lind & Eliason, 2006; Irvine & Canfield, 2017; Fagan, 2010; Western, 2006; Zuberi, 2001). These trends and findings are likely the result of a long history of discrimination of BIPOC youth and LGBTQ+ and GNC individuals at multiple levels in the juvenile legal system.

Implications of Key Findings

This dissertation is among the first to examine intersectional identities of youth regarding race/ethnicity and SOGIE information and how the juvenile legal system responds to youth through court processing. This dissertation fills a vital gap in the research literature as it explores intersectional identities of youth and court processing through an intersectional, multi-racial feminist lens. This research is urgently needed as prior research often only examines one social construct at a time (e.g., race/ethnicity or binary sex assigned at birth); however, prior research is limited in examining how marginalized intersecting identities (e.g., LGBTQ+ youth of color) work together to affect court processing outcomes. Also, it is important to emphasize that these marginalized identities themselves do not affect nor influence court processing as they are merely social constricts, but the implicit and explicit bias of system actors (e.g., police, court

staff, judges, probation officers) and underlying oppressive systems that work to further marginalize certain identities do effect court processing (e.g., white supremacy, systemic and institutional racism, patriarchy, misogyny, sexism, homophobia, transphobia, cis-hetero-normativism). This section highlights implications for key findings by providing further explanations for mental health referrals and individuals brought to the system by arrest from police.

Mental Health Referrals

A large proportion of LGBTQ+ and/or gender nonconforming youth and girls processed through the system were referred to mental health treatment. LGBTQ+ and/or GNC youth were more likely to be given a mental health referral than cisgender, straight, and GC youth when MASYI-2 scales were not controlled for. However, when MASYI-2 scales were controlled for LGBTQ+ and/or GNC youth did not significantly predict mental health referral, with the largest predictor of the referral being the MASYI-2 Suicide Ideation scale. Black youth were more likely than white youth to be referred to mental health treatment when MASYI-2 information was not controlled for. However, when MASYI-2 subscales were controlled for LGBTQ+/GNC youth, race/ethnicity, and gender identity did not significantly predict mental health referrals. The strongest predictor of mental health treatment was the MASYI-2 subscale, suicide ideation.

First and foremost, LGBTQ+ youth and youth that express their gender in nonconforming societal ways are often pathologized, which is a large result of colonization (see Lugones, 2016). For instance, early versions of the Diagnostic and Statistical Manual of Mental Disorders (DSM) I and II, diagnostic guidelines used by psychologists, listed and described “homosexuality” as a psychological disorder that had to be treated which came about from homophobic theories around “homosexuality” being a “social evil” (Clarke, Ellis, Peel, & Riggs, 2010; Drescher,

2015). Evelyn Hooker was among the first psychologists to really object and challenge that LGBTQ+ individuals did not have a mental disorder due to their sexual orientation (Clarke et al., 2010). Further, the DSM and the field of psychology often pathologized transgender individuals as well and this did not change until 2013 when the DSM-V removed “gender identity disorder” and finally stated that individuals do not have a mental disorder if they have a different gender identity than the sex they were assigned at birth. In turn the DSM-V also added gender dysphoria. Hence, there is a long history of pathologizing LGBTQ+ and gender nonconforming individuals, especially in the U.S. This trend may be continuing and exacerbated for LGBTQ+ and gender nonconforming youth in juvenile court settings. However, this information is limited as there was not much context regarding how and why youth were referred to mental health treatment.

In terms of the mental health referrals, LGBTQ+ and/or GNC youth, girls, and Black youth were found to receive significantly more mental health referrals compared to straight, cisgender, and GC youth, boys, and white youth when controlling for age. However, when five MAYSI-2 scales were included, these variables were not statistically significant. This may be because MAYSI-2 scales do highly predict mental health referral. However, it may also mean that individuals administering MAYSI-2 scales are biased in the way they add cautions and warnings to youths’ records. There may be systemic bias towards certain groups or differences in self-reporting behavior among youth (Cauffman, 2004).

Suicide ideation was the strongest predictor of mental health referral. However, it should be noted that this dissertation is not testing for causation, in turn it is not clear if the youth really did score high caution or warning and have problems with suicide ideation or if the staff member that was giving the MASYI-2 interview to the youth was just biased based on the youth’s social

identity or identities. Because societal “norms” are fraught with white supremacy, racism, misogyny, sexism, colonization, homophobia, transphobia, ableism, and other -isms, staff member giving MAYSI-2 assessments to youth may have their own biases from being and socializing in this society, which could influence the way in which they score the assessment for youth, especially for youth of multiple marginalized identities. On the other hand, because societal “norms” coexist with oppressive systems (e.g., systemic racism) being part of one or a multitude of marginalized identities can have negative mental health effects on these groups. Individuals experiencing racism, sexism, homophobia, and/or transphobia or other forms of discrimination daily can take a toll on youth’s mental health.

In 2020, over 50% of transgender and nonbinary youth and 42% of LGBTQ+ youth reported considering suicide within the past year (The Trevor Project, 2021). For trans and nonbinary youth, gender affirming care (e.g., using the youth’s pronouns and changing legal documents) considerably decrease suicide attempts (Irvine-Baker et al., 2019; the Trevor Project, 2021). For LGBTQ+ youth, 31% of Indigenous/Native youth, 21% multi-racial youth, 21% Black youth, 18% Latinx(e) youth, 12% of Asian and Pacific Islander youth, and 12% of white youth attempted suicide in the past (The Trevor Project, 2021). Intersectional identities are important to consider as this is a public health crisis. It is important to change the way in which society functions, the way people are socialized to make the world a safe and healthy place for individuals who have been oppressed at multiple intersections. Dealing with mental health problems can be especially difficult for LGBTQ+ and/or GNC youth from unsupportive families (Fish et al., 2020; Higa et al., 2014).

Age

Younger youth (6 to 16 years) were more likely to be placed in the official system than older youth (ages 17 to 19 years), which was inconsistent with some prior research that found that older youth were more likely to be adjudicated instead of diverted from the system than younger youth (Leiber & Johnson, 2008). However, this literature is mixed as some studies had similar findings (Cottle et al., 2001; Peck et al., 2014) And youth placed in the official court were more likely to enter the court through the detention center from police arrest. Children who were 6 to 12 years old made up 14% of this sample, these are kids that are not even in their teen years yet and they were placed in this juvenile court. Younger youth who enter the system often are at risk of deeper system involvement and worse outcomes than older youth. Zhang et al. (2010) found that the younger the youth was at the age of referral to the juvenile court, the higher the likelihood that the youth would receive another truancy petition. Further, a meta-analysis found that the age at first contact with the juvenile legal system was found to be a significant predictor of recidivism (Cottle et al., 2001).

Policing of Youth

The majority of youth were referred to the system by police and prior research has also supported this finding (Fagan, 2010). This may suggest that policing is part of the problem with disproportionate rates of LGBTQ+ youth and BIPOC youth coming through the juvenile court. Most of the youth entering through the detention center were brought there by a police officer from an arrest. And most of the youth that entered the court through the detention center were placed in the official system opposed to diversion. Being brought into the juvenile legal system by police in itself is already setting the youth up for a punitive experience opposed to youth brought in by guardians or parents or referred to by schools (Fagan, 2010). The majority of youth that came through the detention center through an arrest by police also end up being placed in the

official system. These findings also highlighted racial and SOGIE disparities in that BIPOC youth and LGBTQ+ and GNC youth were overrepresented in the system, especially entering the court by arrest and through the detention center.

Arrest by police is the first point of contact with the juvenile legal system in which the majority of youth encounter, which presents a problem especially for BIPOC youth as modern-day policing have roots in “slave patrols” and enforcing racial segregation in the U.S. (Du Bois, 2007; Vitale, 2017). Racial disparities of Black youth were the most notable in this sample. Prior studies found that police and probation officers viewed Black youth as more blameworthy and viewed criminal activity as more of an internal characteristic rather than a result of an external factors in their life (e.g., neighborhood or family structure) (Bridges & Steen, 1998; Fagan, 2010). Because police officers are among the first contact youth have with the juvenile legal system, perceiving Black youth as more blameworthy may lead them to arrest more Black youth than other racial/ethnic groups, especially compared to white youth (Bridges & Steen, 1998; Fagan, 2010). Not only do these studies highlight implicit biases of officers, but it also highlights the underlying policing system as being discriminatory (e.g., systemic racism) through the findings of large racial/ethnic disparities for BIPOC youth compared to white youth.

For girls of color, multiple oppressive systems operate through systemic racism, white supremacy, in addition to the patriarchy and misogyny (Barnett, 1993; Crenshaw, 1991; Collins, 2002). Findings indicate that BIPOC girls had a higher prevalence of entering the juvenile court through the detention center, especially Black girls, compared to white girls in the sample. Girls of color, especially Black girls, are viewed as older than their biological age (i.e., adultification) and in turn are viewed as more culpable from their actions compared to white girls and often

receive harsher treatment at multiple points in the juvenile legal system (Epstein et al., 2017; Freiburger & Burke, 2011).

Policing contributes to the disparities of LGBTQ+ and gender nonconforming youth in the juvenile legal system, especially youth of color (Conron & Wilson, 2019). This also may have origins from oppressive systems and discrimination of LGBTQ+ and GNC individuals in the 1940s to 1960s with the “lavender” scare (i.e., panic in which the U.S government fired all LGBTQ+ and GNC individuals from federal jobs and criminalized being LGBTQ+ and GNC individuals under the “sex perversion elimination program” in which LGBTQ+ and GNC individuals were subject to arrest) and there are still discriminatory and dangerous laws in many states relating to the criminalization of LGBTQ+ individuals (e.g., LGBTQ+ “panic defense”) (Adkins, 2016; Johnson, 2009; Wilson et al., 2017). LGBTQ+ youth, especially LGBTQ+ girls are also overrepresented in the front end of the system. Lesbian and bisexual girls are more likely to be stopped and arrested compared to gay and bisexual boys (Himmelstein & Bruckner, 2011). And LGBTQ+ girls and girls of color experience harassment when they enter the juvenile legal system, often starting with police (Epstein, et al., 2017; Holsinger & Hodge, 2016). This stems from a long line of criminalization of LGBTQ+ and gender nonconforming individuals where police were and still are the main and front-line enforcers of oppression (Adkins, 2016; Conron & Wilson, 2019; Johnson, 2009; Wilson et al., 2017).

Further the importance of these findings and discussions are to bring to light disparities, especially at multiple intersectional identities in the juvenile legal system. Because policing has roots in anti-Black racism, colonialism, and white supremacy, and has demonstrated brutality, violence, and murder of Black individuals, people of color, especially individuals of multiple marginalized identities (e.g., Black trans individuals), it is vital to work toward dismantling and

abolishing the system of policing (Alexander, 2020; Du Bois, 2007; Edwards et al., 2018; Vitale, 2017). Instead, it is important to utilize and further fund community-based programs to handle different situations when individuals call for help (see Black Lives Matter, 2020; Vitale, 2017). For example, mental health issues would be handled by a group of unarmed professionally trained social workers instead of armed police officers. By eliminating the armed police officer from the situation, this would make encounters physically safer for individuals of marginalized identities when they experience discrimination from someone attempting to enforce laws or rules. This would not be directly addressing the problem, which are oppressive systems, however, this would be a start to dismantle this system in tandem with social, interpersonal, and systemic changes.

Limitations

This dissertation is not without limitations. Administrative record data analysis is limited by the information collected by the juvenile court. Even though the court is collecting SOGIE data, each team member conducting the interview may have differing methods in which some could ask more open-ended questions while others may ask more leading questions in line with their own biases. Further, the risk assessment the courts provide are limiting in themselves as prior research has found that risk assessment has its own issues in regard to predicting recidivism equally across race/ethnicity and gender (Campbell et al., 2018). Also, this study may have limited generalizability by only examining one large Midwestern court; however, this research is important to further understand the complexities of intersectionality in regard to SOGIE and race/ethnicity in juvenile legal system processing.

Race/ethnicity

The racial and ethnic categories included in analyses were very limited as there are many different racial and ethnic categories this dissertation was not able to capture in regard to juvenile

court collected data. Also, these data are from one large urban county juvenile court and there is not a lot of heterogeneity given the county population demographics. Further, it should be noted that race has been measured and defined various ways throughout the U.S and throughout different time periods and is constantly changing. For example, some European Americans (e.g., Italians and Eastern European Jews) were considered distinct racial groups in the late 19th and early 20th century; however, currently these groups are often placed in the white category (National Research Council, 2004). Race can be defined as “a subjective social construct based on observed or ascribed characteristics that have acquired socially significant meaning” (National Research Council, 2004, p. 2). According to the National Research Council (2004), race should be “viewed as a social construct that evolves over time,” (p. 3). Further, youth were separated into binary categories just for the purpose of some of the analyses, BIPOC youth were grouped together as Black, Indigenous, Latinx(e), Asian, MENA and youth of color all experience different ways of oppressions and “otherness” by U.S. society as this society is rooted in white supremacy. This dissertation is limited in that it did not capture the different experiences nor different types of discrimination and racism different racial and ethnic groups undergo. There were two youth that self-reported they were Native American, one youth that reported they were Indian, one youth that reported they were Hawaiian, one youth that reported they were Asian, 15 youth reported they were MENA and some mentioned specific ethnicities within the category (e.g., Lebanese), and 14 youth labeled themselves as “other” race/ethnicity. This dissertation was not able to properly capture the experiences of youth of color outside of Black or African American youth. Hispanic youth and youth of color who did not identify as Black or Hispanic were included in some models, but the sample sizes were low, and the power of these models were reduced. This study was not able to capture the unique experiences of Indigenous/Native

American youth, Asian youth, Pacific Islanders, west Asian/Arab youth and North African youth. Further, it should be noted that there are also a wide variety of different experiences within different racial and ethnic groups and within different intersectional identities, no individuals have the same experiences even if they have similar intersectional identities (e.g., race, gender identity, class, sexual orientation). Limited sample sizes prohibited examining marginalized intersecting identities (e.g., Indigenous/Native American girls, Southeast Asian queer youth) within more nuanced racial and ethnic categories.

Pandemic

In addition, it is possible that data collected from March of 2020 and on may vary as a pandemic struck due to COVID-19. In the state where the juvenile court resides, the governor declared a state of emergency on March 9, 2020 after three individuals tested positive for COVID-19. March 15, 2020 the Center of Disease control released guidance on mass gatherings and stated that gatherings over 50 people should be postponed or canceled (Action, DeWine, & Husted, 2020). Shortly after, polling locations closed for the primary election, nonessential procedures and surgeries were postponed or cancelled, and all non-essential businesses were shut down. On March 22, 2020, all people in the state were given an order to stay at home by the state's Department of Health and shortly after all schools were closed (Action, DeWine, & Husted, 2020). This order was given until May 29, 2020 (see Action, DeWine, & Husted, 2020). Although the stay-at-home order was lifted the end of May 2020, there were still many precautions required in public and in essential businesses, including social distancing (i.e., standing at least 6 feet away from other people), wearing masks in public places and places of business, especially inside buildings (Action, DeWine, & Husted, 2020).

According to the state's Department of Youth Services, as of September 25, 2020 10 facilities reported and gave information on COVID-19 in their facilities. Four facilities reported staff with positive COVID-19 results and three facilities indicated that their full facility is in quarantine (Ohio Department of Youth Services, 2020). Quarantine is defined by the state's Department of Youth Services as separating individuals if they were exposed to someone with COVID-19 and restricting their movement to see if they become sick themselves (Ohio Department of Youth Services, 2020). Due to this pandemic from March 2020 and on, the juvenile court may have a decreased amount of youth entering the juvenile court compared to prior years for the safety of youth and juvenile court actors. Also, the juvenile court may place youth differently in 2020 compared to prior years. However, this dissertation examined youth's first encounter with the juvenile court, so not all youth entered the court for the first time in 2020.

SOGIE Measurement Issues

Further, LGBTQ+ and/or gender nonconforming youth were also grouped together for analyses even though individuals in all these groups have very different experiences and levels of marginalization. For these categories, oppression and marginalization vary and are exacerbated for individuals with intersecting marginalized identities. There were limitations in the way the data was collected as well. Some youth did not specify whether they consider themselves as transgender. Therefore, this study used assigned sex at birth and gender identity to determine whether youth should be placed in the binary trans or cis category. Trans was entered if the youth had a different gender than their assigned sex at birth. This presents as a limitation as not everyone whose assigned sex at birth and gender differ consider themselves transgender. For example, some nonbinary individuals do not identify as transgender, and some nonbinary individuals do

not consider themselves cisgender nor transgender. Further, these data are limited in that this dissertation cannot examine different sexual orientations across different genders, races and ethnicities. Crosstabulations were created to obtain as much information as possible, however these data are still very limited. For example, cross tabulation samples range from 1190 to 1210 compared to the 2194 youth who came through the juvenile court during 2019 to 2020. This court did not have SOGIE information for 984 youth.

There are various limitations on the collecting of, reporting, and analyzing sexual orientation, gender identity, and gender expression (SOGIE) in terms of this juvenile court. Some of these limitations may stem from a possible implementation issue within the court. First, the collecting of these data are limited based on the interview form the court shared. When staff members entered SOGIE information into the system, there was trend of only including one answer for every question on the SOGIE interview sheet, despite some of the questions being “check all that apply”. To gain more information, I had to contact the court directly and ask, so it is possible that I did not receive all of the information on each of the SOGIE questions for youth or it is possible that court staff filling out the form only recorded one or it may have varied from court staff member to court staff member. For example, it is possible that more youth identified themselves as transgender, but that the court staff member did not record it properly or that I did not receive that information. Further it is possible that youth did not feel safe disclosing information to the court and the court staff member giving the interview (see Arredondo et al., 2016).

Sexual orientation included a range of options and space for a write-in option, which was important. However, looking at the way in which they described asexual was restrictive and may not accurate for everyone. Asexual is often referred to as an umbrella term and exists on a

spectrum, called ACE, where individuals have/want/need various levels of sexual attraction that are less than the “norm.” Asexual individuals often have romantic attraction but may have low or no level of sexual interest or sexual attraction for others (The Trevor Project, 2021b). For example, one sexual orientation on the Ace (i.e., asexual) spectrum, under the asexual umbrella is demisexual, where individuals only gain sexual attraction and interest after they have a strong emotional connection with another individual (see the Trevor Project). Many individuals under the asexual umbrella specify whether they are hetero- or bi- or pan- or homo-romantic.

Measurement of gender expression was also a bit limited in the survey the court provided. Gender expression was combined as feminine and masculine gender expression as an expression itself and questioning gender expression should act as another category altogether. Individuals that have both masculine and feminine expression may have very different experiences in society and within the juvenile legal system than questioning individuals. Also, the way in which gender expression was measured may be a problem as it does not include androgynous presenting individuals.

Further, the answer choices were problematic as they incorrectly labeled “non-binary” as “both masculine and feminine gender expression.” Non-binary is a term relating to gender identity and is an umbrella term for all of the genders outside of the gender binary. Non-binary individuals can have any gender expression, feminine, masculine, a combination of both, androgynous, or another form. The gender expression answers from the court’s interview guide for this question should be changed and nonbinary should be removed from this list. Including nonbinary as a gender expression is problematic and reinforces certain stereotypes of nonbinary individuals (e.g., that all nonbinary individuals’ gender expression is androgenous) and is often used to invalidate people’s identities. People cannot tell if someone is nonbinary by looking at

them and viewing their gender expression (National Center for Transgender Equality, 2018). Also, nonbinary is listed under gender identity, however, the way in which it is worded is very limiting. The form has “what is your gender? (Check all that apply)” followed by a list of possible answers with one of the answers being “genderqueer/non-binary (if you don’t identify with being just one gender).” Non-binary is an umbrella term for genders that are not within the male or female binary. Non-binary individuals could be one gender, multiple genders, or no gender (e.g., agender) at all. Gender expression (e.g., masculine, feminine, and feminine & masculine) was highly correlated to gender identity, so it was not included in the models due to multicollinearity issues. This issue may be due to a lack of diversity in the sample and low sample size.

Second, juvenile court staff were the individuals that gave the interview to youth about SOGIE information, there is evidence of some juvenile court staff members were less likely to obtain information from youth. This was most notably due to possible problematic or discriminatory views of the staff member and/or that youth did not feel safe sharing SOGIE information with them. The court also mentioned that there were a couple staff members that needed to be further trained or reprimanded for this. In turn, the number of youth that self-reported their SOGIE information may be very limited due to not feeling safe or just feeling uncomfortable with disclosing information to court staff as youth do not know what exactly they will do with that information or if they will be further discriminated for self-reposting their true sexual orientation, gender identity, or gender expression. If individuals are not out to their parents or guardians or if it is not safe for them to disclose their SOGIE information to them, then youth may be more apprehensive to disclose information to court staff for fear that it will create an unsafe home or court environment. This may be exacerbated for Black, Indigenous, and

youth of color as these youth often already experience othering, discrimination, and racism historically and in present day, especially with systems relating to the U.S. federal, state, and local government. This may also be exacerbated further for girls, especially girls of color in the juvenile court.

Third, the limited data on SOGIE information makes it difficult to conduct meaningful analyses that truly capture the experiences of youth; however, that is also limited by this quantitative study. To obtain rich information about youth's experiences with the court, especially youth that have multiple marginalized identities, a qualitative study should be conducted with interviews of youth. The information we do have with sexual orientation does not have enough cases to examine the different experiences of youth that are bisexual verses youth that are lesbian or gay verses youth that are questioning and so on. Further, this dissertation was not able to examine the unique experiences of genderqueer nor non-binary youth. This dissertation also could not examine youth who were questioning their gender due to a low cell size. Limited cases may be due to youth not feeling safe nor comfortable to disclose their true gender as mentioned earlier. This study found that 22.2% of girls and 3.4% of boys in this study reported they were part of the LGBTQ+ community. The very little percentage of boys reporting that they are questioning their sexual orientation may speak to societies push and socialization of cis boys and men to be hyper masculine and straight with a focus on toxic masculinity, which is the result of colonialism, the patriarchy, and deep seeded racism. Unfortunately, this study was only able to capture binary sexual orientation and gender identity for analyses, which provides limited information because there are a vast amount of different gender identities and sexual orientations and experiences.

Future Research and Practice & Policy Recommendations

This section discusses future research and policy/practice recommendations. There is consensus that risk assessments are useful for youth overall, some over others, these studies highlight the limitations of current risk assessments in the field. Potential risk assessment bias towards certain groups (e.g., girls and youth of color) could lead to further racial and gender disparities in the system. This is exceptionally important to consider due to the historically unjust treatment of youth of color (e.g., unfair sentencing, disproportionate minority contact) in the juvenile legal system (Campbell et al., 2018; Onifade et al., 2009). Just as the literature identifies that there are specific risks for girls to recidivate (e.g., trauma), there may be other specific risks for other marginalized youth groups (Campbell et al., 2018; Onifade et al., 2009), including youth of color and LGBTQ+ youth. These intersectional studies of gender and race are needed, and future research should follow suit to examine the experiences of LGBTQ+ youth involved with the legal system, especially the OYAS and diversion risk assessment.

Future research should dig deeper on court processing outcomes and the meaning and impact behind them, including what success is and how its defined. Success and unsuccessful labels within the court should be examined further for this court and others across the country as there may be different meanings behind these terms and they may have different implications in various locations and for youth with different intersecting identities. Further mixed methods research should investigate the meaning behind various juvenile court labels to better understand whether a decision was given to be more punitive or rehabilitative and for whom, while considering youth of marginalized intersecting identities.

Further quantitative and qualitative research is needed to examine LGBTQ+ and GNC youth and mental health referrals in the juvenile legal system. Future research should also examine potential bias, disparities, and discrimination in the juvenile legal system across social

constructs such as race/ethnicity, sexual orientation, gender identity, gender expression, and so on as oppressive systems still play a large role for many youth in the juvenile legal system (e.g., white supremacy, systemic racism, the patriarchy, sexism, xenophobia, transphobia, homophobia, ableism, health care discrimination). With the very limited information available in the sample, there may be a trend in which transgender youth are more likely to receive a felony charge compared to cisgender youth, which may stem from long-term discrimination and prosecution against trans individuals historically and in present day; however, more research on this is necessary and scholars should prioritize collecting data on the experiences of trans youth in the system. Also, with many youth being referred to the court by police, it is important to study where police first encountered the youth in the juvenile court (e.g., home, school, work, store) as this would have further implications on how to reduce and eliminate disparities. Future research also should examine the placement decisions for youth across sexual orientation, gender identity, and gender expression and how this may intersect with race/ethnicity, age, and socio-economic status and juvenile court processing.

Practice and Policy Recommendations

There are five general policy and practice recommendations. First, courts, schools, and police agencies should not collect youth's sex assigned at birth. If institutions need to collect data, only voluntary gender identity by self-report should be implemented. It is important to note that you cannot tell someone's gender by just looking at them and their gender expression. If youth are going to be placed or processed on account of binary gender, then the youth should just be asked where they would like to be placed based on where they would feel safest and most comfortable.

Second, it is recommended that mental health needs are assessed for everyone, especially BIPOC youth and LGBTQ+ and GNC youth. Also, special consideration should be taken for youth of marginalized identities to ensure, if they are referred to mental health treatment, that treatment is grounded in gender and LGBTQ+ and GNC affirming frameworks and practices, along with anti-racist, decolonization, and trauma-informed care practices.

Third, juvenile courts need to make a commitment to reducing and eliminating disparities in their facilities (Hoytt et al, 2003). It is important to focus on policies and practices in the court that may lead to disparities at each point in the system in addition to having leadership dedicated to this mission (Hoytt et al., 2003). Collecting data and conducting research to monitor these disparities are also essential (see Hoytt et al., 2003).

Fourth, it is recommended to take steps to abolish detention centers. Discontinue sending youth to juvenile detention centers as these facilities are harmful and exacerbate trauma, especially youth of marginalized identities (e.g., BIPOC youth, LGBTQ+ individuals, impoverished youth, individuals with disabilities) (see McCarthy, et al., 2016). This may also help in this juvenile court, since the majority of youth that entered the court through the detention center, were placed in the official system instead of diversion. Of these findings, BIPOC and LGBTQ+ and GNC youth disproportionately entered through the detention center.

The Juvenile Detention Alternative Initiative (JDAI) have been successful in reducing the amount of detained youth in the system in the Midwestern state (Department of Youth Services, 2020). One of the aims of the JDAI is to reduce racial disparities (Department of Youth Services, 2020); however, it has not addressed the structural issue of overrepresentation of youth of color and in some places, it actually increased racial disparities in detention, since white youth were the first to benefit from the reforms (Hoytt et al., 2003). This is unsurprising as this initiative

does not work to abolish the underlying oppressive systems (e.g., systemic racism, misogyny, transphobia, heterosexism) within the juvenile legal system nor its detention centers (Hoytt et al., 2003). In closing detention facilities and reducing the number of youth in them are good starts, but they still have not fixed the issue of racial/ethnic disparities.

Instead of using detention centers, if intervention needed, it is important to find alternatives for youth through community-based programming (see Hoytt et al., 2003). It is recommended that the juvenile courts use more community programs for youth, less reliance on police, surveillance, or formal court system especially because most youth who come through the system only come in for one specific incident and then never again. But if younger youth are admitted to the system early and surveilled heavily, then chances are they are going to end up with a violation or another petition and getting caught deeper in the system. When using community-based programs and non-profits or if youth is sentenced to a program within the court, it is essential that programs are rooted in anti-racist, trauma-informed, and gender affirming frameworks. Inclusivity is also an important part of youth programming as many youth are part of intersecting marginalized groups.

Fifth, gender responsive programming has generally shown to have positive effects on girls who are involved in the juvenile court system (Anderson et al., 2019; Salisbury, 2015), especially with employing trauma-informed care and addressing healthy relationships (Anderson et al., 2019). However, gender responsive programming does have various areas to improve. Often gender-responsive programs ignore intersections of gender, race/ethnicity, and SOGIE. First this presents a problem for cis girls generally, as they may be forced into stereotypical gender roles with some programs, as Irvine-Baker et al. (2019) points out that most programs are cis-heteronormative. Irvine-Baker et al. (2019) also argues that these programs focusing on

potential issues only girls may face unintentionally acts to reinforce gender roles. And further highlights that this type of programming are only targeting cis straight girls (Irvine-Baker et al., 2019). Second, this completely ignores and erases trans girls, they exist, and they are girls, it is not safe psychologically and physically to be given programming for boys. Irvine-Baker et al. (2019) highlight that gender-responsive programming was created for cis girls; because of this, trans girls may experience exclusion. Third, this type of programming serves to erase nonbinary youth, whose gender does not fit within the colonialist “traditional” binary of girl or boy. Misgendering, being disrespected and discriminated against due to transphobia or even ignorance is very harmful to trans and/or nonbinary youth and contributes to mental health problems, including depression and anxiety (Borgogna, McDermott, Aita, & Kridel, 2019; Galupo, Pulice-Farrow, & Lindley, 2020). For these three reasons “gender-responsive” programming is not responsive to everyone nor are they typically inclusive. However, there is research that shows that some gender responsive programs are helpful for some youth. Gender responsive programming should be expanded to be gender-affirming as to be more inclusive to youth with multiple intersectional identities ensuring youth have individuals running the program to relate to as representation matters (Irvine-Baker et al., 2019). Until gender-responsive programming is decolonized, anti-racist, gender-affirming, LGBTQ+ inclusive curriculums, there may be many negative unintended on youth and girls that are placed in these programs.

Sixth, to address disparities in the juvenile legal system long-term, it is vital to address oppressive systems that led to these disparities. To do this it is important to work toward eliminating racism, white supremacy, misogyny, transphobia, heterosexism and other oppressive systems within the juvenile legal system and in society. Education is an important first step to this. In the juvenile court it is important to educate court actors on the disparities, these might

take place by consistent trainings (Hoytt et al., 2003), especially of BIPOC youth and LGBTQ+ and GNC youth. In the U.S. public school system youth are only taught about Anglo white history and from that perspective, which leaves out the majority of people living in the U.S. of various races and ethnicities. This is also a step to change the socialization of youth, which is also needed, as the problematic current “norms” are focused on cis white straight, GC boys. Black history and Indigenous history are especially important to be taught in schools as it includes how this country was truly founded, by genocide, racial slavery, and colonization (see Du Bois, 2007; Zuberi, 2001). Further it is important to learn about different history of ethnicities within Latine(x) history, Asian history, and so on. In addition, LGBTQ+ and GNC history is vital to study as well. All of these histories still matter today as it shows a pattern of discrimination and oppression across time, in which intergenerational trauma also often pervades. Because these groups are still oppressed today through housing, job, healthcare, and other forms of discrimination, it is important to push for policy and practices that offer protections. In some states, businesses and hospitals and doctors can legally refuse to serve anyone they think is LGBTQ+ or GNC. Trans youth are especially discriminated against as there are currently a large number of states attempting to pass anti-Trans bills to actively exclude trans youth from participating in after school sports. Education, changes in socialization, and changes in policy and laws to protect LGBTQ+ and GNC youth, especially youth of color is vital.

Collecting SOGIE: Implications & Recommendations

The court collecting more information on youth of marginalized identities is innovative in terms of research and addressing disparities in the system. However, collecting this information without first addressing the problems and lack of inclusivity in the juvenile court is dangerous. Considerations before collecting information should also be that courts have anti-discrimination

policies that also includes LGBTQ+ and GNC youth and partners with LGBTQ+ affirming community organizations (Canfield et al., 2019). In addition, courts should create case management systems to collect data, create safe spaces to collect voluntary information from youth, and use LGBTQ+ affirming language (Canfield et al., 2019). Many youth did not volunteer to give information about SOGIE information and race/ethnicity to court staff, which is valid as this could place the youth in a potentially physical or psychological violent situation. Further, monitoring SOGIE information and implementation within the courts is critical and ongoing training and fidelity checks are of high importance. If the training courts receive are not being adhered to, there are potentially dangerous consequences for LGBTQ+ youth.

Inclusivity in Courts. First, inclusivity needs to be addressed in juvenile courts. This may start by creating a diverse and inclusive board separate from the juvenile court to review practices and policies of the juvenile court to ensure that no marginalize groups are being disproportionately affected. This board should include representation from marginalized groups (e.g., Black women, BIPOC women and nonbinary individuals, BIPOC trans individuals, Latinx(e) queer women, LGBTQ+ individuals) and should be compensated fairly. Further, trainings in the juvenile court are a great start for more inclusive language, practices, and policies, and it is also important to have consistent SOGIE trainings and enforcement of LGBTQ+ and GNC affirming and inclusive language. There needs to be a culture and inclusivity shift, these trainings need to occur at least monthly and there should be a few staff members whose only role is to ensure the court is an inclusive environment and to enforce the SOGIE and inclusivity training to promote equitable and fair treatment of youth, especially focusing on intersectional marginalized identities, calling out and in discrimination (racist, sexist, homophobic, transphobic) that perpetuates through language, actions, and microaggressions.

Court staff should be trained to always share their own pronouns through email or any other interaction, especially if they are cis. It is also important to normalize pronouns with introductions. If the staff is not even doing that themselves, or know it is important, how are they going to ask youth to report their pronouns and SOGIE information. Inclusivity needs to start at the level of the juvenile court actors. If someone is a juvenile court actor and belongs to the LGBTQ+ community but does not feel safe disclosing their SOGIE information at work, then that is indicative of the court environment and provides evidence that the court is NOT a safe nor inclusive space and we should not expect nor ask youth to disclose this information. If a court gets to a true level of inclusivity within the workspace, then that may signal that it is safe to collect more information on court actors and youth. This needs to be addressed first and foremost. Until this happens, an option to collect SOGIE and other information would be for an outside researcher to come in and interview youth and court actors privately and anonymously (or confidentially), if they themselves thoroughly understand the intricacies of this work. Perhaps a researcher or a team of researchers could partner with a juvenile court to properly collect this information and obtain information on court processing through the court's case management system, while keeping LGBTQ+ youth and LGBTQ+ court actors safe.

Information to Collect. Next, we need to address what information is important to collect currently because we know there are racial, ethnic, gender, and LGBTQ+ disparities in the system. If there is an outsider research collecting this information or if somehow the court becomes an inclusive environment, then it is important to discuss what information could be collected for research purposes while protecting marginalized youth (see Canfield et al., 2019). In terms of SOGIE, sexual orientation, gender identity, and gender expression information could

be collected, as well as if the youth identifies as transgender, cisgender, and/or something else (write-in) while ensuring youth can mark as many boxes as they wish pertaining to their identity.

SOGIE information should also be collected as write-in options to ensure that no identities are being prioritized or not represented. For example, for gender identity there could be two optional check boxes: (1) self-describe: (blank space) or (2) prefer not to disclose. For gender expression and sexual orientation, a similar method should be applied. For pronouns, it could be: (1) list: (blank space), (2) I do not use pronouns (use my name only), (3) ask me my pronouns (my pronouns change), or (4) prefer not to disclose. Someone on the researcher's team would examine this information and add them into categories to be placed in statistical datasets. For example, for pronouns, the team member may see that there are a group of youth who said their pronouns are they/them and another group who said, "I don't use pronouns, use my name only", then they would code they/them as 1 in the dataset and "I don't use pronouns, use my name only" as 2 in the dataset. Canfield et al. (2019) also provides a thorough and recommended proposed case management script for juvenile courts to collect SOGIE information.

Race/ethnicity should be write-ins as well, so youth can add how they identify without the limiting options the U.S. census and government adds as these options are constantly changing throughout time and have originated from eugenics with a focus on white supremacy (Zuberi, 2001).

Additional information on religion, family income, disability, immigration would be helpful information as well to examine further discriminatory practices within court processing if information is properly deidentified, stored and confidential or even better if information is anonymous. However, over time if (but hopefully when) our society does not stay racialized (racist) (see Zuberi, 2001) and gendered (sexist), when this society no longer relies on oppressive

systems like white supremacy and misogyny, then we do not have to collect information on race and gender anymore as these are merely social constructs anyways. Until that happens, it is still important to collect this information to track disparities and examine the consequences of disparate treatment.

Conclusion

This dissertation focuses on intersectional identities of youth (race/ethnicity, sexual orientation, gender identity, and gender expression) and how the juvenile legal system responds to youth. Data were examined through the lens of Dr. Crenshaw's intersectionality work, multi-racial feminism by Dr. Baca Zinn and Dr. Thornton Dill, and Dr. Collins' matrix of domination work (see Baca Zinn & Thornton Dill, 1996; Crenshaw, 1989; 1991; Collins, 2000; 2008). Marginalized intersectional identities of youth are important to consider when examining juvenile court processing due to differential treatment of marginalized youth when entering the juvenile court as BIPOC youth and LGBTQ+ and GNC youth were overrepresented in some court processing outcomes (e.g., detention center, official system, adjudication outcome).

These findings can be further explained and contextualized through oppressive systems (e.g., institutional and systemic racism, white supremacy, misogyny, sexism, homophobic, transphobia and so on) at play within the juvenile legal system and beyond. Within the juvenile legal system, courts could take a more direct approach at targeting and reducing disparities through educating court staff of the problems, forming a committee, gathering data and continuously measuring disparities, and having direct action items and goals to reduce and eliminate racial, gender, SOGIE disparities in the system (see Hoytt et al., 2003). However, these disparities do not only exist in the juvenile legal system, but in many other systems in society as well, including housing, employment, education, health care and so on. There are many consequences to oppressive systems and discrimination. In 2020, 44 transgender and gender

nonconforming individuals were murdered, and the majority of these individuals were Black trans women and Latine(x) trans women (HRC, 2021). These are only the cases that were reported and that are known (HRC, 2021). There are still many trans, nonbinary, and gender nonconforming individuals that are killed that are often misgendered, ignored and their identities are not properly portrayed in the media, and so they are not able to be tracked in HRC's tracking of fatal violence against trans, nonbinary, and gender nonconforming individuals (HRC, 2021). Unfortunately, it looks like the year 2021 will be even more deadly based on the alarming number of Black trans women already killed in the early months of this year (HRC, 2021). This violence is not due to anyone's identities, but these murders occurred due to combinations of racism, white supremacy, misogyny, sexism, transphobia, and/or other forms of discrimination.

LGBTQ+ and GNC youth, especially trans and youth of color are being discriminated against, not just in interpersonal settings, but within systems of oppression. In some states, individuals can be turned away if businesses think they are LGBTQ+ and/or GNC individuals, hospitals and doctors can refuse to treat them, and trans youth are being actively banned from participating in after school sports. LGBTQ+ and GNC youth experience physical and psychological violence, stigma, abuse, and micro-aggressions due to transphobia, homophobia, and heterosexism. These are often compounded for youth of color, who also experience this discrimination due to racism and white supremacy. This is the first study to focus on youth of color and LGBTQ+ youth within juvenile court processing using an intersectional, multi-racial feminist lens. This study provides the groundwork for future research in examining how the juvenile court responds to youth of different identities within the LGBTQ+ and GNC community and within different racial and ethnic categories with a focus on youth of color.

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Appendix A: Terms and Definitions

Terms	Definitions
LGBTQ+	This refers to lesbian, gay, bisexual, transgender, queer, plus. Sometimes the Q is also referred to as questioning (GLAAD, n.d). The plus in LGBTQ+ refers to intersex and asexual individuals, two-spirit individuals (see Pyle, 2018) as well as individuals of various genders (e.g., nonbinary) and sexual orientations (e.g., pansexual, demisexual) from all cultures.
Sexual orientation	This term refers to an individual’s romantic, physical, and/or emotional connection to another person (see GLAAD, n.d.).
Gender identity	This refers to individuals’ internal sense of self in regard to their gender (see GLAAD, n.d.).
Gender expression	This refers to individuals’ outward expression of gender with their name, pronouns, haircut, clothing style, behavior, and so on (see GLAAD, n.d.).
Gender nonconforming	This term refers to individuals that express their gender in a way that society deems unconventional. For example, a woman wearing clothing from the “mens” section. However, it should be noted that there are various cultural differences with this. One culture may deem certain expression as conventional whereas another may label it as unconventional. Someone who is gender nonconforming could be of any gender and sexual orientation (see GLAAD, n.d.).
Queer	This term used to be used in a derogatory manner, but much of the LGBTQ+ community reclaimed it. Queer is often used as a general term for all sexual orientations that are not straight (e.g., lesbian, bisexual, gay, pansexual) and/or individuals who are genderqueer or nonbinary (GLAAD, n.d.).
Transgender	In this chapter, transgender or trans is generally referred to individuals whose gender identity and assigned sex at birth do not align (see GLAAD, n.d.); however, this may vary for some nonbinary individuals and some people assigned intersex at birth. This includes both binary and nonbinary trans individuals.
Cisgender	People who are not transgender. Individuals whose general gender identity and assigned sex at birth align (see GLAAD, n.d.).
Straight	This term is synonymous with heterosexual which refers to individuals who have emotional, romantic, and/or physical attraction to a single gender that is not their

	own. For example, a woman who only dates men would be considered straight.
Assigned sex at birth	This refers to the assignment of sex at birth from a medical doctor (see GLAAD, n.d.). In the U.S., doctors typically assign male, female, or intersex at birth.
Nonbinary	This is an umbrella term for individuals who experience their gender outside of woman or man, individuals may not be fully men or women, be a combination of both, or be neither. Some individuals do not have a gender at all, but they are often placed under this nonbinary umbrella (i.e., agender).
BIPOC	This refers to Black, Indigenous, and people of color. This term was created to highlight Black and African American and Indigenous people's unique experiences in relation to white supremacy and how it shapes the experiences of for all people of color (The BIPOC Project, 2020). This term also aims to focus on fighting anti-Blackness, Native invisibility, and white supremacy (see The BIPOC Project, 2020).

Appendix B: Historical Timeline of Juvenile Court and Important Historical Points

1810s	1820s	1830s	1860s	1870s	1880s	1899	1900s	1915s	1940s	1960s	1980s
Civilization act on passed to kidnap youth from Indigenos/ Native America n tribes and places them in schools to learn the Anglo, Protestant, English way.	Law was passed to open the House of Refuge in New York.	Black/African American children were admitted to houses of refuge as well, but with harsher treatment and longer sentences than white youth.	1863 Emancipation Proclamation was passed, 1864 slavery was banned and 1865 was legally abolished by the 13 th amendment. One year later Black codes put limits on Black/African American's freedom. Had the Chicago reform schools, which only took youth who could be "reformed" which was discretionary and discriminatory.	Jim Crow laws were enacted which forced racial segregation. Reform schools closed and deemed unconstitutional.	Child savers movement started to take children out of the adult system and focus on youth who were neglected, impoverished, or committed delinquent acts. Major Crimes Act was passed that made English cultural values the law of the land, which tore away sovereignty from Indigenous/ Native American people and placed power on the U.S legal system.	1899 act was passed to control neglected and dependent children or children who committed a delinquent act. The first juvenile court was opened in Chicago. Black youth were overrepresented in the juvenile system and underserved in their communities.	Black child savers movement opened a women's club for Black/African American youth.	Home for Wayward Girls opened in Virginia and welcomed 28 Black/African American girls. Overall, the Black child savers movement challenged segregation laws, provided homes for youth in need, and decreased the number of Black/African American adults and youth in prisons and jails across the country.	Parents began where the juvenile court could act as a parent to youth. Civil rights movement started.	Legal end to racial segregation by Jim Crow laws. 1964 civil rights act was signed by President Johnson.	Scholars invented the myth of "super predators" which led to further racial and ethnic disparities in the juvenile system.

Appendix C: Variable and Analyses for Research Questions

Figure 1: Variables and Analyses for each Research Question

RQ #	DV	IV(s)	Controls	Moderator	Projected Analyses
1a	Official or Diversion	LGBTQ+/GNC	Gender identity Age Offense severity Race/ethnicity		Binary logistic regression
	Official or Diversion	Gender Identity	LGBTQ+/ GNC Age Offense severity Race/ethnicity		Binary logistic regression
1b	Official or Diversion	Race/ethnicity	LGBTQ+/ GNC Gender identity Age Offense severity		Binary logistic regression
1c	Official or Diversion	Race/ethnicity	Gender identity Age Offense severity	LGBTQ+/ GNC	Binary logistic regression
	Official or Diversion	Race/ethnicity	LGBTQ+/ GNC Age Offense severity	Gender identity	Binary logistic regression
2a	Referred/ not referred to mental health treatment	LGBTQ+/ GNC	Gender identity Race/ethnicity Age Offense severity Mental health assessment OYAS diversion risk level		Binary logistic regression
	Referred/ not referred to mental health treatment	Gender identity	LGBTQ+/ GNC Race/ethnicity Age Offense severity Mental health assessment		Binary logistic regression

RQ #	DV	IV(s)	Controls	Moderator	Projected Analyses
			OYAS diversion risk level		
2b	Referred/ not referred to mental health treatment	Race/ethnicity	LGBTQ+/ GNC Gender identity Age Offense severity Mental health assessment OYAS diversion risk level		Binary logistic regression
2c	Referred/ not referred to mental health treatment	Race/ethnicity	Gender identity Age Offense severity Mental health assessment OYAS diversion risk level	LGBTQ+/ GNC	Binary logistic regression
	Referred/ not referred to mental health treatment	Race/ethnicity	LGBTQ+/ GNC Age Offense severity Mental health assessment OYAS diversion risk level	Gender identity	Binary logistic regression
3a	Successful/unsuccessful diversion	LGBTQ+/ GNC Gender identity Race/ethnicity Intersectional identities Age Offense severity OYAS diversion risk level			Tests of Association
4a	Court adjudication (e.g., delinquent, not delinquent/dismis sed)	LGBTQ+/ GNC	Gender identity Race/ethnicity Age Offense severity		Binary logistic regression

RQ #	DV	IV(s)	Controls	Moderator	Projected Analyses
	Court adjudication (e.g., delinquent, not delinquent, dismissed)	Gender identity	LGBTQ+/ GNC Race/ethnicity Age Offense severity		Binary logistic regression
4b.	Court adjudication (e.g., delinquent, not delinquent, dismissed)	Race/ethnicity	LGBTQ+/ GNC Gender identity Age Offense severity		Binary logistic regression
	Court adjudication (e.g., delinquent, not delinquent, dismissed)	Race/ethnicity	Gender identity Age Offense severity	LGBTQ+/ GNC	Binary logistic regression
	Court adjudication (e.g., delinquent, not delinquent, dismissed)	Race/ethnicity	LGBTQ+/ GNC Age Offense severity	Gender identity	Binary logistic regression

Appendix D: Dataset Codebook

Variable Names	Variable Descriptions
<i>SOGIE ID</i>	Indicates the identification number of the youth, which was created by the juvenile Court.
<i>RaceEthnicityFinal</i>	Race and ethnicity self-reported by youth 0 = White or European American 1 = Black or African American 2 = Hispanic (any race) 3 = Biracial 4 = Native American 5 = White and Hispanic 6 = MENA 7 = Black and Hispanic 8 = “Other” 9 = Biracial and Hispanic 10 = Pacific Islander, Indian, or labeled as Asian
<i>FinalGenderIdentity</i>	<p>Youth self-reported their gender. Only one answer was provided in the dataset, but the gender identity question was:</p> <p><i>What is your gender? (Check all that apply)</i></p> <p><input type="checkbox"/> <i>Girl/woman</i></p> <p><input type="checkbox"/> <i>Boy/man</i></p> <p><input type="checkbox"/> <i>Transgender (if your gender is different now than it was when you were born)</i></p> <p><input type="checkbox"/> <i>Genderqueer/Non-Binary (if you don't identify with being just one gender)</i></p> <p><input type="checkbox"/> <i>Write in your own response _____</i></p> <p><input type="checkbox"/> <i>I don't know</i></p> <p><input type="checkbox"/> <i>Decline to answer</i></p> <p>Coded as: 0 = boy/man 1 = girl/woman 2 = transgender 3 = genderqueer 4 = I don't know 5 = declined to answer/asked to skip question</p>

Variable Names	Variable Descriptions
<i>CisgenderTransgender</i>	<p>Is the youth cisgender, transgender, questioning? If a youth's assigned sex at birth was different from their gender identity, then they were labeled as transgender. If a youth's assigned sex at birth was the same as their gender identity, then they were labeled cisgender. If a youth indicated they did not know, then they were labeled as questioning.</p> <p>0 = cisgender 1 = transgender 2 = questioning</p>
<i>LGBTQ+/GNC</i>	<p>This is a binary variable. Is this youth LGBTQ+ and/or gender nonconforming (GNC)?</p> <p>1= LGBTQ+ and/or GNC youth 0 = straight, cisgender, gender conforming youth</p>
<i>LGBTQFinal</i>	<p>Does any of the youths' identities fall in the LGBTQ+ community?</p> <p>0 = no (straight and cisgender) 1 = yes (LGBTQ+) 3 = declined to answer</p>
<i>FinalSexualOrientation</i>	<p>The youth's sexual orientation.</p> <p>0 = straight 1 = lesbian or gay 2 = pansexual 3 = bisexual 4 = asexual 5 = questioning/ I don't know 6 = declined to answer</p>
<i>GenderNonconforming</i>	<p>Is the youths' self-reported gender expression different from their gender?</p> <p>0 = no, gender conforming 1 = yes, gender nonconforming 2 = I don't know/questioning</p>
<i>FinalGenderExpression</i>	<p>What is the youths' self-reported gender expression?</p> <p>0 = masculine 1 = feminine 2 = masculine and feminine expression</p>

Variable Names	Variable Descriptions
	3 = I don't know 4 = declined or asked to skip question
<i>YouthMoreThan5Charges</i>	Does a youth have more than 5 charges in official court data? 0 = no, 5 or less charges 1 = yes, more than 5 charges
<i>InterventionorDetention</i>	Did youth enter the juvenile court through the intervention or detention center? 0 = intervention 1 = detention
<i>DiversionReferralSource</i>	How was the youth referred to the court? 0 = school 1 = police 2 = parent or guardian 3 = court 4 = store security
<i>FinalDiversionApplewood</i>	Was the youth referred to mental health services? 0 = no 1 = yes
<i>CurrentAge</i>	Indicates the youth's current age in years as of October 2020.
<i>AgeatIncidentOfficial</i>	The age of the youth in years at the time of the incident for youth in the official juvenile court system.
<i>AgeatIntakeDiversion</i>	The age of the youth in years at the time of their intake into the juvenile court system.
<i>Pronouns</i>	Indicates the youth's pronoun. This was self-reported from a questionnaire: <i>Gender Pronoun:</i> _____ (i.e., he/she/ze/zir/they) 0 = he/him 1 = she/her 2 = they/them

Variable Names	Variable Descriptions
<i>MAYSI-2CautionAI</i>	<p>Youths' score on the Angry-Irritable subscale (MAYSI-2). Did the youth's score need a caution?</p> <p>0 = no caution 1 = caution</p>
<i>MAYSI-2CautionAD</i>	<p>Youths' score on the Alcohol/Drug Use subscale (MAYSI-2). Did the youth's score need a caution?</p> <p>0 = no caution 1 = caution</p>
<i>MAYSI-2CautionDA</i>	<p>Youths' score on the Depressed/anxious subscale (MAYSI-2). Did the youth's score need a caution?</p> <p>0 = no caution 1 = caution</p>
<i>MAYSI-2CautionSC</i>	<p>Youths' score on the Somatic Complaints subscale (MAYSI-2). Did the youth's score need a caution?</p> <p>0 = no caution 1 = caution</p>
<i>MAYSI-2CautionSI</i>	<p>Youths' score on the Suicide Ideation subscale (MAYSI-2). Did the youth's score need a caution?</p> <p>0 = no caution 1 = caution</p>
<i>MAYSI-2CautionTD</i>	<p>Youths' score on the thought disturbance subscale (MAYSI-2). Did the youth's score need a caution?</p> <p>0 = no caution 1 = caution</p>
<i>MAYSI-2WarnAI</i>	<p>Youths' score on the angry-irritable subscale (MAYSI-2). Did the youth's score warrant a warning?</p>

Variable Names	Variable Descriptions
	<p>0 = no warning 1 = warning</p>
<i>MAYSI-2WarnAD</i>	<p>Youths' score on the alcohol/drug use subscale (MAYSI-2). Did the youth's score warrant a warning?</p> <p>0 = no warning 1 = warning</p>
<i>MAYSI-2WarnDA</i>	<p>Youths' score on the depressed anxious subscale (MAYSI-2). Did the youth's score warrant a warning?</p> <p>0 = no warning 1 = warning</p>
<i>MAYSI-2WarnSC</i>	<p>Youths' score on the somatic complaint subscale (MAYSI-2). Did the youth's score warrant a warning?</p> <p>0 = no warning 1 = warning</p>
<i>MAYSI-2WarnSI</i>	<p>Youths' score on the suicide ideation subscale (MAYSI-2). Did the youth's score warrant a warning?</p> <p>0 = no warning 1 = warning</p>
<i>MAYSI-2WarnTD</i>	<p>Youths' score on the thought disturbance subscale (MAYSI-2). Did the youth's score warrant a warning?</p> <p>0 = no warning 1 = warning</p>
<i>RaceSOGIE</i>	The youth self-reported their identified race.
<i>EthnicitySOGIE</i>	The youth self-reported their ethnicity.
<i>RaceofficialData</i>	Race/ethnicity information that was usually labeled from the original police report.
<i>RaceDiversionData</i>	

Variable Names	Variable Descriptions
<i>Location</i>	Indicates whether the youth entered the juvenile court through the detention center or intervention center.
<i>ZipCode</i>	First three digits of the youth's home zip code.
<i>IncidentCityDiversio</i>	The city the incident the youth was in and state.
<i>IncidentsZipDiversio</i>	The zip code that the incident took place which got the youth into the juvenile court.
<i>IncidentDateDiversio</i>	The year the incident took place which landed the youth in the juvenile court (diversion data).
<i>ChaptercodeDiversio</i>	This refers to the types of offenses along with the section and division code. For example, the chapter code could be "theft and fraud", section code "theft" and division code "without the consent of the owner or person authorized to give consent".
<i>SectionCodeDiversio</i>	The section code of the youth's specific charges (diversion) (e.g., 11: drug possession).
<i>DivisionCodeDiversio</i>	The division code of the youth's specific charges (diversion) (e.g., 2925.11(A)(C)(3) possession of marijuana).
<i>DegreeDiversio</i>	The degree of youth's specific charges, who is currently in diversion. The degree refers to the seriousness of the offense: <ul style="list-style-type: none"> • Felony F1 (most serious) to F5 (least serious) • Misdemeanors M1 (most serious) to M5 minor misdemeanors • Status offenses (truancy, unruly)
<i>CountDiversio</i>	The number of counts the youth was charged with (1-5).
<i>ReferralSource</i>	The source that referred the youth to the juvenile court.
<i>ProsectorChargeDiversio</i>	Did the prosecutor choose to charge the youth (in the diversion data)? 0 = no
<i>GradeinSchoolDiversio</i>	The grade the youth is in school (range 4 th to 12 th).

Variable Names	Variable Descriptions
AssignedSexatBirthSOGIE	<p>Youth self-reported their assigned sex they received at birth. This was asked on a questionnaire:</p> <p><i>What was your sex assigned at birth?</i></p> <p>_____ <i>Male</i></p> <p>_____ <i>Female</i></p> <p>_____ <i>Intersex (if you were born with a mix or variation of male and female anatomy)</i></p> <p>_____ <i>Decline to answer</i></p>
GenderSOGIE	<p>Youth self-reported their gender. This was asked in the SOGIE questionnaire:</p> <p><i>What is your gender? (Check all that apply)</i></p> <p>_____ <i>Girl/woman</i></p> <p>_____ <i>Boy/man</i></p> <p>_____ <i>Transgender (if your gender is different now than it was when you were born)</i></p> <p>_____ <i>Genderqueer/Non-Binary (if you don't identify with being just one gender)</i></p> <p>_____ <i>Write in your own response</i> _____</p> <p>_____ <i>I don't know</i></p> <p>_____ <i>Decline to answer</i></p>
GenderOfficial GenderDiversioin	Binary labels of youth from the police report that say "female" or "male."
GenderExpressionSOGIE	<p>Youth self-reported their gender expression. If youth were young 8-12 years, staff usually asked whether the youth preferred "girls' clothes" or "boys' clothes." This was asked in the SOGIE questionnaire:</p> <p><i>What is your gender expression? (Check all that apply.) (Gender expression describes how you dress, behave and carry yourself)</i></p> <p>_____ <i>Masculine</i></p> <p>_____ <i>Feminine</i></p>

Variable Names	Variable Descriptions
	<p>_____ <i>Non-Binary (elements of both masculine and feminine expressions)</i></p> <p>_____ <i>Write in your own response</i> _____</p> <p>_____ <i>I don't know</i></p> <p>_____ <i>Decline to answer</i></p>
<i>MatchSocietalExpectationsperStaff</i>	<p>Staff member that gave the interview looked at the youth and picked an option for gender expression based on their interpretation. (caution: very subjective).</p> <p>Staff answered this question in the SOGIE questionnaire:</p> <p><i>For staff. In your opinion, does the youth's gender expression match the societal expectations for sex they were assigned at birth? (Check one.)</i></p> <p>_____ <i>Yes</i> _____ <i>No</i></p>
<i>SexualOrientationSOGIE</i>	<p>Youth were asked to report their sexual orientation. This was asked in the SOGIE questionnaire:</p> <p><i>What is your sexual orientation? (Check all that apply.)(Sexual orientation means who you are romantically and physically attracted to. This is how you identify yourself)</i></p> <p>_____ <i>Heterosexual/straight</i></p> <p>_____ <i>Lesbian</i></p> <p>_____ <i>Gay</i></p> <p>_____ <i>Bisexual (if you are attracted to both boys/men and girls/women)</i></p> <p>_____ <i>Questioning (if you aren't quite sure if you are attracted to boys/men, girls/women, both, neither, or another gender)</i></p>

Variable Names	Variable Descriptions
	<p>_____ <i>Queer (an umbrella term used by some members of the LGBT community)</i></p> <p>_____ <i>Asexual (if you are not attracted to any sex or gender)</i></p> <p>_____ <i>Pansexual (if you are attracted to many genders or do not consider gender when dating someone)</i></p> <p>_____ <i>Write in your own response _____</i></p> <p>_____ <i>I don't know</i></p> <p>_____ <i>Decline to answer</i></p>
<i>AttractedtoSOGIE</i>	<p>Youth were asked to self-report their attraction. This was asked in the SOGIE questionnaire:</p> <p><i>Who are you attracted to? (Check all that apply.)</i></p> <p>_____ <i>Girls/women</i></p> <p>_____ <i>Boys/men</i></p> <p>_____ <i>Transgender People</i></p> <p>_____ <i>Write in your own response _____</i></p> <p>_____ <i>I don't know</i></p> <p>_____ <i>Decline to answer</i></p>
<i>FamilyAwarnessSOGIE</i>	<p>The level of the youth's family's awareness of their gender and/or sexual orientation. This was asked in the SOGIE questionnaire:</p> <p><i>Which of the following best fits your current situation (check all that apply):</i></p> <p>_____ <i>My immediate family knows about my orientation/gender identity</i></p> <p>_____ <i>My immediate family does NOT know about my orientation/gender identity</i></p> <p>_____ <i>You are free to use my chosen name and pronoun when speaking with my family members</i></p>

Variable Names	Variable Descriptions
	<p>_____ <i>You are NOT free to use my chosen name and pronoun when speaking with my family members (use my birth name and sex)</i></p> <p>_____ <i>I want my sexual orientation and/or gender identity to remain confidential (only authorized staff can be told)</i></p> <p>_____ <i>Decline to answer</i></p>
<i>Free to Use Name and Pronoun SOGIE</i>	Whether staff are free to use the youth's name and pronoun. (yes/no)
<i>Sexual Orientation/Gender Identity Confidential</i>	Whether youth wish to keep their gender identity and/or sexual orientation confidential. (yes/no)
<i>Staff Collecting Information</i>	Staff member who interviewed youth for SOGIE data deidentified.
<i>Comments SOGIE</i>	Notes by staff who conducted SOGIE interview.
<i>Incident Date Official</i>	The year in which the incident took place that resulted in the youth be placed in the official juvenile court system. There is data on all incidents by youth in the official court (1-190)
<i>Judge Official</i>	The name of the judge that was on the youth's case for every incident deidentified.
<i>Charge Number Official</i>	The specific charge against the youth (official).
<i>Degree Official</i>	The degree of youth's specific charges in the official juvenile court. The degree refers to the seriousness of the offense: <ul style="list-style-type: none"> • Felony F1 (most serious) to F5 (least serious) • Misdemeanors M1 (most serious) to minor misdemeanors • Status offenses (truancy, unruly)
<i>Section Code Official</i>	The section code of the youth's specific charges (official) (e.g., 11: drug possession).
<i>Division Code Official</i>	The division code of the youth's specific charges (official) (e.g., 2925.11(A)(C)(3) possession of marijuana).

Variable Names	Variable Descriptions
<i>FindingOfficial</i>	This refers to whether the youth was adjudicated or not of the charges brought against them. They were found: delinquent, in violation, not delinquent, dismiss with prejudice, dismiss without prejudice, no finding, withdrawal, probable cause, no probable cause, and unruly.
<i>FindingDateOfficial</i>	The year of the adjudication decision.
<i>CommunityControlDateOfficial</i>	The date (year) the youth was back in the community.
<i>DecisionTypeOfficial</i>	What was the court's decision with the youth and charges against them? (e.g., supervision parent DL decision)
<i>DelinquencyDecisionOfficial</i>	If the judge found a youth to be "delinquent" then they usually place them (e.g., supervision of parent, commitment).
<i>InstitutionOfficial</i>	If the youth was sent to an institution due to their charge decision (e.g., detention).
<i>StayedOfficial</i>	0 = no 1 = yes
<i>SuspendedOfficial</i>	0 = no 1 = yes
<i>SeriousYouthOffenderOfficial</i>	This referred to whether the youth was considered a serious youth offender. 0 = no 1 = yes null = did not apply
<i>ProbationOfficial</i>	This referred to whether the youth was on probation. 0 = no 1 = yes null = did not apply
<i>SupervisionParentOfficial</i>	The court's identifiers – linked to a person identifier in their system. If marked, it means that the youth was released to a parent or legal guardian.
<i>DiversionOYAS</i>	Whether the youth received an OYAS interview in diversion.

Variable Names	Variable Descriptions
<i>DiversionResult</i>	OYAS score or risk level associate with score?
<i>DiversionOYASDate</i>	The date at which the youth took the OYAS.
<i>MAYSIID</i>	Whether youth took the MAYSI assessment.
<i>MAYSIResultDiversion</i>	MAYSI score for each youth or labeled “paper”.
<i>MAYSIDateDiversion</i>	The date (year) the youth received the MAYSI.
<i>OverrideScreeningDiversion</i>	Whether staff overrode scores or levels on assessments (OYAS or MAYSI)
<i>ApplewoodScreeningDiversion</i>	Whether youth were referred to behavioral health screening, which is at applewood. <i>Yes = referred to applewood to screen</i> <i>No = was not referred</i> <i>(blank) = no referral</i>
<i>RiskLevelResultDiversion</i>	Whether youth scored low, moderate, or high on the OYAS. The OYAS was only given if youth entered through intervention center.
<i>ResultingDecisionDiversion</i>	Decision with youth’s charges (e.g., diversion specialist, care coordinator, file official).
<i>IntakeInterventionDateDiversion</i>	The intake date (year) for diversion.
<i>TerminationDiversion</i>	Was diversion successful or unsuccessful?