

**Beyond the Straight and Narrow:  
The Import of Queer Criminology for Criminology and Criminal Justice**

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In March 2014, as part of its Community Relations Service, the U.S. Department of Justice held a community service training for police officers that focused on developing strategies to better prevent and respond to bias crimes against transgender citizens. While the impetus for the training was recognition that this group is disproportionately affected by hate violence (see NCAVP, 2013), attendees of the training also highlighted the tumultuous relationships transgender individuals have had with law enforcement as another impetus for change. Transgender activists and the DOJ lauded the event as an important step for improved relationships between law enforcement and transgender individuals. These voluntary trainings eventually will be held nationwide, with Deputy Attorney General James M. Cole noting that future trainees will include “*forward-thinking* chiefs of police, sheriffs, and other public safety professionals who opt to participate” (Chibbaro, 2014, our emphasis).

The DOJ’s effort to better serve transgender citizens is one of numerous pertinent advancements from the federal government. In 2012, for example, the Office of Juvenile Justice and Delinquency Prevention presented a webinar series entitled “Understanding and Overcoming the Challenges Faced by Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex Youth.” Content addressed the needs of LGBTQI young people within their schools, communities, and families, as well as in custody (see <http://www.ojjdp.gov/enews/juvjust.html>). In addition, recent RFPs from the National Institute of Justice and other funding bodies explicitly mention LGBTQ individuals as “understudied populations” meriting further research.

Despite notable exceptions, the extent to which scholars in criminology and criminal justice have explicitly included LGBTQ populations or themes in research is underwhelming. Consider, for example, scholarship appearing in the flagship journals of the American Society of Criminology and Academy of Criminal Justice Sciences. Our search of Criminal Justice Abstracts<sup>1</sup> yielded just one article in *Criminology* in the last thirty years: a study of the temporal clustering of hate crimes that includes an investigation of whether “appellate court rulings that grant rights to same-sex partners” play a role in patterns of anti-gay violence (King and Sutton, 2013: 871). In its history, *Justice Quarterly* has published just one article according to our CJ Abstracts search: a demographic portrait of transgender inmates in California prisons (Sexton et al., 2010). No articles have appeared in *Criminology and Public Policy* since its inception in 2001.<sup>2</sup>

It is curious that LGBTQ populations have not received greater attention in criminology and criminal justice, especially considering that same-sex sexual conduct was illegal in many American locales for much of the 20<sup>th</sup> century, until sodomy laws were struck down by the U.S. Supreme Court in 2003. After nearly a half century of contestations, the past decade has seen exponential growth in equality for gay and lesbian people beyond decriminalization of their sexual practices, including, most prominently, the right to serve openly in the military and, in a growing number of states, to marry. With changes dating further back, the American Psychological Association no longer considers “homosexuality” to be a mental illness. Despite some opposition to these advances and a long way to go to attain equality in employment,

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<sup>1</sup> We used the following search terms in a May 2014 search: LGBT, lesbian, gay, bisexual, transgender, homosexual, same-sex, queer.

<sup>2</sup> A search of *CPP*'s Wiley website, however, identifies several policy/reaction essays on intimate partner violence that make note of LGBT partner violence; “homosexual” turns up citations to commentaries on prison rape and HIV transmission, and sex offending.

housing, and healthcare, especially for transgender individuals, queer people are no longer rendered deviant and antisocial by many major institutions in U.S. society.

As we move into a new era of civil rights for LGBTQ populations, it is likewise important that we—as criminologists—demonstrate the *forward thinking* that DAG Cole lauds among some justice professionals. Our goal in this essay is to suggest some of the ways this can be accomplished by highlighting the benefits for criminology and criminal justice that can derive from recent efforts to *queer* criminology (see Ball, Buist, and Woods, 2014; Peterson and Panfil, 2014). We do so by considering how attention to LGBTQ populations can improve criminological knowledge-building and enhance our contributions to justice practices. Our focus is threefold. First, we discuss how the elision of LGBTQ populations limits theoretical advances by restricting how we think about crime and justice. Far from simply being a narrow, niche, or specialty topic, the inclusion of queer considerations can result in “the influx of new ideas, new ways of seeing, and new paradigms”—all of which are critical for “academic fields [to] thrive and grow” (Miller and Brunson, 2011: 1).

Second, we consider the import of including LGBTQ populations in our work in light of the growing mandate that our scholarship contribute meaningfully to justice policy and practice, and to the promotion of human rights, democratic participation, and social justice. When significant portions of society are excluded from consideration, our ability to make such contributions is truncated. Finally, and an especially relevant expansion of our second focus, we discuss why our pedagogical practices will be more consequential with the thoughtful integration of LGBTQ populations and themes. The vast majority of students we educate will go on to be justice practitioners. Thus we discuss why it is imperative that our efforts to prepare students for working with diverse populations include attention to sexual and gender identities, in addition to

gender, race, ethnicity, and immigrant status, which are now addressed with at least some regularity.

### **Not Just a Niche: How Queer Criminology Enhances Theory and Research**

We begin by returning to the case that opened our essay: enhancing police responsiveness to transgender citizens. A burgeoning criminological literature explores police-community relations, and is largely concentrated on interactions between urban residents of color and the police. A timely example is the considerable attention recently paid to harmful outcomes associated with stop-and-frisk policies in urban police departments in the United States (see Fratello et al., 2013), which have led scholars to call for research on “possible collateral effects on the rights and liberties of citizens in the communities most affected by the policy” (Rosenfeld and Fornango, 2014: 96). Given the infamous relationships law enforcement agencies have had with queer populations for at least the last half century, it seems appropriate that such policing research would include LGBTQ citizens. Yet it has been the news media, community activists, and non-profit organizations—and *not* criminologists—who have brought public attention to the unique configuration of harms that stop-and-frisk has for LGBTQ people in urban communities, especially LGBTQ people of color (Bellafante, 2013; Center for Constitutional Rights, 2012; Demby, 2012; see also Amnesty International, 2005).

Because the field has been bound by assumptions about actors, interactions, settings, and institutions that are normatively—and often invisibly—configured on the basis of a heterosexual social order, an important site for theoretical refinement and tangible policy contributions has thus far been missed, particularly in the U.S. and mainland European contexts.<sup>3</sup> Recent British, Canadian, and Australian works in flagship journals, on the other hand, carefully consider how

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<sup>3</sup> Similar to the flagship journals of the ASC and ACJS, our Criminal Justice Abstracts search of the European Society of Criminology’s *European Journal of Criminology* yielded no studies of LGBTQ populations or topics since its inception in 2004.

LGBTQ themes challenge, enhance, and refine our understandings of police culture, police-community relations, and the governance of security more broadly (Johnson, 2010; Loftus, 2008; Moran, 2007; Valverde and Cirak, 2003; see also Dwyer, 2014). Such works provide notable guideposts for scholars of policing to grapple with the insights that queer considerations can bring to their research.

One of the ways that studying LGBTQ populations can challenge the field is to complicate criminological theorizing. Not only can queer theory itself challenge and contribute to criminological theory, but insights gathered from research with LGBTQ populations can be extremely useful for theory reimagination, refinement, or reformulation. In addition, research with LGBTQ populations can verify the robustness of particular theories, should they hold for all people regardless of sexual orientation. In many cases, it is probably not necessary to reinvent the theoretical wheel. Rather, we think it is important to ask of research with LGBTQ populations: What does it add to our existing knowledge? What does it substantiate? And, what does it challenge?

### ***A Salient Example***

We can point to the evolution of our own collaborative research as illustration. In 2008, the second author published *Getting Played: African American Girls, Urban Inequality, and Gendered Violence*, a study that carefully investigated the ways in which structural characteristics such as entrenched racial segregation and economic inequalities in urban neighborhoods heighten young women's risks for gender-based victimization. I (*Miller*) argued that these inequalities contribute to organizational properties within disadvantaged communities that facilitate gendered social processes conducive to violence against girls: male dominance of public spaces; status-enhancement from masculine performances of aggression, sexual conquest,

and the devaluation and mistreatment of women; along with group loyalty, distrust of outsiders, and limited community scrutiny or intervention.

Yet—like most criminologists—I employed a “heteronormative conceptual model” (Jagose, 2009: 165), with consequences for the adequacy of my theoretical insights and the scope of my conclusions. The first author’s research on urban gay gang- and crime-involved young men, for example, complicates the linkages between hegemonic forms of masculinity, heterosexuality, and violence against women that the second author and others have long theorized. I (*Panfil*) spoke with numerous gay young men of color (in contexts similar to those in which Miller studied) who not only constructed masculine identities based on the embrace of competence in violence, but often utilized these performative skills to defend against anti-gay harassment and threats of violence (Panfil, 2014a, 2014b). This research raises an important theoretical question: If hegemonic facets of masculinity are enacted by young gay men, what does this mean for the assumption that hegemonic masculinity is a key mediator between the organizational characteristics of an environment and interpersonal behavior such as sexual violence against women? Clearly, this requires further delineation.

In addition, several prominent incidents involving young African American lesbians in urban communities further highlight the heteronormative boundaries of my (*Miller’s*) conceptual framework. Fifteen-year-old Sakia Gunn was sexually propositioned by two adult men in a scenario described regularly by the young women in *Getting Played* as a primary source of gendered fear, risk, and anxiety in their communities. Gunn’s response to the men’s sexual harassment was to identify herself as a lesbian, and in doing so, to declare herself a non-participant in their heterosexual “game.” She was fatally stabbed (see Fogg-Davis, 2006). More recently, a group of young African American lesbians from an urban disadvantaged

community—also sexually and physically accosted by a man on the street—were criminalized for fighting back. Framed in the media as a “lesbian wolf pack” and “killer lesbians,” they were convicted of felony and gang assault, despite compelling evidence that none actually committed the *non-fatal* stabbing of the man who accosted them and that none had any gang ties (see Logan, 2011).

In *Getting Played*, I theorized about how victim blaming processes block young women’s access to justice when they are victimized; yet the racialized sexual identities of these young women, read through a fundamentally heterosexist lens, didn’t simply prevent the success of their claims of victimization, but led to their criminalization. Though anecdotal, both of these incidents highlight how risks associated with gender-based violence among urban African American girls are configured along axes not just of gender, but also sexual identity and gender performance. My research thus missed the critical opportunity to investigate how these features of urban girls’ lives shape their negotiations of safety and risk.

As a consequence, we recently have embarked together on a study that expands upon both of our prior research, investigating how LGBTQ young people in Newark, New Jersey navigate neighborhood risks in distressed urban communities. The project is ongoing, but preliminary analyses suggest there are both notable similarities and meaningful distinctions in the experiences of LGBTQ youth, as compared to the (presumably) heterosexually-identified young people in *Getting Played*. For example, the vast majority of young women in our study, regardless of sexual orientation<sup>4</sup> or gender presentation, have experienced unwanted sexual touching or sexual advances by male (and sometimes female) peers; their descriptions of these encounters mirror those described by Miller (2008). However, the nature of these encounters

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<sup>4</sup> Including lesbian, bisexual, pansexual, and questioning youth.

differ by the young women's gender presentation (how feminine or masculine they appear at the time) and the visibility of their sexual orientation (whether they are read as heterosexual or as a sexuality other than heterosexual).<sup>5</sup> Overall, our research participants negotiate neighborhood dangers and gender-based harassment in ways akin to their heterosexual counterparts, but also must negotiate risks based on their sexual and gender identities in ways that other adolescents do not have to.

All of this is to say that LGBTQ populations likely have many shared experiences with non-LGBTQ people, but some of the ways their experiences differ are decidedly related to their gender and sexual identities. These dimensions of difference can have real and measurable effects for behavior and outcomes. We thus encourage other criminologists to think critically about the ways in which heteronormative assumptions guide their own research, and how the incorporation of a queer lens might enhance their research and theorizing. For example, we wonder what promise the inclusion of LGBTQ populations would have on research investigating social dynamics and collective behavior, and how this would contribute to theoretical understandings of peer networks, group processes, and group composition effects. The same holds for countless other criminological foci, all ripe for such questions to be asked.

### **Real World Impact: Policy, Practice, and Pedagogy**

Furthermore, studying LGBTQ populations has clear practical import. With greater acknowledgement of the specific needs of these populations—coupled with a base of advocates—institutional practices and policies in criminal justice agencies have seen recent changes beyond those at the federal level. A number of states, cities, and/or counties have official policies stating how queer-spectrum people should be treated while in custody. For

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<sup>5</sup> When completed, our work will also analyze comparatively the experiences of gay male and transgender youth as well.

example, regarding LGBTQ youth in custody, New York State’s Office of Children and Family Services’ policies include mandates for: the use of gender-affirming pronouns, names, and clothing; mental health treatment that does not automatically assume pathology based on sexual or gender identity; non-discrimination/harassment; and consideration of residential moves and hormone therapy for transgender youth (NYS OCFS, 2008). The experience of LGBTQ individuals in carceral settings is a topic familiar to at least some criminologists (see Jenness and Fenstermaker, 2014), but as with LGBTQ citizens’ interactions with police and other criminal justice professionals, our knowledge about the issues seems to lag behind policy changes.

Although various jurisdictions may have different ways of dealing with these populations, very few best practices materials or standardized resources exist in the field of criminal justice. In contrast, other human service and public health fields have begun to create such materials. For example, the National LGBT Health Education Center of the Fenway Institute “provides educational programs, resources, and consultation to health care organizations with the goal of optimizing quality, cost-effective health care for lesbian, gay, bisexual, and transgender (LGBT) people” (<http://www.lgbthealtheducation.org/about-us/lgbt-health-education/>). These resources include webinars, workshops, online learning modules, consultations, toolkits, and more for healthcare professionals. Sources from this Institute, as well as similar agencies, focus on cultural competence. That is, not only do these organizations seek to discover what particular needs LGBTQ populations have and whether or not they are being met, but also to educate and train professionals to better serve these populations in effective and respectful ways. These trainings are based on an assumption analogous to the increased professionalization of police forces: formal education and training lead to high-quality services.

However, gaps in criminal justice education still create opportunities for subpar interactions between LGBTQ people and criminal justice professionals.

This brings us to our third important issue, related to criminal justice education. If criminology and criminal justice scholars do not view the experiences of LGBTQ persons as an important topic, or one of import for the larger field, it follows that this information will not be presented in CCJ classes; indeed, it often is not (see Cannon and Dirks-Linhorst, 2006). In fact, we are aware of only a handful of undergraduate or graduate CCJ programs that offer courses specifically focused on LGBTQ communities' experiences with crime, victimization, and justice (one of such courses is taught by the first author at Rutgers University-Newark). Whereas Race and Crime or Gender and Crime are electives that exist in CCJ programs nationwide, the same cannot be said for Sexuality and Crime. CCJ curricula and courses should include material on gender, race, class, sexuality, and other consequential social statuses, but lag especially far behind in their inclusion of LGBTQ-related content. Beyond its import for the discipline at large, criminal justice students will be future criminal justice professionals. They need to be aware of the challenges facing LGBTQ populations. This is especially critical in light of the tumultuous relationships between queer people and agents of the state, including police officers. Otherwise, these future criminal justice professionals will be dealing with populations they are unprepared to understand and work with effectively (see Miller and Kim, 2012). All of this is particularly critical considering research that consistently demonstrates criminal justice majors to be more homophobic than undergraduates in other majors (for a review, see Cannon et al., 2014).

### **Concluding Thoughts**

Notwithstanding the significant absences we raise in this essay, make no mistake, queer criminological research is certainly being done within criminology and criminal justice. This is

evidenced by, for example, a recent edited volume of research related to LGBTQ communities, crime, and justice (Peterson and Panfil, 2014), a special issue of *Critical Criminology* on queer/ing criminology (Ball et al., 2014), and a symposium on Gender, Sexuality, and Violence, hosted by the University at Albany's Justice and Multiculturalism in the 21st Century project, whose keynote speaker was then-President-elect of the ASC, Joanne Belknap. Queer criminology is also increasingly represented at the American Society of Criminology Meetings, with multiple thematic panels organized annually over the past several years, each quite cohesive and related to queer criminology or the study of LGBTQ populations.

Participants in the 2014 Queer Criminology panels are scholars ranging from graduate students to full professors, and include prominent members of ASC divisions such as the Division on Women and Crime, the Division of Critical Criminology, and the Division of People of Color and Crime. There are undoubtedly additional queer and LGBTQ-themed panels organized by other scholars or groups of which we are as yet unaware, and any number of individual presentations and posters with this topical area. In addition, there is now a QUEERCCJ listserve ([QUEERCCJ@asu.edu](mailto:QUEERCCJ@asu.edu), administrated by Christine Galvin-White), which is an active place where scholars can reach out to others to learn about resources, collaborations, and other opportunities.

Despite what is becoming a critical mass of scholars conducting research with LGBTQ populations, engaging with criminological theory, and contributing insights for practice, much of this work remains concentrated in specialty journals and volumes. As we have described throughout this essay, the erasure of queer populations from criminological research is due in large part to assumptions of heterosexuality in the field. This has perhaps been made easier because, as “anchor points,” gender identity and sexual orientation are not necessarily readily

observable or easily categorizable, as some other social statuses may be. Nonetheless, our overarching goal here is to encourage criminologists to interrogate these assumptions in their own research, theorizing, and pedagogy.

That said, we end this essay by likewise encouraging queer criminologists to address at least some of their scholarship to the mainstream of the field. Though we caution against any prescriptive judgments for how to go about conducting queer criminological research, beyond the fact that it be attentive to issues of sexual orientation, gender identity, and gender presentation—and see the clear value in queer theory’s deconstructionist critiques of criminology (see Ball, 2014)—we also know that for many people, identity categories matter in real life, partially as a way of claiming group membership and reducing invisibility. They are also a way to organize social life by managing complexity, and are often used by organizations and institutions regularly studied by criminologists, including institutions of formal control.

Thus, our best hope for having queer scholarship engage meaningfully with what is a normatively heterosexual field is for scholars to demonstrate why and how sexuality matters for criminological theory and criminal justice policy and practice. Queer criminology has contributions to make that are central to the discipline, by complicating what we think we know about crime, victimization, and justice. Demonstrating this by engaging directly with those in the field who remain unknowledgeable or unconvinced of queer criminology’s promise is a critical strategy for ensuring the continued vitality and relevance of the field in the 21<sup>st</sup> century.

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