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‘Damaged Goods’: Riskiness and LGBT Young People’s Interactions with Police

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Abstract

For some time now, research has suggested lesbian, gay, bisexual and transgender (LGBT) young people are ‘at-risk’ of victimisation and legally ‘risky’. Relatively few studies have examined how ‘risk factor’ research influences the everyday lives of LGBT young people. This paper reports how the experiences of police by 35 LGBT young people in Brisbane, Queensland reflected discourses about LGBT riskiness and how danger informed their interactions with police in public spaces. The participants specifically note how looking at-risk or looking risky affected their experiences of policing. The paper will conclude with recommendations for improved future policing practice.

Introduction

For some time now, researchers have focused on LGBT young people as an ‘at-risk’ (see review of early work by Savin-Williams 1994) and ‘risky’ (see, for example, Jordan 2000; Whitbeck et al 2004) group. They suggest LGBT young people are at-risk due to the likelihood they will encounter victimisation and that being victimised will lead to secondary

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risky behaviours. Risky behaviours are a concern because they can be illegal. Only recently has this risk paradigm been challenged, with researchers suggesting this understanding of LGBT young people constitutes them as inherently risky and therefore problematic (Marshall 2008). Even so, relatively few studies have examined how this research focus on risk and risk factors influences the everyday lives of LGBT young people.

This paper reports how the experiences of police by 35 LGBT young people in Brisbane reflected discourses about LGBT riskiness and how danger informed their interactions with police in public spaces. The paper firstly overviews the key themes in ‘risk factor’ research to demonstrate how LGBT young people are situated in the research as at-risk and risky, followed by discussion of the methodology used for the study. Drawing on a post-structural theoretical framework of risk as embodied, the paper then examines how discursive understandings of riskiness informed their experiences. Participants elaborate what it means to ‘look at-risk’ (in terms of involvement with drugs, for example) and ‘look risky’ (in terms of police suspicion of illegal activity). While many experiences of LGBT young people mirror those of other young people, participants note how they believed specific ideas about LGBT stereotypes informed their interactions with police.

LGBT Young People and Risk: Risk Factors and Critical Paradigms

While the distinction between categories of risk is not always clear in the literature, there is little doubt LGBT young people constitute a risk, with researchers situating them in terms of risk in two ways: ‘at-risk’ and ‘risky’. A plethora of ‘risk factor’ research argues LGBT young people are at-risk of homophobic-based victimisation (including physical, emotional and sexual abuse) from people such as parents, peers and teachers (Savin-Williams 1994). Within this framework, young people at-risk are defined by how ‘their life circumstances threaten physical, psychological or emotional well-being and preclude or limit the normative

developmental experiences necessary to achieve healthy adult functioning' (Colthart 1996:31, cited in Kelly 2001:24). Australian research (Hillier et al. 2005) found 38 per cent of the 1749 young LGBT respondents reported unfair treatment on the basis of sexuality, with school being the most common space in which victimisation occurred. Researchers are particularly concerned about secondary risks produced by primary victimisation. Recent Australian research found that, of 164 participants aged 12–20 years, '37% of LGB [lesbian, gay, bisexual] young people had attempted suicide, 82% had considered suicide, and 59% had self harmed' (Thorpy et al. 2008:7). These risk factors are drawn together to produce a particular discursive idea of an at-risk LGBT young person, with research on these young people typically extending to the outcomes of being at-risk.

Other research focuses on the outcomes of victimisation in terms of how this makes LGBT young people risky. For instance, researchers highlight some of the main secondary outcomes of victimisation as homelessness (Cull et al. 2006) and health and sexual risk behaviours (Bontempo and D'Augelli 2002). Study in this area is also concerned with how these behaviours are enacted in public space, such as prostitution and 'survival sex' (Whitbeck et al. 2004). Involvement in substance abuse (Jordan 2000) similarly situates LGBT young people as risky because they are 'potentially dangerous and needing close regulation and control' (Armstrong 2006:272) from governing authorities. These activities situate them in breach of legal boundaries of appropriate public behaviour.

Counter-arguments have criticised 'risk factor' paradigms, arguing LGBT young people are *positioned* as inherently risky, disempowered victims (Talburt 2004). Criticisms have targeted how negative discourses of risk often situate LGBT young people as needing abuse reduction/resilience strategies, and direct attention away from why homophobic abuse happens (Marshall 2008:96). Risk factor research has been similarly criticised by post-structural risk theorists who challenge riskiness as inevitable.

Theorising Young People's Embodied Riskiness

To challenge the notion of riskiness, this paper employs post-structural theories of risk aligning with governmentality, a Foucaultian (1991) concept elaborated by Dean (1999). Thinking in terms of governmentality, risks are knowable only in the terms of the discourses that define them and are presented as pre-existing, objective scientific facts (Armstrong 2004). A governmental perspective rethinks risk to better understand how young people are classified and categorised in terms of scientific knowledge about risk, and how they are expected therefore to avoid risk by being enterprising subjects 'responsible for future life chances, choices and options' (Kelly 2000:468). Youthful 'riskiness' therefore defines those 'unable or unwilling to enterprise their lives or manage their own risk, [and] incapable of exercising responsible self-government' (Rose 2000:331). Riskiness can imply two discursive positions, as evidenced in the research discussed above: either vulnerable and at-risk, or dangerous and risky. Discourses of risk therefore evidence governmental processes that have 'placed the individual within a disciplinary nexus of risk' (Armstrong 2004:113), and young people's lives are intervened upon on this basis (Gray 2009).

This paper extends these understandings of risk to demonstrate how riskiness may be discursively *embodied* by a young person. The body is 'the inscribed surface of events' (Foucault 1984:83) *marked* by discourse as a material *text* (Kirby 1997). Riskiness discourse is embodied, with the body performing discursive knowledge of what it means to look risky. The body performs in ways that can be visibly *read* and subjectivity is *done* (Butler 1990). This reconceptualisation of risk as discursive knowledge highlights how riskiness might be enacted bodily as discursive text.

Within this framework, a qualitative approach was employed to conduct semi-structured interviews with 35 LGBT young people from two LGBT youth service providers

in Brisbane between November 2008 and May 2009. The research question was: How do LGBT young people experience policing in Brisbane, Queensland, and what are the outcomes of these experiences? Ethical clearance was obtained from the Human Research Ethics Committee at the Queensland University of Technology (October 2008). All data was audio recorded and transcribed using participant-nominated pseudonyms. Data was then coded using NVivo qualitative data management software and thematically analysed.

‘We’re Not Like These Weird Feather Boa–Covered AIDS-Spreading Monsters’: The Importance of Stereotypes of Riskiness

Those interviewed expressed concern that police may be working through stereotypes of LGBT riskiness in policing public spaces. Participants examined how they thought police worked through ideas about the prevalence of substance abuse in LGBT communities, for example. Participants’ discussions reflected two core themes of risk elaborated in the ‘risk factor’ research detailed above—that is, at-risk (vulnerability) and risky (suspicion/danger). However, comments implied riskiness was something embodied by an LGBT young person. As such, the key discursive ideas reflected the importance of looking at-risk and looking risky. According to participants, their experiences of policing were filtered through police assumptions about LGBT status and how they looked vulnerable or suspicious

Looking at-risk: Youthful Vulnerability and Police Protection

Looking like an at-risk young person was a key theme of how participants argued police read their bodies: being youthful and/or homeless, and being in need of protection from community homophobia. Broader ideas about youthful vulnerability informed how police interacted with LGBT young people. These experiences reflect those of young people generally:

Every time I smoked a cigarette walking down the street they'd pull me up rip up my whole packet of smokes ... so I'd go home without my smokes and my parents would be like where the fuck are your smokes ah cops took em again.
(Mac, 19, male)

I've got court on the 21st 'cause I asked someone if they had a spare cigarette so they got me for begging and gave me a court order. (Sarah, 17, male to female transgender)

Police appear to read LGBT young bodies as at-risk. The role of police in this instance is to protect them as young people embodying youthful vulnerability to harm.

Similar themes were elaborated in relation to homelessness. When a young person looked visibly youthful and homeless, LGBT young people noted police responding to this:

Homeless gay people I know get in a lot of trouble because they sleep they have to sleep outside ... and then get in trouble for sleeping outside. (Nikolas, 18, male)

We would constantly get moved on like if you're in an area and obviously you look homeless and you smell homeless and that sort of stuff. (Xavier, 22, female to male transgender)

Again, these forms of police response are not unlike those highlighted by young people more generally in existing research (Crime and Misconduct Commission 2009). However, LGBT

young people noted experiences that they perceived to be divergent from young people more generally in relation to protection from public homophobia.

Participants noted how they perceived police to be working through ideas about LGBT young people being at-risk of public homophobic violence. Comments reflected the idea that police may be reading young bodies as non-heteronormative and therefore in need of police protection from potential homophobia:

I think it will draw the attention of the police more sometimes because there is a lot of homophobia within the community so if young gays are being affectionate in public then that's going to attract attention from closed-minded discriminatory people so in that way looking after us. (Quintin, 17, male)

LGBT young people perceive police interactions as informed by 'a "humanistic intention" which is grounded in concerns about harm, danger, care, and support for those young people who might be at-risk' (Kelly 2001:24). Interactions with LGBT young people demonstrate police know what it means to look at-risk and read the bodily performances of LGBT young people accordingly. There is some ambivalence about this form of police protection. Quintin acknowledged this is 'looking after us', but others suggested that the behaviour easily moves from protection to targeting:

They're there to protect and shit and it gets to a point where you kinda get pulled up for no reason a few too many times. This isn't really protecting—this is more like targeting. (Ticket, 19, female)

This tendency is similarly demonstrated in how police interact with LGBT young people in terms of looking risky.

‘They’ve just seen me and thought what a ratbag’: Looking Suspicious and Policing Riskiness

In contrast to looking at-risk, LGBT young people noted how they experienced policing because they looked risky. That is, police responded to them as suspicious and potentially criminal. The most common term participants identified police using in interactions of this type was ‘suspicious’. Participants noted how they disliked this non-specific term:

Suspicious is such a great term it’s like when your parents say nice ... ‘nice’ can mean so many things. ‘Mum I’m going to get a tattoo.’ ‘Um that’s nice’ ... ‘suspicious’ you could use to cover all manner of sin. (Ticket, 19, female)

Looking suspicious was one of the most common themes noted in participants’ comments. LGBT young people resented how police were able to request personal information from them and search their belongings on the basis of suspicion alone:

I don’t like the way they can just come up and request ID and ask you to empty your pockets just because you look suspicious ... If you go in to work you can get pulled up or if you’re a couple of minutes late then they’re making you a half an hour late for work. (Hot Stuff, 18, male)

Participants highlight how being suspicious was about visibly looking suspicious. They suggested their experiences with police reflected assumptions about what it means to look

suspicious. Clothing was mentioned as a discursive bodily indicator that LGBT young people thought affected their experiences with police:

I just look like somebody that would cause trouble—tattoos piercings. I do have a bad attitude sometimes but they shouldn't judge what you look like. They should judge you if you have done the wrong thing. (Jimmy Von D, 16, female)

I reckon 'cause I wear gangster clothes the police pick on me more than what they would on a dyke that wears skirts because they kind of link us to criminal activity ... just because of the pants and the baggy shirt ... the shit we wear. (Meow, 18, female)

These comments highlight how these young people's experiences reflect police assumptions about looking risky and potential criminality among LGBT young people. The comments suggest some LGBT bodies are marked as dangerous and requiring police regulation. Armstrong (2006) argues this is a key part of a 'risk factor approach' that positions all young people as potential criminals. While these experiences reflect existing research on youth-police relations, LGBT young people's experiences are divergent when looking risky is combined with non-heteronormative embodiment.

'I think they do target gay people a bit because they think we're druggos and stuff':

Policing Risky LGBT Drug Use

LGBT young people's experiences with police implied police read their bodies as risky especially regarding drug use. Participants' experiences suggest police combined understandings of non-heteronormative embodiment and assumed drug use to produce a risky LGBT subject in need of surveillance. The LGBT young people interviewed suggested police

practice might be informed by research about higher levels of drug use by LGBT communities. While there is no doubt this is a key issue for LGBT communities, LGBT young people resented how police appeared to assume this. Damien's comments highlight how police made these assumptions:

I was all dressed up looking great rainbow on my face and the police came straight up to me and asked do you have any drugs ... There are more police officers at queer events asking about drugs I have been to straight events and honestly I didn't see as many police officers. (Damien, 18, male)

Police appear to be reading and responding to young non-heteronormative bodies as risky, drug-using bodies needing surveillance and regulation. These bodies perform (Butler 1990) discourses of riskiness, and may be read according to research links between LGBT communities and drug use. Although it is promising that police are informing their practice with research about these issues, young people's experiences in this study reflected how they are situated as risky, potentially illegal bodies demanding increasing governmental intervention (Gray 2009), as two participants' experiences with insulin dependence demonstrate:

They asked me if they could go through my pockets and ... you know they were suspicious of my um I have type one diabetes so they were suspicious of my needles and insulin. (Jimmy, 20, female)

This one cop there a few times last year he would be like 'Excuse me what do you think you're doing right here on the street?' like not even questioning just

fully accusing and we just had a bit of a go at him. It really shit me. I'm like she's gonna die if she doesn't do that so just leave her be. (Ticket, 19, female)

These comments suggest policing practice may be informed covertly by an 'institutionalized mistrust of Youth' which manifests as concern about young people constituting 'a certain dangerousness—to themselves and others' (Kelly 2003:175). More importantly, young LGBT bodies enact and subjectivities are done (Butler 1990) as material texts (Kirby 1997) of research discourses about LGBT drug use, and police read and interact with these bodies in this way.

Conclusion

The research examined in this paper demonstrates LGBT young people have experiences with police because they do not represent 'good' entrepreneurial risk-managing subjects (Rose 2000). They embody riskiness: in terms of looking at-risk, and disavowing proper personal risk prevention; and in terms of looking risky, and continuing to enact suspicious subjectivities in public spaces. Police experiences documented in this study reflect categories of dangerousness and vulnerability that may or may not be 'derived from risk analysis' (O'Malley 1996:191). In other words, police may be working through assumptions based in discursive ideas about riskiness as developed in 'risk factor' approaches. Police interactions in this study evidence 'very commonsensical notions of "risk" are presented as if they are unproblematic' (Armstrong 2004:108). These understandings of riskiness are unchallenged and legitimated in interactions between police and LGBT young people.

Most importantly, police work to protect a vulnerable, at-risk public 'from young people's rational, calculating choices to offend' (Case 2006:173). In this way, police expect LGBT young people to 'take responsibility for the management of their own needs and risk in order to desist from crime' (Gray 2009:452). Yet they expect them to do this without any

consideration of contextual factors complicating their lives. This highlights how, although risk factor paradigms are useful, we need to consider ‘the contingency of life biographies’ (MacDonald 2006:380) and move beyond the notion that particular youthful transitions/lifecourses are necessarily riskier than others. We need to think beyond riskiness as a foregone conclusion among LGBT young people to better understand the material effects of discursive complexities of risk.

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