

# ANNOTATED BIBLIOGRAPHY

## DEFENDING SEXUAL IDENTITY DEVELOPMENT & CHALLENGING SEXUALIZED MYTHS ABOUT YOUTH OF COLOR

Sexual identity development is a part of healthy adolescent development for all youth. However, African American, Latino, Asian, and Native American youth experience discrimination and criminalization based on racial stereotypes about their sexuality. The resources in this annotated bibliography were shared as part of the May 2022 session of the Racial Justice Training Series co-hosted by the Georgetown Juvenile Justice Clinic & Initiative and the Gault Center based on Chapter 4: Raising “Brutes” and “Jezebels” in *The Rage of Innocence: How America Criminalizes Black Youth* by Kristin Henning.

Watch the webinar recording for a full understanding of how these resources can help youth defenders defend young people’s sexual identity development and challenge sexualized myths about youth of color: <https://www.youtube.com/watch?v=L5F5f0Bq8uw>

**The descriptions of the resources are drawn from the linked and cited sources. They are listed in reverse chronological order. Please find the most recent articles at the beginning of each section.**

### I. Books

**Kristin Henning, Chapter 4: Raising “Brutes” and “Jezebels” in [\*The Rage of Innocence: How America Criminalizes Black Youth\*](#) (2021).**

- In Chapter 4 of *The Rage of Innocence*, Kristin Henning writes about the importance of pushing back against sexualized myths about Black youth. Henning uses nationally-known stories and experiences from her own work as a defender to illuminate how the permissiveness afforded to white boys and the purity assumed of white girls are not extended to Black boys and girls. Instead normal sexual identity development has been criminalized for Black youth, impacting their overall development during adolescence. Henning concludes the chapter with a special focus on Black girls, calling for the end of stereotyping Black girls as more promiscuous and delinquent than their white peers, which ultimately leads to their overrepresentation in the legal system.
- **About *The Rage of Innocence*:** Drawing upon twenty-five years of experience representing young people in Washington, D.C.’s juvenile courts, Henning confronts America’s irrational and manufactured fears of Black youth and makes a compelling case that the nation’s obsession with policing and incarcerating Black America begins with Black children. Unlike White youth, who are afforded the freedom to test boundaries, experiment with sex and drugs, and figure out who they are and who they want to be,

Black youth are seen as a threat to White America and denied the privilege of healthy adolescent development. Weaving together powerful narratives and persuasive data, Henning examines the criminalization of Black adolescent play and sexuality, the demonization of Black fashion, hair, and music, and the discriminatory impact of police in schools. *The Rage of Innocence* lays bare the long-term consequences of racism and trauma that Black children experience at the hands of police and their vigilante surrogates and explains how discriminatory and aggressive policing has socialized a generation of Black teenagers to fear and resent the police.

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**Monique W. Morris, [\*Pushout: The Criminalization of Black Girls in Schools\*](#) (2016).**

- Monique W. Morris chronicles the experiences of Black girls across the country whose complex lives are misunderstood, highly judged--by teachers, administrators, and the justice system--and degraded by the very institutions charged with helping them flourish. Painting "a chilling picture of the plight of Black girls and women today" (*The Atlantic*), Morris exposes a world of confined potential and supports the rising movement to challenge the policies, practices, and cultural illiteracy that push countless students out of school and into unhealthy, unstable, and often unsafe futures. Morris writes that school dress codes "often reflect society's biases about Black femininity — and Black feminine bodies in particular."
  - For further information about how schools can be transformed into a place of healing for Black girls, read: Monique W. Morris, [\*Sing a Rhythm, Dance a Blues\*](#) (2022).
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**Aimee Meredith Cox, [\*Shapeshifters: Black Girls and the Choreography of Citizenship\*](#) (2015).**

- In *Shapeshifters* Aimee Meredith Cox explores how young Black women in a Detroit homeless shelter contest stereotypes, critique their status as partial citizens, and negotiate poverty, racism, and gender violence to create and imagine lives for themselves.
  - Based on eight years of fieldwork at the Fresh Start shelter, Cox shows how the shelter's residents—who range in age from fifteen to twenty-two—employ strategic methods she characterizes as choreography to disrupt the social hierarchies and prescriptive narratives that work to marginalize them. Among these are dance and poetry, which residents learn in shelter workshops. These outlets for performance and self-expression, Cox shows, are key to the residents exercising their agency, while their creation of alternative family structures demands a rethinking of notions of care, protection, and love.
  - Cox also uses these young women's experiences to tell larger stories: of Detroit's history, the Great Migration, deindustrialization, the politics of respectability, and the construction of Black girls and women as social problems. With *Shapeshifters* Cox gives a voice to young Black women who find creative and non-normative solutions to the problems that come with being young, Black, and female in America.
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## II. Articles, Reports, and Cases

*State of Washington v. Andre Devoun McKenzie*, Wn. App 3d, No. 38555-8-III (2022).

Available: <https://www.courts.wa.gov/opinions/index.cfm?fa=opinions.showOpinion&fileName=385558MAJ>

- Andre McKenzie is a Black man who was accused of targeting a white girl for sexual exploitation via a social media app. The girl in question was actually a fictional person created by a Washington State Patrol detective as part of a task force focused on missing and exploited children. The photo used on the social media app was of an undercover female officer who was at least 22 years old.
- At trial, the State introduced the concept of a “gorilla pimp.” No witness had used this terminology and the issue of pimping had minimal relevance. The defense did not object to this terminology during the trial. Later the State claimed that the court reporter mistakenly transcribed what should have been “guerilla” pimp as “gorilla” pimp, but the appellate court found this unconvincing based on the discussion of the term at trial, which centered on aggressive behavior as associated with the animal, not covert military tactics associated with the word “guerilla.”
- In its opinion, the appellate court stated that “even in the absence of an objection, we will generally reverse a conviction based on a prosecutor’s improper injection of racist comments into trial. [...] When the State injects racist rhetoric into a trial it can only avoid reversal if it can show ‘beyond a reasonable doubt that the misconduct did not affect the jury’s verdict.’”
- The appellate court noted that the use of animal analogies is problematic because it is insidious, racially-coded language. The court found that the use of a gorilla analogy when discussing the behavior of a Black man to be clearly racist rhetoric and emphasized the harm this rhetoric has caused by perpetuating false beliefs regarding Black people’s biology and propensity for hypersexuality and violence. In discussing such insidious racially-coded rhetoric, the court stated “it is hurtful and silencing to those who readily understand the message. It can also trigger implicit bias for listeners who do not immediately register the significance of what has been said.” The court cited research on implicit racial bias to support this point.
- The court used strong language throughout the opinion to condemn the interjection of racist language. “Racist rhetoric has no place in our justice system. It is hurtful, thwarts due process, and undermines the rule of law. When the State invokes racist rhetoric at a criminal trial, we will generally grant the defense relief regardless of a contemporaneous objection. The only exception is the rare circumstance where the State can prove its conduct was harmless beyond a reasonable doubt.”
- The court stated in its opinion that “the only purpose served by referencing the gorilla pimp concept was to tap into deep-seated racial prejudice by comparing Black human beings to primates.” The court found that the State could not prove that this racist rhetoric was harmless beyond a reasonable doubt and reversed Mr. McKenzie’s conviction.

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*Systems, Not Girls Need Fixing: Ending Girls’ Incarceration, Vera* (December 2021). Learn more: <https://www.vera.org/annual-report-2021-60-years-of-fighting-for-justice/ending-girls-incarceration>

- Through Ending Girls' Incarceration, Vera and a coalition of government officials, community organizations, and directly impacted youth are working to zero out the country's confinement of girls and gender expansive youth. Ending Girls' Incarceration works in New York City, Santa Clara County, Hawai'i and Maine
  - Project Director Lindsay Rosenthal says, "The burden of girls' incarceration is disproportionately borne by girls and gender expansive youth of color. It's time we stop accepting locking children up as a solution to trauma."
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**Rebecca Epstein, Jamilia J. Blake, Thalia González, *Girlhood Interrupted: The Erasure of Black Girls' Childhood*, Georgetown Law Center on Poverty and Inequality (2017).**

**Available, along with related resources on adultification bias:**

<https://genderjusticeandopportunity.georgetown.edu/adultification-bias/>

### **Purpose**

- To determine whether adults assign Black girls qualities that render them more like adults—and less innocent—than their white peers.

### **Methodology**

- The study adapted a scale of childhood innocence created by Phillip Goff and colleagues used during his similar study assessing the innocence of Black boys. The scale was comprised of items associated with adultification and stereotypes about Black women and girls. The periods of adolescence and childhood were divided into four age brackets: 0-4; 5-9; 10-14; and 15-19 years old.
- Researchers used a nine-item questionnaire to survey 325 adults from various racial and ethnic backgrounds and different educational levels across the United States who were recruited through an online service in order to obtain a community sample of typical adults. Participants were predominantly white (74 percent) and female (62 percent) and more than half (69 percent) held a degree beyond a high school diploma.
- Respondents were not informed of the survey's purpose, but instead were asked only to complete a questionnaire about their beliefs about children's development in the 21st century. Each participant was randomly assigned either to a questionnaire that asked about the respondent's perception of Black girls, or to a questionnaire that asked the same questions about the respondent's perception of white girls.

### **Results**

- Data showed that adults view Black girls as *less innocent and more adult-like than their white peers*. The most significant differences were found in the age brackets that encompassed mid-childhood and early adolescence—ages 5–9 and 10–14—and continued to a lesser degree in the 15- to 19-year-old age bracket. No statistically significant differences were found in the age group 0–4.
- Specifically, the study found that, compared to white girls of the same age, survey participants perceived that:

- Black girls need less nurturing.
- Black girls need less protection.
- Black girls need to be supported less.
- Black girls need to be comforted less.
- Black girls are more independent.
- Black girls know more about adult topics.
- Black girls know more about sex.

## Relevance

- Given established discrepancies in law enforcement and juvenile court practices that disproportionately affect Black girls, the perception of Black girls as less innocent and more adult-like may contribute to *more punitive exercise of discretion* by those in positions of authority, *greater use of force, and harsher penalties*.
- In light of proven disparities in school discipline, the perception of Black girls as less innocent may contribute to *harsher punishment* by educators and school resource officers. Furthermore, the view that Black girls need less nurturing, protection, and support and are more independent may translate into *fewer leadership and mentorship opportunities* in schools.

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**D.J. Glickman, *Fashioning Children: Gender Restrictive Dress Codes as an Entry Point for the Trans\* School to Prison Pipeline*, 24(2) *Journal of Gender, Social Policy & the Law* 263 (2016).**

- Dress codes are a point of controversy within many school districts, raising questions of classism, racism, and conformity. Dress codes can serve as an entry point to the school to prison pipeline for trans\* students. Dress codes become a controlling force that students must either conform to or face repercussions that can last a lifetime. For trans\* students, that conformity may come at the cost of their gender identity, a cost which can cause negative reverberations throughout their life, including lowered academic performance, higher dropout rates, and increased disciplinary action.
- Dress codes designed around gang concerns are also tinged with racism, as they can result in students being targeted for discipline based on their skin color. Black and Latino trans\* youth are particularly vulnerable to the negative impacts of dress codes.
- Dress codes that require conformity to different standards based on gender (gender restrictive dress codes) bring negative attention to the gender expression of trans\* students leading to lowered academic performance. Lower grades increase risk of dropping out of school and future incarceration.
- Gender restrictive dress codes also increase trans\* students likelihood of being subjected to school discipline, including suspension and expulsion. This likewise increases the likelihood of not completing high school and having contact with police and the justice system later in life.
- Gender restrictive dress codes lead trans\* students to be more likely to experience negative attention from peers, as well as teachers and administrators. Trans\* students are less likely to feel safe in schools with gender restrictive dress codes and will likely experience harassment.

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Calvin John Smiley and David Fakunle, *From “Brute” To “Thug:” The Demonization And Criminalization of Unarmed Black Victims in America*, 26(3-4) *J Hum Behav Soc Environ* 350 (2016). Available: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5004736/>

- Documented historical accounts have shown how myths, stereotypes, and racist ideologies led to discriminatory policies and court rulings that fueled racial violence in a post-Reconstruction Era and have culminated in the exponential increase of Black male incarceration today. Misconceptions and prejudices manufactured and disseminated through various channels, such as the media, included references to Black males as “brutes” in the Reconstruction Era and as “thugs” in the 21<sup>st</sup> century.
- During the institution of slavery, the image of Black people, specifically Black males, was of a docile character. The images of buffoonery, blissful ignorance, and juvenile angst were seen as the primary traits of enslaved Black people. This imagery was used to justify the belief that white society and institutions should control Black people.
- The image of the brute emerged in the Reconstruction Era as white people became fearful of the political power newly freed Black people could acquire via voting and that they may become competition in the labor force. Media portrayals of Black men as prone to violence or aggression were justified with inaccurate “biological factors.” This false “science” was used to portray Black men as threatening to white women and to justify lynching.
- In recent years, law enforcement agencies have unreasonably used deadly force on Black males allegedly considered to be “suspects” or “persons of interest.” The exploitation of these often-targeted victims' criminal records, physical appearances, or misperceived attributes has been used to justify their unlawful deaths.
- This paper investigates the historical criminalization of Black males and its connection to contemporary unarmed victims of law enforcement. The authors examined media descriptions of Eric Garner, Michael Brown, Akai Gurley, Tamir Rice, Tony Robinson, and Freddie Gray. They found that the media used racial microaggressions in describing these people and their deaths. For example, descriptions of Eric Garner focused on his body size. Descriptions of Tamir Rice blamed his mother, as journalists claimed children should not play with toy guns.
- The authors argue that the media has a responsibility to be more judicious in the information they decide to present regarding deaths involving unarmed Black males and law enforcement. Information about height, weight, or past contact with the justice system should be omitted as irrelevant and potentially triggering biases in those reading news accounts of these deaths.

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Malika Saada Saar et al., *The Sexual Abuse to Prison Pipeline: The Girl's Story*, Human Rights Project for Girls, Georgetown Law Center on Poverty and Inequality, and Ms. Foundation for Women (2015). Available: <https://genderjusticeandopportunity.georgetown.edu/trauma-and-mental-health-for-girls/sexual-abuse-to-prison-pipeline/>

- One in four American girls will experience some form of sexual violence by the age of 18. Fifteen percent of sexual assault and rape victims are under the age of 12; nearly half of all female rape survivors were victimized before the age of 18. And girls between the ages of 16 and 19 are four times more likely than the general population to be victims of rape, attempted rape, or sexual assault. Sexual abuse is one of the primary predictors of girls' entry into the juvenile justice system. A particularly glaring example is when girls who are victims of sex trafficking are arrested on prostitution charges — punished as perpetrators rather than served and supported as victims and survivors.
- Girls of color are particularly affected by this, as national trends show African American, Native American and Latina girls are over represented in the juvenile justice system. Additionally, African American youth are disproportionately likely to become dual-involved in the child welfare and juvenile justice systems.
- Once inside, girls encounter a system that is often ill-equipped to identify and treat the violence and trauma that lie at the root of victimized girls' arrests. More harmful still is the significant risk that the punitive environment will re-trigger girls' trauma and even subject them to new incidents of sexual victimization, which can exponentially compound the profound harms inflicted by the original abuse.

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**Jyoti Nanda, *Blind Discretion: Girls of Color & Delinquency in the Juvenile Justice System*, 59 UCLA Law Review 1502 (2012). Available: <https://www.uclalawreview.org/blind-discretion-girls-of-color-delinquency-in-the-juvenile-justice-system/>**

- The juvenile justice system was designed to empower its decisionmakers with a wide grant of discretion in hopes of better addressing youth in a more individualistic and holistic, and therefore more effective, manner. Unfortunately for girls of color in the system, this discretionary charter given to police, probation officers, and especially judges has operated without sufficiently acknowledging and addressing their unique position.
- Indeed, the dearth of adequate gender/race intersectional analysis in the research and the stark absence of significant system tools directed at the specific characteristics of and circumstances faced by girls of color have tracked alarming trends such as the rising number of girls in the system and the relatively harsher punishment they receive compared to boys for similar offenses. This willful blindness must stop.
- This article discusses the history and modern status of the juvenile justice system as it relates to girls of color, showing how it does not, in fact, relate to girls of color. This article concludes with policy recommendations, focusing on practical solutions and tools that will help decisionmakers exercise their considerable discretion to serve, rather than disserve, girls of color.

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### **III. Educating Youth About Healthy Sexual Development**

***Multi-Systemic Therapy – Problem Sexual Behaviors (MST-PSB), Blueprints for Healthy Youth Development*, accessed May 2022. Available:**

<https://www.blueprintsprograms.org/programs/849999999/multisystemic-therapy-problem-sexual-behavior-mst-psb/print/>

- A community-based treatment program for youth who have been adjudicated of a sexual offense, Multi-Systemic Therapy for Problem Sexual Behaviors (MST-PSB) focuses on aspects of a youth's ecology that are functionally related to the problem sexual behavior and includes reduction of parent and youth denial about the sexual offenses and their consequences; promotion of the development of friendships and age-appropriate sexual experiences; and modification of the individual's social perspective-taking skills, belief system, or attitudes that contributed to sexual offending.
- The intervention is individualized for each family; families are provided family therapy, youth are provided individual therapy and services are delivered over a period of 5-7 months. Therapists have 3-5 families on their caseloads, and rotating members of the team are available to respond to crises 24 hours a day, 7 days a week.

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***New Mexico Healthy Masculinities Toolkit, New Mexico Healthy Masculinities Collaborative (2022). Available: <https://masculinitiesnm.org/>***

- The New Mexico Healthy Masculinities Collaborative [Toolkit](#) is a collection of readings, workshops, and exercises aimed at helping audiences reimagine masculinities, raise awareness about the concept of healthy masculinities, and provide resources that promote self-awareness, healthy relationships, and thriving communities. The Toolkit serves as a guide for facilitators to host conversations about and engage in activities around healthy masculinities.

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***Safe Dates, Blueprints for Healthy Youth Development, accessed May 2022. Available: <https://www.blueprintsprograms.org/programs/449999999/safe-dates/>***

- *Safe Dates* is a ten-session dating abuse prevention program for middle/high school students consisting of both school and community components. The school component has a curriculum that is implemented in schools by regular classroom teachers and targets primary prevention, while the community component targets secondary prevention by providing support groups and activities for youth as well as information for parents.
- The curriculum in the school component can also be presented by community resource people outside of the school setting. Each session is 45-50 minutes in length and includes the following topics: defining caring relationships, defining dating abuse, why people abuse, helping friends, overcoming gender stereotypes, equal power through communication, how we feel/how we deal, and preventing sexual assault. Booster sessions can also be offered after the initial administration of the curriculum.