

LGBT PEOPLE WITH CRIMINAL RECORDS FACE CHALLENGES TO REBUILDING THEIR LIVES

THREE KEY ROADBLOCKS INCREASE LIKELIHOOD OF RECIDIVISM...

#1 INADEQUATE REENTRY PROGRAMS AND RESTRICTIVE PROBATION AND PAROLE POLICIES

#2 DISCRIMINATION BASED ON SEXUAL ORIENTATION & GENDER IDENTITY

#3 COLLATERAL CONSEQUENCES OF HAVING A CRIMINAL RECORD

...AND CREATE CHALLENGES TO REBUILDING LIVES



INABILITY TO OBTAIN ACCURATE IDENTITY DOCUMENTS



DISRUPTED FAMILY CONNECTIONS



UNEMPLOYMENT AND ECONOMIC INSECURITY



INABILITY TO ACCESS EDUCATION ASSISTANCE



HOUSING INSTABILITY AND HOMELESSNESS



INABILITY TO ACCESS PUBLIC ASSISTANCE



DISCONNECTION FROM COMPETENT HEALTHCARE



EXCLUSION FROM CIVIC PARTICIPATION



LIFE AFTER CONVICTION: LGBT PEOPLE AND REENTRY

Even before they have a criminal record, many LGBT people are isolated from their families, face bullying, harassment, and unfair treatment in school; lack employment opportunities because of discrimination; have their lives criminalized; and are targeted by police. These challenges don't go away while someone is in prison or jail; in fact, they can become even more pronounced when one gets out.

Like other formerly incarcerated people, many released LGBT people also may have a history of substance abuse and physical and mental health issues. Few will have completed high school, let alone college. Together, all of these factors can be linked to high rates of insecurity and instability, and all of them add up to huge challenges for an LGBT person who has a criminal record and who may have spent time in prison or jail.



Lack of Competency in ReEntry Programs

Prison Reentry Programs. Prior to release from incarceration, many facilities assist people in obtaining identification documents in order to ease the transition into housing, employment, and other social programs. Facility staff are often unaware of the necessary paperwork or the route for obtaining accurate identity documents for transgender people. Programs available to people who have returned to their communities are often similarly culturally incompetent. Services that assist returning people with employment searches, housing placement, treatment for substance use disorders, education services, and other assistance are largely unaware of the needs of LGBT people.

Probation and Parole Restrictions. Once released from prison, if someone is placed on parole or probation, individuals are often required to adhere to strict and unnecessarily burdensome requirements and regularly meet with a parole or probation officer. There have been cases in which a transgender person's dressing in accordance with their gender identity has resulted in a violation of parole terms.

Travel limitations can be particularly onerous for transgender people and people living with HIV, particularly those living in rural areas. Such individuals may not be able to access competent, respectful medical care without traveling. And if a parole officer is not supportive of an individual's gender transition—which is not an unlikely turn of events, given the lack of competency training for law enforcement generally—the officer may not approve a request to travel or may consider an individual in violation of parole if he travels for medical care.



Pervasive Discrimination Based on Sexual Orientation & Gender Identity

Residential Reentry Programs. LGBT people placed in residential settings like these report violence and harassment by fellow residents and by staff. In addition, transgender people have been housed in residential reentry programs that do not match their gender identity, and have had gender appropriate clothing taken away for violating house policies. Denying transgender people the ability to live their lives authentically makes it all the more challenging for them to focus on addressing the difficulties of having a criminal record, such as finding employment, completing their education, and receiving substance abuse counseling.

Finding jobs and housing and reconnecting with family. LGBT people in general face difficulty in applying for jobs and finding housing compared to non-LGBT applicants because of discrimination based on their sexual orientation and gender identity. With a criminal record, LGBT people have an even harder time. For LGBT people of color, the well-documented discrimination based on race and ethnicity can make finding a job and housing even more challenging.

For LGBT people with criminal records, lack of support, from their families of origin increased reliance on support networks, and chosen families, and lack of legal parental recognition can make reentry and rebuilding one's life even more difficult. Lack of legal recognition of LGBT parents' relationship to their children prior to being convicted, or if they become a parent after a conviction, can make it impossible to obtain second-parent adoption. Narrow definitions of family, which rely on legal relationships, may mean that LGBT people and their families are excluded from programs or benefits designed to support people with criminal records.



Collateral Consequences of Having a Criminal Record

Research shows that LGBT people, particularly LGBT people of color, are more likely to rely on public assistance, such as food assistance through SNAP, and they are disproportionately likely to be incarcerated. The prohibitions for individuals with a criminal record from receiving this kind of government assistance likely have a disproportionate effect on the ability of LGBT people to feed themselves and their families. Formerly incarcerated people experience barriers to voting, obtaining housing assistance and professional licenses, and a wide array of other collateral consequences resulting from having a criminal record.

Employment Discrimination. Individuals with criminal records are frequently discriminated against because of their records. Efforts to “ban the box” aim to reduce the discrimination by removing questions about criminal records on employment applications. For LGBT people with a criminal record, discrimination based on their record combined with already high rates of discrimination because they are LGBT can make finding employment even more challenging.

Educational Barriers. Given the harassment, violence, and disproportionate discipline that LGBT students experience in educational settings, combined with the high rates of discrimination they experience in the workplace, programs that allow LGBT people with a criminal record to pursue education are incredibly important. And yet students with a criminal record may be unable to access financial assistance or even to be accepted to higher education or trade programs.

Difficulty Obtaining Name Changes. States commonly place some restrictions on the ability of people to change their names due to concerns about fraud or evasion of law enforcement. For transgender people with criminal records, these restrictions can create hurdles to rebuilding one's life, even though fraud or evasion is not the motivation for a legal name change. For individuals on probation or parole, for example, a judge may require written consent from a probation or parole officer before an individual may change their name. Given a judge's own biases and lack of understanding, they may be unwilling or more hostile toward a transgender individual seeking a name change, particularly if the individual has a criminal record.