



Ten Reasons Why Homelessness and Incarceration Are Queer Rights Issues

by Stephen Blake Figura

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Editors' Note: In this latest addition to our *Ten Reasons* series, Stephen Blake Figura provides compelling evidence of why activists for LGBTQ-rights should make the homelessness of LGBTQ youth and the criminalization and incarceration of LGBTQ people of all ages a top priority.

— Co-editors Elizabeth Barajas-Roman & Betsy Hartmann

Within the last decade, same-sex marriage has become the defining issue of the LGBTQ-rights movement in the United States. Meanwhile, positive depictions of LGBTQ persons in the media increasingly rely on appealing to a white middle-class sensibility, exemplified by such television shows as *Will and Grace* and *The L Word*. The recognition of same-sex couples' right to marriage is a worthwhile goal, and such depictions of the lives of LGBTQ persons are certainly valid. Yet vast portions of our nation's LGBTQ population and the issues most central to their lives are largely being left out of the picture. Every day, tens of thousands of homeless queer people struggle to find food, shelter, and services. Every day, queer people behind bars face violence, ridicule, and discrimination at the hands of prison guards and fellow inmates. Here are ten reasons we should consider homelessness and incarceration as queer rights issues:

1 Violence at home and school makes LGBTQ youth disproportionately at risk of homelessness on the basis of their sexual orientation and/or gender identity.

Most studies estimate that LGBTQ youth comprise between 20-40 percent of homeless youth in the U.S.¹ This is a gross overrepresentation considering that only 3-5 percent of the nation's youth identify as LGBTQ. Why do so many of our nation's LGBTQ youth wind up on the streets and in shelters? Often the problem begins with their home life. According to the National Gay and Lesbian Task Force, one out of every four youth that come out as LGBTQ to their parents or guardians are met with demands that they leave home.² Many more remain at home and

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are subjected to emotional and physical abuse. These youth may be removed from their home by social services and placed in a foster or group home setting.

Abuse and discrimination at school is another common factor forcing many LGBTQ youth onto the streets. In a nationwide survey, 90 percent of LGBTQ youth reported that they sometimes or frequently hear homophobic slurs in their school, and more than one-third said they heard such remarks from faculty or staff.³ Another study in Massachusetts found that LGBTQ youth are twice as likely to report having been in a fight at school and three times more likely to report having been injured or threatened with a weapon at school in the past year.⁴ Because of this, LGBTQ youth are 4.9 times more likely to have missed a day in school within the last 30 days than their heterosexual peers.⁵ Many youth who are targets of anti-LGBTQ violence at school and home may run away, feeling that life on the streets is a safer alternative. Others may become involved in the juvenile justice system due to truancy violation and interpersonal conflict at school. Youth involved in the juvenile justice system are far more likely to experience homelessness later in life.

2 Child welfare responses to violence against LGBTQ youth at home and school tend to place them in restrictive and unsafe settings.

When removed from abusive home situations, LGBTQ youth run the risk of being placed in environments that are equally or even more abusive. A 1994 study found that a staggering 78 percent of LGBTQ youth placed in foster care in New York were later removed by the state or ran away due to unwelcoming or hostile responses by foster families towards their sexual orientation or gender identity. The same study found that 100 percent of LGBTQ youth placed in New York Administration for Children's Services group homes reported that they were verbally harassed, while 70 percent reported being targets of physical violence due to their sexual orientation or gender identity.⁶

3 Shelter and services geared specifically toward the needs of LGBTQ homeless youth are gravely lacking and/or inaccessible.

While there are between 5,000–10,000 homeless LGBTQ youth in New York City, there are only 60–70

beds available to serve youth in need of LGBTQ-specific housing and services.⁷ To escape from cycles of violence, victimization, and displacement, LGBTQ youth need to be assured of: safety from violence posed by peers and staff in group homes and the mainstream shelter system; access to health care specific to the needs of physically transitioning transgender youth; access to mental health care that is responsive to particular forms of trauma experienced by LGBTQ youth in their family and school lives; housing arrangements that recognize a full spectrum of gender identities and are responsive to the placement preferences of transgender individuals; a community of peers with which to safely and comfortably express their gender and/or sexual identity; and the support of openly LGBTQ adult role models living fully developed, healthy lives. But LGBTQ youth in towns and cities throughout the U.S. are hard-pressed to find these services.

4 Homeless LGBTQ persons, particular transgender youth and youth of color, are forced into sex work and other unsafe and illegal activities due to job and housing discrimination.

It is currently legal for employers to discriminate on the basis of gender identity in 37 states, barring 93 cities and counties that have enacted legislation on the local level. Only 17 states and 180 cities and counties explicitly prohibit employment discrimination on the basis of sexual orientation.⁸ Denied access to legitimate means of income, homeless LGBTQ persons are often left with no choice but to engage in an informal street economy defined by sex work and drug trade. A 2004 survey of transgender youth in Philadelphia found that 46 percent responded that they had engaged in sex work.⁹ Persons who engage in sex work and other "survival crimes" are placed at increased vulnerability to violence, crime, exploitation, and arrest.

5 LGBTQ persons, particular if they are youth, homeless, transgender, and/or of color, are more vulnerable to profiling, selective enforcement, and brutality at the hands of law enforcement authorities.

One New York attorney working with the Sylvia Rivera Law Project reported that 80 percent of transgender

women of color he works with have experienced police harassment or false arrest based on unfounded suspicions of engagement in sex work.¹⁰ In New York's West Village, LGBTQ youth of color have reported being targets of police brutality and selective enforcement of Quality-of-Life ordinances such as loitering laws. According to Amnesty International, "Discriminatory policing of 'quality of life' regulations appears to be strong in gentrifying areas, which have traditionally provided safe space for LGBTQ individuals."¹¹

6 LGBTQ youth are likely to receive harsher and longer sentences than their heterosexual peers for the same crimes.

Juvenile defendants have a greater chance of receiving lighter sentences and being considered eligible for less restrictive placements when parental support is shown in court. Youth who have been rejected by their parents/guardians due to their sexual orientation and/or gender identity are less likely to have their parents/guardians appear in court with them. Homophobia and transphobia within the justice system also make LGBTQ youth and adults more likely to receive harsher sentences. In a study published in the *National Law Journal*, jurors in the U.S. were polled as to what factors would make them most biased against a defendant. Perceived sexual orientation was chosen as the most likely personal characteristic to bias a juror against a defendant, three times greater than race.¹²

7 In jails and prisons, transgender women are routinely placed in general male populations.

This widespread practice results in abuse of incarcerated transgender women at the hands of fellow inmates and guards. In perhaps the most well-known case, Dee Farmer, a pre-operative transgender woman serving 20 years for credit card fraud, was raped, beaten, and threatened at knife point by a male inmate while housed in the general male population of a high-security federal penitentiary in Terre Haute, Indiana. After filing a complaint, prison officials ignored her claims and transferred her into administrative segregation.¹³

Transgender men also face abusive conditions when jails and prisons have no consistent policies regarding

their placement. In November 2003 a transgender man in New York was reportedly handcuffed to a pole "because police officers did not know where to house him."¹⁴

8 Transgender prisoners are denied basic medical treatment as well as medical treatment specific to their needs as transgender people.

Prisoner and LGBTQ-rights groups have widely documented the denial or delay of emergency medical attention following sexual or physical abuse of an inmate; denial or lack of adequate mental health and counseling services; refusal to release prescription medications to inmates; denial or inadequacy of women's reproductive health care; and the denial of hormone therapy and sex reassignment surgery to transgender prisoners.¹⁵ The denial of healthcare to LGBTQ prisoners is so widespread that it is referenced three times in the UN Human Rights Network Prison Working Group's 2008 report on U.S. violations of the International Convention on the Elimination of all forms of Racial Discrimination in U.S. Prisons.¹⁶

9 LGBTQ prisoners report experiencing disciplinary action for involvement in same-sex relationships.

Prison officials routinely overlook and sometimes even encourage sexual abuse of prisoners by inmates of the same sex, particularly in male prisons. Yet when LGBTQ prisoners attempt to foster relationships based on intimacy and love, they are persecuted and subjected to abuse by guards and disciplinary action including solitary confinement. LGBTQ prisoners are also routinely denied contact with and visits from their partners on the outside.¹⁷

10 In general, LGBTQ prisoners are at a greater risk of violence and discrimination while incarcerated due to their sexual orientation and/or gender identity.

While prisons and jails are sites of abuse for all incarcerated people, LGBTQ prisoners consistently experience more frequent and more severe acts of abuse than heterosexual prisoners. These include physical, sexual, and verbal abuse by guards; inaction of prison officials in the face of abuse at the hands of fellow

inmates; random and unnecessary strip searches; and forced isolation.¹⁸ For the experiences of LGBTQ prisoners to be severely and consistently worse than those of heterosexual prisoners is an affront to the rights of all LGBTQ persons everywhere.

Today, LGBTQ activists are increasingly focusing their organizing efforts on LGBTQ homelessness and incarceration. For instance, queer youth of color group FIERCE! has been organizing queer youth against police harassment and brutality in New York City's West Village. LGBTQ-specific shelters and transitional living programs like Sylvia's Place and the Ali Forney Center in New York are gaining greater visibility and becoming more established in major cities across the U.S. And organizations like the Transgender, Gender Variant, and Intersex (TGI) Justice Project, based in California, are standing up for the rights of LGBTQ prisoners against abuse, discrimination, and medical neglect. The work of these organizations is invaluable as the fight for LGBTQ-rights moves forward.

About the Author

Stephen Figura is a recent graduate of Hampshire College currently living in Hadley, MA. Stephen's undergraduate thesis, *At the Crossroads of Violence: Responding to Intimate and State Violence Against Displaced LGBTQ Youth*, examined violence against LGBTQ youth in the child welfare and juvenile justice systems. Stephen now works as a residential counselor at a group home for traumatized and emotionally disturbed youth in Northampton, MA.

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