

ATI/Reentry Services and the LGBTQI community

Phase I – A preliminary look at
LGBTQI reentry services in NYC

Some learnings so far

1. There is a dearth of data about this population.
2. There is a dearth of LGBTQI specific ATI or reentry program specifically for LGBTQI released from incarceration to the community. Reentry programs typically address immediate life needs (housing, job readiness/employment, supportive services such as benefits, identification, medical).
3. The stakeholders we talked to feel that implicit bias, cultural bias, lack of cultural competency in programs, family rejection/disconnection, employment discrimination, and lack of safe housing/shelter are some of the main roadblocks to LGBTQI reentry in NYC.

General roadblocks to reentry for justice-involved LGBTQI

Lack of cultural competency in prison reentry programs

- * Programs available to people who have returned to their communities are too often lacking in culturally incompetencies around LGBTQI people
- * 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
- * Facility staff are unaware of the necessary routes for obtaining accurate identification documents for transgender people

Probation and parole bias

- * Dress and appearance - 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 restrictions - 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
- * Cultural bias - 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

This focuses on transgender people. More exploration is needed to learn how gays, bisexuals, lesbians and intersex people may experience these same issues.

Discrimination based on sexual orientation and gender identity

- * LGBTQI people placed in residential settings like these report violence and harassment by fellow residents and by staff; staff are also unaware of LGBTQI rights and contravene the law
- * 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
- * LGBTQI 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
- * Lack of legal recognition of LGBT parent 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 mean that LGBT people and their families are excluded from programs or benefits designed to support people with criminal records

One key informant said that there must be a focus on housing and a living wage and suggested talking to allied advocates from the labor union side. Other key informants echoed this and/or it is apparent in their programming focus on economic empowerment.

The collateral consequences from having a criminal record

Note: NY has protections in this area

- * Government prohibitions to accessing public assistance
- * Employment discrimination that compounds the discrimination they face as gender nonconforming people
- * Educational access barriers, including harassment, violence, and disproportionate discipline that LGBT students experience in educational settings. 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 due to 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 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, judges may require written consent from a probation or parole officer before an individual may change their name. Judges may also be unwilling or more hostile toward a transgender individual seeking a name change, particularly if the individual has a criminal record.

Some of the current ATI/reentry
services and resources for the
justice-involved LGBTQI in NYC

Pre-trial diversion, conditions of confinement support, discharge planning

There are a number of organizations that go to the jails at Rikers to provide programming services.

The NYC Health & Hospitals Reentry & Continuity Services, seems to be a main entity that coordinates discharge planning at Rikers Island

Friends of Island Academy, provides support services for young people during and after release from NYC jails and has multiple partners in their youth reentry network <http://www.friendsny.org/>

STEPS To End Family Violence has a Criminalized Survivors Program on the Island, which is a court intervention program for criminalized adult women-identified survivors of interpersonal violence

The Sylvia Rivera Law Project brings its services to the Island for transgender and gender non-conforming people, including know your rights classes

Post discharge/transition to home

- * The Osborne Association has some peer support for transgender clients.
- * Sylvia Rivera Law Project provides know-your-rights classes for transgender and gender non-conforming people on Rikers Island.
- * The LGBT Center had a job readiness program for transgender women.
- * The Women's Prison Association has a person working with transgender women at Rikers Island.
- * The Realization Center has LGBTQI sensitive addiction services.
- * The Friends of Island Academy coordinates a Youth Reentry Network which is likely to include LGBTQI youth.

Post discharge services for LGBTQI

- * Sylvia Rivera Law Project, Prisoner Justice Project (civil matters concerning conditions of confinement)
- * NYC Anti Violence Project (works with community members who believe they were wrongfully arrested and advocates on their behalf)
- * Osborne Association (peer support for transgender clients)
<https://www.youtube.com/watch?v=IR5VPGMnQAw>
- * Realization Center (LGBTQI sensitive addiction services)
<http://realizationcenternyc.com>

Criminal legal services and court assistance

- * The Legal Aid Society, Queens based LGBT Advocacy Project, <http://www.legalservicesnyc.org/what-we-do/practice-areas-and-projects/lgbtq-advocacy>
- * The Bronx Defenders LGBTQI Defense Project <https://www.bronxdefenders.org/programs/lgbtq-defense-project/>
- * The Door (LGBTQI youth) weekly criminal law clinic (Thursdays) to provide information to young adults currently involved in the criminal legal system (transit tickets, arrest warrants, court dates, rap sheets and more <https://door.org/programs-services/legal-immigration-services/>
- * Friends of Island Academy's Youth Reentry Network (youth), a comprehensive system of intake house activities, case expediting, discharge planning and re-entry support which begins upon an adolescent/young adult's admission to Rikers Island <https://www.friendsny.org/home-grey-revised/youth-reentry-network/>
- * The Women's Pretrial Release Initiative (transgender women), housed with The Decarceration Project at the Legal Aid Society and conducted in partnership with Fedcap and the Open Society Foundation, which challenges the detention of CIS and transgender women and provides supportive services <http://unlockjustice.org/our-work/womens-pretrial-release>
- * The Sero Project, works on ending inappropriate criminal prosecutions of people with HIV, including for non-disclosure of their HIV status, potential or perceived HIV exposure or HIV transmission <http://www.seroproject.com/resources/>
- * Youth Represent (youth) criminal legal assistance for justice-involved youth; special projects include a Juvenile Reentry Assistance Program and a partnership with Youth Reentry Network; also conducts trainings for staff at allied organizations <https://door.org/programs-services/lgbtq/christopher-street-pier-45/>

Civil rights, impact litigation

- * ACLU LGBT & HIV Projects (impact litigation in state and federal courts)
- * Lambda Legal
<https://www.lambdalegal.org/issues/police-and-criminal-justice> (impact litigation, education, policy)
- * Transgender Law Center, Detention Project (legal information to incarcerated and paroled transgender people, civil rights lawsuits, legal helpline)
<https://transgenderlawcenter.org/legal/prisons>

LGBTQI helplines, pen pals, defense efforts, resource banks, guides

Many of the organizations that support LGBTQI include helplines and a pen pals as a way to build community and lessen the isolation of incarcerated and/or system involved LGBTQI people, an important part of any services for justice-involved LGBTQI people.

- * Black and Pink (pen pals, self advocacy tools)
- * Center for HIV Law & Policy, HIV Policy Resource Bank - legal and advocacy tools that address the criminal prosecution <http://www.hivlawandpolicy.org/resources>
- * Just Detention International (self-help advocacy packet)
- * National Center for Lesbian Rights, Direct Services Guide for Low-income LGBT Clients www.nclrights.org/wp-content/uploads/2013/07/LGBT-Legal-Aid-Guide-2016.pdf
- * Office of the NYC Comptroller, LGBT Resource Guide https://comptroller.nyc.gov/wp-content/uploads/documents/LGBTQ_Guide_2018_FINAL.pdf
- * Sylvia Rivera Law Project – Prisoners Rights Project (includes pen pals)
- * Survived and Punished (defense tool kits)
- * Transgender Law Center (helpline, resource guides)

Incarcerated LGBTQI people also organize into self-led support groups.

Law school clinics, community legal clinics, legal referrals (but not reentry specific)

- * Brooklyn Law School LGBT Advocacy Clinic, Professor Susan Hazeldean (includes assistance to transgender women in men's prisons in obtaining medical care and protection from sexual assault)
- * Brooklyn Law School Criminal Defense and Advocacy Clinic, Professor Kate Mogulescu (represent people with misdemeanor criminal charges in NYC Criminal Court, including prostitution; focuses on how gender impacts criminal legal process)
- * LGBT Bar Association of NY (has three walk-in clinics in NYC - Manhattan Tuesday Night Walk-in Clinic, LGBTQ Youth Clinic (weekly), and SAGE-Bronx Monthly Walk-in Clinic) <https://www.lgbtbarny.org/legal-services>;
<https://www.sagenyc.org/nyc/centers/bronx.cfm>
- * NY Legal Assistance Group (NYLAG) civil legal services, impact litigation, policy advocacy, and community education; has LGBTQ legal issues helpline <https://www.nylag.org/get-help>

These resources are important for the low-income working LGBTQI who may need legal assistance.

Networks, task forces, policy, organizing initiatives for justice-involved LGBTQI

- * Project THRIVE Community Advisory Board, Brooklyn Providers, Criminal Justice Committee (recommending development of best practices on services delivery for MSM of color who were formerly incarcerated)
- * Just Leadership USA, LGBTQI & advocacy ad hoc working group, legislative advocacy on current bail reform initiative before the New York State legislature <https://justleadershipusa.org/team-member/katie-schaffer/>
- * Trans Justice Campaign Manager, ACLU (leads the ACLU's advocacy and organizing work to support and empower transgender and nonbinary people) <https://www.aclu.org/bio/lala-b-holston-zannell>
- * New York State Lesbian, Gay, Bisexual, Transgender & Queer Intimate Partner Violence Network, a statewide, multidisciplinary group of direct service providers, community-based agencies, advocates, educators, policy makers, and funders who are working on behalf of LGBTQ communities affected by domestic violence <https://avp.org/resources/nys-lgbtq-ipv-network/>
- * National LGBT/HIV Criminal Justice Working Group, an advocacy coalition of nearly 40 organizations committed to criminal justice policy reform and advocacy on behalf of LGBTQ people in criminal justice systems. <https://thevaidgroup.com/project/just-detention-case-study/>
- * Positive Justice Project, a national coalition of organizations and individuals working to end HIV criminalization in the United States <https://www.hivlawandpolicy.org/initiatives/positive-justice-project>
- * Witness To Mass Incarceration, a project of Soros Fellow Evie Litwok, to end mass incarceration by placing formerly incarcerated women and LGBTQIA+ experiences at the center of the fight for alternatives to mass incarceration through documentation, leadership training, organizing and advocacy <https://www.womensmediacenter.com/shesource/expert/evie-litwok>

Past initiatives

- * Project UNSHACKLE (2008) a national network to bridge the gap between AIDS activists and prison activists that helped build many of the relationships that led to the national work around HIV criminalization now organized by the Positive Justice Project through the Center for HIV Law and Policy
- * Sands House (2011) incorporated in 2011 for adult LGBT people at Osborne Association as fiscal agent and funded with \$50,000 from Henry van Amerigan
<https://www.gaycitynews.nyc/stories/2012/15/w2343-bronx-residence-aims-to-assist-lgbt-ex-offenders-2012-07-18.html>
- * Streetwise and Safe (2013 to about 2015) a project focused on policing and safety of LGBTQIQ youth of color
<https://www.astraeafoundation.org/stories/streetwise-and-safe-sas/>

Key themes so far

1. Really know the LGBTQI person who is seeking services.

“The system needs to plan for you.”

Key informant, non-profit LGBTQI organization for gay men of color

“Take into account a person’s whole identity in relation to their struggles—all of their realities.”

Key informant, youth justice advocate

2. Get a handle on the data

- * A needs assessment is a good idea.

- * Lead with/center directly-impacted LGBTQI in reentry in the process

“Even it if it just to open up minds and raise awareness.”

Key informant, non-profit service provider

“Involve directly impacted queers in reentry to formulate the research questions and how to do the assessment.”

Key informant, grassroots advocacy campaign

3. Improve cultural competency

“It takes real work to become culturally competent – for both sides [LGBT and CJ]. It requires a depth of commitment beyond just a training.”

Key informant, youth justice advocate

There are organization that are doing trainings. Identify and approach organizations that provide LGBTQI-specific legal services who may already do trainings for the group

Set up some webinars or in person capacity building trainings conducted by members of the working group who already offer trainings.

Create paid consultancies for directly-impacted LGBTQI in reentry to work as trainers.

4. Don't make it worse.

“People should think about unintentional consequences.”

Key informant, anonymous

- * Paramount is keeping justice-involved LGBTQI.
- * Thoroughly assess the implications of strategies and recommendations.
- * Don't expand the carceral state.

Possibilities moving forward

Get people the existing information

Create a resource guide. Approach the New York Public Library and see if they will partner. Connections is a good example of ways that guides can reflect all people in reentry inclusive of LGBTQI. See Connections, New York Public Library

https://www.nypl.org/sites/default/files/connections_2019.pdf Also, NYC 311.

Set up regular gatherings

- * Build community and support in the work
- * Space for the collective conversation that people want to have
- * Information sharing
- * Networking (one to one and organizationally)
- * Organically formed collaborations

Map LGBTQI reentry trajectories in NYC

Consider a Participatory Action Research project using the *Research Across the Wall* tool and working with directly impacted LGBTQI . The research investigation would be LGBTQI reentry experiences in NYC. The action outcome would be creating a well resourced, well coordinated network of LGBTQI reentry services in NYC.

<https://survivedandpunished.org/2019/02/06/now-available-research-across-the-walls/>

Immediately start to increase cultural competency

- * Have organizations make a formal commitment to organizational culture change
- * Create a strategy for immediately increasing organizational cultural competency training
- * See if the National LGBT/HIV Criminal Justice Network will help with incentivizing LGBT organizations