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New Report Finds LGBTQ People are Often Unseen but Frequently Incarcerated

AUSTIN, TX – The [Texas Criminal Justice Coalition](http://www.texascjc.org) (TCJC), a nonpartisan advocacy organization focused on building coalitions and advancing solutions to end mass incarceration in Texas, released the third report in its “One Size FAILS All” report series. The report, ***Out of Sight: LGBTQ Youth and Adults in Texas’ Justice Systems***, explores how the Lone Star State often fails to adequately address the needs of lesbian, gay, bisexual, transgender, and queer (LGBTQ) Texans, and instead frequently moves them into the youth and adult criminal justice systems at higher rates than people in the non-LGBTQ community. Furthermore, TCJC’s report finds that Black and Latinx LGBTQ individuals are disproportionately represented in the justice system.

Released during LGBT History Month, the report offers lawmakers and local communities critical recommendations that will help improve outcomes for LGBTQ youth and adults, while urging that resources must be better spent addressing the needs of vulnerable and marginalized populations.

Nationally, between 13 and 15 percent of youth who enter the justice system identify as LGBTQ, with roughly 300,000 LGBTQ youth arrested each year. Of the seven million youth that reside in Texas, 158,500 (2 percent) identify as LGBTQ, including 13,800 transgender youth.

“For many LGBTQ youth, the combination of family rejection, mental health conditions, and substance use leaves them with few options for shelter, support, and safety,” said Ryan Carlino, the report author. “As LGBTQ youth shuffle between homes, foster care, shelters, and the streets, they are increasingly more likely to come into contact with law enforcement – a situation that is only exacerbated by the lack of access to appropriate mental health and substance use support.”

Unaddressed trauma experienced during childhood may carry forward into adulthood. Often, LGBTQ adults in Texas experience mental health conditions at double the rate of the general population, while also having fewer supports from family and the community. When combined, these factors, contribute to higher rates of incarceration among LGBTQ people.

“The criminal justice system has become the dumping ground for marginalized and stigmatized communities,” said Doug Smith, Senior Policy Analyst with TCJC. “And that harm is exacerbated when we fail to respond effectively to the needs of diverse communities or protect the safety and wellbeing of every Texan.”

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Among other recommendations, TCJC is calling on legislators and local leaders to:

- Expand services and support for unsheltered and homeless LGBTQ youth and adults.
- Develop a process for LGBTQ youth to obtain new government-issued identification to ensure their gender designation reflects their identified gender.
- Establish mental health care and substance use services for LGBTQ youth and adults.
- Require Crisis Intervention Training for law enforcement officers to respond to LGBTQ youth and adults in crisis.
- Divert LGBTQ individuals out of the justice system and address their needs through community programs.
- Prohibit discrimination of LGBTQ people in employment and housing; a lack of access to these necessities increases the likelihood of system involvement.
- Create an independent oversight entity to monitor conditions, allegations of abuse, and deprivation of rights, as well as identify opportunities for improvement for all incarcerated individuals, including vulnerable populations such as those who are LGBTQ.

These recommendations will help address the myriad factors that frequently push LGBTQ youth and adults toward the justice system, and that carry great human and financial consequences.

Other key findings from “Out of Sight: LGBTQ Youth and Adults in Texas’ Justice Systems” include:

- In 2016, the majority of the 49,957 arrests of juveniles in Texas were for charges associated with homelessness and survival, such as burglary or breaking and entering, larceny, theft, vandalism, drug possession, disorderly conduct, curfew violations, loitering, and runaway violations.
- Nationally, 54 percent of homeless LGBTQ youth had been sexually, physically, or emotionally abused by family members.
- Minimal data is collected and maintained in regards to LGBTQ youth in the Texas foster care and juvenile justice systems. Data that does exist is spread across multiple agencies, which hinders the successful outcomes of LGBTQ youth who move between agencies.
- According to a 2017 Texas Youth Risk Behavior Surveillance System survey, Texas LGBTQ youth have higher rates of mental health conditions and suicidal behavior: 57 percent said they felt sad or hopeless in the past 12 months.
- Most LGBTQ youth and adults are first incarcerated between the ages of 17 and 21.
- As of July 2018, 4,499 people in Texas prisons identified as lesbian, gay, bisexual, transgender, or intersex.

For a copy of the report, visit www.TexasCJC.org/one-size-fails-all.

To learn more about the Texas Criminal Justice Coalition, visit www.TexasCJC.org.