

HOLISTIC REPRESENTATION OF LGBTQ+ CLIENTS

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**The Bronx
Defenders**

Redefining
public
defense.



AGENDA

Introduction to BxD's LGBTQ Defense Project
Discrimination of LGBTQ+ Clients
Small Group Discussions
Large Group Discussion
Questions



GENERAL LGBTQ+ TERMINOLOGY

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Sexual Orientation: An individual's enduring physical, sexual, romantic, emotional and/or spiritual attraction to members of the same and/or different sex and/or gender, including lesbian, gay, bisexual, asexual, and heterosexual. (ex: gay, lesbian, bisexual, pansexual, asexual, queer, etc)

Gender Identity/Gender: One's personal experience of one's own gender; a person's innermost concept of self as masculine, feminine, a blend of both, another gender(s), or none. This is not always congruent with biological sex or gender assigned at birth.

Gender Expression: The ways in which a person presents themselves to the world through hairstyles, clothing, toys, preferences, mannerisms, or other things. Basically, how people express their gender.

Sex: The male or female designation that is assigned to a baby at birth based on the appearance of the infant's genitals and usually recorded on the birth certificate.

TERMINOLOGY CONTINUED

Cisgender: Describes a person who identifies with the sex/gender they were assigned at birth.

Intersex: Term used when a person's reproductive, sexual anatomy and/or chromosomal patterns do not seem to fit typical definitions of male or female as defined by the medical industry. They may also identify as transgender, GNC, or cisgender.

Gender Non-conforming: Describes those whose gender identity or expression does not match social stereotypes and gender norms about what is male/masculine or female/feminine, particularly through physical appearance, mannerisms, and behavior. Those who identify as this sometimes identify as transgender, but not always.

Non-binary: A term used to describe one's gender identity as not fitting into a binary (man/woman) understanding of gender. People who identify as this may express androgyny, gender neutrality, or reject identifying their gender entirely.

THE PIPELINE

Discrimination pushes LGBTQ+ Youth into the system

- Family Rejection
- Family Instability & Poverty
- Homelessness
- Unsafe Schools
- Failures in Child Welfare System
- School-to-Prison Pipeline
- Mental Health & Substance Use Outcomes

Bad laws & policing strategies target lgbtq youth

- Discriminatory Enforcement of Laws
- Drug Laws
- Harmful Policing Strategies
- Enforcement of Anti-Prostitution Statutes



DISCRIMINATION IN THE COURTROOM

- Arraignments
 - Less stable housing and community connections → less likely to be released on own recognizance
 - When bail is set, less likely to be able to pay
 - Less likely to have a employment → less likely to be released on
 - Less likely to have family support → less likely to be released on
- Name on the court file
- Harassment and discrimination by court staff, lawyers, prosecutors and judges
 - Refusal to use correct name/pronouns
 - Belief that more likely to be guilty of crime because of identity
 - Transphobia across the board, even by public defenders
- Lack of culturally competent programing used for plea deals that keep people out of jail
 - Out and in patient drug treatment; mental health treatment, batterer's programs, probation and parole officers
 - Can result in more jail time being served

DISCRIMINATION WHILE INCARCERATED

- Vast majority of transgender woman used to be housed in male facilities, now many are housed in women's facility.
- Trans men always housed with women.
- No recognition of non-binary people.
- SCU (special consideration unit) is available for TGNCINB people. (issues getting into the SCU, lack of transparency about process, issues staying in the SCU, inappropriate emphasis on physical appearance, harassment/lack of respect by guards in the SCU.
- No alternate housing options for transmen or NB people.
- Transgender women are exposed to horrific rates of abuse by other incarcerated individuals, as well as guards.
- They are regularly harassed, physically and sexually assaulted, and denied gender-affirming clothing and medical treatment.
- A national survey found that when compared to other incarcerated people, transgender people are ten times more likely to be sexual assaulted by their fellow inmates and five times as likely to be sexually assault by staff.
- DOC is much better than DOCCS, so we often delay cases as much as we can.

WHAT DO WE DO ABOUT IT?

- Direct Representation (cross-practice)
- Arraignments
- Conditions of Confinement/Prisoner Rights
- DOCCS Advocacy
- Impact Litigation
- Policy
- Civil Litigation
- Name & Gender Marker Changes



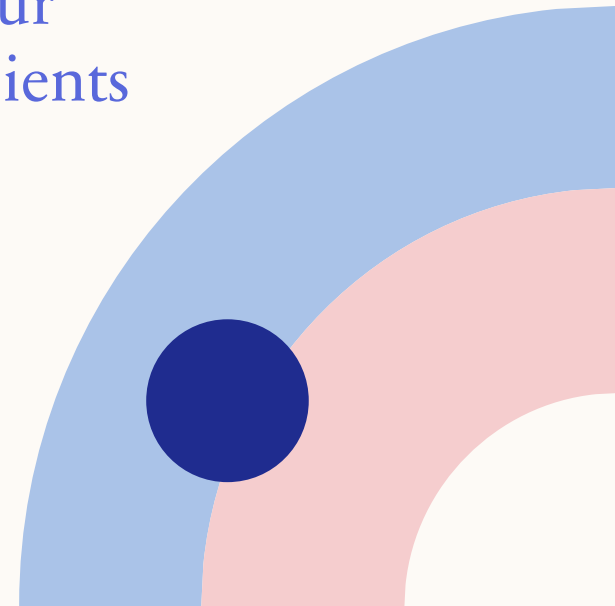
DISCUSSION QUESTIONS

What ways have you seen LGBTQ+ clients be discriminated against within corrections, in the court, or elsewhere?

What are things that have come up for you in your work with LGBTQ+ people that you feel you were unprepared to advocate for?

What tools do you wish you could have had or information you wish you had known?

What are aspects of your work with LGBTQ+ clients that have gone well?



THANK YOU

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