

# The LGBTQIA+ Community and the War on Drugs: Drug Use, Criminalization, and Its Impact on Health

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**The criminal justice system was primarily designed with heterosexual, cisgender men in mind, neglecting the specific needs of lesbian, gay, bisexual, transgender, queer, intersex, asexual (LGBTQIA+) and gender non-confirming people. The war on drugs and mass criminalization deeply impact the LGBTQIA+ community, especially as LGBTQIA+ individuals are more vulnerable to problematic substance use. Trauma, discrimination, stigmatization, and living at the intersection of multiple marginalized identities contributes to the risk of mental health and substance misuse for LGBTQIA+ individuals. The Drug Policy Alliance is committed to ensuring they are included in our reform efforts.**

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## Illicit Drug Use

- According to 2015 data from the National Survey on Drug Use and Health, adults defined as a "sexual minority" (meaning lesbian, gay, or bisexual in this case) were more than twice as likely as heterosexual adults (39.1% versus 17.1%) to have used an illicit drug in the past year.<sup>1</sup>
- Lesbians, gays and bisexuals are also more likely to consume cigarettes and alcohol compared to sexual majority populations.<sup>2</sup>
- Bisexual adolescents use substances at 3.4 times the rate of heterosexual adolescents, and lesbian and bisexual females are four times more likely to use substances compared to their heterosexual counterparts.<sup>3</sup>
- Transgender students are about twice as likely as non-transgender students to report using cocaine, methamphetamine, and prescription pain medication, and almost three times as likely to report inhalant use and using cigarettes in school.<sup>4</sup>

## Substance Use Disorder and Access to Treatment

- Sexual minorities are almost twice as likely to have a substance use disorder – 15.1% of sexual minority adults have a substance use disorder compared with 7.8% of sexual majority adults.<sup>5</sup>
- Sexual minorities are also overrepresented in need for treatment. They are 1.5 times more likely than the general population to need treatment for a substance use disorder.<sup>6</sup>
- Compared to the sexual majority reporting 8.1% need for substance use treatment, sexual minority adults have almost two times that need, reporting 15.9% treatment necessity.<sup>7</sup>
- Data collected on the need for treatment is underestimated due to lack of access to substance use disorder treatment and inability to disclose sexual or gender identification due to discriminatory healthcare practices, biases held by healthcare providers, and fear of discrimination.<sup>8</sup>

## Relationship Between Mental Health Issues and Drug Use

- There is an unequivocal link between the impact of trauma from marginalization of LGBTQIA+ experiences – relating to social stigma, discrimination, harassment, familial abandonment, etc. – and its impact on mental and physical health, especially when substances are involved.<sup>9</sup>
- Sexual minorities are more likely to experience major depressive episodes (MDE).<sup>9</sup>
- Compounded with substance use disorders, sexual minorities are more likely to have additional psychiatric disorders.<sup>10</sup>

## The Policing of the LGBTQIA+ Population: Arrest and Incarceration

- A survey conducted by Lambda Legal determined that 25% of LGBT respondents who had interactions with police experienced misconduct.<sup>11</sup>
- Of the 1,118 incarcerated people identifying as LGBTQ surveyed in Black and Pink's "Coming Out of Concrete Closets" report, 58% were arrested under the age of 18 and 66% had experienced incarceration more than once.<sup>12</sup>
- The incarceration rate for the lesbian, gay and bisexual (LGB) population – 1,882 per 100,000 people – is more than three times that of the U.S. adult population<sup>13</sup>
- Sexual minorities comprise 9.3% of men in prison, 6.2% of men in jail, 42.1% of women in prison, and 35.7% of women in jail.<sup>15</sup>
- In a 2015 survey, 22% of transgender respondents reported harassment by law enforcement rooted in bias, and 6% reported physical assault by an officer.<sup>14</sup>
- In a 2013 report on LGBT violence survivors, 48% reported that they experienced police misconduct, including unjustified arrest, use of excessive force and entrapment.<sup>15</sup>
- A report on LGBT people found that 73% had a face-to-face interaction with police<sup>16</sup> in the last year, as compared to one quarter of the general U.S. population.<sup>17</sup>
- Gay and transgender youth are especially overrepresented behind bars – making up just 5% and 7% of the overall youth population, while composing 13% and 15% of those in the juvenile justice system.<sup>18</sup>

## Pretrial Detention, Bail, Sentencing and Parole

- 74% of LGBT people surveyed in "Coming Out of Concrete Closets" were held in jail pretrial due to inability to afford bail.<sup>19</sup>
- "Coming Out of Concrete Closets" noted that under-resourced public defender programs in their study led low-income LGBT defendants to plead guilty 90% of the time.<sup>20</sup>
- LGBTQ prisoners surveyed in the "Coming Out of Concrete Closets" report were found to be serving life sentences at twice the rate of members of the general prison population.<sup>21</sup>
- LGBT individuals were more likely to be confined in super maximum security prisons.<sup>22</sup>
- The consequences of ineffective re-entry systems especially affect LGBT populations. Of the respondents surveyed in the "Coming Out of Concrete Closets" report who were previously granted parole, 65% have been returned to prison for a parole violation.<sup>23</sup>

## Conditions Experienced in Prison

- "Coming Out of Concrete Closets" found that 248 out of 1,118 respondents were writing from solitary cells. Of the 248 respondents, 50% spent two or more years in solitary confinement. One of the main stated purposes for placement in solitary confinement was protection. Of those in solitary confinement, 50% were assigned for their protection, but against their will.<sup>24</sup>
- Individuals identifying as trans-women, Two-Spirit people, and cisgender gay men are put into solitary confinement against their will at the highest rates.<sup>25</sup>
- A majority of respondents experienced discrimination and verbal harassment by prison staff, while more than a third experienced physical assault.<sup>26</sup>
- 17% of respondents experienced other forms of abuse committed by prison staff, including sexual assault or unwanted touching.<sup>27</sup>

## Recommendations

- Mental health services and treatment facilities need to center cultural competency and trauma-informed care, while also committing to provide anti-racist and anti-homophobic spaces.
- Drug policy reformers need to think intentionally about how LGBTQIA+ and/or gender non-confirming individuals live a unique experience, and include this lens when it comes to advocating for the rights of people who use drugs.
- Policymakers should invest in research focused on LGBTQIA+ identified individuals. They should also push to protect LGBTQIA+ identified individuals from discrimination in the workplace and healthcare settings.

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- <sup>1</sup> <https://www.samhsa.gov/data/sites/default/files/NSDUH-SexualOrientation-2015/NSDUH-SexualOrientation-2015/NSDUH-SexualOrientation-2015.htm>
- <sup>2</sup> <https://www.samhsa.gov/data/sites/default/files/NSDUH-SexualOrientation-2015/NSDUH-SexualOrientation-2015/NSDUH-SexualOrientation-2015.htm>
- <sup>3</sup> <https://www.drugabuse.gov/related-topics/substance-use-suds-in-lgbt-populations>
- <sup>4</sup> <https://www.ncbi.nlm.nih.gov/pubmed/28382667>
- <sup>5</sup> <https://www.samhsa.gov/newsroom/press-announcements/201610110100>
- <sup>6</sup> <https://www.samhsa.gov/newsroom/press-announcements/201610110100>
- <sup>7</sup> <https://www.samhsa.gov/data/sites/default/files/NSDUH-SexualOrientation-2015/NSDUH-SexualOrientation-2015/NSDUH-SexualOrientation-2015.htm>
- <sup>8</sup> <http://www.lung.org/assets/documents/research/lgbt-report.pdf>
- <sup>9</sup> <https://www.drugabuse.gov/related-topics/substance-use-suds-in-lgbt-populations>
- <sup>9</sup> <https://www.samhsa.gov/data/sites/default/files/NSDUH-SexualOrientation-2015/NSDUH-SexualOrientation-2015/NSDUH-SexualOrientation-2015.htm>
- <sup>10</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4887282/>
- <sup>11</sup> [https://www.lambdalegal.org/sites/default/files/publications/downloads/ps\\_executive-summary.pdf](https://www.lambdalegal.org/sites/default/files/publications/downloads/ps_executive-summary.pdf)
- <sup>12</sup> <http://www.blackandpink.org/wp-content/uploads/Coming-Out-of-Concrete-Closets.-Black-and-Pink.-October-21-2015..pdf>
- <sup>13</sup> <https://williamsinstitute.law.ucla.edu/williams-in-the-news/incarceration-rate-of-lesbian-gay-bisexual-people-three-times-the-general-population/>
- <sup>15</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5227944/>
- <sup>14</sup> <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Discrimination-and-Harassment-in-Law-Enforcement-March-2015.pdf>
- <sup>15</sup> <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Discrimination-and-Harassment-in-Law-Enforcement-March-2015.pdf>
- <sup>16</sup> <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Discrimination-and-Harassment-in-Law-Enforcement-March-2015.pdf>
- <sup>17</sup> <https://www.nationalreview.com/2014/12/dojs-policing-statistics-dont-lie-ian-tuttle/>
- <sup>18</sup> [https://www.americanprogress.org/wp-content/uploads/issues/2012/06/pdf/juvenile\\_justice.pdf](https://www.americanprogress.org/wp-content/uploads/issues/2012/06/pdf/juvenile_justice.pdf)
- <sup>19</sup> <http://www.blackandpink.org/wp-content/uploads/Coming-Out-of-Concrete-Closets.-Black-and-Pink.-October-21-2015..pdf>
- <sup>20</sup> <http://www.blackandpink.org/wp-content/uploads/Coming-Out-of-Concrete-Closets.-Black-and-Pink.-October-21-2015..pdf>
- <sup>21</sup> <http://www.blackandpink.org/wp-content/uploads/Coming-Out-of-Concrete-Closets.-Black-and-Pink.-October-21-2015..pdf>
- <sup>22</sup> <http://www.blackandpink.org/wp-content/uploads/Coming-Out-of-Concrete-Closets.-Black-and-Pink.-October-21-2015..pdf>
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