

behind the bars.

L/G/B/T/Q youth in prison

An Introduction

This zine was written to educate and facilitate discussions amongst the community on the topic of sexual minorities in the prison system.

The contributors are participating in a service learning requirement set by Portland State University. The class focused on broadening the horizons of students through exposure to a variety of topics and issues confronted by the LGBTQ youth community.

The contributors, Win Win Khine, Megan Chartier, Daniel Gibson, and Mark Ritter, all met in a course held during the summer of 2006 entitled LGBTQ Youth Needs. Summer Danger appears courtesy of her zine, **Small consolation**.

All proceeds of this zine go directly to the Sexual Minority Youth Resource Center, (SMYRC), which provides a community center and counseling to youth of the Portland Area LGBTQ community, and is located in Southeast Portland.

Hawaii Youth Correctional Facility to Pay Over Half a Million Dollars for "Relentless Campaign of Harassment" of Gay and Transgender Youth

The American Civil Liberties Union announced a \$625,000 dollar settlement in the first case in the country to specifically address the treatment of lesbian, gay, bisexual, and transgender youth in juvenile facilities. The settlement ends an ACLU federal civil rights lawsuit on behalf of three young people who faced anti-gay and anti-transgender abuse and harassment at the facility by staff and their peers.

Representing a 17-year-old male-to-female transgender girl, an 18-year-old girl who identifies as gay, and an 18-year-old boy perceived to be gay, the ACLU sued Hawaii's correctional officials last September because the youth had been singled out for mistreatment by staff and harassed by other youth based on sexual orientation and gender identity, and the facility failed to adequately protect them.

In February, a federal judge agreed with the ACLU that conditions at the Hawaii Youth Correctional Facility (HYCF) are dangerous, that harassment is pervasive, and that the facility is "in a state of chaos." The court found "a relentless campaign of harassment...that included threats of violence, physical and sexual assault, imposed social isolation, and near constant use of homophobic slurs." Issuing a preliminary injunction to put an immediate halt to the culture of abuse at the facility, the court blasted corrections officials for allowing such incidents as the following to take place:

* Referring to LGBT youth, staff routinely used words like "fag," "butchie," "fruitcake," "fucking little bitches" and "fucking cunts."

* Staff dealt with complaints of harassment by isolating the victims, rather than dealing with the harassers themselves. For example, one transgender ward was placed in solitary confinement for six days, where she spent 23 hours per day under video surveillance with nothing other than her pillow and a blanket, all for her "protection."

* Frightening incidents of physical harassment in the living quarters and showers are inadequately addressed, including one incident in which one ward smeared semen on another ward's face.

In the settlement, the state of Hawaii agreed to pay \$625,000 to the three plaintiffs, to their attorneys, and to cover the costs of a court-appointed consultant to train staff, help HYCF craft new policies and procedures that will help protect lesbian, gay, bisexual, and transgender youth from harm, and create a functioning grievance system for wards who need to report abuse.

(Information from the American Civil Liberties Union)

The International Bill of Gender Rights

The International Bill of Gender Rights was adopted by the International Conference on Transgender Law and Employment Policy (ICTLEP) in August of 1993.

#1: The Right To Define Gender Identity

All human beings carry within themselves an ever-unfolding idea of who they are and what they are capable of achieving. The individual's sense of self is not determined by chromosomal sex, genitalia, assigned birth sex, or initial

gender role. Thus, the individual's identity and capabilities cannot be circumscribed by what society deems to be masculine or feminine behavior. It is fundamental that individuals have the right to define, and to redefine as their lives unfold, their own gender identities, without regard to chromosomal sex, genitalia, assigned birth sex, or initial gender role.

Therefore, all human beings have the right to define their own gender identity regardless of chromosomal sex, genitalia, assigned birth sex, or initial gender role.

#2: The Right to Free Expression of Gender Identity

Given the right to define one's own gender identity, all human beings have the corresponding right to free expression of their self-defined gender identity.

Therefore, all human beings have the right to free expression of their self-defined gender identity; and further, no individual shall be denied Human or Civil Rights by virtue of the expression of a self-defined gender identity.

#3: The Right to Secure and Retain Employment and to Receive Just Compensation

Given the economic structure of modern society, all human beings have a right to train for and to pursue an occupation or profession as a means of providing shelter, sustenance, and the necessities and bounty of life, for themselves and for those dependent upon them; further, all human beings have the right to secure and retain employment and to receive just compensation for their labor regardless of gender identity, chromosomal sex, genitalia, assigned birth sex, or initial gender role.

Therefore, individuals shall not be denied the right to train for and to pursue an occupation or profession, nor be denied the right to secure and retain employment, nor be denied just compensation for their labor, by virtue of their chromosomal sex, genitalia, assigned birth sex, or initial gender role, or on the basis of a self-defined gender identity or the expression thereof.

#4: The Right of Access to Gendered Space and Participation in Gendered Activity

Given the right to define one's own gender identity and the corresponding right to free expression of a self-defined gender identity, no individual should be denied access to a space or denied participation in an activity by virtue of a self-defined gender identity which is not in accord with chromosomal sex, genitalia, assigned birth sex, or initial gender role.

Therefore, no individual shall be denied access to a space or denied participation in an activity by virtue of a self-defined gender identity which is not in accord with chromosomal sex, genitalia, assigned birth sex, or initial gender role.

#5: The Right to Control and Change One's Own Body

All human beings have the right to control their bodies, which includes the right to change their bodies cosmetically, chemically, or surgically, so as to express a self-defined gender identity.

Therefore, individuals shall not be denied the right to change their bodies as a means of expressing a self-defined gender identity; and further, individuals shall not be denied Human or Civil Rights on the basis that they have

changed their bodies cosmetically, chemically, or surgically, or desire to do so as a means of expressing a self-defined gender identity.

#6: The Right to Competent Medical and Professional Care

Given the individual's right to define one's own gender identity, and the right to change one's own body as a means of expressing a self-defined gender identity, no individual should be denied access to competent medical or other professional care on the basis of the individual's chromosomal sex, genitalia, assigned birth sex, or initial gender role.

Therefore, individuals shall not be denied the right to competent medical or other professional care on the basis of chromosomal sex, genitalia, assigned birth sex, or initial gender role, when changing their bodies cosmetically, chemically, or surgically.

#7: The Right to Freedom From Involuntary Psychiatric Diagnosis and Treatment

Given the right to define one's own gender identity, individuals should not be subject to involuntary psychiatric diagnosis or treatment.

Therefore, individuals shall not be subject to involuntary psychiatric diagnosis or treatment as mentally disordered, dysphoric, or diseased, on the basis of a self-defined gender identity or the expression thereof.

#8: The Right to Sexual Expression

Given the right to a self-defined gender identity, every consenting adult has a corresponding right to free sexual

expression.

Therefore, no individual's Human or Civil Rights shall be denied on the basis of sexual orientation; and further, no individual shall be denied Human or Civil Rights for expression of a self-defined gender identity through private sexual acts between consenting adults.

#9: The Right to Form Committed, Loving Relationships and Enter Into Marital Contracts

Given that all human beings have the right to free expression of self-defined gender identities, and the right to sexual expression as a form of gender expression, all human beings have a corresponding right to form committed, loving relationships with one another, and to enter into marital contracts, regardless of their own or their partner's chromosomal sex, genitalia, assigned birth sex, or initial gender role.

Therefore, individuals shall not be denied the right to form committed, loving relationships with one another or to enter into marital contracts by virtue of their own or their partner's chromosomal sex, genitalia, assigned birth sex, or initial gender role, or on the basis of their expression of a self-defined gender identity.

#10: The Right to Conceive, Bear, or Adopt Children; The Right to Nurture and Have Custody of Children and to Exercise Parental Capacity

Given the right to form a committed, loving relationship with another, and to enter into marital contracts, together with the right to express a self-defined gender identity and the right to sexual expression, individuals have a

corresponding right to conceive and bear children, to adopt children, to nurture children, to have custody of children, and to exercise parental capacity with respect to children, natural or adopted, without regard to chromosomal sex, genitalia, assigned birth sex, or initial gender role, or by virtue of a self-defined gender identity or the expression thereof.

Therefore, individuals shall not be denied the right to conceive, bear, or adopt children, nor to nurture and have custody of children, nor to exercise parental capacity with respect to children, natural or adopted, on the basis of their own, their partner's, or their children's chromosomal sex, genitalia, assigned birth sex, initial gender role, or by virtue of a self-defined gender identity or the expression thereof.

The Queer Protest Over Prison Conditions of 2002

Angered by Governor Gray Davis' prison policies which include his support of the death penalty and refusal to release gay life term prisoners, Robert Rosenkrantz and Mark Smith, a coalition of queer and prisoners' rights organizations demonstrated outside of the Governor's

fundraiser at the San Francisco Lesbian, Gay, Bisexual, and Transgender Community Center. Governor Davis attended this campaign fundraising event where VIP tickets were going at a rate \$500 per ticket. This comes as news reports surface daily describing the enormous campaign chest the governor already has, with hundreds of thousands of those dollars used to purchase the governor's favor by the California Correctional Peace Officers union.

"Governor Davis is no friend of the lesbian, gay, bisexual

and transgender communities. His policies continue to harm the incarcerated, the poor, young people and people of color -- many of whom are queer," commented Kevin

Weaver of California Prison Focus. "We are here to give him a wake up call - that he does not have the queer vote in the bag so long as he panders to the most oppressive organizations in the state" Weaver added.

"Governor Davis' Department of Corrections is responsible for widespread medical neglect of prisoners with HIV/AIDS and other life-threatening illnesses. The prison administration refuses to recognize the human right of transgender prisoners to appropriate housing, attire and hormone treatments," said Deeg Gold of LAGAI Queer Insurrection.

Among the demands the protestors expressed were to abolish the death penalty, overturn the three strikes law, parole all eligible lifers, release gay prisoners Robert Rosenkrantz & Mark Smith, no more prison construction, healthcare for all prisoners especially those with HIV/AIDS, compassionate release for dying prisoners, and to stop the violence against LGBT prisoners.

The demonstration numbered around 50-60 people who picketed and chanted various chants ranging from "Gray Davis you can't hide, you don't care if prisoners die" and "ho ho, hey hey, how much cash have you raised today".

The Policy of Deliberate Indifference and the 8th Amendment

The 8th amendment of the U.S. constitution states that, '*Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*' Trans and other sexual minority prisoners face unique problems when entering the prison system and are at higher risk of physical and sexual violence when placed thoughtlessly in high risk environments. Cases of trans-women being placed in all male prison environments have been reported repeatedly by advocacy agencies such as the National Center for Lesbian Rights, (www.nclrights.org). Despite the obvious elevated dangers posed to the community in our nation's prisons, the cases have had only had partial success in the courts.

Technically defined, the term *deliberate indifference* means just what it says--a wanton disregard or informed failure to provide something which is required, such as medical treatment or separate quarters to avoid abusive situations. Deliberate indifference, must be intentional in order for prison officials to be found guilty of breaking with the 8th amendment. Because the challenges sexual minorities face in prisons have largely been ignored by the prison administration and courts alike, the policy of deliberate indifference serves to make the outrageous statement that somehow ignorance for the needs of this segment of the prison population can protect officials from any accusations of wrongdoing, although it often may be deviating from U.S. Bureau of prisons' standards of care.

Currently only the prisons in California, Hawaii and a few other states have adopted policies sensitive to the needs for separate space for Trans-inmates, most often providing an area shared with the homosexual segment of the prison population.

"You need to dispel the myth that gay kids are bad,
criminals, and sex offenders."

-Lesbian in detention in Los Angeles, 2003

"[A] young transgender girl sentenced to a juvenile justice
facility on robbery charges was arbitrarily labeled a sex offender
by facility staff, made to wear clothes designating sex offenders
in the facility, and told to participate in sex offender therapy."



“Transsexual people who have not had genital surgery are generally classified according to their birth sex for purposes of prison housing, regardless of how long they may have

lived as a member of the other gender, and regardless of how much other medical treatment they may have undergone.” That used to protect transsexual women from male prisoners. This is called administrative segregation. The good thing is that it provide them with greater protection than being housed in the general population. However, it excludes them from getting recreation, educational and occupational opportunities, and associational rights. I like the good thing. Transsexual women need to be protected from male prisoners. But that shouldn't keep them from what they need. How can we improve the prison system? What should we do for them?

Some transsexual prisoners can maintain their hormone therapy in prison. The policy of the U.S Bureau of Prisons is to provide hormones at the level that was maintained prior to incarceration. The policy provides specifically, “It is the policy of the Bureau of Prisons to maintain the transsexual inmate at the level of change existing upon admission to the Bureau. Should responsible medical staff determine that either progressive or regressive treatment changes are indicated, these changes must be approved by the Bureau of Prisons, Medical Director prior to implementation. The use of hormones to maintain secondary sexual characteristics may be continued at approximately the same levels as prior to incarceration, but such use must be approved by the Medical Director.” I like the fact that transsexual prisoners can still have hormone in prison. Moreover, the policy care about transsexual prisoners.

Accounts include descriptions of constant desire to commit suicide and unremitting depression as transsexual women's bodies remain incongruent or deteriorate into incongruence as hormones are denied. Some transsexual inmates who for years have maintained women's names and identities struggling to maintain a rudimentary form of female presentation. Nobody deserves to feel this way.

However, transsexual prisoners don't get the treatment they need such as physical and psychological support due to lack of documentation and private physicians. Even if they have sufficient documentation, prison officials may disregard the policy. How could prison officials go against their own policy? They should do things according to their policy. What can we do so that they would follow their policy? Fortunately, prisoners have had more success more recently.

I think it is necessary that they get the treatment because denial of treatment can be serious and terrible. According to transsexual inmate treatment issues, transsexual women feeling fear every minute, day and night, when placement and treatment issues are not addressed by prison officials.

Luckily, there are standards of care exist in order to insure that all patients, irrespective of their legal standing, receive treatment for medical and mental conditions which if left untreated would have a permanent, devastating impact often causing a severe worsening of their conditions. Standards of care also apply to persons afflicted with Gender Identity Disorder. Yet a review of letters from inmates clearly demonstrates standards of care are not being followed by prison physicians. As a consequence, those who remain untreated risk higher incidence of severely deteriorating mental health. An institution's failure to provide treatment for easily recognizable disorders is unacceptable and one of the most glaring examples of our failure as a society to provide treatment for those who most need it. My question again is what can we do to help these transsexual prisoners? Some of you may or may not care about this. But one day what if someone you love turn out to be transsexual, how would you feel about this? After all, we are all human being and we should all love and respect each others regardless of who we are. And as a society, we should help them out in any way that we can. Together, we can make a world beautiful.

Win Win Khine

Hardships Faced by Transgendered Inmates in Our Nation's Prisons

It is commonly understood that most prison inmates face a variety of challenges to their physical and emotional well-being while incarcerated. However, transgendered prisoners often face additional and/or more severe consequences during incarceration as a result of their sexual minority status. Christopher Daly of the

Transgendered Law Center testified in 2005 before the National Prison Rape Elimination Commission regarding the additional challenges transgendered inmates face. His main findings are summarized here.

Social bias against sexual minorities has resulted in the over-representation of transsexuals, particularly male-to-female, among the national prison population. Consequences of employment discrimination are likely contributing factors: transsexuals denied employment on the basis of their sexual minority status are often relegated to the underground economy, where they work as prostitutes and online sex-workers, or access and sell hormones illegally to other transgendered people who lack the resources to access hormone therapy in legal medical settings.

Once in prison, transgendered individuals face many forms of abuse as a result of their gender nonconformity. This mistreatment comes at the hands of administrators and prison staff as well as fellow prisoners and varies in nature and severity:

Transgendered prisoners' self-identified genders are routinely disregarded. Pre-operative transsexuals are housed according to their genitalia, regardless of secondary sex characteristics resulting from hormones treatments or breast implant surgery. Additionally, prisoners are intentionally and repeatedly referred to by names and pronouns that are inconsistent with their gender identities. These references are often made by prison administrators and personnel, and attempts to correct them are often punished.

Transgendered prisoners are at increased risk of physical and sexual abuse at the hands of other prisoners as well as prison staff because of their sexual minority status. Their gender ambiguity often makes them popular targets of sexual attacks at the hands of fellow inmates; guards often allow, participate in, and encourage this behavior. Inmates from the general population are sometimes granted access by prison guards to transgendered prisoners who have been placed in isolation for their "safety" as a means of reward or bribery.

Transgendered prisoners are denied access to clothing (e.g. bras) and supplies (e.g. razors) that would allow them to dress and groom themselves in a manner consistent with their gender identity.

Transgendered prisoners are often denied access to resources that are available to the general prison population such as treatment for drug and alcohol abuse, job training, recreational activities, etc. The reason given for this exclusion is usually the "safety of the prisoner"; however, substitute resources in a safe environment are rarely

provided, and when they are the quality is rarely, if ever, comparable.

Transgendered prisoners are often segregated from the general prison population out of concern for their safety; unfortunately, the most common outcome of this segregation is increased social isolation and decreased access to services, resources, privileges (such as phone access) and opportunities for even the most minimal interaction with other people.

Transgendered prisoners are routinely denied adequate medical treatment. This often includes a denial of hormone treatments (regardless of whether the prisoner was in the process of hormone therapy prior to their incarceration), or a lack of supervision as to appropriate dosage adjustments if treatments are continued and/or possible negative interactions with other medications. Additionally, transgendered inmates are sometimes subjected to inappropriate and degrading examinations of their genitalia based on the curiosity of medical personnel.

Transgendered prisoners have little means of protection from these various types of mistreatment. Their gender ambiguity and sexual minority status put them in a particularly vulnerable position in an environment already infamous for its severe and abusive character.

Megan Chartier

**Selling and using drugs, sex work,
and stealing are just a few of the
non-violent, survival crimes for which
queer youth are arrested.**

“five times as likely to be sexually assaulted, twice
as likely to be beaten by staff, 50% more likely to be
attacked with a weapon, and eight times as likely to commit
suicide, [compared to youth] confined in juvenile facilities.”



Gay Teen Sentenced to 17 Years in Prison

Association of Social Workers (NASW) and its Kansas chapter debunked the state's claims that the length of Limon's sentence is justified because young people who engage in same-sex intimacy are so impressionable that they may be swayed into becoming gay. The NASW pointed to social science evidence that same-sex attractions surface much earlier in life - well before puberty - and that one gay sexual experience can't make someone "turn" gay.

"Most people [in here] are stupid. They treat me like I am not human.

They call me 'faggot' and tell me that I do not have a life."

-Transgender girl in New York Juvenile Detention Facility, 2001

All proceeds from this zine will be donated to the Sexual Minority Youth Resource Center (SMYRC).

SMYRC is a safety and support center for LGBTQ youth in Oregon. They offer skill building groups, free HIV testing, education on LGBTQ resources, counseling, pride advocacy, and employment.

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