

STILL WE RISE:

A Resource Packet for Transgender People in Prison



**TRANSGENDER
GENDER-VARIANT
& INTERSEX
JUSTICE PROJECT**

TGI Justice Project leads empowerment retreats for transgender people released to California. Retreats are held in the Fall and Spring. Please contact us if you are getting out soon so we can bring you into the TGI Justice Family:

TGI Justice Project
342 Ninth Street
Suite 202B
San Francisco, CA 94103
(415) 252-1444

Disclaimer—Your responsibility when using any materials distributed by TGI Justice:

This resource is a collection of peer-generated information on navigating prison because trans people in prison have requested this information. Not all the opinions, language and suggestions included in this resource guide are those of TGI Justice or its staff/affiliates. When this informational chapter was written, we did our best to provide and include useful and accurate information because we know that people in prison and their families, friends, and advocates often have difficulty obtaining legal and/or supportive information. However we cannot guarantee the accuracy of this information.

The materials in this guide were not created by an attorney and do not constitute legal advice. Law changes frequently and is subject to differing interpretations. Unfortunately, we do not have the resources to make changes to the material as the laws change. If you need legal advice backed by a guarantee, please seek out the assistance of a lawyer to address your specific problem. If you use this information, make sure that the law has not changed and is applicable to your situation. Additionally, if you believe that you have been injured and might have grounds to file a law

Does it come as a surprise
That I dance like I've got diamonds
At the meeting of my thighs?

Out of the huts of history's shame
I rise
Up from a past that's rooted in pain
I rise
I'm a black ocean, leaping and wide,
Welling and swelling I bear in the tide.

Leaving behind nights of terror and fear
I rise
Into a daybreak that's wondrously clear
I rise
Bringing the gifts that my ancestors gave,
I am the dream and the hope of the slave.
I rise
I rise
I rise.

Still I Rise by Maya Angelou

You may write me down in history
With your bitter, twisted lies,
You may trod me in the very dirt
But still, like dust, I'll rise.

Does my sassiness upset you?
Why are you beset with gloom?
'Cause I walk like I've got oil wells
Pumping in my living room.

Just like moons and like suns,
With the certainty of tides,
Just like hopes springing high,
Still I'll rise.

Did you want to see me broken?
Bowed head and lowered eyes?
Shoulders falling down like teardrops,
Weakened by my soulful cries?

Does my haughtiness offend you?
Don't you take it awful hard
'Cause I laugh like I've got gold mines
Diggin' in my own backyard.

You may shoot me with your words,
You may cut me with your eyes,
You may kill me with your hatefulness,
But still, like air, I'll rise.

Does my sexiness upset you?

suit, you should IMMEDIATELY contact an attorney and law office and try to obtain legal representation. You should be aware that there are strict time limitations within which you must act in order to protect your rights in this matter. These limits are complex and vary for different types of legal actions. YOU SHOULD ACT IMMEDIATELY IF YOU WISH TO PURSUE THIS MATTER. FAILURE TO FILE A CLAIM AND/OR A LAWSUIT WITHIN THE NECESSARY TIME MAY MEAN THAT YOU COULD BE BARRED FOREVER FROM PURSUING YOUR ACTION.

Please note: Please do not send TGI Justice unsolicited legal materials and paperwork.

Also, most of the information in this packet is California state prison (CDCR)-specific. Hopefully it will be helpful to all.

Phenomenal Woman
a poem by Maya Angelou

Pretty women wonder where my secret lies.
I'm not cute or built to suit a fashion model's size
But when I start to tell them,
They think I'm telling lies.
I say,
It's in the reach of my arms,
The span of my hips,
The stride of my step,
The curl of my lips.
I'm a woman
Phenomenally.
Phenomenal woman,
That's me.

I walk into a room
Just as cool as you please,
And to a man,
The fellows stand or
Fall down on their knees.
Then they swarm around me,
A hive of honey bees.
I say,
It's the fire in my eyes,
And the flash of my teeth,
The swing in my waist,
And the joy in my feet.
I'm a woman
Phenomenally.

Phenomenal woman,
That's me.

Please send any updates, revisions, comments, and suggestions
to:

TGI Justice Project
342 Ninth Street, Suite 202B
San Francisco, CA 94103

As prison policies and politics change, we depend on our leaders
inside to help us stay current with our materials.

As always,
Be Safe and Stay Strong

Love,
The TGI Justice Family

5487 Twin Lakes Dr., Cypress, CA 90630 Tel: 714-803-4717
Email: keeblenew@akaangel.com Northern CA—Contact Margie
Tel: 510-755-2661 Email: intothesolution_inc@comcast.net

Men themselves have wondered
What they see in me.
They try so much
But they can't touch
My inner mystery.
When I try to show them,
They say they still can't see.
I say,
It's in the arch of my back,
The sun of my smile,
The ride of my breasts,
The grace of my style.
I'm a woman
Phenomenally.
Phenomenal woman,
That's me.

Now you understand
Just why my head's not bowed.
I don't shout or jump about
Or have to talk real loud.
When you see me passing,
It ought to make you proud.
I say,
It's in the click of my heels,
The bend of my hair,
The palm of my hand,
The need for my care.
'Cause I'm a woman
Phenomenally.
Phenomenal woman,
That's me.

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San Diego County:

Stepping Stone of San Diego, LGBT substance abuse residential facility.

3767 Central Avenue, San Diego, CA 92105-2506

Phone: 619.278.0777 (LM about collect calls on 7/12/12)

LA County:

Children's Hospital Los Angeles (Services for Transgender youth ages 12-24, but Bamby is a respected leader and great resource in LA and is happy to talk with older trans people getting out of prison to provide referrals).

Bamby Salcedo, Project Coordinator

5000 Sunset Blvd. 4th Floor

Los Angeles, CA 90027

(323) 369-5983 (no collect calls)

A New Way of Life Reentry Project

A non-profit organization in South Central Los Angeles that helps women and girls with housing and reentry support; advocates for the human and civil rights of people in prison and post-conviction; builds leadership of formerly incarcerated women.

Mail: PO Box 875288, Los Angeles, CA 90087 **Tel:** 323-563-3575

Fax: 323-563-1889 **Email:** info@anewwayoflife.org

Web: www.anewwayoflife.org/

Tarzana Treatment Centers, 818-342-5897 (no collect calls):

Drug Treatment services.

18646 Oxnard Street Tarzana, CA 91356

AKA Angels

Supports people inside & getting out. Look for the AKA Angels group on Facebook. *Southern CA*—Contact Robin Keeble **Mail:**

Marci L. Bowers, M.D.
San Mateo, CA
(877) 439-2244
mail@marcibowers.com
Specializes in MTF surgeries.

Name change:

We have heard from some TGI members that they have received approval from their Parole Officers to legally change their name, including people that are on high risk parole.

Outside of San Francisco Resources

Oakland, California:

AIDS Project East Bay: Provides resources including hormones and low cost laser hair removal treatments. For contact info: see the SRS section in this guide.

Dr. Cecily Cosby used to provide health care to trans people within CDCR and is committed to helping people with referrals and resources for Alameda and nearby counties. Call her at: (510) 869-6634

Clean Slate (record expungement program)

Oakland Private Industry Council
1212 Broadway, 2nd Floor
Oakland, CA 94612
Tuesdays, 10 am – 1 pm

San Bernardino County:

Bienestar Pomona, 909-397-7660, 180 E. Mission Blvd. Pomona CA 91766. Transgender women's group on Fri 1-3pm (Call to confirm).

PEN PALS, NEWSLETTERS, AND DIRECTORIES

Black and Pink

c/o Community Church of Boston
556 Boylston St.
Boston, MA 02116

Black and Pink runs a pen pal project for LGBTQ people who are incarcerated. They also have a monthly newsletter called *Black and Pink*. You can write to them directly and ask to be connected to a pen pal.

California Coalition for Women Prisoners

1540 Market St., Suite 490
San Francisco, CA 94102
Phone
(415) 255-7036 ext. 4

CCWP is a grassroots social justice organization, with members inside and outside prison, that challenges the institutional violence imposed on women, transgender people, and communities of color by the prison industrial complex (PIC). We see the struggle for racial and gender justice as central to dismantling the PIC and we prioritize the leadership of the people, families, and communities most impacted in building this movement.

The *Fire Inside* newsletter is a quarterly publication dedicated to providing a space for people incarcerated in women's prisons and their supporters to communicate with each other and the broader public about the issues and experiences prisoners face through articles, art and poetry.

They also do legal visits with people at Central California Women's Facility and Valley State Prison for Women.
1540 Market St., Suite 490

San Francisco, CA 94102
(415) 255-7036 ext. 4

Critical Resistance

The Abolitionist

1904 Franklin St, Suite 504
Oakland, CA 94612

Phone: (510) 444-0484

Critical Resistance seeks to build an international movement to end the Prison Industrial Complex by challenging the belief that caging and controlling people makes us safe. We believe that basic necessities such as food, shelter, and freedom are what really make our communities secure. As such, our work is part of global struggles against inequality and powerlessness. The success of the movement requires that it reflect communities most affected by the PIC. Because we seek to abolish the PIC, we cannot support any work that extends its life or scope.

The Abolitionist, launched in the spring of 2005, is a bilingual (English/Spanish) publication dedicated to the strategy and practice of prison industrial complex abolition.

Their free newsletter sometimes contains articles written by and for transgender people, (including past articles featuring the interviews of three of TGI Justice's lead members).

Prisoner Correspondence Project (This is an international address, you will need extra postage)

QPIRG Concordia
C/O Concordia University
1455 de Maisonneuve O
Montreal, QC H3G 1M8

for low-income individuals. Medi-Cal covers some gender reassignment surgeries.

For more info, contact the Transgender Law Center and ask for their *Medi-Cal and Gender Reassignment Procedures* info sheet. 870 Market St, Suite # 400, San Francisco, CA 94102

Healthy San Francisco is San Francisco's universal health care program (available to uninsured people who make less than \$54,000 a year). Recently, Healthy SF released a statement that it will start covering Sexual Reassignment Surgeries for transgender people but that this will take another 1.5 years to go into effect (estimated Fall of 2013).

Laser Hair Removal:

Dr. Cecily Cosby provides low-cost laser treatments for trans women in Oakland, California. Dr. Cosby used to provide health care to trans people within CDCR and is committed to helping people with referrals and resources for Alameda and nearby counties.

Treatments are \$50 a session at
AIDS Project East Bay
1320 Webster Street, Oakland, CA 94612.
Dr. Cosby's #: 510.869.6634

housing with Community Housing Partnership.

Forensic AIDS Project

If you are HIV Positive or are living with AIDS, contact:

Isela Gonzalez
798 Brannan Street
San Francisco, CA 94103
415-863-8237

Gender Reassignment Surgery (aka SRS)

Jim Collins Foundation:

Awards grants to transgender people seeking sexual reassignment surgery based on financial need. An anonymous committee chooses recipients. They partner with Dr. Christine McGinn at the Papillon Center in New Hope, Pennsylvania, one of the nation's leading surgeons specializing in gender-confirming surgery and an out transgender person herself.

All applications have to be done online. Applicants need to submit two letters (one professional recommendation, one personal) and a personal statement. Applicants need to have a plan and pick a doctor before applying (the more prepared you are, the stronger your application will be). Applications are online at <http://jimcollinsfoundation.org/>

CK Life:

A transgender organization in the Bronx, New York. They have a surgery scholarship fund. Contact 347-881-7005 or email scholarshipfund@cklife.org for more info.

Medi-Cal

Medi-Cal is California's Medicaid program. It is a public health insurance program which provides needed health care services

Prisoner Correspondence Project works to connect LGBTQ people who are incarcerated with pen pals across the U.S. and Canada.

The Gender Identity Center of Colorado's T.I.P Journal

Write to Request a journal
1151 South Huron Street
Denver, CO 80223
T.I.P. Hotline:
303-586-1452

The Gender Identity Center of Colorado's T.I.P Journal is published as a show of support for those who are currently incarcerated and often affected by abuse within the prison system. This Journal is free to all prisoners who request it. The T.I.P. Journal is now into its 11th year of publication.

Midwest Trans Prisoner Pen Pal Project

c/o Boneshaker Books
2002 23rd Ave S
Minneapolis, MN
55406

Hearts on a Wire:

"We are trans and gender variant people building a movement for gender self-determination, racial and economic justice, and an end to policing and imprisoning our communities." They publish a newsletter and may be able to accept pen pal requests. Send requests to:

Hearts on a Wire
PO BOX 36831
Philadelphia, PA 19107

Prison Activist Resource Center

PARC is a prison abolitionist group committed to exposing and challenging all forms of institutionalized racism, sexism, able-ism, heterosexism, and classism, specifically within the Prison Industrial Complex (PIC). PARC believes in building strategies and tactics that build safety in our communities without reliance on the police or the PIC. We produce a directory that is free to prisoners upon request, and seek to work in solidarity with prisoners, ex-prisoners, their friends and families. We also work with teachers and activists on many prison issues. This work includes building action networks and materials that expose the continuing neglect and outright torture of more than 2 million people imprisoned within the USA; as well as the 5+ million who are under some form of surveillance and control by the so-called justice system.

Ask for their Annual Prisoner Support Directory.

PARC
PO Box 70447
Oakland CA 94612

Prison Health News:

Prison Health News
Institute for Community Justice
21 South 12th Street
7th Floor
Philadelphia, PA 19107

A free quarterly (if possible) newsletter. "Who we are...We are on the outside, but many of us were inside before...and survived it. We are formerly incarcerated people and allies talking about health issues and trying to bring about a positive change for all people who are in prison now or ever have been in the past. This newsletter is about all of us."

Canon Kip Community House
705 Natoma Street (at 8th)
San Francisco, CA 94103

Housing & Treatment:

Affordable housing in San Francisco is very difficult to come by. As soon as you get into town, get a hold of the SF Housing Wait List Opportunities list by having someone print the following website link for you:

http://www.selfhelpelderly.org/services/social_services/housing_list.pdf

Sign up for these wait list opportunities, as it is a long wait.

Walden House

Residential and outpatient substance abuse treatment. They often have beds available for transgender people coming out of prison.

Walden House
1735 Mission Street
San Francisco, CA 94103
415-226-1775

Community Housing Partnership:

There are several different ways to obtain housing with Community Housing Partnership. Please contact the Community Housing Partnership Intake Coordinator at 415.563.3205 x123 with questions. Please see below for information about how to apply for our Waiting List for our Project-Based Section 8 buildings: **Where:** Senator Residence - 519 Ellis Street (between Hyde & Leavenworth Streets) **When:** Every Tuesday - 1:00pm - We process 6 applications only. If you are not within the first 6 applicants in line, we encourage you to try again another Tuesday.* Please note: When your name comes to the top of the waiting list you must have proof of homelessness to obtain

1500 Mission St.
San Francisco, CA 94103-2513
Phone: (415) 575-2101

City College of San Francisco

Ms. Bob Davis is the Dean of School of Liberal Arts. She is passionate about working with transgender people, is an ally of TGI Justice project, and hosted our 2007 Transforming Justice conference.

Contact her at bobdavis@ccsf.edu or 415-239-3720

City College also has the EOPS SECOND CHANCE PROGRAM, specifically designed to recruit, enroll and support formerly incarcerated students currently enrolled or who intend to enroll at City College.

For more information, please contact Mr. Charles Moore, Second Chance Outreach Coordinator at 415.239.3075.

City College of San Francisco
50 Phelan Avenue
San Francisco, CA 94112

Project Rebound of San Francisco State University.

Supporting the formerly incarcerated on their journey through successful reintegration in a college setting.

Project Rebound
Associated Students Inc.
Cesar Chavez Student Center
1650 Holloway Avenue, T-138
San Francisco ,CA 94132-1722
(415) 405-0954

Episcopal Community Services—CHEFS program, 6 month food service program

Education Behind Bars Newsletter: “The goal of EBBN is to be a forum for prison educators and prisoner-students. Free bi-monthly newsletter. Prisoners can subscribe to this free publication by writing to: Education Behind Bars Newsletter, P.O. Box 69, Berryville, AR 72616. (emailed 7/25/12)

In California, you can ask for a CDC 1074 form, Request for Correspondence Approval. Some TGI Justice members have told us that they've used this form to get approval to write to trans people at other CDCR prisons and have formed strong relationships in this way.

SEXUAL ASSAULT AND DOMESTIC VIOLENCE RESOURCES

San Francisco Women Against Rape

24-hour collect call line: 415-647-7273 (415-647-RAPE) or
business line: 415-861-2024.

Write to: 3543 18th Street, #7

San Francisco, CA 94110 and a case manager will answer your
letter.

Rape crisis counselors are available 24 hours/day to offer
support, information and resources for survivors of rape and
sexual assault, friends, family members and others. Counselors
are also trained in areas such as sexual harassment, incest, child
sexual assault, same-sex sexual assault, domestic violence, ritual
abuse, suicide prevention, male survivors and stalking.

Experienced working with transgender survivors.

Just Detention International (this is legal mail - confidential)

Just Detention International (JDI) is a nonprofit health and human
rights organization that seeks to end sexual abuse in all forms of
detention. JDI has three core goals: to hold government officials
accountable for prisoner rape; to change ill-informed public
attitudes about sexual violence behind bars; and to ensure that
those who have survived this abuse get the help they need.

Anyone who has experienced any form of sexual harm in custody
– including sexual harassment, sex in exchange for protection,
sexual assault, etc. – is encouraged to contact JDI for support
and a packet of information and materials, including the *Hope for
Healing* packet, which has been a helpful tool for many in
surviving sexual violence.

Prisoners can write to JDI via **confidential, legal mail** by
addressing their letter to:

Cynthia Totten, Attorney at Law.

CA Attorney Reg. # 199266

Transitions Clinic caters to individuals recently released from
prison and assists them in successful and health re-integration
into their lives and communities.

2401 Keith Street

San Francisco, CA 94124

For general information contact: 415.476.2148.

For appointments call Ron Sanders, CHW 415.933.4403 or
Juanita Alvarado, CHW 415.730.5357.

Dental:

South of Market Health Center

229 7th Street

San Francisco, CA

94103

(415) 503-6000

SMHC's dental care includes general dental exams, complete oral
care (extractions, fillings, x-rays, oral hygiene and prevention
services).

Vision:

San Francisco General Hospital—Eye Clinic

1001 Potrero, 4th Fl., M21, 94110

415-206-4420 (appointments)

Employment and Education

Transgender Economic Empowerment Initiative

Support for transgender job seekers, resume support, etc.

Joe Jackson – TEEI Employment Specialist

(415) 782-6288

Goodwill Industries:

Some TGI members have worked at their thrift stores.

Office visits by appointment

Trans-affirmative healthcare:

Routine primary care, trans-affirmative gynecologic care, referrals for trans-sensitive mammography, hormone therapy, HIV and STI testing, diagnosis and treatment, laboratory monitoring, mental health counseling, group therapy.

Accepts MediCare, Medi-Cal, and private insurance plans. Sliding scale fee for uninsured patients based on income and family size.

St. James Infirmary

Stride: Transgender Health Services for sex workers

(415) 554-9634

Thursday 1pm-4pm

Medical care, care referrals, peer counseling, medical evaluations

Hormone therapy provided

Sex work support:

(415) 554-8447

Trainings, workshops, groups focusing on HIV prevention

All genders welcome

Dimensions Clinic

Castro-Mission Health Center

3850 17th St.

San Francisco, CA

Clinic Hours:

Thursday 5pm-8pm

Saturday 12pm-3pm

Hormone treatment and other health services for youth ages 12 to 25

Transitions Clinic

3325 Wilshire Blvd., Suite 340

Los Angeles, CA 90010

Office: (213) 384-1400

Fax: (213) 384-1411

www.justdetention.org

info@justdetention.org

National Clearinghouse for the Defense of Battered Women

They work for "justice for battered women charged with crimes."

125 South 9th Street, Ste 302

Philadelphia, PA 19107

215-351-0010, 800-903-0111 x 3.

The Federal government just released the new Federal Prison Rape Elimination (PREA) Standards: These standards are binding for the Federal Bureau of Prisons. States who do not comply will have their funding cut. In CA, the CDCR has claimed that they have started complying before the final rule in May 2012.

The United States Department of Justice released a final rule on May 17, 2012 to prevent, detect and respond to sexual abuse in confinement facilities, in accordance with the Prison Rape Elimination Act of 2003 (PREA). Below is a summary of how the PREA standards relate directly to LGBTI people in prison.

For more info contact Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, 950 Pennsylvania Avenue, NW, Room 4252, Washington, DC 20530; telephone: (202) 514-8059. This is not a toll-free number.

They accept collect calls from "incarcerated battered women."

"Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) and Gender Nonconforming Inmates:

The standards account in various ways for the particular vulnerabilities of inmates who are LGBTI or whose appearance or manner does not conform to traditional gender expectations. The standards require training in effective and professional communication with LGBTI and gender nonconforming inmates

and require the screening process to consider whether the inmate is, or is perceived to be, LGBTI or gender nonconforming. The standards also require that post-incident reviews consider whether the incident was motivated by LGBTI identification, status, or perceived status.

In addition, in a change from the proposed rule, the final standards do not allow placement of LGBTI inmates in dedicated facilities, units, or wings in adult prisons, jails, or community confinement facilities solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates. As in the proposed standards, such placement is not allowed at all in juvenile facilities.

The standards impose a complete ban on searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. Agencies must train security staff in conducting professional and respectful cross-gender pat-down searches and searches of transgender and intersex inmates.

In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, an agency may not simply assign the inmate to a facility based on genital status. Rather, the agency must consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems, giving serious consideration to the inmate's own views regarding his or her own safety. In addition, transgender and intersex inmates must be given the opportunity to shower separately from other inmates."

San Francisco Resources:

General Info:

Getting out and Staying Out: A Guide to San Francisco Resources for People Leaving Jails and Prisons. This is large and helpful book. Copies can be obtained by writing to:
Jennifer Scaife, Reentry Resources Coordinator
Adult Probation Department
850 Bryant Street, Room 200
San Francisco, CA 94103

Hormones and Health Care:

Tom Waddell Health Center

50 Lech Walesa (Ivy) St.
San Francisco, CA 94102
(415) 355-7400
Monday-Friday 8am-6pm
Saturday 8:30am-5pm
Closed Sunday & holidays

Transgender Clinic Hours:

Tuesday evening, 5pm-8pm
New patients sign up for intake appointment Tuesday 2pm-4pm
Intake for new patients Tuesday 2pm-4pm

Lyon-Martin Women's Health Services

1748 Market St., Suite 201
San Francisco, CA 94102
(415) 565-7667

Clinic Hours:

Monday, Tuesday 11am-7pm
Wednesday 1pm-5pm
Thursday, Friday 9am-5pm

CALIFORNIA PAROLE RESOURCES

Legal Resources

Parolee Rights Handbook, a 50-page manual: Write to
Prison Law Office
General Delivery
San Quentin, CA 94964

UC Davis Prison Law Clinic

Contact: Millard Murphy, Esq.
530-752-6943
Prison Law Clinic at UC Davis
PO Box 4745
Davis, CA 95616

They focus their work on working with lifers who are up for parole, including transgender people. They help prep people for parole hearings and work with denials (reviewing case factors and sometimes taking the case to state courts to overturn).

Lawyer's Committee for Civil Rights of the San Francisco

Bay Area. The Second Chance Legal Clinic assists clients who are working to overcome barriers to employment and housing due to past arrest and conviction records. We help with the following issues:

- Criminal record expungements
- Occupational licensing
- Criminal background reports
- Public and private housing applications and denials
- Employment
- Driver's license suspensions.

Intake hotline: 415-814-7610
131 Steuart Street, Suite 400
San Francisco, CA 94105

MOVEMENT BUILDING

All of Us or None

1540 Market Street Suite 490
San Francisco, CA 94102
Phone: (415) 255-7036 ext 308,
315, 311, 312

All of Us or None is an organizing initiative started by people who have been in prison, to challenge the pervasive discrimination that formerly-incarcerated people, people in prison, and our family members face. Our goal is to strengthen the voices of people most affected by mass incarceration and the growth of the prison-industrial complex. Through our grassroots organizing, we will build a powerful political movement to win full restoration of our human and civil rights.

All of Us or None is one of the lead organizations of the Formerly Incarcerated and Convicted People's Movement (FICPM), a nationwide movement committed to the full restoration of the civil and human rights of formerly incarcerated people. TGI Justice helped write the FICPM national platform and is thrilled to be bringing the leadership of trans people into this emerging movement.

TRANSGENDER-SPECIFIC PRISON INFORMATION

PLEASE NOTE: The CDCR is in the process of drafting new policies pertaining to the treatment and care of transgender people. We do not know when they will be released, but will send them out as soon as they are available to us.

HOUSING

For housing information written by your peers in the CDCR, refer to TGI Justice's *Surviving Prison in California* manual.

Housing and cellmates are often a source of concern for transgender, gender non-conforming and intersex people. Below we have some information about housing transfers. However, please keep in mind that there is no specific prison that is safe for TGI people. Prisons are not safe spaces for anyone. However, you may know about a program at a certain prison, or you may wish to be transferred to a certain facility. Trust your own instincts about what spaces would be safest for you.

Unfortunately, transgender people in California prisons and jails - and across the United States - are housed by birth sex unless you have had genital reconstruction surgery (often called sex reassignment surgery). This rule can be found in the California Code of Regulations Title 15 Section 1050(a).

If you wish to be transferred, you may request that your classification be reviewed. You have the right to have your classification reviewed at least once a year. To request a transfer, make your desire to transfer known in writing to reception center staff, counselors, and the classification committee. Obtain as much evidence as you can about why the transfer is necessary. You have the right to have your transfer request reviewed if you

prisoners. Print out the Subscription Order Form and mail it with the a check or money order for the correct amount to:
Prison Legal News
P.O. Box 2420
West Brattleboro, VT 05303.
Or call their office at 802 257-1342 from 9:00 am to 5:00pm (East Coast Time) Monday through Friday.

Medical

Legal Advocacy and Wellness Project's Navigating the Medical System - Justice Now
HIV/AIDS in Prison Handbook - Prison Law Office
Detailed packet about Hepatitis C - Justice Now

The Parolee Rights Handbook - Prison Law Office

Benefits

A Manual on SSI/SSDI for Prisoners and their Advocates - Legal Services for Prisoners with Children

Elders

Dignity Denied: The Price of Imprisoning Older Women in California - Legal Services for Prisoners with Children
It's About Time: aging prisoners, increasing costs, and geriatric release - Legal Services for Prisoners with Children

Tools For Friends and Families

Advocating on the Behalf of a Family Member in Prison - Justice Now (it is specific to "women's" prisons in CA, but is useful to all)

Family Law

Fighting for Our Rights: a Toolbox for Family Advocates of California Prisoners - Legal Services for Prisoners with Children - excellent resource!!
Incarcerated Parents Manual - Legal Services for Prisoners with Children
Suing a Local Public Entity - Legal Services for Prisoners with Children
Transportation to Court - Legal Services for Prisoners with Children
What Should I Do About Divorce and Custody? - The State Bar of California and Legal Services for Prisoners with Children

Prison Legal News

Prison Legal News is an independent 56-page monthly magazine that provides a cutting edge review and analysis of prisoner rights, court rulings and news about prison issues. \$30/year for

can show that staying in your current facility would impose an atypical and significant hardship in relation to the "ordinary incidents of prison life". This standard comes from the case *Sáandin v. Conner* (515 U.S. 472, 1995).

Your transfer request can be bolstered by placing in arguments about the constitutionality of where you are housed. Any placement or transfer that places you in known harm might violate the 8th Amendment of the U.S. Constitution. The 8th Amendment bars "cruel and unusual punishment". Courts only use this standard for conditions of prisons unless the warden or correctional officers knew or should have known that you faced a risk of serious bodily harm and then showed deliberate indifference to that concern. This standard comes from the case *Farmer v. Brennan* (511 U.S. 825, 1994) which was brought by a transgender woman. See also: the section on filing 1983 complaints.

Single-Cell Requests: Single-cell requests tend to be successful only if they are linked to concerns about sexual assault or rape. Under the new Prison Rape Elimination Act (28 CFR 115.113(d) (2012)) providing single-cells particularly to at-risk people is highly encouraged. It is not mandated, though. Just Detention International (JDI) is the expert in these matters and they have a document entitled Frequently Asked Questions (FAQ): Housing and Classification which is available by writing to JDI or online.

JDI recommends writing to a psychologist or mental health specialist about your concerns and asking them to write you a letter of support. Their letter of support may assist you in receiving a single-cell. If you can't obtain a single-cell, Safekeeping or Special Needs Yard might also be options.

Hardship Transfer: A hardship transfer is a transfer that exists in California to move someone closer to a family's residence because a family member is ill or has a disability that prevents them from traveling long distances. While you can support the application, your qualifying family member must make the request.

Your loved one must first obtain a letter from their physician certifying that they have a medical concern that prevents them from traveling long distances. The letter must be on letterhead and it is helpful to have it notarized (although that is not required). Have your loved one make some extra copies but mail the originals to the Warden and the Community Resource Manager. Your loved one may also want to mail in any documents that show your relationship - birth certificates, marriage certificates, anything you can think of! They may also want to ask friends to write up verifications of their difficulty in traveling. For instance, a neighbor could write a few lines confirming that your grandmother has failing eye-sight and cannot even drive to the grocery store etc.

You should let the reception staff know that this request is being made and submit a copy of the request to your counselor or other prison staff member. Raise this concern at your yearly evaluation, too. It can be helpful to mention other reasons for why the other facility may wish to grant your transfer, such as special job skills or language skills. CDCR policy is to notify you of any approval two weeks before you are about to move.

SELF HELP LEGAL RESOURCES

If you would like to get the following informational packets, please write to the organization to request them. The address of each organization can be found in the Attorney Referral section.

Jailhouse Lawyer's Handbook

The Jailhouse Lawyer's Handbook explains how an incarcerated person can start a lawsuit in federal court to fight against mistreatment and bad conditions in prison. Because most people are in state prisons, the authors focus on those. However, people in federal prisons and city or county jails will be able to use the Handbook. There is a specific section on transgender people. Each copy costs \$2.00. **If you are incarcerated in California, or were a California resident, Legal Services for Prisoners with Children will pay for your Handbook.** Write to Legal Services for prisoners with Children, state that you cannot afford to buy a copy, and it is helpful to say that you will share the knowledge you gain from it, too. It may take up to a month to receive a copy.

Law Suits

Collateral Attacks on Criminal Convictions through State and Federal Habeas Corpus Petitions - Prison Law Office
Federal Habeas Corpus - Prison Law Office
Federal Petition for Writ of Habeas Corpus Material - Legal Services for Prisoners with Children
How to File a CDCR Administrative Appeal - Prison Law Office
Lawsuits for Money Damages Against Prison Officials - Prison Law Office
State Habeas Corpus Procedure: A Manual for California Prisoners - Prison Law Office

Parole

NAME CHANGES

People who are in some state prisons may petition for name changes if they obtain the permission of the Director of Corrections. Some people who were not able to get the Director's permission have successfully petitioned to have these decisions reviewed based upon the Constitutional right to Freedom of Religion. The Constitutional right to Freedom of Religion is one of the few Constitutional rights that has been upheld even while incarcerated. These individuals, however, were changing their names to reflect their religious beliefs. Enclosed in this manual is §§1275-1279.6 of the California Code of Civil Procedure. These statutes illustrate how to change one's name and the restrictions around a name change. §1279.5(b) and (c) are particularly relevant if you want to pursue changing your name. The case *In re Arnett* also addresses these concerns (148 Cal.App.4th 654, 5 District, 2007).

While TGI Justice has yet to learn of a transgender person who had his or her name change approved of by the Warden of their facility that is no reason not to pursue this. In May 2012, the Sylvia Rivera Law Project in New York won a major victory for the right to for incarcerated transgender people to change their names.¹ There is no reason why a similar victory can't be won in California! Having advocacy organizations send letters to the Wardens may also be helpful. The advocacy organizations can speak about why access to a name change is so important. The Sylvia Rivera Law Project provided us with a good sample of strong language. You may wish to show it to other advocacy organizations as an important example:

¹ For more information about this case see *In the Matter of Jhirard Tahiem Powell* unpublished decision 513823 (New York, Appellate Division, 3rd Judicial Department, April 16, 2012) This opinion is available by writing to the Sylvia Rivera Law Project or by asking any of the organizations in this resource guide to find it on the SRLP website.

“For people in prison, the only way that they will ever be referred to by an affirming name is to have a legal name change. Authorities in prisons frequently target transgender people with verbal harassment, humiliation, and refusal to recognize their gender identities. By helping incarcerated transgender prisoners obtain legal name changes, we can ensure that they are able to affirm their identities in a system that imposes rigid gender regulations and systemically takes all gender affirmation away from transgender individuals. Furthermore, when our community members are able to finalize their name changes while incarcerated, they are able to leave prison with more confidence, support and affirmation, are ultimately more likely to stay connected to services and obtain affirming identification that increases the likelihood of a safer transition out of prison.”

Excerpts of sample language for attempting to change your name in CDCR:

Under the authority granted by PC 5058, the CDCR has established regulations requiring inmates and parolees to obtain prior approval of the CDCR before proceeding with a name change:

All inmate or parolee requests for a legal name change shall initially be reviewed by the Warden or Regional Parole Administrator who shall either recommend approval for a legal name change or deny the request for a legal name change. California Code of Regulations §3294.5

I have been diagnosed with Gender Identity Disorder. Legal name changes are part of the standard medical treatments for GID, as recognized by the national and international medical and psychiatric communities, and by standards adopted by CDCR. Denying my name change would interfere with my medical treatment, and puts me at risk of serious psychological harm, while serving no legitimate purpose.

INTERNATIONAL HUMAN RIGHTS²³

Human rights are laws about people's dignity and humanity - they are often described as the condition needed in order to be fully human. They are internationally recognized minimum standards for the treatment of all people, including incarcerated people. Under human rights laws governments have a responsibility to respect, protect, and fulfill the human rights of all people. Human rights laws come from the following sources: the Universal Declaration of Human Rights, International Treaties, United Nations Documents, and Customary laws. Unfortunately, the United States government has not signed many of the more important United Nations declarations. For example, we have not signed the United Nations Standard Minimum Rules for the Treatment of Prisoners. Therefore, it is not a legal authority. Nevertheless, it can still be used persuasively in any writing or advocacy you do.

The United States has ratified the International Covenant of Civil and Political Rights (ICCPR) Article 7 and the Torture Convention, which prohibit torture and cruel, inhuman, and degrading treatment. These documents both require that the government investigates and punishes these acts. These are both more expansive than the 8th Amendment of our Constitution. These documents prohibit: forced sex and forced sexual contact, freedom from abusive strip searches and pat searches, freedom from demeaning language, the right to dignity while incarcerated²⁴, the right to family²⁵, the right to physical and mental health including the right to receive medication and the right to pre-natal care.

²³ The majority of this information comes from Justice Now in Oakland, CA. While Justice Now no longer provides direct legal services, they may still be able to respond to questions about human rights as applied to US prisons, jails, and detention facilities.

²⁴ Protected by article 10 of the ICCPR.

²⁵ Found in Article 23 of the ICCPR and Articles 8 and 9 of the Convention on the Rights of the Child (CRC). The US has signed the ICCPR but not the CRC.

GID, more commonly known as transsexualism, is a condition recognized in the Diagnostic and Statistical Manual of Mental Disorders, (DSM-IV, 1994, and DSM-IV-TR, 2000), published by the American Psychiatric Association. Transsexualism is also recognized in the ICD Classification of Mental and Behavioural Disorders, tenth revision, as endorsed by the Forty-third World Health Assembly in May 1990, and came into use in WHO Member States as of 1994.

The World Professional Association for Transgender Health Care ("WPATH") is an international multidisciplinary professional association with extensive expertise in accepted standards for transgender health. The WPATH promulgates Standards of Care for Gender Identity Disorders, which set forth the established clinical protocols for treating persons with GID.

For many transgender individuals, having the correct name and sex on identity documents is an important part of their gender transition. Having a legal name that does not match a person's gender identity can be mentally harmful and emotionally traumatic. The WPATH Standards of Care include the ability to "acquire a (legal) gender-identity-appropriate first name" as part of the Real Life Experience, one of the three components of medical transition and treatment of GID.² WPATH has also declared that "[c]hanges to documentation are important aids to social functioning, and are a necessary component of the pre-surgical process; delay of document changes may have a deleterious impact on a patient's social integration and personal safety."⁶

² World Professional Association for Transgender Health, *Standards of Care for Gender Identity Disorders* (6th ed. 2001) available at <http://www.wpath.org/documents2/socv6.pdf>.

⁶ World Professional Association for Transgender Health, "WPATH Clarification on Medical Necessity of Treatment, Sex Reassignment, and Insurance Coverage for Transgender and Transsexual People Worldwide" (June 17, 2008) http://www.wpath.org/medical_necessity_statement.cfm

In 2010, the CDCR announced that although the courts have historically set CDCR healthcare standards, CDCR would now voluntarily adopt the National Commission on Correctional Health Care standards to evaluate its performance and demonstrate compliance with national quality of care standards. The CDCR set an internal goal that by June 30, 2015, 90 percent of CDCR health care programs shall be in substantial compliance with NCCHC standards.⁴

San Francisco, CA 94133
415-781-1001, accepts collect calls

NCCHC's standards on transgender health care in correctional settings provide in relevant part:

Correctional health staff should manage [transgender] inmates in a manner that respects biomedical and psychological aspects of gender identify disorder (GID) diagnoses... and follows accepted standards developed by professionals with expertise in transgender health. Determination of treatment necessary for transgender patients should be on a case by case basis... Because inmate-patients may be under different stages of care prior to incarceration there should be no blanket administrative or other policies that restrict specific medical treatments for transgender people..... Psychotherapy such as reparative therapy or attempts to alter gender identity should not be employed..... Correctional policies for management of transgender inmates should be developed and implemented in partnership with local transgender communities and... service providers when possible...⁵

Common effects of being denied appropriate medical care for GID include depression and anxiety....⁶

⁴ CDCR Strategic Plan, http://www.cdcr.ca.gov/About_CDCR/docs/Strategic_Plan_2010-2015.pdf

⁵ National Commission on Correctional Health Care, "Transgender Health Care in Correctional Settings" (October 18, 2009) (emphasis added) available at

<http://ncchc.org/resources/statements/transgender.html>

⁶ World Professional Association for Transgender Health, *Standards of Care for Gender Identity Disorders*

at 7

have as much information as possible when your friend or family member calls.

Immigration Legal Resource Center

Angie Junck, Esq.
1663 Mission Street , Suite 602
San Francisco, CA 94103
415-255-9499
ajunck@ilrc.org

The Immigrant Legal Resource Center (ILRC) is a national, non-profit resource center that provides legal trainings, educational materials, and advocacy to advance immigrant rights. The mission of the ILRC is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people

Feldman Feldman & Associates

Danielle Rosche, Esq.
Ms. Rosche concentrates her immigration practice in the areas of deportation defense, relief for individuals fleeing abuse, and providing protection for crime victims. (619) 299-9600
2221 Camino Del Rio South, Suite 201 San Diego, CA 92108

Lawyer's Committee for Civil Rights Pro Bono Asylum Program

131 Steuart St, Suite 400
San Francisco, CA 94105
(415) 543-9444 ext. 202

Sharon Dulberg, Esq.

McVey, Mullery & Dulberg
170 Columbus Ave, 4th Flr

GENDER-AFFIRMING CLOTHING AND HAIR

For information written by your peers in the CDCR on this topic, please refer to TGI Justice's *Surviving Prison in California* manual.

Clothing: You may wish to wear gender-affirming clothing such as bras, gender-affirming underwear, and other clothing.

In *Tates v. Blanas* (WL 23864868, E.D. Cal. 2003), the court decided that access to a bra cannot be denied simply because a person is housed in a male facility. The facility, and its medical staff, must weigh the possibility that a bra could be misused as a weapon against any medical or psychological harm that denial of access to a bra may cause. There is no evidence - *ever* - of a bra being used as a weapon.

If you wish to pursue getting a bra, you must go to the medical staff and ask for a "bra chrono". Trans women have had more success receiving a bra chrono if they have visible breasts. The reason medical staff gives out these forms is because inability to obtain a bra has been linked to back strain, depression, and other medical conditions. Some people have also been successful by suggesting that without a bra the movement of their breasts creates security concerns and increases harassment.

If you are denied a bra by CDCR, please contact Alison Hardy at:
Prison Law Office
Alison Hardy, Esq.
General Delivery
San Quentin, CA 94964

If you are outside of CA, you may wish to write to your outside doctor or to a transgender advocacy organization asking for a letter that states all the reasons why it is important for transgender women to have access to bras. If you write to such an organization, you may wish for them to send you the case *Tates v. Blanas*. While the case is about care in a jail, it contains very good language about how transgender people should be treated in general. You may also wish to receive the model protocol proposed for the San Francisco Jails, which provides information about access to gender-affirming clothing, underwear, and bras.⁷ This protocol is not law - it was merely proposed - but even proposed law can be persuasive.

Hair: CDCR grooming standards allow hair to be any length, with some restrictions. See Title 15: 3062: Inmate Grooming Standards for more information. Even though trans women in “men’s prisons” are allowed to have long hair, they are not allowed to purchase items designed for people with long hair that are categorized in the women’s section of vendor catalogues,

Makeup: People housed in men’s prisons are not allowed to wear makeup. If you are written up for wearing makeup you may want to file a 602 grievance stating that refusal to allow transgender women or trans feminine people the right to gender expression is a cruel and unusual punishment which is unconstitutional. So far, no one has won such a grievance.

According to our Surviving Prison in California guide, people in “men’s” prisons in CA are not allowed to wear makeup. We have heard accounts from at least one individual that got

⁷ That protocol was introduced by the National Lawyer’s Guild and the City and County of San Francisco Human Rights Commission and can be found by writing to either organization. The protocol is called Model Protocol on the Treatment of Transgender Persons by San Francisco County Jail (July 25, 2002).

mail, please include your country of origin, a number (if you are documented), date of birth, and if you have been convicted of any crimes in the US, what those convictions are.

El Centro Nacional de Derechos Lesbicos (NCLR) se dedica a ayudar a los inmigrantes homosexuales, transgenero y bisexuales en superar los obstaculos inmigratorios que tengan que enfrentar. Por medio de nuestro servicio nacional de informacion (Legal Helpline), asistimos a los inmigrantes LBT, incluyendo aquellos que estan detenidos, a localizar asistencia legal, proveer documentos que apoyan su aplicacion de asilo y/o a encontrar expertos. En particular, hemos asistido a inmigrantes quienes estan pidiendo asilo en este pais porque temen regresar a su pais de origen debido a su orientacion sexual, identidad de genero o status de VIH. Si nos contactan por correo por favor proveer su pais de origen, numero de extranjero (A#), fecha de nacimiento e indicar si ha sido hallado culpable de algun delito o crimen en los Estados Unidos. Tambien indicar condena o castigo.

Immigrant Defense Project

28 W. 39th St.

Suite 501

New York, NY 10018

Hotline Number: 212-725-6422 (this is *not* a collect call number) IDP provides the only free criminal-immigration hotline in the country. While not transgender-specific they have been trained by other organizations about the needs of transgender people. IDP offers criminal-immigration analyses to criminal defenders, immigration advocates, and loved ones. IDP encourages people to call on Tuesday and Thursday afternoons, when the hotline is staffed. They promise to return calls in a timely fashion. Please

approval from prison officials to wear makeup in specific yards, but the policies do not reflect this.

IMMIGRATION RESOURCES

Standards for Detention Care

In September 2000 INS published its detention standards guideline. If you wish to receive these guidelines then please write to any of the attorneys listed here who should be able to provide them for you. These standards provide for the right to access to medical services. It also provides for the right to medical treatments in private. It also provides that the health care staff have valid professional licensure and/or certification. Medical and mental health care screenings should be provided immediately upon arrival at the facility. Another screening should occur within 14 days, and again every 90 days. While there is no specific right to transgender-related medical care, transgender medical care has been well established as a medical necessity.

NCLR

National Center for Lesbian Rights
870 Market St.
#370
San Francisco, CA 94102
1-800-528-6257 (helpline)

The National Center for Lesbian Rights (NCLR) is committed to helping overcome the immigration hurdles faced by lesbian, gay, bisexual and transgender immigrants. Through our national legal information helpline we help LGBT immigrants, including those in immigration detention, locate legal assistance, provide supporting documents and/or find experts. In particular, we have been able to assist immigrants who are seeking asylum based on a fear of returning to their countries of citizenship because of their sexual orientation, gender identity, or HIV status. If contacting NCLR by

The right to gender self-expression - whether through name changes, clothing, hair or makeup - can be seen as a Human Right. You may wish to send information about your advocacy efforts and the policies and practices at your facility to organizations in this resource guide. Legal organizations are often looking for ongoing abuses that affect many people so that they can bring class action law suits. Class actions are lawsuits where many people join together because they are suffering similar harms. Even if you're the only transgender or gender non-conforming person in your facility legal organizations may know of similar abuses happening to people in other facilities.

For all of these requests – housing, medical care, name changes, and gender-affirming clothing and hair – make your requests in writing and keep a log of these requests if possible. Keeping track of these requests, the dates, to whom they were made and potential denials can help you should you need to file grievances later.

ACCESS TO MEDICAL CARE

Transgender, gender-variant and intersex people have the same health care needs that everyone else has. We need to be tested for sexually transmitted infections including HIV, we need to have our blood pressure, eyesight, and cholesterol levels checked regularly. We also need access to care that is specific to our transition (if we plan to or are transitioning medically) and our genitalia or birth sex (which may be different than what medical specialists expect to see). We also may need assistance from medical staff in explaining some of our needs to prison guards. For example, some trans women need medical documents to prove their need for a bra, and some trans men or trans masculine people need medical documents to prove they don't need to completely shave their facial hair. Below we have some specific tips on how to advocate for these TGI-specific concerns.

General Health Care Overview

Gender Identity Disorder

Proposed GID definition in the DSM 5

GID in Federal Prisons

General Information about hormones

1)Feminizing hormones

2)Masculinizing hormones

Keeping track of your hormones

2)Inspiring Example: CeCe McDonald

3)Feminizing Hormone Regimes

4)Masculinizing hormone Regimes

5. Sexual Reassignment Surgery (aka Gender Affirming Surgeries)

6. 8th Amendment Cruel and Unusual denial of medical care

1. General Health Care Overview:

Clerk of the US District Court for the Southern District of California
(mail two copies)
Room 4290
880 Front St.
San Diego, CA 92101

IMPORTANT LEGAL ADDRESSES

Be sure to make copies for yourself of everything you send!

Filing Complaints: Guard Misconduct

For any kind of misconduct - whether it is verbal harassment or sexual assault - it is the Warden who is ultimately responsible for your safety while inside. In addition to filing a grievance and writing to the Warden, you may want to write to the Inspector General:

For guard and staff misconduct:
Office of the Inspector General
P.O. Box 348780
Sacramento, CA 95834

To report non-compliance with the Prison Rape Elimination Act:
Office of Sexual Abuse in Detention Elimination Ombudsperson²²
Office of the Inspector General
P.O. Box 348780
Sacramento, CA 95834

If you have been or about to be harmed:
CDCR Office of Legal Affairs
P.O. Box 942883
Sacramento, CA 94283

Filing Federally in California:
Clerk of the US District Court for the Northern District of California
450 Golden Gate Avenue
Box 36060
San Francisco, CA 94102

²² As the Prison Rape Elimination Act (PREA) just was signed into law in June 2012, this title may change.

For health care information written by your peers in the CDCR, refer to TGI Justice's *Surviving Prison in California* manual.

It is a good idea upon arrival at any facility to immediately tell the Primary Care Physician (your PCP) that you need to be referred to a transgender specialist. In California, this obligates your PCP to put in a RFS 7362 Form for telemedicine, which goes to Sacramento for approval. In other states this obligates the PCP to put in a similar request through whatever local form is used. If your PCP refuses, file a grievance for denial of necessary medical care.

Once the request is approved, you will be seen by a specialist who will either prescribe you the hormones you were receiving outside or diagnose you with Gender Identity Disorder (GID)⁸ so that you can receive hormones inside. Sometimes transgender specialists refuse to diagnose someone with GID if they haven't been diagnosed as such outside. Immediately file a grievance and write to transgender support networks asking them to send in letters about the necessity of transgender-specific care while incarcerated.

These cases are helpful in that they find GID to be a serious medical concern and denial of hormonal treatment to cause a severe medical need (the requirement under the 8th Amendment Cruel and Unusual standard): *Soneeya v. Spencer* (yet to be published) 2012 WL 1057625 (D. Mass. March 29, 2012); *De'Lonta v. Angelone*, 330 F.3d 630 (4th Cir.2003); *Cuoco v. Moritsugu*, 222 F.3d 99 (2d Cir.2000); *Allard v. Gomez*, 9 Fed.Appx. 793 (9th Cir.2001); *Brown v. Zavaras*, 63 F.3d 967

⁸ Transgender communities are divided around the issue of Gender Identity Dysphoria diagnosis. Some people find it comforting to have a name for how they feel and to have it recognized as a medical reality. However some people find it insulting to have their identity labeled as a mental health concern. Unfortunately, right now, you must have a GID diagnosis in order to be recognized as transgender within prisons and jails.

(10th Cir.1995); *White v. Farrier*, 849 F.2d 322 (8th Cir.1988); *Meriwether v. Faulkner*, 821 F.2d 408 (7th Cir.1987). In addition these cases create a precedent that incarcerated people in the 9th Circuit and 6th Circuit who had hormones on the outside are granted hormones on the inside: *South v. Gomez*, 211 F.3d 1275 (9th Cir.2000); *Phillips v. Michigan Dep't of Corrections*, 731 F.Supp. 792 (W.D.Mich.1990), *aff 'd*, 932 F.2d 969 (6th Cir.1991).

Any discontinuance of hormones may only occur after the medical staff have assessed the risk for negative consequences of discontinuance. This does not always happen. TGI Justice receives many letters stating that people have been placed on lesser dosages of hormones or receiving different hormones than they are used to. If you are not being prescribed hormones or are being prescribed hormones at the wrong dosage, the first step is to attend sick call. Once there, put in a request to either be placed on the hormones you received outside, or to be placed onto the correct dosages. If you are currently in Ad. Seg. or other special housing, then make this request when the medical specialist comes to visit. They should come every day according to 15 CCR § 3354(e).

Immediately file a grievance and write to: Alison Hardy, Esq.,
Prison Law Office, General Delivery, San Quentin, CA 94964

According to current policy⁹, surgical concern such as vaginoplasty or chest reconstruction shall not be the responsibility of the CDCR. However, there is current legislation and a pending court case that might change this. See Section 5 for more about this. You should not be forced to undergo any psychological evaluations unless there are legitimate questions about one's mental health and well-being.

⁹ The policy was upheld in the case *Stevens v. Knowles*, 2012 WL 643440 (C.D. Cal. Feb 27, 2012). This case stated that SRS "was not a covered benefit under the prison's scope of services".

Type of Suit	Characteristics of the Suit	Where do I bring it?	Important tips!	Who can assist me?
U.S. Department of Justice	<p>The DOJ will investigate only allegations of systematic abuse (continued unconstitutional behavior that harms everyone) in state and local institutions</p> <p>The Civil Rights Division of the DOJ may also investigate harm that affects classes of people. In 2011 the DOJ recognized the Transgender Day of Remembrance on November</p>	Federal Court	<p>The DOJ cannot provide relief for you as an individual - but it can provide relief for classes of people or the prison as a whole.</p> <p>Make sure your letter to them (often called a "letter brief") is as clear and specific as possible.</p> <p>The DOJ cannot investigate federal prisons, only state.</p>	ACLU National Prison Project

2. Gender Identity Disorder

Gender Identity Disorder is defined in the *Diagnostic and Statistical Manual of Mental Disorders* (the DSM). The DSM is published by the American Psychiatric Association and provides a common language and standard criteria for clinicians, researchers, drug regulation agencies, health insurance companies, and policy makers. The Fifth Edition will be published in 2013. Below is the proposed language for diagnosing and treating GID from the 5th Edition of the DSM. TIP: TGI Justice members have found it helpful to share this language with medical staff inside. Some medical staff may not know about GID, this puts you in the position of being your own advocate to get the treatment you deserve.

Gender Dysphoria (in Adolescents or Adults)

- A. A marked incongruence between one's experienced/expressed gender and assigned gender, of at least 6 months duration, as manifested by 2 or more of the following indicators:
1. a marked incongruence between one's experienced/expressed gender and primary and/or secondary sex characteristics (or, in young adolescents, the anticipated secondary sex characteristics)
 2. a strong desire to be rid of one's primary and/or secondary sex characteristics because of a marked incongruence with one's experienced/expressed gender (or, in young adolescents, a desire to prevent the development of the anticipated secondary sex characteristics)
 3. a strong desire for the primary and/or secondary sex characteristics of the other gender
 4. a strong desire to be of the other gender (or some alternative gender different from one's assigned gender)

5. a strong desire to be treated as the other gender (or some alternative gender different from one's assigned gender)

6. a strong conviction that one has the typical feelings and reactions of the other gender (or some alternative gender different from one's assigned gender)

B. The condition is associated with clinically significant distress or impairment in social, occupational, or other important areas of functioning, or with a significantly increased risk of suffering, such as distress or disability.

Specifier:

Post-transition, i.e., the individual has transitioned to full-time living in the desired gender (with or without legalization of gender change) and has undergone (or is undergoing) at least one cross-sex medical procedure or treatment regimen, namely, regular cross-sex hormone treatment or gender reassignment surgery confirming the desired gender (e.g., penectomy, vaginoplasty in a natal male, mastectomy, phalloplasty in a natal female).

3. Gender Identity Disorder in Federal Facilities

In 2011 the National Center for Lesbian Rights (NCLR) won a major case called *Adams v. Federal Bureau of Prisons et al.*. This case resulted in two Memorandum being written to clarify how transgender people should be treated in Federal facilities. You can ask a friend or organization to search online for: Gender Identity Disorder Evaluation Memos written on May 31, 2011 and June 15, 2010 by RADM Newton E. Kendig and Charles E. Samuels Jr and make up 4 pages in total. Or, you can write to NCLR directly for more information.

While the Memos are vague, they have proven very effective for TGI Justice members and others in the federal system in

Type of Suit	Characteristics of the Suit	Where do I bring it?	Important tips!	Who can assist me?
Local laws that seek injunctions against administrative bodies	Use this to challenge decisions made by administrative bodies or officers in court settings. For example, the Board of Parole or state-employed staff. Your challenge can be either that the decision was unlawful or that the administrative body failed to properly follow the law.	These are generally only available in state courts.	Be sure to check the local laws about who you can sue for what.	Local Bar Associations, or lists of attorneys from the National Lawyers Guild The Jailhouse Lawyer's Handbook

Type of Suit	Characteristics of the Suit	Where do I bring it?	Important tips!	Who can assist me?
Tort Actions	A tort action can be against anyone who deliberately or carelessly injured you or your property.	You may bring this in federal or state court.	Be sure to check the local laws about who you can sue for what. If you are in federal custody you must first exhaust administrative remedies under the Federal Tort Claims Act and Prison Litigation Reform Act before filing.	Lawsuits for Money Damages Against Prison Officials - Prison Law Office

advocating for their rights within BOP. Their vagueness works both ways by both allowing prisons to only do the minimal requirements and by creating the space to demand that they do much more.

4. General Information About Hormones

Some transgender, gender non-conforming people, and intersex people choose to use hormones to maintain their gender presentation or to assist in changing their gender presentation. This decision is individual. There is no “right” way to transition. Organizations such as TGI Justice respect everyone’s right to self-determine their gender regardless of any medical treatment. Before starting, it’s good to know what you can expect from hormones. Don’t expect to change overnight. Hormones will take a while to take effect and the changes will come slowly.

5. Feminizing Hormones¹⁰

What estrogen will do:

- Estrogen will cause your breasts to grow. Your breasts will probably not be as large as those of your female relatives, but breast size is inherited from familial genes.
- It may cause fat to migrate away from the waist and toward the hips and buttocks.
- It may cause your skin to become softer.
- 5) It may change the way your body smells.

What estrogen won’t do:

- Estrogen will not make your facial or body hair disappear. You will need to get

¹⁰ This information comes from the pamphlet All About Hormonal Therapy: Estrogen which is available from the Dimensions Clinic in San Francisco and is available online at www.dimensionsclinic.org/docs/trans/estrogen_handout.pdf. Another informative source is the booklet TranCare Gender Transition: Hormones a Guide for MTFs available from the Vancouver Coastal Health’s Transcend Transgender Support and Education Society. It is available online at transhealth.vch.ca/resources/library/tcpdocs/.../hormones-MTF.pdf

electrolysis or laser treatments if you wish to remove this hair. If you have male pattern baldness it will not cause your hair to grow back. It may slow down how fast you are losing your hair.

- Estrogen won't make your penis go away. It can cause your testicles (and your prostate) to shrink.
- It will not change your voice. Some people take voice lessons to change the tone and speech patterns you use.
- Will not make your Adam's apple or the bones in your face any smaller.

The possible side effects and health risks of taking estrogen:

- Some people's bodies reject hormones, so if you experience hives swelling, vomiting, talk to your health care provider. There are other ways of achieving your transition, so please don't feel as if stopping one hormone regiment is the end!
- Taking hormones can cause problems with your liver. Generally, you should get your blood levels checked every three months. This can be difficult while incarcerated - let community and legal advocates know if this is not happening so that they can assist you (Especially the Prison Law Office and Justice Now)!
- Estrogen can increase your risk of getting blood clots. This can cause serious or fatal conditions such as stroke. Your risk of blood clots is much worse if you smoke or are over 35 years old.
- Taking estrogen can increase your risk of getting breast cancer. You should examine your breasts regularly. Your health care provider should be able to show you how to perform self-examinations.
- Taking estrogen can cause nausea and vomiting. This is like morning sickness.

Type of Suit	Characteristics of the Suit	Where do I bring it?	Important tips!	Who can assist me?
28 U.S.C. § 1331 (a Bivens claim)	This is specific to federal officials who violate your federal constitutional rights. Think of this as being similar to a 1983 claim but only for people in federal facilities.	This is only available in federal court	Federal officials can only be sued in their individual capacity (i.e. not as their official role). You also cannot sue federal agencies. If you are incarcerated in a Federal facility, you must sue through a tort claim.	ACLU National Prison Project

Type of Suit	Characteristics of the Suit	Where do I bring it?	Important tips!	Who can assist me?
42 U.S.C. § 1983 (a 1983 claim)	Use this to sue a state or city official. If they violate your federal constitutional rights and federal statutory or treaty rights "under color of state law". A common violation is that of your 8th Amendment right to be free from cruel and unusual punishment. The standard there is that the state or city official knew or should have known that you faced a risk of serious	This is only available in federal court	You cannot use a section 1983 claim to challenge your conviction or sentence. You cannot use it against a federal official - see the Bivens claims below. Each state has a statute of limitations on when you can file a personal injury (tort) suit. Those same guidelines apply to filing a 1983 claim.	Local National Lawyer's Guild members The Jailhouse Lawyer's Manual

- Taking estrogen can cause a skin condition that looks like varicose veins. These can appear on your face and other places on your body.
- It may decrease your sex drive. You may not be able to get or maintain erections. If you get erections, they may not be hard enough for sexual intercourse.
- The amount and quality of your ejaculate (cum) may decrease. Keep in mind that your ejaculate may still contain sperm! If you are having unprotected sex with someone who can become pregnant, you may be able to cause pregnancy. You should also know that taking estrogen may make it impossible to get someone pregnant in the future even if you have stopped taking the hormone
- It can cause depression and mood swings. If you already are depressed it can make your depression worse. Let your health care provider know if you have had any problems with depression to explore what treatments are available
- If you have migraines, estrogen can cause these to happen more often.

b. Masculinizing Hormones^{11 12}

What testosterone will do:

- Testosterone will lower, or change your voice (this will continue even if you stop taking testosterone).
- Testosterone will cause body hair to grow on your thighs, abdomen, chest, back, and arms. The body hair you grow will

¹¹ This information comes from the pamphlet Testosterone: For Female to Male Transition which is available from the Dimensions Clinic in San Francisco and is available online at http://tghealth-critiques.tripod.com/ftm_ha1.htm. Another informative source is the booklet TranCare Gender Transition: Hormones a Guide for FTMs available from the Vancouver Coastal Health's Transcend Transgender Support and Education Society. It is available online at transhealth.vch.ca/resources/library/tcpdocs/.../hormones-FTM.pdf

¹² The Brown Boi Project publishes a wonderful book, *Freeing Ourselves: A Guide to Health and Self Love for Brown Bois*. This groundbreaking book covers health from the perspective of queer, trans, and gender nonconforming masculine of center people of color. Because of some of the content, it may not be approved at many prisons and jails, but we are providing the address for your reference: 436 14th Street, 5th Floor, Oakland, CA 94612, (510) 931-6440

depend on your body and what you've inherited from your family (this will continue even if you stop taking testosterone).

- Testosterone will cause facial hair to grow. The facial hair you grow will depend on your body and what you've inherited from your family (this will continue even if you stop taking testosterone).
 - Testosterone will cause hair loss and, possibly, complete baldness (this will continue even if you stop taking testosterone).
 - Testosterone will cause your Adam's apple and bones in your face to thicken and look more "masculine" (this will continue even if you stop taking testosterone).
 - Testosterone will cause your clitoris to become larger (this will continue even if you stop taking testosterone).
- 6) Testosterone will cause your skin to become coarser (this will continue even if you stop taking testosterone).
- Testosterone may decrease the fat in your breasts, buttocks and thighs and increase fat in your abdomen (this will stop if you stop taking testosterone).
 - Testosterone may cause there to be more red blood cells in your blood (this will stop if you stop taking testosterone).
 - Testosterone may make it easier to build muscle if you work out (this will stop if you stop taking testosterone).
 - Testosterone may increase your sex drive (this will stop if you stop taking testosterone).
 - Testosterone may cause weight gain (this will stop if you stop taking testosterone).
 - Testosterone may stop your periods (this will stop if you stop taking testosterone).

What testosterone won't do:

- Your breasts will not go away.
- You will not grow a penis (although your clitoris will increase in size).

LAWSUITS THAT CHALLENGE CONDITIONS OF INCARCERATION

Type of Suit	Characteristics of the Suit	Where do I bring it?	Important tips!	Who can assist me?
Administrative Grievance	You may file a complaint to an administrative body. For California, this is a 602 grievance.	You file these internally, not with a court. But the PLRA requires you to bring these before you are able to challenge a condition or action in a court.	See the tips section above. Appeal your grievance until it gets to the state capital - and keep a diary of the dates you file each claim or appeal and who/where you file with.	Most organizations listed in the Attorney Referral section. How to File a CDCR Administrative Appeal - Prison Law Office

Type of Suit	Characteristics of the Suit	Where do I bring it?	Important tips!	Who can assist me?
Other local relief	Many local laws allow for review of the circumstances that may have made your conviction or sentence unfair.	These claims can only be brought in state courts.	You cannot raise claims that you have already raised or could have raised in a criminal appeal.	Local Bar Associations, or lists of attorneys from the National Lawyers Guild The Jailhouse Lawyer's Handbook

- Stop your ability to give birth. If you have sex where a penis enters your vagina/genitals it is still possible to conceive. Even if you have stopped having periods.

The possible side effects and health risks of taking testosterone:

- Some people's bodies reject hormones, so if you experience hives swelling, vomiting, talk to your health care provider. There are other ways of achieving your transition, so please don't feel as if stopping one hormone regiment is the end!
- Taking testosterone can increase your risk for breast cancer. Even people who have had top surgery (chest reconstruction) can still have some breast cells that can be affected. You should examine your breasts or chest regularly.
- It may increase your risk of uterine cancer.
- Many people get acne (pimples) when starting testosterone. Make sure to wash your face regularly with a mild soap. Some people will have very bad cases of acne that could cause scarring if not treated. If this happens, talk with your health care provider about treatment options.
- It may put you at risk for diabetes.
- Testosterone may increase your risk of getting heart disease or stroke later. This risk will be the same as it is for non-transgender men.

6. Keeping Track of Your Hormones

If you are starting a new hormone regime, or if you are attempting to continue your hormones it is important to know what your dosages were, and what they are now. It is not uncommon for transgender people to find their dosages suddenly decreased upon incarceration (see above for tips on how to challenge this).

- Inspiring Example: Recently, we saw community advocacy for medical care work for CeCe McDonald, a young Black transgender woman in Minnesota. When she was placed on

dangerously low levels of hormones (6 milligrams instead of 20) her supporters sent a call-out across the country asking people to leave messages with the Health Services Director, the Psychological Services Director, and the Warden of her facility demanding that her full medical needs be met. In a matter of days she was restored to her full dosages because the prison's health administration were so "inconvenienced". Community-based actions are often able to achieve positive results more quickly than legal actions!

Below is information taken from Dr. Anne Lawrence¹³, guidebooks available from the Vancouver Coastal Health's Transcend Transgender Support and Education Society. These are estimates only. If you have an outside doctor please check with her or him about the dosages you are on, and the dosages you think you should be on.

b. Feminizing Hormone Regimens

Estrogen (oral OR transdermal, not both)

Estrogen is generally considered the most important part of any feminizing regimen. Some typical initial estrogen dosages for people who have not had any type of Sexual Reassignment Surgeries (in particular surgeries that remove testes which produce testosterone) are listed below. Depending on the changes you seek, you may only wish to have half the suggested dosage or a slightly larger dosage. It is not recommended to double your dosages as after a certain point your body will no longer respond positively and *will actually convert the extra estrogen into testosterone*. Oral estrogens are most commonly used, and are typically very satisfactory.

¹³ If you want to receive Dr. Anne Lawrence's article write to any of the organizations that support trans people inside and ask them to print the following Dr. Anne Lawrence Some Typical Hormone Regimens from [Transsexual Women's Resources](http://transsexualwomen'sresources.com) (Nov 3, 2004) found at <http://transhealth.transadvocacy.com/Protocols>

Type of Suit	Characteristics of the Suit	Where do I bring it?	Important tips!	Who can assist me?
State Habeas Corpus	This changes state to state. In New York, this is used to challenge bail determinations and revocations of parole. In California state habeas is rarely used to challenge convictions or sentencing. Check with local attorneys on how to use this claim.	Only in state court	In California state habeas corpus can also be used for when a prison guard destroys or takes your property. Look for the case Escamilla v. California Dept. of Corrections and Rehabilitation, 141 Cal. App. 4th 478 (Nov 2, 2008).	The Jailhouse Lawyer's Handbook Collateral Attacks on Criminal Convictions through State and Federal Habeas Corpus Petitions - Prison Law Office State Habeas Corpus Procedure: A Manual for California Prisoners - Prison Law Office

Type of Suit	Characteristics of the Suit	Where do I bring it?	Important tips!	Who can assist me?
Federal Habeas Corpus	<p>A federal judge reviews your claim that your rights were violated under the US constitution</p> <p>You may seek to challenge: a parole denial, good time credit denial, ineffective assistance of counsel, insufficient evidence, or if a witness later recants (takes back) their testimony.</p>	Bring this claim in federal court.	You must exhaust all state remedies first. There is a one-year time limit to bringing this claim	<p>The Jailhouse Lawyer's Handbook</p> <p>Collateral Attacks on Criminal Convictions through State and Federal Habeas Corpus Petitions - Prison Law Office</p> <p>Federal Habeas Corpus - Prison Law Office</p> <p>Federal Petition for Writ of Habeas Corpus Material - Legal Services for Prisoners with Children</p>

Oral estrogens (pills):

estradiol (preferred), 6-8 mg daily; **OR**
estradiol valerate (preferred), 6-8 mg daily; **OR**
conjugated equine estrogens, 5 mg daily

Transdermal estrogen (gels or patches):

estradiol, **two** 0.1 mg patches, applied simultaneously, changed per manufacturer's recommended schedule (see note below)
estradiol valerate (e.g., Delestrogen®), 20 mg IM every two weeks.

If you take oral estrogen Dr. Lawrence also recommends taking 81 mg of aspirin daily to assist with blood thinning as blood clotting commonly occurs for people who take oral estrogen. Transdermal estrogen causes less clotting tendency than oral estrogen, and is recommended to people over the age of 40.

Anti-Androgens

Anti-Androgens help in reducing testosterone to lower levels. Everyone has some testosterone in them, so the goal is not to get rid of testosterone but merely to reduce it. Adding an anti-androgen allows lower dosages of estrogen to be used. Spironolactone is fairly inexpensive and has few side effects. Typical dosages of anti-androgens:

Oral anti-androgen:

spironolactone, 100-300 mg daily in divided doses

Progestins (oral OR injectable, not both)

Progestins are sometimes added to a hormone regimen in an attempt to increase breast development. This is generally considered an individual choice as there is limited research on whether progestin truly affects breast development. In addition, some people find that progestins can cause depression or

irritability and counteract some of the affects of estrogen. Progestins can also inhibit testosterone production, and are sometimes used for this purpose.

Oral progestins:

medroxyprogesterone, 5-10 mg daily; **OR**
micronized progesterone, 100 mg twice daily; **OR**

Injectable (intramuscular) progestins:

medroxyprogesterone, 50 mg every two weeks; **OR**
progesterone in oil, 50 mg every two weeks

c. Masculinizing Hormone Regimes

Adult and adolescent transgender men and trans masculine people who wish to use hormone are prescribed testosterone. It is not recommended to increase your dosage of testosterone as after a certain point your body will no longer respond positively and *will actually convert the extra testosterone into estrogen*. Typical dosages vary much more among transgender men and trans masculine people than among transgender women and trans feminine people. However we have attempted to provide some guidelines below.

Injectable Testosterone:

There are two kinds, which are very similar (the difference being that enanthate is suspended in sesame oil; cypionate is suspended in cottonseed oil. Only one should be used.
Testosterone cypionate, 50-80mg every two weeks that is increased gradually to 100-200mg every two weeks
Testosterone enanthate, 50-80mg every two weeks that is increased gradually to 100-200mg every two weeks

Transdermal Testosterone (patch or gel):

LAWSUITS THAT CHALLENGE YOUR CONVICTION OR SENTENCE

Type of Suit	Characteristics of the Suit	Where do I bring it?	Important tips!	Who can assist me?
Criminal Appeal	A higher court looks at your case to see if the lower court, judge, or prosecutor committed any legal errors during the trial or sentencing	If you were convicted in a state trial court, bring your claim to a higher state court. If you were convicted in a federal court, bring your claim to a higher federal court.	These courts can only look for legal errors - not factual ones.	The Jailhouse Lawyer's Handbook

Briefly, the PLRA is a federal statute that puts limitations on when and how you can file suit against the prison system for violation of your rights or personal injuries. The most important part is that in order to bring a lawsuit in court you need to first “exhaust your administrative remedies”. If you live in California, this means you must first file a 602 grievance and follow that grievance all the way up the chain of command until you are grieving it in Sacramento. You must exhaust your administrative remedies regardless of what harm is done to you. Violations of your federal rights, your state rights, or your local county rights must all be grieved internally before you can go to court.

It is also important to be aware that legal action - anything from a 602 grievance to a formal litigation with an attorney - can bring about guard retaliation. This is unlawful. However, as you may already know, that does not stop it from occurring. Only you can know what is best for you in your situation. It can be a good idea to let family and attorneys know that you are pursuing claims so that they can be vigilant in keeping in contact with you. You may already know this, but TGI Justice members have seen that sometimes having people visit you or write to you can reduce the amount of abuse or retaliation you experience. Pen pals and visitors let prison officials know that people are taking note of what happens to you.

Dissolved testosterone crystals, 2.5-5 g every day increased to 5-10 g every day

5. Sexual Reassignment Surgery/Gender Affirmation Surgery

As of the writing of this resource guide, the CDCR maintains that it is not obligated to provide access to or cover the cost of any gender-affirming surgeries. However, lawsuits have been underway in many federal courts challenging this position. Lyralisa Stevens brought one such lawsuit, which was dismissed but got very far. Ms. Stevens’ legal claim was that her placement in a male facility puts her at risk for rape and other abuse. Therefore, because the CDCR will place transgender women who have had full genital surgery in a women’s facility the CDCR must pay for her surgery in order that she be transferred to a women’s facility.¹⁴

6. Denials of Medical Care:

Everyone inside has a constitutional right to adequate medical and mental health care under the 8th Amendment of the U.S. Constitution. This includes access to mental health care and hormones. As mentioned above, the CDCR maintains that surgeries related to transition such as breast augmentation or genital reconstruction are generally not covered as they are deemed “cosmetic”. However you may try pursuing the Federal Policy for care while in prison¹⁵, and the claims made in Ms. Stevens’ suit as legal basis. In addition, the commentary against State Bill 1079¹⁶ can be useful. The Prison Law Office provided strong legal arguments on the unconstitutionality of banning sex reassignment surgeries for inmates. Their arguments were

¹⁴ Ms. Stevens’ case can be found at Stevens v. Knowles, 2012 WL 643440 (C.D. Cal. Feb 27, 2012).

¹⁵ These memorandums are available online and you can write to organizations in this guidebook for a copy of both memos. They are called the Gender Identity Disorder Evaluation Memos written on May 31, 2011 and June 15, 2010 by RADM Newton E. Kendig and Charles E. Samuels Jr and make up 4 pages in total.

¹⁶ SB 1079 Sponsored by Senator Rubio and heard on April 24, 2012 titled Medical Care of Inmates.

backed by a 7th Circuit decision, *Fields v. Smith*¹⁷ which determined that a Wisconsin initiative to bar sexual reassignment surgery for transgender inmates was unconstitutional. This decision did not ensure that the Department of Corrections had to pay for the surgeries, but it did ensure that people inside had to have access to them if needed.

A facility has violated your 8th Amendment constitutional right to be free from cruel and unusual punishment if you can show that the prison officials acted with “deliberate indifference” to your serious medical need. This language comes from the case *Estelle v. Gamble* (429 U.S. 97, 1976). This can be a difficult standard to meet, but it is always worth pursuing. Sometimes legal claims aren’t successful in the courts but the awareness raised by the media or through community organizing is successful. It’s always a good idea to find multiple ways to get your needs met.

A serious medical need would be one that interferes with your ability to perform activities of daily living or causes chronic and persistent pain. Successful claims that the denial of hormones cause chronic and persistent pain have included documentation of: hot flashes, dizziness, vomiting, and disfigurement of the body (including loss or gains in breast growth). Many transgender people also mention the affects of hormone denial on their mental health including panic attacks, depression, and suicidal thoughts. Be sure to link these mental affects to physical ones such as rapid heartbeat from panic attacks, loss in weight due to depression, etc. Courts tend to recognize mental anguish only if it has a physical manifestation.

Deliberate indifference means that prison officials have delayed, denied, or interfered with your treatment or your treatment is

¹⁷ WL 3436875 (7th Cir. Aug. 5, 2011)

BEFORE YOU FILE A CLAIM²¹

Legal actions can be incredibly difficult to pursue. Therefore it is highly recommended that you reach out to any of the organizations in the guidebook to receive either direct legal representation or general support. Many of these organizations have volunteers or interns who can look up cases, print resources or double-check citations for you. Please keep in mind that many have backlogs in responding to mail.

Incarcerated people face many different kinds of abuse, and incarcerated transgender people often face even more kinds of abuse. In this section we have provided a table that helps briefly lay out what kind of claim to file and what court to file it in. Additionally, where possible, we have listed what national or California resource to use for more information.

The PLRA and Grievances

It is important to know about the Prison Litigation Reform Act (PLRA). This legislation passed in 1996 and purposefully created many barriers to filing complaints about the conditions of incarceration and your treatment while inside. The Prison Litigation Reform Act by John Boston of the Legal Aid Society (Prepared for the Second Circuit Court of Appeals’ Staff Attorney Orientation, Sept. 2004) is a good resource for more practical tips about the PLRA. You can write to any of the organizations listed in the “Attorney Reference” section and ask them to send it to you.

²¹ Chapter 5 of *A Jailhouse Lawyer’s Manual* is a helpful resource to breakdown the types of lawsuits that are available and when and how to bring them. While the *Jailhouse Lawyer’s Manual* is based on New York and federal law, it can be helpful in explaining how to do legal research and who to contact.

don't bring weak claims. It is generally good to focus on only a few strong claims. Each claim should be able to say what action occurred and the specific law it violates. For example: "the trial attorney's failure to interview and present an important witness violated the petitioner's Sixth Amendment right to the effective assistance of counsel."

Next, you should set forth a "request for relief". If you don't have an attorney then your request for relief should also include a request for an attorney. It always good to end that you would also like "any other relief that may be proper or necessary". This allows the court to consider other types of relief that you might not have thought about.

Finally, attach a Memorandum of Points and Authorities, which details the important cases, constitutions, statutes, regulations or treaties and discusses how they apply to your case.

improper. Should you be denied your medical rights and live in California you may wish to look at the following cases for more information: *Duncan v. Duckworth* (644 F.2d 653, 1981 from 7th Circuit); *Ortiz v. City of Imperial* (884 F.2d 1312, 1989 from 9th Circuit); *Wood v. Housewright* (900 F.2d 1332, 1990 from 9th Circuit). Generally, documentation of your self-advocacy attempts is a good way to meet this requirement. Copies of your grievances, advocacy letters, and letters from outside organizations can show that the prison or jail knew you needed hormones or other medical care and ignored your requests for them.

You may also wish to link denial of health care to the refusal to follow the World Professional Association for Transgender Health (WPATH). WPATH sets internationally recognized health care standards for transgender, gender non-conforming, and to a certain extent intersex people. They published a new version in 2011 which includes a section titled *Applicability of the Standards of Care to People Living in Institutional Environments*. Write to organizations in this resource packet and ask them to print p.67-68. These pages state that the Standards of Care "in their entirety apply to all transsexual, transgender, and gender nonconforming people, irrespective of their housing situation." While not law, this is very persuasive to include in any denials of access to care.

ATTORNEY REFERRALS

General Tip:

If you are seeking an attorney to work with you on medical concerns, your injuries, or family law issues, you may wish to write to your local bar association. When you write to them ask specifically for an attorney who specializes in the type of law you think you might have a claim in. You can also write to the organizations listed below to request that they send you the address of your local bar association.

Also, remember to put "Legal Mail Confidential" on all legal mail. Prison and jail staff are **not** allowed to read your outgoing or incoming legal mail. In California and federal prisons incoming legal mail *must* be opened in your presence.

American Civil Liberties Union of Southern California

Ester Lim

Jails Project Coordinator

1313 West Eighth St.,

#200

Los Angeles, CA 90017

The ACLU of Southern California is the court-ordered monitor of conditions of confinement and medical services within all Los Angeles County jail facilities. "Conditions" refers to beds, change of clothing, food, meals, gay inmate classification, recreation, showers, telephones, overcrowding, "fish" kits, store, protective custody, religious services, mail, allegations of violence and retaliation and other similar issues that may arise. Through advocacy, public education, and litigation, the ACLU works to ensure that a basic standard of care is provided.

American Civil Liberties Union - National Prison Project

915 15th Street, NW

7th Floor

Washington, DC 20005

under "Attorney References" and see if they can check a handful of citations. It's a good idea to write in the early summer when the organizations have summer interns.

Tips for Writing Legal Documents¹⁹

Most legal writing can be written using the same structure. This is especially true of formal briefs or legal filings, but it is also a good idea to structure advocacy letters in these formal ways. Generally, legal filings are structured as:

1. A brief summary
2. Facts
3. A legal claim
4. A request for relief
5. And exhibits or documents

It is best to write facts in chronological order in short, simple sentences. The facts section is a good place to show how you have exhausted your administrative options. If you can support a fact through a document then remember to attach the document to the petition. But always keep a copy for yourself, too! If there are many attached documents, create a "List of Exhibits" similar to a Table of Contents. If you are relying on witnesses, have each one write a short summary of the relevant facts and then sign it. This is called a Declaration. It is good to get Declarations notarized. You have the right to access a notary while incarcerated.²⁰

In the legal claims section, write a short summary of all the different legal claims you wish to bring. While you want to make sure you mention everything, you should also make sure that you

¹⁹ The Prison Law Office publishes tips for writing legal documents at the end of each of their manuals. Write to them to request more tips for legal writing.

²⁰ If you have difficulty, you can write to Justice Now, Legal Services for Prisoners with Children, or California Coalition for Women Prisoners. All of these organizations visit people inside and can provide some limited notary services.

Thank you for your attention to this matter. If you have further questions, please contact me at xxx-xxx-xxxx

Sincerely, XX

Contact Administrators and other Governmental Officials
You may also wish to reach out to other officials. Unfortunately, a lot of people, even our elected officials, do not know about the conditions of prisons. Officials outside of the system may be able to influence administrators within the prison system. When writing to officials it is important to keep your letters short, as officials often do not have time to respond at length.

Contacting prison officials puts them on notice about the problems you are experiencing. If you progress to a law suit it is helpful to show that they were informed of your concerns. Therefore, it's a good idea to keep copies of these letters, too. See below for important contact info.

Contact Elected Representatives
You may also wish to write to members of the state legislature who are responsible for overseeing the CDCR. If your supporters live in California, they may want to contact their or your representative. Because Senators and Legislators change office often we haven't included their names or addresses here, but any of the organizations in this guide could supply you with their names.

Stay Informed about the Law
Remember that the law changes often. If you've been working on an appeal or a habeas claim for a while, make sure to double-check if the cases and laws are still "good". If your law library isn't up to date, you can write to the non-profit organizations listed

The National Prison Project of the ACLU is the only organization that litigates prison conditions cases on a national level. The ACLU National Prison Project focuses on class action lawsuits. This means that your conditions must be particularly difficult, and that an entire class of people must be effected - such as all Black prisoners, or all pregnant prisoners. Their particular focus is on Immigration Detention and Solitary Confinement. If you are in a facility that is run by a private corporation (a private prison) they are also interested in those situations. They also have many publications which they are willing to send to you regarding their work. These publications may be useful both for personal education and for basic legal research.

California Prison Focus
1904 Franklin Street, Suite 507
Oakland, CA 94612

California Prison Focus works to abolish the California prison system in its present condition. We stand up strong against the cruel and torturous conditions of the California prison system, especially advocating for the immediate shut down of all SHU (Security Housing Units) cells and similar conditions of solitary confinement. We publish a quarterly magazine, *Prison Focus*, distributed free to SHU prisoners. We travel regularly to Pelican Bay and Corcoran state prisons to uncover and disseminate information on the current conditions prisoners must endure.

Justice Now
Cynthia Chandler, Esq.
1322 Webster St. Suite 210
Oakland, CA 94612
510-832-4357 (they take collect calls)

Justice Now's mission is to end violence against women and stop their imprisonment. Justice Now promotes alternatives to policing and prisons and challenges the prison industrial complex in all its

forms. Justice Now provides legal services and support to prisoner organizing efforts that promote health and justice; works with prisoners, their families and community members on political education and mobilization campaigns; builds coalitions to create safety for women and individual accountability without relying on the punishment system; and trains the next generation of activists

Justice Now works with many people on the transgender male spectrum (stud broads, FTMs, transmen, etc.) in "women's" prisons and is doing organizing work with people there on getting access to boxers and challenging forced feminization in cdc-issued clothing. They support their leaders inside to do human rights documentation of human rights violations. They also do work supporting people to get compassionate release at CCWF, VSPW, and CMF-Vacaville. In California, Compassionate Release allows an individual with fewer than six (6) months to live the ability to spend those last months with family. Therefore to qualify you must have been diagnosed with a terminal illness and a qualifying physician must state that you have six months or fewer to live. Unfortunately, if you are sentenced to life without the possibility of parole you cannot qualify for this program.

and lawyers committed to working for social justice.

Lambda Legal - Western Regional Office

3325 Wilshire Boulevard
Suite 1300
Los Angeles, CA 90010-1729
(213) 382-7600

We pursue impact litigation. Our legal experts select the cases that will change or interpret laws in order to have the greatest impact in protecting and advancing the rights of LGBT people and those with HIV. Lambda Legal expands and defends protections for transgender people under federal, state and local laws and other policies. If you have experienced discrimination, contact our Help Desk toll free at [1-866-542-8336](tel:1-866-542-8336), go to www.lambdalegal.org/help, or write to your regional office.

Mail to:
Office of the Inspector General
P.O. Box 348780
Sacramento, CA 95834-8780

Keep a Diary

It can be very helpful to keep a journal or diary of all your interactions. This should include dates, times, name, and how you have attempted to advocate for yourself. You should also keep track of when you send out letters and what you put in the letters. This can help you to remember where you are in the grievance process and it will help in the paper trail showing you have attempted to exhaust your administrative remedies. Again, if you are able to, make copies and send them to trusted advocates or your attorney.

Follow up Verbal Communication with Written Communication

If you or an outside supporter calls someone, it is a good idea to follow up the phone call with a letter. For example, if you have asked a friend to call the Warden because you have not been getting your hormones, ask your friend to send a follow-up letter like this:

Dear Warden,

I am writing to follow up on our telephone conversation of June 26, 2012 at approximately 1:15pm. This phone call was regarding my friend's access to hormones. During this phone call I informed you that my friend is a transgender woman who has been approved for hormone usage by her doctor and therapist. You told me you would look into the situation and ensure that my friend got her full medical needs met.

FILING COMPLAINTS AND LAW SUITS

GENERAL ADVOCACY TIPS¹⁸

Make copies

It is very important to keep copies of all documents. This creates a paper trail showing the history of your situation and your attempts to resolve it through the proper channels. It is very important in filing legal suits to show that you attempted to use the prison's grievance system first. Some documents to keep are: 602 appeals, medical records, letters to your attorneys, and other official documents. If possible, make a copy of the document and send it to a trusted advocate or attorney. Ask them to keep it on file.

File 602 Appeals

Most of the time, 602 Appeals are denied. This is frustrating and can keep people from filing 602s. However, it is vital to file these as they show you are "exhausting your administrative options". You need to "exhaust" your administrative remedies in order to be able to file a law suit later. This means appealing all the way up to Sacramento.

You may also want to send copies of your 602 Appeal to the Inspector General. The Inspector General is responsible for independent oversight of the CDCR. Information sent to the Inspector General should be kept confidential and it is unlawful to retaliate against you because of filing a grievance. If you are retaliated against for filing any complaint, the Inspector General is obligated by law to investigate it.

¹⁸ These are taken from Legal Services for Prisoners with Children's General Advocacy Tips handout

Legal Services for Prisoners with Children

Carol Strickman, Esq.

1540 Market St.

Suite 490

San Francisco, CA 94102

LSPC's mission is to advocate for the civil rights and empowerment of incarcerated parents, children, family members and people at risk for incarceration. LSPC's focus is on all women prisoners and their families, and LSPC emphasizes that issues of race are central to any discussion of incarceration. LSPC produces several manuals (see the Lawsuits section) which they are happy to send to anyone incarcerated and their families. LSPC will also do basic legal research to assist you in your case and connect you to a pro bono attorney, however they are an advocacy and referral agency and do not provide direct services.

National Lawyers Guild

132 Nassau Street

Rm. 922

New York, NY 10038

(212) 679-5100 x14 abi@nlg.org

The National Lawyers Guild is a non-profit federation of progressive lawyers, legal workers, and law students. Individual attorneys often take on clients pro bono (for free). You may wish to write to the NLG and request a membership directory of all the attorneys who have shared their names. The NLG also publishes the *Jailhouse Lawyers Handbook*. You must include a check, money order, or stamps for \$2.00 in order to receive a copy. This Handbook explains how to file a lawsuit in federal court to fight against mistreatment and bad conditions in prison.

Prison Law Office

Alison Hardy, Esq.

General Delivery

San Quentin, CA 94964

The Prison Law Office provides free legal services to California state prisoners, and occasionally to California state parolees. PLO's assistance is generally limited to cases regarding conditions of confinement. Further, the office does not typically assist or represent prisoners in lawsuits in which money damages are the primary objective. Instead, the office focuses on cases in which a change in conditions is sought. The office attempts to resolve such cases informally, if possible (by advocating to prison officials), or through formal litigation. The office provides services to California prisoners, including transgender people, on issues relating to access to medical care and has advocated for trans clients regarding hormone therapy, HIV care and safety issues.

The office also continues to advocate for clients to receive appropriate clothing. The decision to assist with any particular case depends on the issue presented, the chance of success, the amount of time and resource necessary to properly assist, the office's resources, staff availability and caseload.

Sylvia Rivera Law Project

Chase Strangio, Esq.

147 W 24th St, 5th Floor

New York, NY 10011

SRLP provides free legal services to transgender, intersex and gender nonconforming low-income people and people of color in New York State. They have a publication called *In Solidarity*, which is sent to people inside prisons. They are sometimes able to connect individuals who are in for particularly long sentences or in very dangerous circumstances with a pen pal.

National Center for Lesbian Rights

Ming Wong, Esq.

870 Market Street Suite 370

San Francisco CA 94102

415-392-6257 x325 (for the legal helpline, no collect calls)

For transgender people and people living with HIV/AIDS NCLR can provide support around prison harassment, discrimination, failure to accommodate, denial of health care, and general violence concerns. NCLR has staff attorneys and an attorney referral network.

Transgender Law Center

Danny Kirchoff, Esq.

870 Market St

Suite # 400

San Francisco, CA 94102

415-865-0176 (They accept collect phone calls)

Transgender Law Center works to change law, policy, and attitudes so that all people can live safely, authentically, and free from discrimination regardless of their gender identity or expression. The Transgender Law Center does not provide direct services for incarcerated people. However, they do respond to letters from people inside. If you wish to pursue certain legal actions - like a name change - they may be able to send you more information and forms.