

North Carolina Coalition Against Sexual Assault

NCCASA

EDUCATION  ADVOCACY  LEGISLATION

Providing Competent Services to LGBTQI+ Adult Incarcerated Survivors

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Housekeeping

- This is NOT an LGBTQI+ 101; for further questions, you can contact Jen at NCCASA.
- Creating a safe virtual space means asking respectful questions and assuming good intentions.

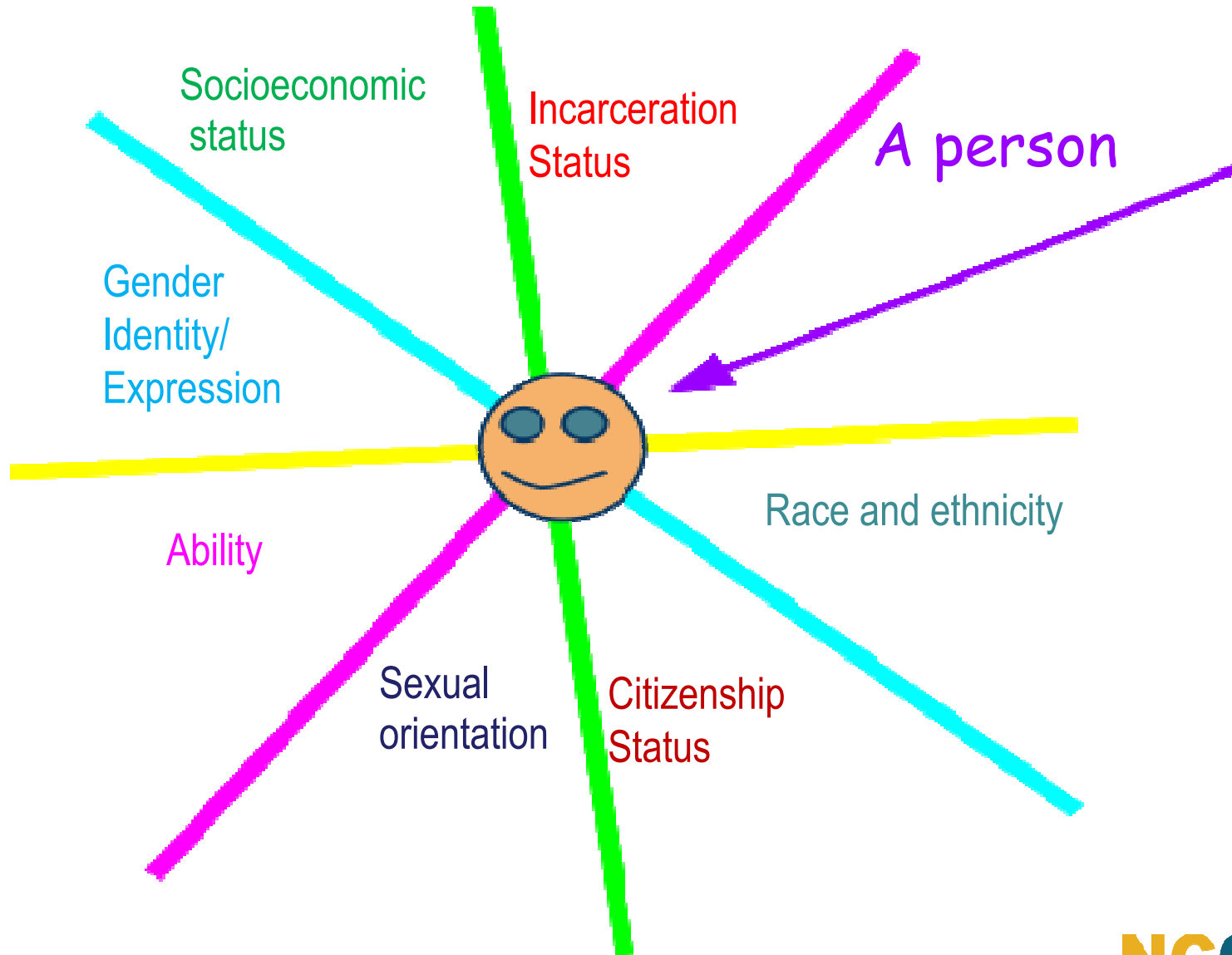
Language

- Sexual orientation, gender identity, and gender expression are all different things.
- Avoid homogeneous stereotypes.
- Heterosexism/cissexism, heteronormativity, and homo/transphobia are real and they inform our perceptions.
- Language is always fluid and contested.

Terminology

- **Sexual orientation** means the internal experience that determines one's physical, emotional or other attraction to men, women, both, or neither. Everyone has a sexual orientation.
- **Gender Identity** means a person's internal, deeply felt sense of being male or female, or in between, regardless of the person's sex assigned at birth.
- **Gender Expression** means the manner in which a person expresses his or her gender identity to others.
- **Gender nonconforming** means a person whose appearance or manner does not conform to traditional societal gender expectation.
- **Transgender** means a person whose gender identity (ie, internal sense of their gender) does not match their sex assigned at birth.
- **Intersex** means a person whose sexual or reproductive anatomy does not seem to fit typical definitions of male or female.

Understanding Intersectional Oppression



Original graphic created by Rob Powell

Who are LGBTQI+ People?



LGBTQI+ People and Sexual Violence: A Snapshot

- In the first systematic review on the subject, Rothman and colleagues (2009) found that 43% of lesbian and bisexual women and 30% of gay and bisexual men report experiencing sexual violence in their lifetime.
- 1 in 8 lesbian women and 1 in 2 bisexual women have been raped at some point in their lives. 4 in 10 gay men and 1 in 2 bisexual men have experienced SV other than rape at some point in their lives (NISVS, 2011).
- 64% of transgender people have experience sexual violence in their lifetime (Nat'l Transgender Discrimination Survey, 2011).
- Transgender women, undocumented LGBT people and HIV-affected people, LGBT and HIV-affected people of color, and gay men have the greatest risk of experiencing severe violence (NCAVP, 2014)

LGBTQI+ Peoples' Experiences with Law Enforcement and Criminal Justice

STOP POLICE BRUTALITY
AGAINST WOMEN OF COLOR
& TRANS PEOPLE OF COLOR!

POLICE BRUTALITY INCLUDES:

- + RACIAL PROFILING + SEXUAL VIOLENCE & SEXUAL HARASSMENT
- + "QUALITY OF LIFE" & "ZERO TOLERANCE" POLICING + PHYSICAL ABUSE
- + GENDER/SX POLICING + WARRANT DETENTION + IMMIGRATION RAIDS + BORDER PATROL
- + ATTENDING & ARRESTING DOMESTIC VIOLENCE SURVIVORS + STOP & CREDIT SEARCHES
- + POLICING MOTHERHOOD + MALTREATMENT OF COMMUNITIES OF COLOR IN THE U.S. & ABROAD

LET'S ORGANIZE SAFE & SUSTAINABLE COMMUNITIES!



The Criminalization of LGBTQI+ People: A History



Incarceration Correlates

- Stop and Frisk
- Condoms as an indicator of sex work.
- “Walking while trans*” (particularly a trans* woman of color).
- Self-defense against hate crimes.
- Lack of access to and discrimination within essential service settings.

The Story of CeCe McDonald

CeCe McDonald, a self-identified transgender woman, was walking to the store at night in Minneapolis with a group of her friends. They passed by a bar and were accosted by a group of people standing outside of the bar. The group shouted transphobic, homophobic, and racist epithets at CeCe and her friends. When CeCe attempted to reply, one of the people in the group hit her in the face with a glass. CeCe, bleeding and stumbling, attempted to walk away but one of them started running after the group. CeCe, a college student majoring in fashion design, rifled through her purse and landed on a pair of fabric scissors. As the man ran toward CeCe, she attempted to defend herself and her friends with the scissors. The scissors went into the man's chest, puncturing his heart, and he died almost instantly.



What's True About the Case of CeCe McDonald

- CeCe killed a man (she never denied this).
- CeCe killed a man in self-defense after being threatened and physically attacked.
- CeCe's attackers were known racists and neo-nazis with a police record of violent assaults (none of that was admissible in court).
- CeCe left home at 14, lived in poverty, and did prior stints in prison for survival sex work and drug possession (all of that was admissible in court).

LGBTQI Experiences with Law Enforcement

- 22-38% of trans* people have been harassed by police, with upwards of 15% experiencing physical abuse and 7% being sexually assaulted by law enforcement (Forge, 2012).
- LGBTQ people, particularly trans* women of color, have been stopped, harassed, and arrested on the assumption that they are engaging in sex work.
- In a 2014 study by Lambda Legal, 25% of respondents who had interactions with police report substantial police misconduct and harassment.



LGBTQI Experiences with Law Enforcement

Chris Bilal, a young African-American gay man, was stopped and frisked by NYC police for dancing in a public park with his friends. The police said they had probable cause that he was “engaging in unlawful sexual conduct.” —Gay City News, 2012

“I was called a faggot and beaten up by police officers right here in the nation’s capital, then charged with assaulting them and forced to plead guilty to being under the influence of my own HIV meds.” —Andrew, Washington, DC

*“These experiences look like a friend of mine, a trans-identified woman, being told to unzip her pants and reveal her genitals to satisfy the curiosity of the officer.”
—Mitchyll Mora, Streetwise and Safe*

Law Enforcement Policing of Gender

*Reverend Jason Lydon, an advocate, reports: “In October 2014, I was accompanying a transgender woman to a court date...When her name was called and she was brought before the judge they placed her in cuffs and sent her into the holding area. When the court officer brought her into the holding area he asked her, “are you a man or a woman?” **When she responded that she was a woman he grabbed her genitals and said, ‘women don’t have dicks.’”***

Corrective Rape as “Justice”

In 2010, Joe Rehyansky, a TN judge, was as about “Don’t Ask, Don’t Tell” and he was quoted as saying, “Lesbians should be allowed to serve... thus giving straight male GIs a fair shot at converting lesbians and bringing them into the mainstream.”

LGBTQI+ People's Experiences with Incarceration



Sexual Violence Among Incarcerated LGBTQI+ People

- LGBT and HIV+ people are overrepresented in US prisons and face pervasive violence, isolation, lack of access to healthcare, and exclusion from services (A Roadmap for Change, 2014).
- Prisoners and detainees who are, or are perceived to be, gay, transgender, or gender non-conforming, are more likely to experience sexual violence than their heterosexual and gender conforming counterparts.
- A 2007 California study of six male prisons found that 67% of LGBT respondents report having been sexually assaulted by another inmate, a rate 15 times higher than the general prison population.
- The first national survey of sexual violence in the prison system found that sexual orientation was the single greatest determinant of sexual violence victimization in prison (BJS, 2003).

The larger society has framed LGBTQ people as “unrapeable” and unworthy of protection. This is magnified in prison.

Sexual Violence as a Punishment

Roderick Johnson, a black gay man, was sentenced to prison in 1999 in TX. He was raped within days of his arrival. When he reported the rape, he was denied medical attention and the rape was never investigated. Over the next 18 months he was repeatedly raped, masturbated on, bought and sold by other inmates, and physically assaulted. He repeatedly asked for and was denied safe housing, transfer, or protective custody by the United Classification Committee (UCC). Members of the UCC were reported as saying to him, “I personally believe you like to suck dick” and “if you want to be a ho, you’ll be treated like a ho.”

Sexual Violence as the Status Quo

Vicki, a transgender woman, reported that prison guards would frisk her “as a means of harassment, with all their friends watching. After frisking me they’d say, ‘I need a cigarette now.’”

Accounting for the High Rates of Victimization

- Persistent and severe societal discrimination gets replicated in prisons.
- The hypermasculinity of the prison environment.
- Sex acts are treated as currency by prison staff and inmates.
- LGBTQI+ people are oversexualized and dehumanized, making them “unrapeable.”
- Rape culture in prison plays out through denial, disbelief, minimization, and condoning.
- There is a lack of understanding about the needs and safety concerns of LGBTQI+ incarcerated people.

North Carolina's PREA related Standards Regarding LGBTI Incarcerated Survivors

CHARLOTTE JORDAN-WILLIAMS, PRESENTER

§ 115.15 Limits to Cross Gender Viewing and Searches

- (e) The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
- (f) The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

§ 115.31 Employee Training

- How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates;

§ 115.41 Screening for risk of victimization & abusiveness.

The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

- Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- The inmate's own perception of vulnerability;

§ 115.42 Use of screening information.

(a) The agency shall use information from the risk screening required by § 115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

(b) make individualized determinations about how to ensure the safety of each inmate.

(c) 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, the agency shall 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.

§ 115.42 Use of screening information, con't.

(d) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

(e) A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.

(f) Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

§ 115.42 Use of screening information, con't.

(g) The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings 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.

Questions and Answers

CONCLUSION