

Coming Out of Concrete Closets

A Report on Black & Pink's National LGBTQ Prisoner Survey

To increase the power of prisoners we need greater access to the political process. We need real! access to real people in real power who will actively hear us and help us, not just give us lip service, come sit and talk with me, help me take my dreams and present them to the people who can turn them into a reality, I am not persona non grata, hear me, don't patronize me just to keep me quiet, understand that I'm very capable of helping in this fight. -Survey respondent

Jason Lydon
with
Kamaria Carrington
Hana Low
Reed Miller
Mahsa Yazdy

Black & Pink

October 2015

www.blackandpink.org

This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License.

Cover image: "Alcatraz" by Mike Shelby / CC BY 2.0

,

TABLE OF CONTENTS

Executive Summary 3

Key Findings 3

Recommendations 6

Policing and Criminalization of LGBTQ People 6

Courts / Bail Reform / Sentencing 7

Prison Conditions and Decarceration 9

Introduction 12

A Note on Language 13

Scope And Methodology 15

Demographics 18

Age 18

Race 18

Gender/Sex and Sexuality 19

Children 19

Schooling 20

Housing 20

Military Service 21

Employment and Criminalized economies 21

Arrest and Incarceration 22

Pretrial Detention, Courts, Bail, Sentencing, and Parole 24

Pretrial Detention 24

Experiences with Defense Attorneys 24

Sentencing 25

Facilities 26

Parole 27

Sexuality, Gender Identity, And Sexual Activity 29

Sexuality 29

Gender Identity 30

Sexual Activity 31
Solitary Confinement 34
Race / Ethnicity and Solitary Confinement 36
Gender / Sex and Sexuality and Solitary Confinement 37
Prison Security Level and Solitary Confinement 37
Self-Identified Mental Illness and Solitary Confinement 38
Discrimination And Violence 39
Violence by Staff 39
Strip Searches 41
Violence by Other Prisoners 42
Healthcare 46
Fees 46
HIV / AIDS 46
Mental Illness 48
Respect 49
Relationships And Community 51
Romantic Relationships 51
Intimate Partner Abuse, Survival and Resilience 53
Relationships with Community Outside of Prison 55
Programs 56
Access to Books 56
Visions For Movement Building 58
Conclusion 60
Acknowledgments 60

EXECUTIVE SUMMARY

This report lifts up the voices of LGBTQ prisoners from across the United States so that they can inform, shape, and lead the movement for prisoner justice. These numbers, statistics, and stories represent the largest ever collection of information from LGBTQ prisoners. This collection of information is possible because of the time taken by 1,118 prisoners across the United States to handwrite responses to our 133-question survey, which was itself designed/drafted with prisoners themselves. Black & Pink's free world leadership extends the utmost thanks to prisoner members who took the time to help design and respond to the National LGBTQ Prisoner Survey and for sharing their deeply personal and valuable stories of harm and resilience.

LGBTQ people, particularly people of color and poor people, experience high levels of policing and criminalization, leading to arrest and incarceration. Once inside prison, LGBTQ people are subjected to constant violence by both prison staff and other prisoners. This report seeks to offer a tool for organizers, both inside and outside of prisons, to strengthen national campaigns and grassroots efforts to alleviate the immediate suffering of prisoners and bring an end to the prison industrial complex while centering the needs of LGBTQ prisoners.

KEY FINDINGS

Homelessness and **Housing**

- Nearly a fifth of respondents reported being homeless or transient prior to their incarceration, while 29% lived with family or a friend. Only 52% were living in a home of their own.

Unemployment and Criminalized Economies

- Over a third of respondents reported being unemployed prior to their incarceration, nearly 7 times the 2014 national unemployment rate in 2014.
- 39% of respondents reported that they have traded sex for survival.
- Selling drugs is also a frequent means of survival: over half of respondents have sold drugs for money. Black respondents were nearly 20% more likely to have participated in the drug trade than white respondents (67% and 48% respectively). This over-representation of Black respondents in the drug trade highlights the racism of the War on Drugs, since white people are actually *more* likely to sell drugs.

Arrest and Incarceration

- Close to two thirds (58%) of respondents' first arrest occurred when they were under the age of 18. Black and Latin@/Hispanic respondents were more likely to have their first arrest occur when they were under 18 compared to white respondents (66% versus 51%, respectively).
- For two thirds of respondents, the current sentence they are serving is not their first experience of incarceration. Frequency of incarceration varied, although Black, Latin@/Hispanic, and mixed-race respondents were more likely to have experienced multiple incarcerations than their white and Native American/American Indian counterparts.

Education

- Ninety percent of respondents have completed high school or earned a GED. Closer scrutiny, however, reveals that *only 29%* of respondents completed high school outside of prison. This means that 71% of respondents dropped out of school, were expelled from school, or never attended school in the first place.

Children

- Forty five percent of respondents report having children, although only 29% of these parents report having any kind of contact with their children.

Pretrial Detention

- Nearly three quarters of respondents were held in jail prior to their conviction. Of those held in pretrial detention, more than half were detained for a year or more.

Sentencing

- Respondents were twice as likely to be serving life sentences than the general state and federal prison populations.
- The average time respondents have spent in prison was 10 years. According to research by Pew, prisoners released in 2009 served an average of 2.9 years in custody.

Prison Security Levels

- While all respondents were over-represented in higher security facilities as compared with the national prison population, white respondents were nearly twice as likely as Black respondents to be held in minimum security prisons.

Parole

- Nearly a third of respondents have been granted parole on a previous sentence. Of those who have been granted parole, 65% have been returned to prison on a parole violation.

Sexual Identity and Gender Identity

- 65% of respondents identified as LGBTQ prior to their incarceration.
- 70% of respondents experienced emotional pain from hiding their sexuality during incarceration/throughout their interactions with the criminal legal system.
- 78% of transgender, nonbinary gender, and Two-Spirit respondents experienced emotional pain from hiding their gender identity during incarceration/throughout their interactions with the criminal legal system.
- Of transgender, nonbinary gender, and Two-Spirit survey respondents, only 43% have been diagnosed with Gender Identity Disorder or Gender Dysphoria. 31% reported being denied these diagnoses upon seeking them during incarceration.
- More than a third of transgender, nonbinary gender, and Two-Spirit respondents took hormones prior to their incarceration. The majority of these respondents took street-based hormones that were not prescribed by a doctor.
- 23% of transgender, nonbinary gender, and Two-Spirit respondents are currently taking hormones in prison, while an overwhelming 44% report being denied access to hormones they requested.
- Only 21% of respondents are allowed access to underwear and cosmetic needs that match their gender.
- 15% of respondents have been barred from programs offered by the prison because they identify as LGBTQ.
- Only 20% of respondents have access to LGBTQ affirming books.

Sexual Activity

- 70% of respondents have been sexually active in prison.
- Only 2% of respondents have access to condoms allowed by the prison, yet 22% have used a condom or another barrier to stop the transmission of sexually transmitted infections (STIs).
- 81% of respondents discussed safer sex with their sexual partner(s).
- Over a third of respondents have been disciplined for engaging in consensual sex, and of those, nearly two thirds have been placed in solitary confinement as punishment for consensual sexual activity.

Solitary Confinement

- 85% of respondents have been in solitary confinement at some point during their sentence; approximately half have spent 2 or more years there. Altogether, respondents have spent a total of 5,110 years in solitary confinement.
- Black, Latin@/Hispanic, mixed-race, and Native American/American Indian respondents were twice as likely to have been in solitary confinement, at the time of the survey, than white respondents.
- Respondents with a mental illness diagnosis were more likely to be in solitary confinement at the time of the survey and more likely to have ever been in solitary confinement than survey respondents without such a diagnosis.

Experiences of Violence

- Respondents were 4 times more likely to be sexually assaulted than the general prison population.
- All survey respondents have experienced strip searches. In answer to the question regarding how many times they have been strip searched, answered ranged anywhere from 1 to 50, 250, 500, "millions," "every day in 12 years," and "too many to count." One respondent wrote, "who the heck keeps track of all that?" This means that, despite the declared intentions of the Prison Rape Elimination Act (PREA), 100% of prisoners have experienced sexual violence by prison staff.
- Prisoners are nearly three times more likely to have committed sexual assaults on LGBTQ prisoners than prison staff. However, of those who report having been sexually assaulted by a prisoner, 76% also report that prison staff intentionally placed them in situations where they would be at high risk of sexually assault from another prisoner.
- The vast majority of respondents experienced discrimination and verbal harassment by prison staff and more than a third were physically assaulted by prison staff.

Healthcare

- Seven percent of survey respondents are HIV positive.
- Black respondents were more than 3 times more likely to be HIV positive than white respondents.
- 81% of respondents reported having to pay a fee to see a doctor. Fees ranged from $1 per visit to $100 per year.
- Fees prevented 43% of respondents from seeking medical care they needed.
- 67% of respondents have been diagnosed with a mental illness; of these, 48% receive no therapy.

Relationships and Community

- 68% of respondents have been in a romantic relationship with another prisoner while incarcerated.
- One third of respondents in romantic relationships experienced intimate partner abuse.
- 66% of respondents have monthly correspondence with someone outside of prison.

Prisoner Needs and Demands

- The clearest mandate from respondents was that Black & Pink should continue its current projects: the newspaper, pen pal program, resource list, and prisoner advocacy (e.g., calling prisons to advocate for individual prisoners who are being abused). Respondents reported that both the newspaper and pen pal program help them deal with the stress of being incarcerated and feel accepted in their gender and sexuality.
- Respondents need more information about their rights, legal changes, and case law. Abuse and discrimination from prison staff is a major concern.
- Respondents want their voices and stories to reach both lawmakers and the general public in order to educate them about what prison conditions are actually like for LGBTQ people.

RECOMMENDATIONS

As an abolitionist organization, Black & Pink makes the following recommendations in the spirit of what Ruth Wilson Gilmore calls "non-reformist reforms" or what are also called abolitionist reforms. While we remain committed to the abolition of prisons, we recognize that meeting the needs and ending the daily suffering of LGBTQ prisoners is also an urgent necessity. We are convinced that such reforms are not necessarily incompatible with an abolitionist politics, provided that they do not create new barriers or prisons that we will need to tear down in the future. Hence, our recommendations include policy proposals, advocacy areas, and grassroots organizing priorities that meet the immediate needs of LGBTQ prisoners and criminalized LGBTQ communities outside of prison which we believe will neither ideologically nor materially increase the power of any facet of the prison industrial complex.

The recommendations are divided into short-term, intermediate, and long-term efforts within specific advocacy areas. Each is informed by the findings of the report and/or comes directly from recommendations articulated by respondents themselves. Black & Pink wishes to emphasize that in moving forward with implementation, it is imperative that policymakers and community organizers remain vigilant against unwittingly introducing reforms that reinforce the power of the system they seek to change.

POLICING AND CRIMINALIZATION OF LGBTQ PEOPLE

Short-Term:

- **Eliminate the practice of Stop & Frisk/Search in every municipality**. Evidence shows that Stop & Frisk practices discriminate on the basis of race and also disproportionately target LGBTQ people. Ending these practices would slow the funneling of LGBTQ people of color into the courts and prison system.
- **Pass the End Racial Profiling Act (ERPA) (in its sexual orientation- and gender identity-inclusive version).** Advocates have long been trying to pass ERPA, a federal law that would prohibit racial profiling, collect data on racial profiling, provide police with re-training on racial profiling, and hold departments that continue to racially profile accountable, albeit without success. As of 2015, ERPA is now inclusive of sexual orientation and gender identity. Lambda Legal's report, "Protected and Served? Survey of LGBT/HIV Contact with Police, Courts, Prisons, and Security," showed that 25% of LGBT respondents who had interactions with police experienced misconduct and harassment. Passing an inclusive ERPA will ensure new tools are available for LGBTQ people to resist profiling.
- **End "Quality of Life" policing practices.** Our findings contribute to the wealth of research that shows LGBTQ people disproportionately experience homelessness, trade sex for survival needs, struggle with addiction, and live with mental illness, all of which are all criminalized under "Quality of Life" policies. "Quality of Life" policies do nothing to help those they criminalize and instead lead to increased incarceration, rather than provision of social services and public health measures for those who need them.
- **End all stings on internet and public spaces known to be used for purchasing and selling sex.** Ongoing police surveillance of these spaces forces those who trade sex into less public environments with fewer potential clients, forcing individuals to engage in transactions they otherwise would have rejected (e.g., sex without a condom). Given that many respondents have engaged in the sex trade prior to their incarceration, it is important to allow safer practices for trading sex.

Intermediate:

- **End the criminalization of the sex trade, for both purchasers and sellers of sex**. Decriminalizing sex trades will facilitate a safer economy and allow for greater resources and support systems to be developed by and for those engaged in the sex trade. As well, decriminalizing the sex trade will work to alleviate the discrimination in housing and employment faced by many with criminal records for sex trade participation.
- **End the practice of arresting people under the age of 18**. Youth are being introduced into the criminal legal system at increasingly earlier ages. Rather than addressing youth conflict with arrests, community-based teams should be created to stop the cycle of multiple incarcerations before it begins.
- **End the War on Drugs and decriminalize drug possession**. The majority of respondents report having sold drugs at some point in their lives. However, as has been thoroughly demonstrated, the War on Drugs has failed to reduce the use of drugs or increase safety. Criminalization of drugs does not decrease the harm caused by the drug trade, but rather gives police an additional tool to profile and arrest communities of color. Harm reduction strategies can teach people how to use drugs in safer ways, which saves lives and improves quality of life much more effectively than compulsory incarceration.
- **Create addiction treatment-on-demand programs and mental health treatment programs in non-carceral settings**. Rather than criminalize addiction and mental illness, or create more prison beds in the name of "drug treatment," well-funded community-based addiction treatment programs and outpatient mental health care facilities would create authentic opportunities for healing and healthcare that can keep individuals and communities safer.
- **Utilize saved funds from decreased policing to create affordable and accessible housing for those most affected by homelessness and incarceration**. Nearly a fifth of respondents were homeless or transient prior to their incarceration. Establishing affordable and accessible housing will reduce reliance on criminalized economies to survive. Ending homelessness will also keep individuals out of constant surveillance by police, decreasing their likelihood of arrest and incarceration.

Long-Term:

- **Abolish the police**. Police forces' direct ancestors are the slave patrols that targeted Black people for violence, arrest, and reenslavement. This institution has always created more harm than good for those society considers disposable, particularly people of color. Policing practices are inherently rooted in maintaining systemic oppression and as such the long term goal is to create a world free from the power of police.
- **Institute community-based solutions to harm and violence**. Abolishing the police will not bring an end to all forms of interpersonal harm and violence. Establishing alternative ways to address harm without punitive based systems will facilitate both healing for survivors and accountability for those who caused harm or stood by as harm occurred. These practices can be started well before the end of the police and organizations such as *Creative Interventions, Generation FIVE,* and *Philly Stands Up* have already begun such initiatives.

COURTS / BAIL REFORM / SENTENCING

Short-Term:

- **Train all court-appointed attorneys on LGBTQ issues re: appropriate client advocacy (e.g., using correct name and pronouns).** With effective trainings, attorneys will, ideally, be less likely to discriminate against their own LGBTQ clients. Training should be led by or undertaken in collaboration with currently or formerly court-involved LGBTQ people.

- **Train all judges on LGBTQ issues and appropriate address of defendants.** Judges are responsible for setting the tone in the courtroom, and the majority of respondents report feeling discriminated against by judges. It is important that judges are trained on appropriate modes of interaction with LGBTQ defendants to create a less hostile environment.
- **Increase financial support for public defender programs.** The enormous caseload saddling public defenders across the country indicates a significant need for these attorneys, who are unable to serve their clients effectively due to overwork. Increasing resources to public defender programs should lead to the hiring of more staff who are able to address the unique needs of all their clients, including LGBTQ defendants.
- **End the practice of incarcerating people on parole or probation for violations that are not new criminal charges.** Reincarceration for technical violations of parole or probation increases recidivism. Rather than choosing incarceration in these circumstances, parole and probation officers should be trained to effectively support individuals under their supervision to find housing, access an income, and receive other social services they need.
- **Repeal all three-strikes laws and create a process for releasing individuals serving time on a third strike.** These laws are simply placing more people in prison, producing overcrowding and creating more violent environments.

Intermediate:

- **Eliminate financial conditions for pretrial release and develop local pretrial service systems to support and assist defendants' appearance for court dates.** Nearly three quarters of survey respondents were held in jail prior to their conviction. However, multiple states across the country have instituted new pretrial services that do not require defendants to pay bail or bond in order to regain their freedom. These programs have proven effective at ensuring defendants' appearance in court without mandating incarceration beforehand.
- **End mandatory minimum sentences for all offenses.** Not only are our respondents doing long sentences, but the far majority also took plea deals. The threat of a mandatory minimum sentence pressures defendants into taking plea deals for fear of serving lengthy sentences if they are convicted at trial. Mandatory minimums also require people to spend longer time in prison without access to parole, eliminating them would expand opportunities for parole.
- **Abolish life sentences and the death penalty.** Rather than hold people accountable for harm they have caused, life sentences and the death penalty simply dispose of human beings. They inherently dehumanize people by presuming there is nothing of value left to them. More than 20% of survey respondents are serving life sentences. Taking away these sentences will require courts and society to engage in actual transformative justice processes with those who have caused harm rather than simply throw them away.

Long-Term:

- **Close the criminal court system.** The US criminal legal system is claimed by its proponents as the "best system in the world," yet the basis of the system is punishment of individual acts with little to no attention to transformation of social conditions that led to harm occurring or authentic healing for those who have experienced harm. Rather than rely on a system that is rooted in 17th Century Puritan values of punitive control, new systems are necessary that refuse to allow racial/gender/sexual identities and access to wealth to be the determinants of justice.
- **Institute community-based solutions to harm and violence**.

PRISON CONDITIONS AND DECARCERATION

Short-Term:

- **Eliminate solitary confinement**. A wealth of evidence shows the long-term detrimental effects of solitary confinement; it is considered a form of torture by the UN Special Rapporteur on Torture. Solitary confinement is also used as a tool of control over LGBTQ prisoners, especially transgender women and cisgender gay men. 85% of respondents have been held in solitary confinement at some point during their sentence.
- **End prisoner strip searches.** Our data indicates that queer prisoners are strip searched repeatedly. However, this bodily invasion is a form of sexual assault and should not be common practice among prison officials. The security benefits of strip searching do not outweigh the sexual trauma experienced by prisoners subjected to this practice.
- **Permit consensual sex between prisoners and provide access to a variety of safer sex options, including condoms and Pre-exposure Prophylaxis (PrEP).** 70% percent of respondents have engaged in consensual sex with other prisoners, but only 2% have access to condoms. Rather than disciplining prisoners for engaging in consensual sex, prisons should provide access to safer sex options to reduce the transmission of sexually transmitted infections (STIs).
- **Eliminate all fees for medical care in prison. Provide full care for people living with HIV and Hepatitis C, including the cure for Hepatitis C.** All prisoners have a right to medical care.
- **Allow all prisoners access to the underwear, uniform, and canteen of their choice**. Not all prisoners who might want access to undergarments or other gendered canteen options identify as transgender, although it is essential that transgender and gender variant prisoners have access to undergarments and canteen options not provided at the prison they are assigned to. Quite simply, there is no need for any policy restricting gendered clothing or canteen options at any prison or for any prisoner. Any and all such restrictions should be eliminated.
- **Create clear policies that allow transgender prisoners easy access to gender affirming medical and mental health care, including: access to hormone replacement therapy, individual and group talk therapy, gender confirming surgeries, electrolysis, and any and all other treatments recommended by doctors and mental health clinicians.** The majority of transgender survey respondents have been denied access to requested health care. More than half are unaware of any policy that might allow transgender prisoners to access such services. The consistent denial of transgender health care is rooted in transphobia and it must end.
- **Establish the safest possible housing for LGBTQ prisoners.** Policies for housing transgender prisoners should be based on individualized assessments that presume housing is assigned according to gender identity (rather than legally assigned sex). However, in all cases, individual prisoners must also be allowed to specify their housing preference and have that preference respected, even if it seems to differ from their gender identity. LGBTQ prisoners should also have the option of being housed with other LGBTQ prisoners in their facility, although no resources should be spent on building additional bed space that would be used to incarcerate more individuals.
- **Ensure every prison has a library that all prisoners can access. Provide LGBTQ-affirming books in all prison libraries.** Access to books, especially LGBTQ-affirming books, can affirm stigmatized identities and provide a respite from prison life.
- **Permit prisoners to correspond with one another through letters and email.** Nearly one-third of respondents have no regular contact with anyone outside the prison where they are housed. Moreover,

mail distribution is often conducted publicly, with prison staff calling out the names of prisoners who have received letters or packages. Prisoners whose names are never called are noticed by other prisoners and sometimes made a target for harassment or abuse, since it is presumed they do not have a network of protection or support. Being able to correspond with other prisoners thus potentially protects prisoners, increases their relational connections with others, and reduces isolation.

- **Ensure all prisoners can make free and unrecorded calls to domestic violence, sexual assault, and drug abuse hotlines.** Nearly 40% of respondents report being sexually assaulted (either by prison staff or other prisoners) and it is essential to healing for survivors to have access to outside services.
- **End all prison/jail contracts with phone companies charging more than $5.00 per 15-minute phone call.** The expense of phone calls creates significant barriers to communication, not only between prisoners, but also between prisoners and people on the outside.

Intermediate:

- **Institute a moratorium on all prison/jail/detention center development (including, but not limited to, state funded research on prison expansion projects, additional bed space added to existing prisons/jails/detention centers, and building new institutions).** The violence, abuse, and oppression detailed in this report show that prisons cause significant harm. There should be absolutely no expansion of the carceral system while these harms remain unaddressed.
- **Close all supermax prisons.** Survey respondents are disproportionately housed in supermax prisons, which have been decried by human rights organizations around the world for the harm caused by constant sensory deprivation.
- **Hold all prison staff accountable (including clear paths to termination) who harass or physically/sexually assault prisoners**. Expand policies that hold staff accountable who are on duty when prisoners sexually assault one another. Prison staff set the tone of the prison environment. As such they should be held accountable for the harm they perpetuate. Respondents have experienced many forms of harm by prison staff, and if there were greater accountability for those staff, the harm may decrease.
- **Establish presumptive parole guidelines that will facilitate the release of prisoners at their first parole eligibility date unless they are charged with a new criminal offense while serving their sentence**. Along with ending life sentences, the practice of presumptive parole will facilitate the quicker exit of more people from prison. Given that our respondents are serving such long sentences, the practice of presumptive parole would help decrease the amount of time they are forced to serve on their sentences.
- **End indefinite commitment for people convicted of sex offenses**. Develop effective programs that facilitate safe integration back into the community and provide sustainable housing and meaningful work opportunities. The practice of civil commitment is considered, by many advocates, to be unconstitutional. There is much evidence to show that there are adequate tools and treatment to reduce sexual harm without indefinite detention.
- **End the practice of disenfranchisement and reinstate voting rights to all prisoners during and following their incarceration.** When people are incarcerated they do not stop being affected by the political process. Rather than revoke an individual's right to vote when convicted of an offense, prisons should provide opportunities for prisoners to engage in the political process.
- **Increase financial compensation for prisoners who work during their incarceration, in accordance with state and federal minimum wage laws.** Prisoners are expected to pay for many of their own basic needs and are also often expected to work inside prison. In an effort to diminish prison labor exploitation, both private and public entities that utilize prison labor should compensate prisoner workers according to the minimum standards required by law.

Long-Term:

- **Close all prisons and jails**. Rather than respond to social problems by simply locking people up, new practices for accountability must be instituted that do not rely on incarceration or carceral practices (e.g. GPS tracking bracelets). Prisons and jails have become a fundamental tool of social control and by removing this tool we will be compelled to create new practices that can rely on transformation rather than punishment.
- **Institute community-based transformative justice practices to create healing from harm and violence and to prevent violence before it occurs.**



Art by Patrick H. F., incarcerated member

INTRODUCTION

During the latter months of 2014, Black & Pink, an open family of LGBTQ prisoners and "free world" allies, conducted a survey of our prisoner membership. Nearly 1,200 prisoners responded to our 133-question survey, producing the largest ever dataset available on the experiences of LGBTQ prisoners in the country. The intent of this survey was to get some truth out from behind prison walls about the experiences of LBGTQ prisoners in the United States. Our report aims to share that truth by elevating prisoner voices, stories, and leadership to inspire immediate collective action.

The report is divided into eight sections: (1) demographics; (2) pretrial detention, courts, bail, sentencing and parole; (3) sexuality, gender identity, and sexual activity; (4) solitary confinement; (5) discrimination and violence; (6) healthcare; (7) relationships and community; and (8) programs. Questions in each section have been analyzed in terms of group responses and also disaggregated by race, gender/sexuality, and mental illness diagnosis. Given that white supremacy, transmisogyny, and criminalization of mental illness are fundamental aspects of the prison industrial complex, it is unsurprising to find differences, disparities, or inequities represented by these identity markers in many places throughout the report.

This report is intended for many audiences. First, its findings were made possible by the prisoner members who took the time to fill out the survey and, as such, this report is very much intended for them. Second, we hope that this report can be a tool for advocates resisting the harm of the prison industrial complex, whether for LGBTQ-specific organizing efforts or to provide useful information regarding specific LGBTQ concerns to general anti-prison organizers. Third, this report is intended for policy makers and policy advocates. The information provided in these pages highlights the disproportionate violence experienced by LGBTQ prisoners and we have provided many recommendations to alleviate this suffering. As one respondent wrote, "Because I have participated in advocacy work my whole life- I have found that the best professional or experts are those who are living the struggle. So they are the best to find solutions." Policy makers are encouraged to move forward on these recommendations, which are based on the knowledge and experiences of LGBTQ prisoners themselves. Finally, this report is intended for well-resourced LGBTQ organizations. Too often those most marginalized in LGBTQ communities are forgotten, or intentionally ignored, in LGBTQ justice campaigns. This report provides the necessary information to take the next step in prioritizing prisoner voices in larger efforts towards liberation.



Art by David F., incarcerated member

A NOTE ON LANGUAGE

For clarity purposes, please find some definitions and explanations of word and terminology choice below.

LGBTQ: This acronym stands for Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning. Even though we know that sexuality and gender are much bigger than these letters, we nevertheless use this limited acronym to name include people who claim LGBTQ identities as well as many others, including but not limited to: same-gender-loving, homosexual, homophile, transsexual, transvestite, nelly, asexual, Two-Spirit, intersex, sissy, dyke. We continue to seek better words for people who identify outside of heteronormative and white supremacist categories of gender and sexuality. For the purposes of this report, however, we will use LGBTQ.

Transgender: "Generally, a term for those whose gender identity or expression is different than that typically associated with their assigned sex at birth, including transsexuals, androgynous people, cross-dressers, genderqueers, and other gender non-conforming people who identify as transgender. Some, but not all, of these individuals desire to transition gender; and some, but not all, desire medical changes to their bodies as part of this process."[1]

Two-Spirit: "The term Two-Spirit refers to another gender role believed to be common among most, if not all, first peoples of Turtle Island (North America), one that had a proper and accepted place within indigenous societies. This acceptance was rooted in the spiritual teachings that say all life is sacred and that the Creator must have a reason for making someone different. This gender role was not based in sexual activities or practices, but rather the sacredness that comes from being different. This definition is not meant to replace cultural and traditional teachings, which speak to this role. It is intended to find common ground and to help educate in a contemporary context."[2]

Cisgender: "Types of gender identity where an individual's experience of their own gender matches the sex they were assigned at birth."[3]

Prison Industrial Complex: The prison industrial complex is a system of control. It is the prisons, jails, and detention centers- the concrete and steel buildings that warehouse people. The prison industrial complex is also how the government and companies work together to control, punish, and torture poor communities and communities of color. This includes the police, immigration enforcement, and courts. This also includes the ways the news and movies portray "criminals." It includes cameras used to surveil communities, and the companies making money on prison phone calls. The prison industrial complex includes the way schools are set up to fail.[4] Also in this vein, we use the term "criminal legal system," and the conscious choice to avoid the term "criminal justice system" is an acknowledgement of the fact that this system does not produce justice for most people in the United States, and that it has perpetuated and continues to perpetuate violence and inequality on already marginalized people, especially people of color, poor people, immigrants, and queers.[5]

Prisoner: In our survey, we asked respondents what term they preferred to refer to themselves: prisoner, inmate, incarcerated person, person who is incarcerated, or other. We also left a blank space for respondents to offer their own suggestions. The majority of respondents chose "other." In the blank space, most respondents wrote in their name or simply, "my name." Given that there was no general agreement on terminology from respondents, we use the word "prisoner" as an identifying term for all incarcerated individuals. We intentionally use the term "prisoner" as it connects to the political reality of incarceration and aligns with the history of the Prisoner Rights Movement, of which we consider Black & Pink to be a part. In a 2015 survey by the Marshall Project on preferred terminology, one formerly incarcerated person wrote the following: "I was once disciplined fairly harshly in a California women's prison for referring to myself as a prisoner while speaking to an officer. In our conversation,

the guard interrupted me and told me I was a female inmate, and not a prisoner. He said that referring to myself as a prisoner was against rules and furthermore subversive to the order of the facility." Given our interest in subverting the order of the prison industrial complex, we will follow this writer's lead and refer to our survey respondents as prisoners.

Abolition: Abolition means a world where we do not use the prison industrial complex as an "answer" to social, political, and economic problems. Abolition means that instead we develop new ways to stop harm from happening. It means responding to harm when it does happen, without simply "punishing." It means we will try to fix the causes of harm, instead of using the failed solution of punishment to redress it. This approach is often called "harm reduction." It means we will not use policing, courts, and prisons, which make us less safe. Abolition means creating sustainable, healthy communities with the power to create safety. Abolition is not only the end goal, but also the way we do our work to get there.[6]

Solitary Confinement: "Solitary confinement is the practice of isolating people in closed cells for 22-24 hours a day, virtually free of human contact, for periods of time ranging from days to decades… In California, long-term solitary confinement units are referred to as Security Housing Units (SHUs); in New York, the same acronym stands for Special Housing Units. In Oregon, the long-term isolation units are called Intensive Management Units (IMUs), while in Pennsylvania they are called Restricted Housing Units (RHUs). In the federal system, one type of extreme solitary confinement takes place in Communication Management Units (CMUs). Despite the variety of names, the general practice of incarceration in these units and facilities is solitary confinement."[7]

PREA: "The Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was to 'provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape.'"[8]

Endnotes:

1. Grant, Jaime M., Lisa Mottet, Justin Edward Tanis, Jack Harrison, Jody Herman, and Mara Keisling. *Injustice at every turn: A report of the National Transgender Discrimination Survey*. National Center for Transgender Equality, 2011.
2. Native Youth Sexual Health Network. Available at http://www.nativeyouthsexualhealth.com/supportcircle.html. Accessed October 11, 2015
3. International Spectrum. Available at https://internationalspectrum.umich.edu/life/definitions Accessed October 11, 2015
4. Critical Resistance available at http://criticalresistance.org/about/not-so-common-language/ Accessed October 11, 2015
5. Mogul, Joey L., Andrea J. Ritchie, and Kay Whitlock. *Queer (in) justice: The criminalization of LGBT people in the United States*. Vol. 5. Beacon Press, 2011.
6. Interview with Rose Braz available at http://dissidentvoice.org/2008/07/organizing-to-abolish-the-prison-industrial-complex/ Accessed October 11, 2015
7. Solitary Watch available at http://solitarywatch.com/facts/faq/ Accessed October 11, 2015
8. National PREA Resource Center available at http://www.prearesourcecenter.org/about/prison-rape-elimination-act-prea Accessed October 11, 2015

SCOPE AND METHODOLOGY

In October 2013, the outside leadership of Black & Pink printed a notice in the monthly Black & Pink newspaper, which was at that time distributed to 3,700 prisoners, announcing our intention to conduct a survey of the membership. The announcement read as follows:

> We are planning to do a survey of the people who receive the Black & Pink newspaper. We want to be able to tell the stories of what is happening with lesbian, gay, bisexual, transgender, Two-Spirit, same-gender loving, gender non-conforming, queer people in prisons across the United States. Black & Pink has connection to the largest number of LGBTQ prisoners of anyone, we reach over 3,500 prisoners each month. We want to hear stories about who you are and share them with all of you and also share them with the general public. Our goals of the survey are to get information about the realities of prison experiences for LGBTQ people in prison, hear stories of resistance, hear stories of hardship, and share those stories to build the power of our movement. The survey will run for a couple of months in the newspaper. We want to know what questions you would want on the survey. It will be an additional page in the newspaper, so we will not lose standard newspaper space. Individuals who fill out the survey will receive a certificate of completion and each person who fills out a survey will be entered into a contest to win a book of their choice. Feel free to include another piece of paper if you need more space for answers.
>
> Share one or two questions you would like to see on the survey (such as, 'Have you had romantic partners while incarcerated?' or 'Describe a time you asserted your rights in prison, what happened?')
>
> How could a survey like this be useful to you?
> Who should we share a final report with?

More than 30 prisoners responded to the announcement with questions, including one person who sent an entire list of survey questions that was used as a template to design the final survey. It took about four months to receive all of the feedback from prisoner members of Black & Pink (long timespans are common and often necessary when creating a project with prisoners through the mail).

A team of outside volunteers worked together to finalize the survey questions. This team looked at survey projects and reports done by other prisoner justice organizations, including *Hearts on a Wire*'s report "This is a Prison, Glitter is Not Allowed: Experiences of Trans and Gender Variant People in Pennsylvania's Prison System" and the *Sylvia Rivera Law Project's* "It's a War In Here: A Report on the Treatment of Transgender and Intersex People in New York State Men's Prisons." An email was also sent to all the major players in LGBTQ prisoner justice efforts inquiring about what information would be helpful to their work and what experiences they have had with similar surveys. By the summer of 2014, a list of 133 questions was agreed upon as the final survey. One exceptional volunteer, Reed Miller, came up with an extremely effective method of laying out this large survey in an accessible way. All throughout the survey, we interspersed encouragements to take breaks, one of which included an image of a cute kitten and puppy. We also flagged questions we suspected might bring up hard memories or trigger trauma. The entire survey and layout can be viewed in the appendix.

As with the original announcement, the survey was also distributed to prisoners through the monthly newspaper. Due to substantial growth in Black & Pink's distribution, the newspaper was sent to nearly 7,000 prisoners each in September and November 2014. Over 1,200 prisoners responded to the survey, constituting the largest ever collection of information from LGBTQ prisoners in the United States. The paper survey was then entered into a *Survey Monkey* tool designed by friends at Research Action Design. More than 30 different volunteers entered data from the survey, many of whom were formerly incarcerated people themselves. Some compensation was made available to people doing larger amounts of data entry. The data was then "cleaned" (duplicates removed, coding done, etc.) in partnership with the Public Science Project (PSP) at the City University of New York as well as two expert volunteers, Reed Miller and Mahsa Yazdy.

During the summer of 2015, the preliminary data was shared with two groups in order to gather community reflections on what should be more deeply considered and what questions could be asked of the data. The first gathering happened with participants at a workshop in Detroit at the annual Allied Media Conference. The second was a more intentional gathering of formerly incarcerated LGBTQ people as well as people who had entered data from the survey. This meeting was held in Boston in collaboration with PSP. These two opportunities to reflect on the data in community helped create a more clear direction for doing final analysis of the data.

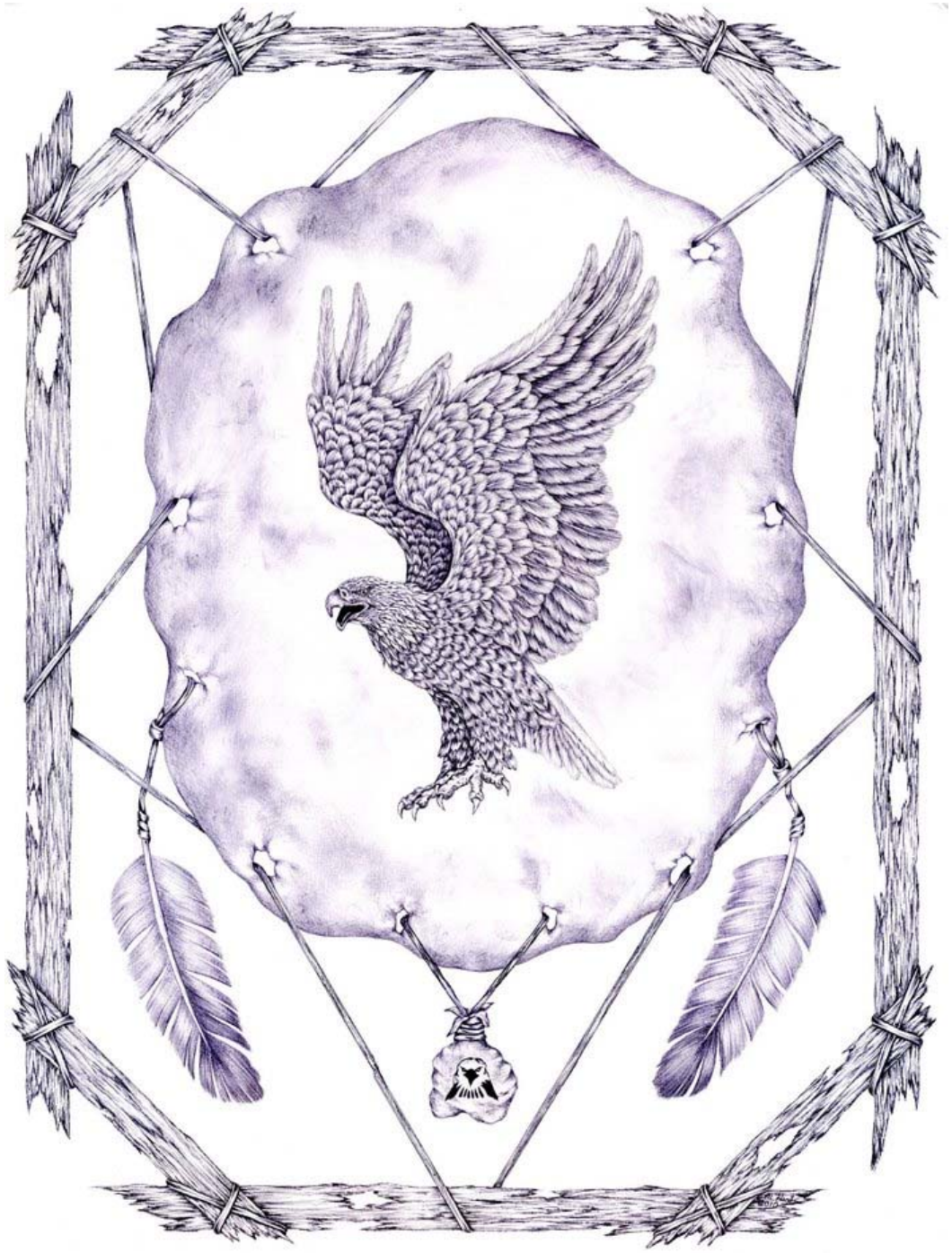
The final report writing was coordinated by a team of volunteers through both in-person and internet communication. Since all of the questions in the survey were optional, the number of respondents varied by question; hence the sample size varies across this report.

This report will be printed in the November 2015 Black & Pink newspaper for all prisoner members to read. Along with the report, there will be space for responses and reflections that will be compiled into a supplementary report to be released in Spring/Summer of 2016.

Even though this is the largest collection of LGBTQ prisoner stories to date, there are still many stories left untold. In particular, while nearly half of the 2.3 million people incarcerated in the United States are held under the control of county jails, nearly all the survey respondents write from state (90%) and federal (8%) prisons. This gap can be accounted for in a number of ways. First, because people are held in county jails for far less time than they are in prisons, it is less likely they will get access to information about Black & Pink from a resource list or another prisoner. Moreover, people doing less time (such as those in county jails) often find it more feasible to be closeted about sexuality and/or gender identity than those who are serving decades in prison. Finally, of course, the Black & Pink newspaper is far from a discreet publication. Anyone receiving the Black & Pink newspaper is likely to be open about sexuality or gender identity issues because, even if they weren't, the newspaper itself would "out" them to prison staff and other prisoners.

With the above comments in mind, it is important to point out that this report is not based on a random selection of LGBTQ prisoners from across the country. This is a selection of LGBTQ prisoners who have intentionally reached out for access to resources and who are willing to put themselves at risk to receive a newspaper that is known as an LGBTQ publication. As such, this report cannot claim to representative of LGBTQ prisoner experiences. However, this is the largest-ever survey of LGBTQ prisoners and *the only survey on a national level to be created*

in partnership with LGBTQ prisoners. The sheer number of responses amassed in this report nevertheless provides valuable insight into the experiences of LGBTQ prisoners incarcerated in the United States on the basis of information that has never existed before now. The people who took the time to fill out this survey did so at some risk to themselves and efforts to challenge the violence of mass incarceration will be strengthened because of it.

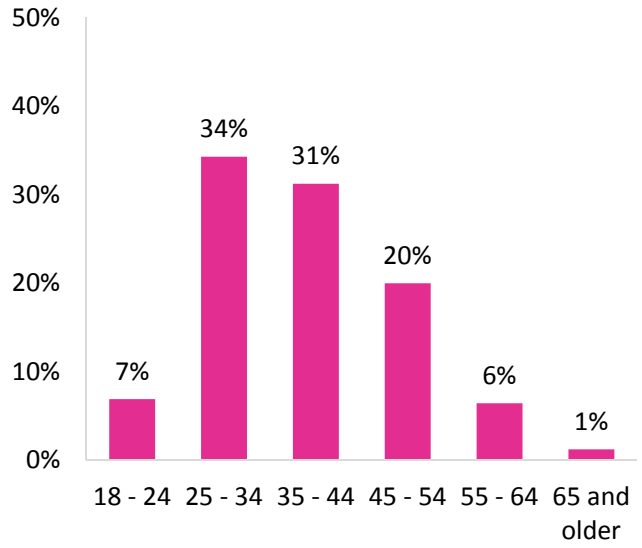


Art by WhiteEagle, incarcerated member

DEMOGRAPHICS

AGE

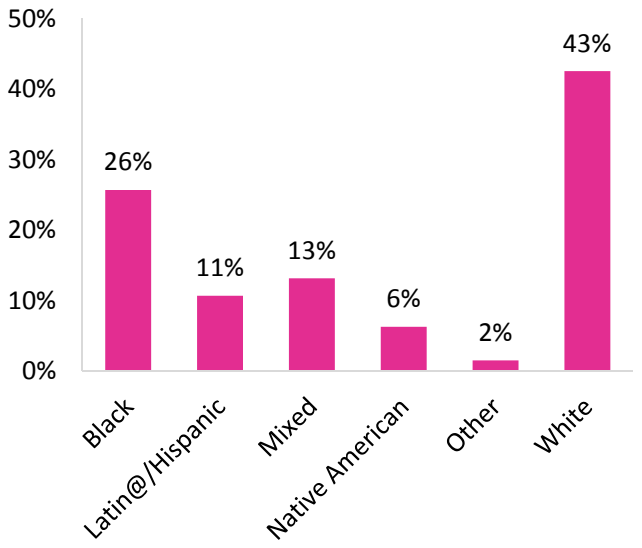
Respondents had the opportunity to write in their responses based on age. The youngest respondent was 19 and the eldest was 71. The average age of respondents was 38.



Age of respondents in years.
Respondents: 1076

RACE

While the US Census only allows for a limited number of racial categories, we offered eleven options: Black/African American/Afro-Caribbean; Latin@/Hispanic; white (non-Hispanic); East Asian; Southeast Asian; South Asian; Middle Eastern/Arab; American Indian/Indigenous/Native American; mixed-race; Native Hawaiian or other Pacific Islander; and Inuit/Native Alaskan. We also provided space for respondents to contribute their own answer. While it was important to provide many options, for the purpose of this report, we have combined several racial categories to allow for clearer data analysis.

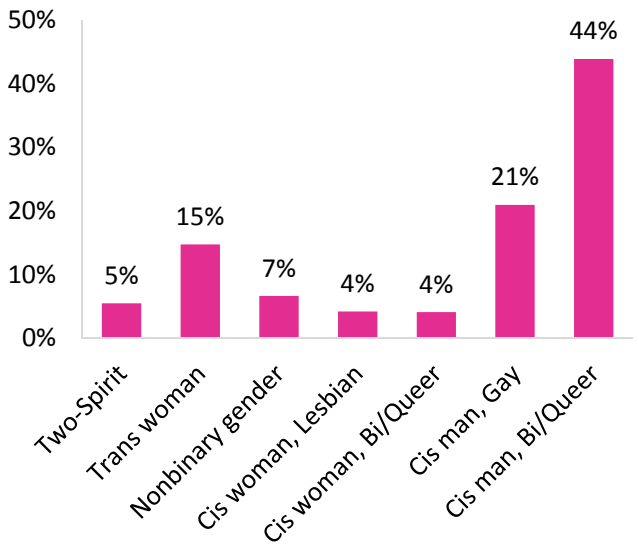


Race / ethnicity of respondents
Respondents: 1093

While the majority of respondents are people of color, white people are the largest single represented racial group, constituting 43% of respondents. According to Bureau of Justice Statistics, however, in 2014, of all those doing sentenced time in adult facilities (in both male and female assigned prisons), Black people were the largest single represented racial group at 36%, followed by white people at 34%, Hispanic people at 22%, and all other races combined at 9%. Some of the discrepancy between our survey results and the Bureau of Justice statistics regarding racial composition can be accounted for by our having included "mixed-race" as a possible racial category. However, the over-representation of white respondents in our survey raises several possible questions, including: did white prisoners feel safer filling out the survey? Is Black & Pink's prisoner subscribership is disproportionately white? Was the survey inaccessible to People of Color? Should we have provided the survey in additional languages besides English?

GENDER/SEX AND SEXUALITY

As with race, we provided multiple options to choose from for gender/sex identification (please see Appendix for complete list). Given that the far majority of prisoners in the country are cisgender men, it is unsurprising that the majority of respondents identified as cisgender men. The next largest grouping was transgender women followed by cisgender women. As the Bureau of Justice Statistics does not offer multiple options for prisoners to choose from regarding gender/sex identification in their yearly census, it is difficult to compare their data with ours. Nevertheless, according to Bureau of Justice 2014 data, 93% of people doing sentenced time in adult facilities were held in male facilities and 7% were held in female facilities.

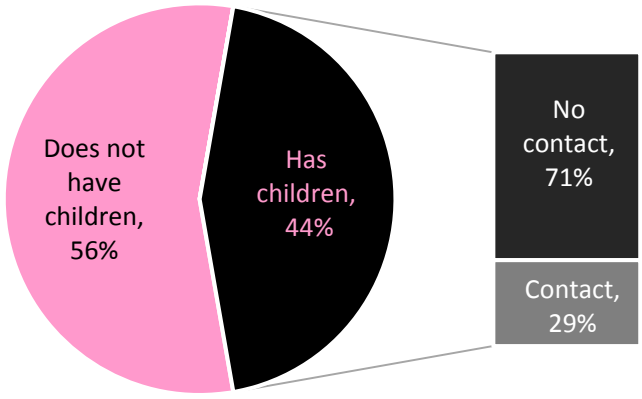


Gender / sexuality of respondents
Respondents: 950

We also provided multiple options to choose from for the category of sexuality (please see Appendix for complete list). While we found it important to offer multiple options, we have nevertheless also grouped several identities together for reporting purposes. For example, we combined gay, same-gender loving, and homosexual respondents into one identity group. We will discuss some of the complexities of prisoner sexuality and identity later in the report.[1]

CHILDREN

According to a report from Pew Charitable Trust, 2.7 million children have a parent in prison.[2] Over half of prisoners in the US are parents of a child under the age of 18. Forty four percent of our survey respondents reported having children, although only 29% of those report having any kind of contact with their children such as phone calls or visits.

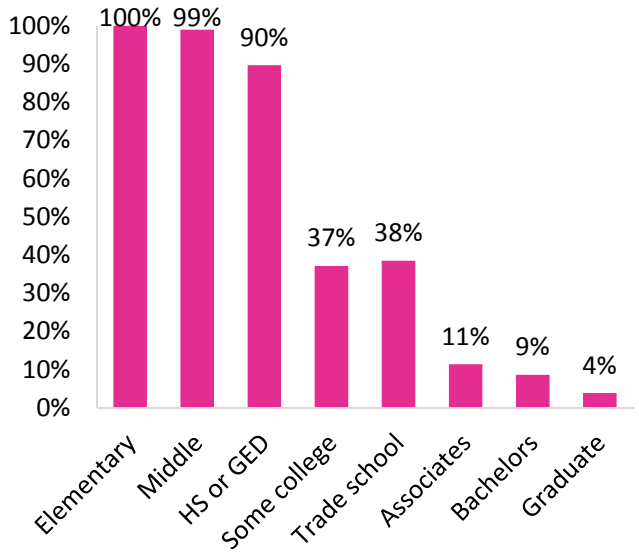


Respondents with children and whether they have contact (phone calls or visits) with them
Respondents: 1061 & 472, respectively

SCHOOLING

Surprisingly, nearly 90% of respondents had completed high school or earned a GED. Those who earned their GED primarily did so while incarcerated. Similarly, the majority of those who attended a vocational or trade school program did so while incarcerated.

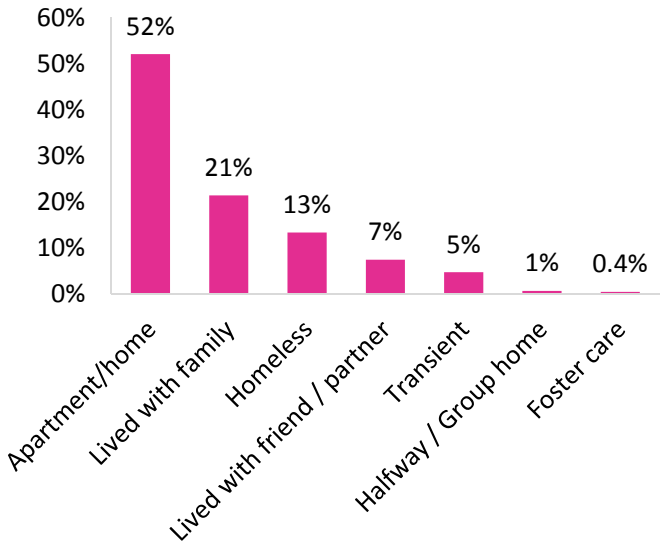
While the high percentage of respondents who completed high school or earned a GED is heartening, closer examination shows that only 29% of respondents completed high school outside of prison. This means that 71% of respondents dropped out of school, were expelled from school, or never attended in the first place. A similar reality is highlighted in research on the disproportionate amounts of school discipline and dropout rates affecting LGBTQ youth, particularly youth of color.[3] It is often when LGBTQ young people are pushed out of school that they become involved with the criminal legal system. This systematic practice is called the school-to-prison pipeline.



Level of schooling of respondents
Percentage is based on respondents who attended any level of schooling.
Respondents: 1084

HOUSING

According to a 2008 survey of federal and state prisoners, 9% reported being homeless in the year prior to their arrest.[4] It is now commonly understood that LGBTQ youth are much more likely to experience homelessness than their heterosexual and cisgender peers. However, it is also true that LGBTQ adults are disproportionately homeless.[5] Nearly a fifth of respondents reported being homeless or transient prior to their incarceration, while 29% lived with family or a friend and only 52% were living in a home of their own.



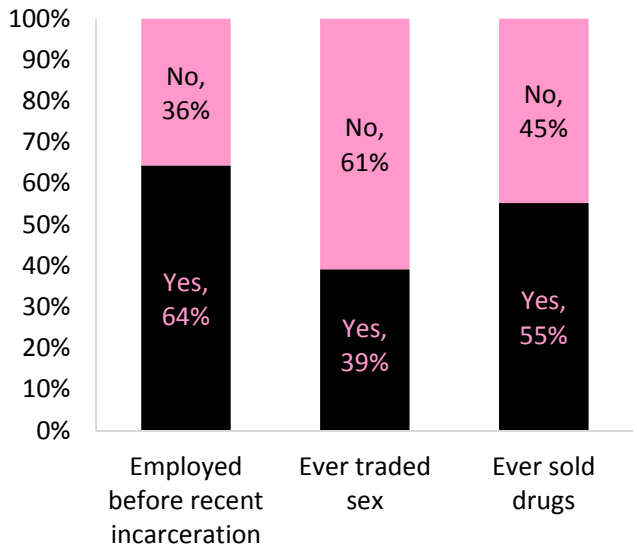
Respondents Housing situation before incarceration
Respondents: 916

MILITARY SERVICE

Despite the history of military exclusion of LGBTQ people, 11% of respondents reported having served in the armed forces.

EMPLOYMENT AND CRIMINALIZED ECONOMIES

In our survey, over a third of respondents reported being unemployed prior to their incarceration; nearly 7 times the national unemployment rate in 2014. Joblessness and poverty are an often ignored aspect of LGBTQ people's lives. A recent study found that lesbian, gay, and bisexual adults are unemployed at a rate 40 percent higher than the overall average.[6] The numbers get even worse for transgender workers: "The National Transgender Discrimination Survey' from the National Center for Transgender Equality and the National Gay and Lesbian Task Force found that transgender adults report unemployment rates double the rates of the non-transgender population, with transgender workers of color reporting nearly four times the national average.'"[7]



Employment and participation in criminalized economies before incarceration
Respondents: 1070, 1083, & 1097, respectively

When LGBTQ people are unable to access jobs and housing through legal means, criminalized economies become essential for survival. The criminalized economies w asked about related to trading sex for money and selling drugs.

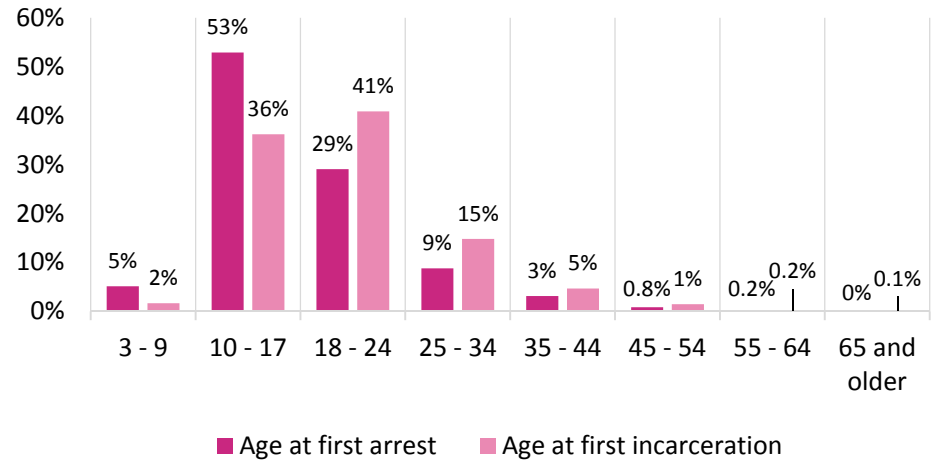
The 2011 National Transgender Survey reported that 11% of respondents had engaged in the sex trades.[8] According to a 2015 Urban Institute report, written in collaboration with Streetwise and Safe, LGBTQ youth who engaged in the sex trades in NYC did so in order to meet basic needs such as food and clothing.[8] Selling drugs is also a much used means of survival. While there is little knowledge about how many LGBTQ people sell drugs, the Center for American Progress has reported that LGBTQ people are 2 to 3 times more likely to use criminalized drugs than the general population.[9] Further, 8% of respondents to the National Transgender Survey reported selling drugs.[10]

For our survey respondents, 39% reported that they traded sex for survival and over half sold drugs for money. Far too often, however, those engaged in the sex trade are left out of well-resourced LGBTQ movement efforts. Moreover, these organizations have not made resistance to the War on Drugs a priority. Given the data we have collected, it is clear that the criminalization of sex trades and the War on Drugs significantly impacts LGBTQ people and thus it is essential that those working on LGBTQ prisoner justice struggles do more to center these issues and concerns.

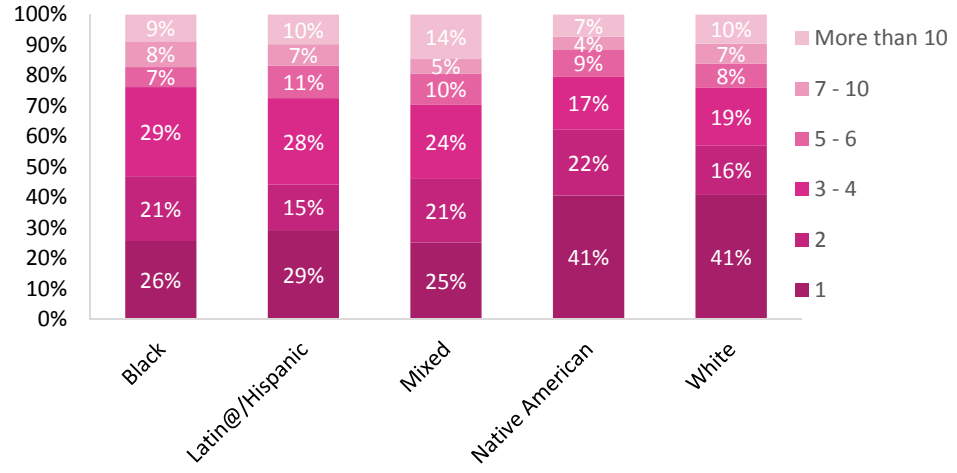
When looking at the impact of the War on Drugs, it is of vital importance to utilize a racial justice lens. In particular, Black respondents were nearly 20% more likely to have participated in the drug trade than white respondents (67% and 48% respectively). This over-representation of Black respondents (who are all writing from prison) in the drug trade highlights the racism of the War on Drugs, which leads to outrageous incarceration rates of Black people even as white people are *more* likely to sell drugs.[11]

ARREST AND INCARCERATION

The age of first arrest and incarceration varied widely for survey respondents. The youngest arrests happened to respondents at 6 years of age; the oldest age of first arrest was 62. Black and Latin@/Hispanic respondents were most likely to have their first arrest occur when they were under the age of 18.



Reported age at first arrest and first incarceration
Respondents: 1093 & 1091, respectively



Number of times incarcerate by race / ethnicity
Respondents: 1070

According to a 2012 Center for American Progress report, "Though gay and transgender youth represent just 5 percent to 7 percent of the nation's overall youth population, they compose 13 percent to 15 percent of those currently in the juvenile justice system."[12] While this survey did not reach youth in the juvenile "justice" system, clearly many of the people now incarcerated in adult facilities and responding to our survey were children when they were first locked up. Thirty seven percent of respondents' first incarceration occurred when they were under the age of 18.

For two thirds of respondents, this current sentence is not their first incarceration. Amounts of time spent incarcerated varied, though Black, Latin@/Hispanic, and mixed-race respondents were more likely to have had multiple incarcerations than their white and Native American/American Indian counterparts.

Multiple incarcerations are not surprising, as the national recidivism rate is 76.6% within five years of release from prison.[13] In plain terms, nationally, more than three-quarters of all formerly incarcerated people return to prison.

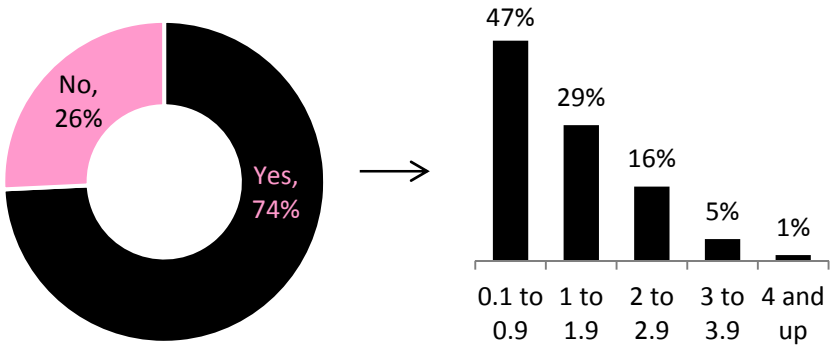
Endnotes:

1. For an in depth look into queer sexual identity and sexuality in prison - Kunzel, Regina G. *Criminal intimacy: Prison and the uneven history of modern American sexuality*. University of Chicago Press, 2008.
2. *Collateral costs: Incarceration's effect on economic mobility*. Pew Charitable Trusts, 2010.
3. Burdge, H., Licona, A. C., Hyemingway, Z. T. "LGBTQ Youth of Color: Discipline Disparities, School Push-Out, and the School-to-Prison Pipeline." San Francisco, CA: Gay-Straight Alliance Network and Tucson, AZ: Crossroads Collaborative at the University of Arizona, 2014.
4. Greenberg, Greg A., and Robert A. Rosenheck. "Homelessness in the state and federal prison population." *Criminal Behaviour and Mental Health* 18, no. 2. 2008: 88-103.
5. Alan Greenblatt, "In Some Cities, Gays Face Greater Risk of Becoming Homeless," National Public Radio, August 7, 2013, available at http://www.npr.org/2013/08/06/209510271/ in-some-cities-gays-face-greater-risk-of-becoming-homeless. Accessed October 8, 2015
6. "High Stakes: LGBT Americans Cannot Afford to Lose Unemployment Insurance" available at https://www.americanprogress.org/issues/lgbt/news/2014/01/14/82097/high-stakes-lgbt-americans-cannot-afford-to-lose-unemployment-insurance/. Accessed October 8, 2015
7. Grant, Jaime M., Lisa Mottet, Justin Edward Tanis, Jack Harrison, Jody Herman, and Mara Keisling. *Injustice at every turn: A report of the National Transgender Discrimination Survey*. National Center for Transgender Equality, 2011.
8. Dank, Meredith. "Surviving the Streets of New York: Experiences of LGBTQ Youth, YMSM, and YWSW Engaged in Survival Sex." 2015.
9. Hunt, J., and J. Byrd. "Why the gay and transgender population experiences higher rates of substance use." *Center for American Progress,* 2012.
10. Grant, Jaime M., Lisa Mottet, Justin Edward Tanis, Jack Harrison, Jody Herman, and Mara Keisling. *Injustice at every turn: A report of the National Transgender Discrimination Survey*. National Center for Transgender Equality, 2011.
11. Ingraham, Christopher. "White people are more likely to deal drugs, but black people are more likely to get arrested for it" *Washington Post* September 30, 2014
12. Hunt, Jerome, and Aisha Moodie-Mills. "The unfair criminalization of gay and transgender youth." *Washington: Center for American Progress,* 2012.
13. Durose, Matthew R., Alexia D. Cooper, and Howard N. Snyder. "Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010."*Washington, DC: Bureau of Justice Statistics,* 2014.

Pretrial Detention, Courts, Bail, Sentencing, and Parole

Pretrial Detention

According to the Justice Policy Institute (JPI), 60% of the US jail population has not been convicted of anything, but instead is currently awaiting trial. JPI also report that, in 2011, it cost county systems $9 billion to keep all these people in jail awaiting their court dates.[1] While essentially all of our survey respondents were serving a sentence at the time of the survey, 74% were being held in jail pretrial because they could not afford bail they were assessed by the judge. Of those who were incarcerated pretrial, more than half were held for a year or longer.



Respondents held in jail pretrial because could not afford bail (yes/no), and length of time spent in jail prior to sentencing (years)
Respondents: 1099 & 401, respectively

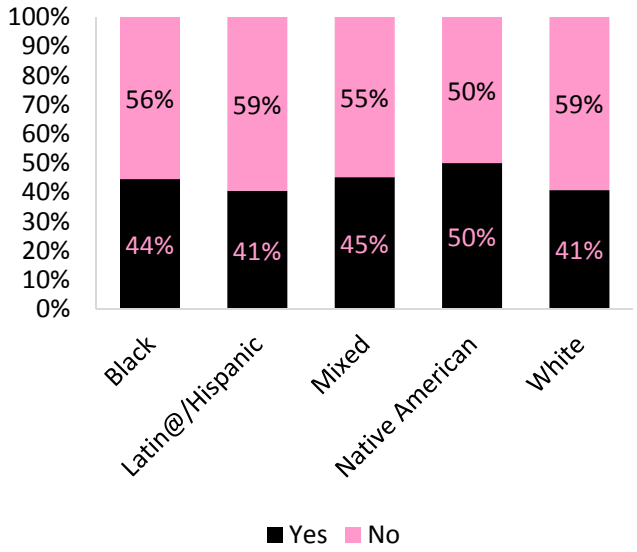
Experiences with Defense Attorneys

According to the advocacy organization *Gideon's Promise*, 80% of defendants across the country rely on court appointed attorneys.[2] Unfortunately, due to under-resourced public defender programs, indigent defendants plead guilty 90% of the time.[3]

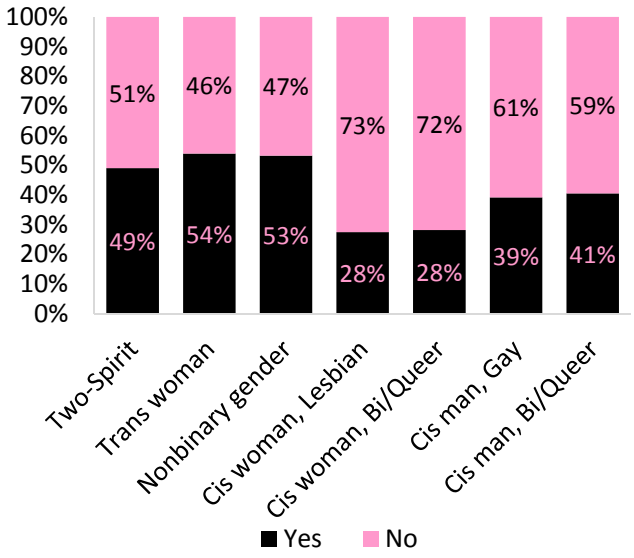
These national numbers are similarly represented by our survey respondents. Unfortunately, their challenges in court did not end at whether or not they had a private or court appointed attorney. Many respondents also experienced discrimination in the courtroom, including from their own attorney. These experiences of discrimination are increased for transgender women, nonbinary gender, and Two-Spirit defendants as well as for defendants of color.



Paper Art by Alvin E., incarcerated member



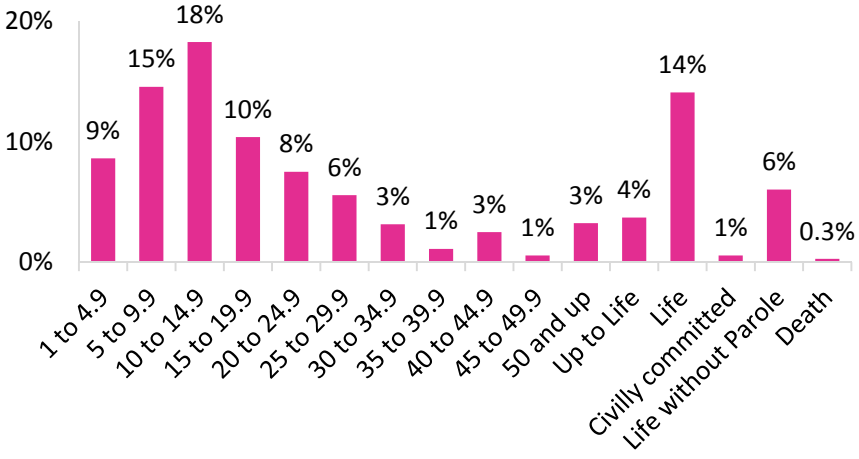
Respondents reported feeling defense attorney discrimination by race / ethnicity
Respondents: 1043



Respondents reported feeling defense attorney discrimination by gender / sexuality
Respondents: 947

SENTENCING

The average sentence imposed in state courts in 2006 was 4 years and 11 months; life sentences made up less than one-half of one percent (.03%) of those sentenced.[4] According to a report by the Sentencing Project in 2012, 11% of prisoners were serving life sentences, and of those serving life, 35% had no possibility of parole.[5] Respondents to this survey are twice as likely to be serving life sentences as members of the general prison population. The average prison sentence for respondents was 17 years, excluding those serving life and capital sentences.

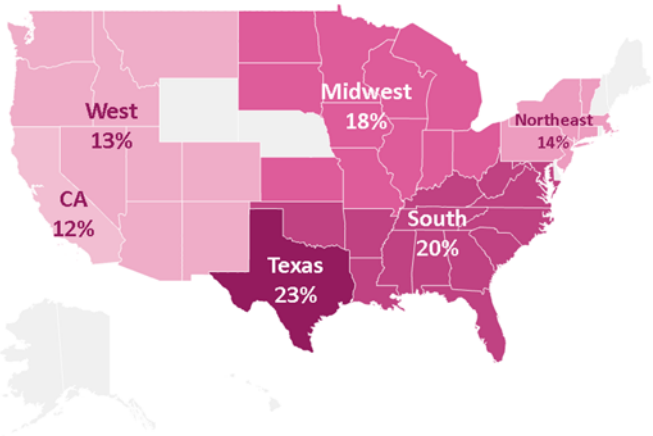


Length of current sentence (years)
Respondents: 1080

Due to the possibility of accruing good time and getting paroled, most prisoners do not serve their entire prison sentence. According to research by Pew, prisoners released in 2009 served an average of 2.9 years in custody.[6] At the time of this survey, however, the average time respondents had spent an in prison was 10 years.

FACILITIES

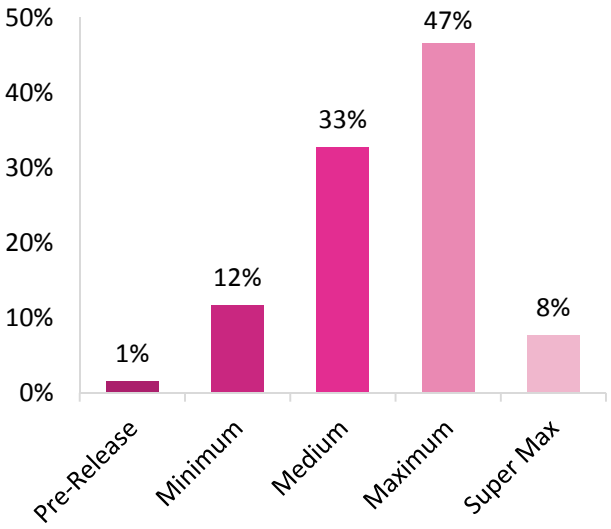
At the end of 2014, the Federal Bureau of Prisons held 13% of sentenced prisoners while state prisons held 87%. Texas, California, and Florida are the nation's leaders in number of state prisoners, accounting for 10.6%, 8.6%, and 6.5% of the prison population respectively.[7] As is evidenced in the map to the right, survey respondents are disproportionately from Texas and California. Due to Florida limiting access to the Black & Pink newspaper, there was a lower response rate from Florida (4.5%).



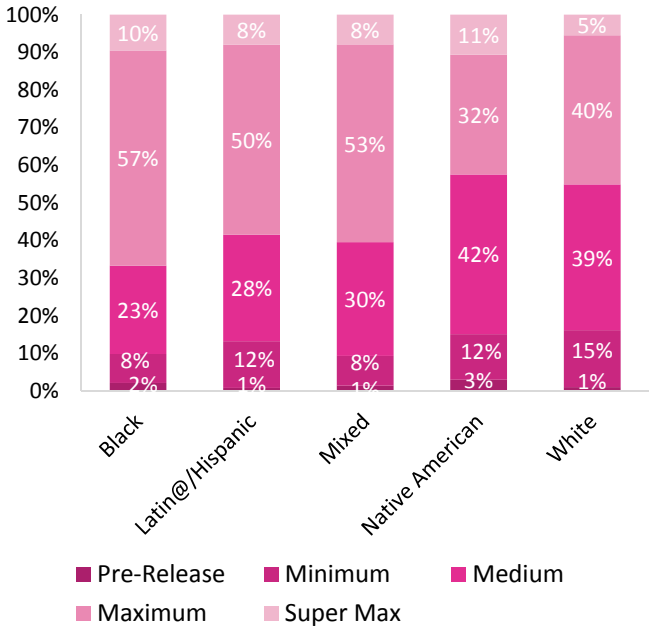
Location of survey respondents
Respondents: 1084

The last national survey of prison security levels was done in 2005. At that time, the Bureau of Justice Statistics only used three categories for classification of prisons: minimum security (53% of prisons), medium security (26% of prisons), and maximum security (20% of prisons).[8] As detailed in the graph below, our survey respondents were much more likely to be held in higher security facilities, despite the fact that these make up the smallest percentage of available prison facilities.

There is significant racial disparity in housing security levels. In particular, white respondents were more likely to be held in lower security facilities. This is especially clear in Super Max facilities, where our white respondents make up less than 10% of the prison population.



Security level of facility
Respondents: 1077

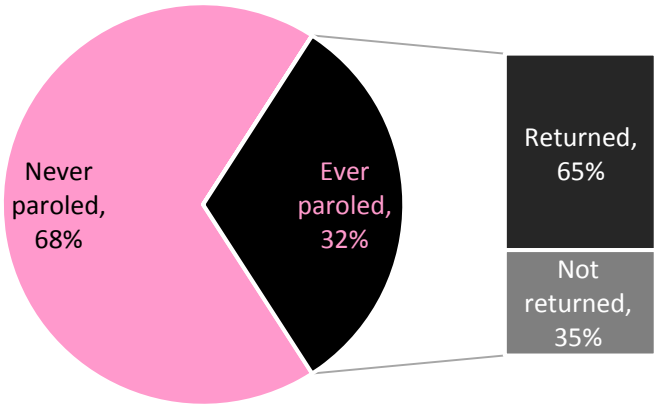


Security level of facility by race / ethnicity
Respondents: 1065

In 2005, only about 1.5% of the US prison population was housed in supermax prisons,[9] which have come under intense scrutiny for being inhumane. Writing specifically about the Federal Supermax Prison in Florence, Colorado, Amnesty International asserts, "The US government's callous and dehumanising practice of holding prisoners in prolonged solitary confinement in the country's only federal super-maximum security prison amounts to cruel, inhuman or degrading treatment or punishment and is in violation of international law."[10] As of 2014, nearly every state has its own supermax prison. The fact that 8% of our respondents are held in supermax prisons is cause for immediate action.

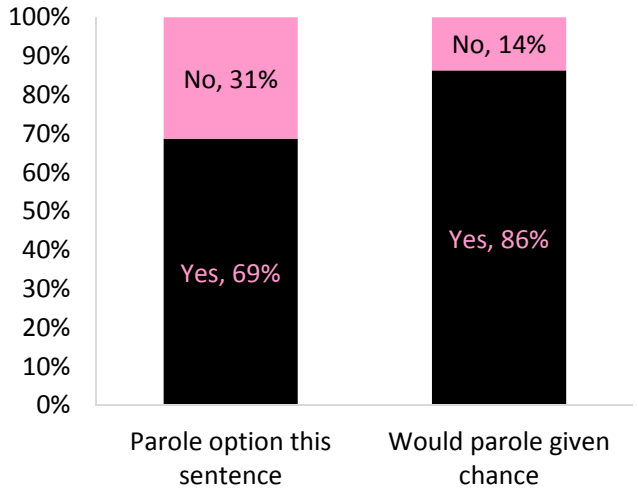
PAROLE

Federal prisoners are not entitled to parole, as long as they were sentenced after passage of the Sentencing Reform Act of 1984. At the state level, the structure of parole systems and parole eligibility varies. Sixty nine percent of respondents reported that they have the option for parole and, if granted parole, 86% would take the opportunity. Nearly a third of respondents have been granted parole on a previous sentence, although of those who have been granted parole, 65% have been returned to prison for a parole violation.



Respondents granted parole and whether they returned to prison for a parole violation
Respondents: 1014 & 312, respectively

Forty two percent of respondents have been denied parole when going before the Parole Board in their state. Similarly, 41% of respondents have felt discriminated against by the parole board. Two-Spirit and nonbinary gender respondents were more likely to have felt discriminated against (57.5% and 50% respectively). One respondent wrote, "They are extremely bias and against what they say they're about. If you go before them with marked improvements they'll focus solely on the negative and what you ain't do." Another respondent wrote, "Here in Texas, they discriminate against Blacks. This is the South, we are job security only slaves for profit, they don't pay us jack. That's why they have many prisons." One respondent wrote about being treated unfairly by the Parole Board, "I was a child [when I got locked up], I'm not the same person. I'm a mature 31-year-old woman."



Whether respondents have the oppurtunity for parole and given the opportunity, would they take parole
Respondents: 1083 & 995, respectively

Endnotes:

1. Neal, Melissa. "Bail Fail: Why the US. Should End the Practice of Using Money for Bail. Justice Policy Institute." 2012.
2. Drinan, Cara H. "Gideon's Army and the Central Theme of Poverty." *New Eng. J. on Crim. & Civ. Confinement* 41, 2015: 37.
3. Marcus, Paul, and Mary Sue Backus. "The Right to Counsel in Criminal Cases, A National Crisis." *Hastings Law Journal* 57, no. 6, 2006: 1031.
4. Durose, Matthew R., and Patrick A. Langan. *Felony sentences in state courts, 2000*. Washington, DC: US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2003.
5. Nellis, Ashley, and J. Chung. "Life goes on: The historic rise in life sentences in America." *Washington, DC: The Sentencing Project*, 2013.
6. Pew Center on the States, and United States of America. "Time Served: The High Cost, Low Return of Longer Prison Terms." 2012.
7. Carson, E. Ann, and William J. Sabol. "Prisoners in 2014, Washington, DC: Bureau of justice statistics." *Available online here: http://bjs. ojp. usdoj. gov/index. cfm,* 2012.
8. Stephan, J. James. "Census of State and Federal Correctional Facilities, 2005" *Available online:* http://www.bjs.gov/content/pub/pdf/csfcf05.pdf. Accessed October 9, 2015
9. Mears, Daniel P. "Evaluating the effectiveness of supermax prisons." Urban Institute Justice Policy Center, 2006.
10. Amnesty International, and United States of America. "Entombed: Isolation in the US Federal Prison System." 2014.



Art by Tony B., incarcerated member

SEXUALITY, GENDER IDENTITY, AND SEXUAL ACTIVITY

SEXUALITY

Sexual identity in prison is a highly contested topic. The term "gay for the stay" is a common phrase used in both in prison and dominant culture references to prison sexuality. As an organization, Black & Pink explicitly focuses on individuals who identify as LGBTQ. Many people in prison (and outside of prison) engage in sex acts that would be considered queer, and while we asked respondents about sex they engage in, we also asked about their experiences of LGBTQ identity. The majority of our respondents (65%) identified as LGBTQ before they were incarcerated; over a third did not. Given that the majority of respondents' first arrest occurred when they were under the age of 18 and many have spent decades in prison already, it is not surprising that several respondents would be discovering their sexuality in prison. This is not to suggest that incarceration somehow creates (or does not create) queer sexual identity. Rather, it is to say that, just as people outside of prison develop their sexual identities over time, so too do people inside of prison.



Art by anonymous incarcerated member

Just as is true for people outside of prison, identifying with a non-heterosexual sexual identity can be emotionally draining for people inside of prison. Seventy percent of respondents experienced emotional pain from hiding their sexuality. Even though many have tried to hide their sexuality, the vast majority of respondents claimed that other prisoners (85%) and prison staff (67%) knew about their sexuality. Whether respondents had chosen to "come out" about their sexual identity or if they were being read as queer or trans in some way is unclear. What is clear, however, is that there are significant consequences to prisoners and prison staff knowing (or thinking they know) a prisoner's sexual identity.

One respondent wrote about the impact this knowledge had on his ability to get a prison job:

> *My only problem as of late they discriminate and deny me job assignments simply cause I'm gay. This person is really unprofessional and outright disrespectful. It's common for an officer and inmates and other officers to call a gay inmate a faggot in front of other inmates and other officers while they laugh and make jokes. But my problem is that this administration systematically discriminates against me, by denying me job assignments simply cause they know that I am a gay inmate. In fact I was hired in the kitchen, then suddenly fired when they recognized I was gay. It is an unwritten policy and practice to discriminate and deny gay inmates job assignments.*

Losing access to jobs is not the only threat faced by prisoners who are (or are perceived to be) LGBTQ. Respondents also experienced harassment and physical violence by prison staff and other prisoners who (believed they) knew

their sexual identity. Many respondents were intentionally sought out for sexual encounters for this reason and, if they chose not to consent, were sexually assaulted.

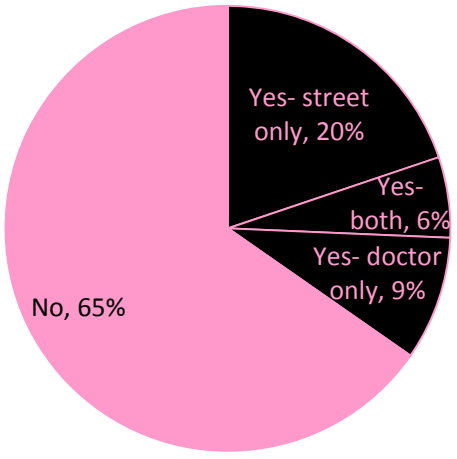
Some positive stories were also shared regarding disclosure of sexuality and gender identity. While many prisoners experience harassment or violence from other prisoners around perceived knowledge of non-normative gender or sexuality, there were also those who reported being treated respectfully, engaging in healthy friendships, and even feeling authentic support of their identity. One respondent wrote, "We embrace each other cause they're gay also." Sometimes being known can create a community of support in an environment that thrives on division. One respondent even suggested that being out in prison was easier than being open about her sexuality outside of prison, "cause there's so many other lesbians and bisexuals in one place."

Gender Identity

The negative experiences of transgender, nonbinary gender, and Two-Spirit respondents with regard to disclosure of gender identity were similar to LGB respondents regarding disclosure of sexuality, though often more severe. Seventy eight percent of transgender, nonbinary gender, and Two-Spirit respondents experienced emotional pain from hiding their gender identity. Eighty five percent reported that other prisoners knew about their gender identity. One respondent wrote that other prisoners who knew about her gender identity were "cruel and vicious, humiliating me regarding my hormones, bras, breast development, etc."

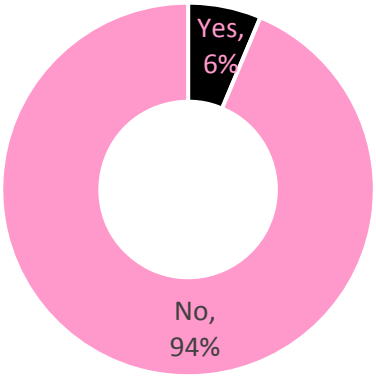
Physical violence and verbal harassment are far from the only struggles transgender, nonbinary gender, and Two-Spirit respondents have to navigate. A diagnosis of Gender Identity Disorder or Gender Dysphoria (GID/GD) is a prerequisite for accessing many life-affirming treatments and services. Of transgender, nonbinary gender, and Two-Spirit survey respondents, only 43% had been granted this diagnosis, and 31% reported being denied a diagnosis during their incarceration.

Barriers to gender affirming care are not limited to respondents' time in prison. In the free world, accessing some basic needs (such as therapists who will provide a GID/GD diagnosis, or doctors who can prescribe hormone replacement therapy) can be incredibly difficult. While more than a third of transgender, nonbinary gender, and Two-Spirit respondents took hormones prior to their incarceration, the majority of those who did so took street-based hormones that were not prescribed by a doctor. Simply taking care of one's medical needs in a transphobic/transmisogynistic society, it seems, is a criminal act.



Use of hormone replacement therapy to support respondent's gender expression before incarceration
Respondents: 222

Currently, 23% of transgender, nonbinary gender, and Two-Spirit respondents are taking hormones while incarcerated, while an overwhelming 44% report being denied access to hormones they requested. The refusal of gender affirming medical care is not limited to hormone replacement therapies; 40% of respondents also report being denied access to gender confirming surgeries they sought.

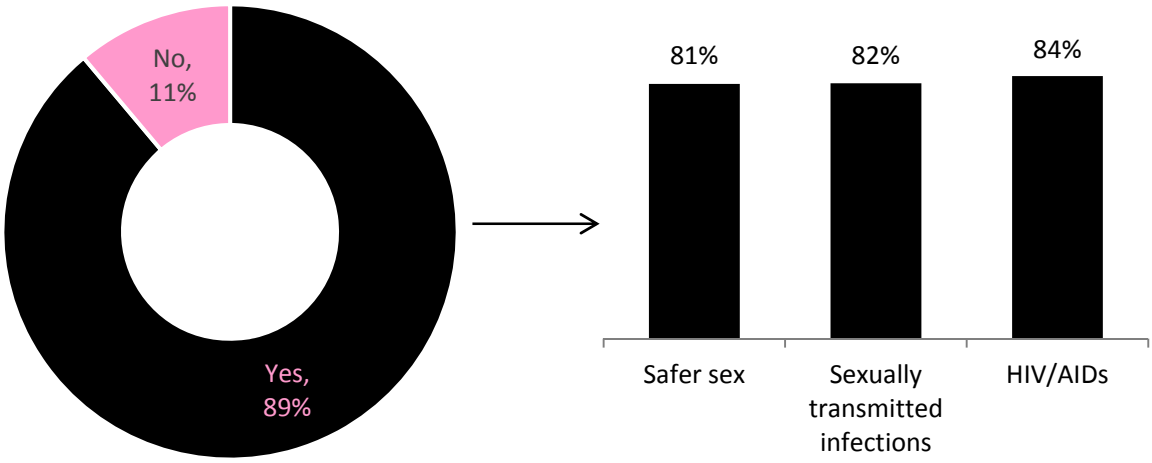


Availability of special canteen for transgender prisoners
Respondents: 221

Using clothes, makeup, or accessories to present oneself in a way that affirms one's gender identity can be unsafe in the free world. In prison, where so many basic freedoms have been taken away, it can be nearly impossible. Only 21% of respondents are allowed access to underwear and cosmetics that match their gender. A very small percentage of respondents have access to a canteen for transgender prisoners, and even if such a canteen does exist within a specific prison, it may or not be available to transgender, nonbinary gender, or Two-Spirit prisoners who lack a GID/GD diagnosis.

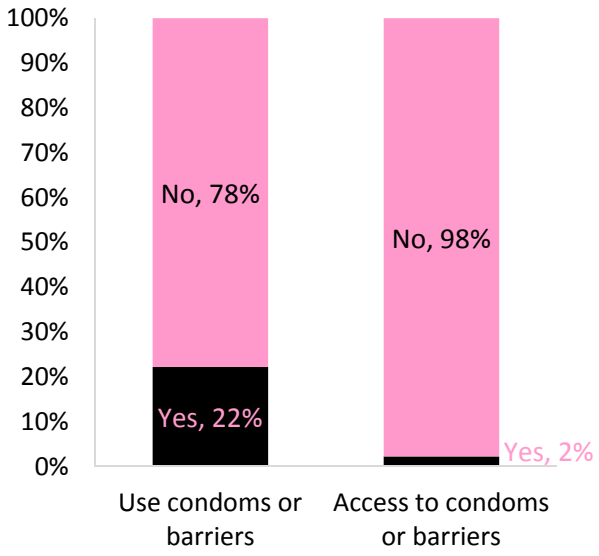
Sexual Activity

The vast majority (67%) of respondents are sexually active in prison, but their prison does not equip them with the tools and resources to keep themselves and their partners safe from preventable, sexually transmitted infections (STIs). While prisons fail to provide access to condoms to all but 2% of respondents, over one fifth of respondents have used a condom or other barrier for the purpose of preventing STI transmission. This discrepancy between what the prison provides and what prisoners have managed to access, highlights prisoner resilience and intentionality in taking care of themselves and their sexual partners. Additionally, the overwhelming majority of respondents discussed safer sex, STIs, and HIV/AIDS with their sexual partners.

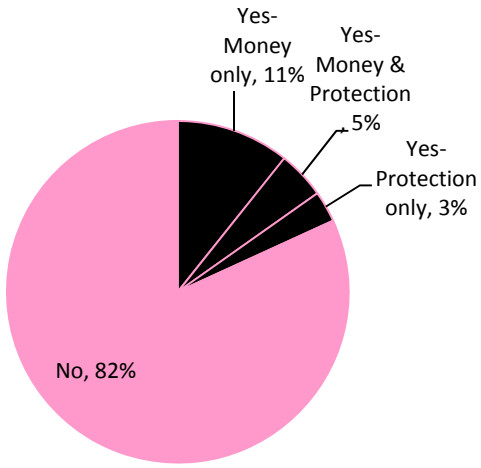


Whether respondents had conversations while in prison with their sexual partners and, if yes, topics(s) discussed
Respondents: 719 & 639, respectively

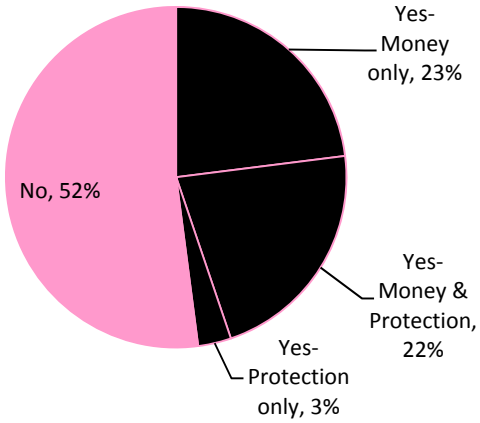
Just as is the case outside of prisons, not all sex happening within prisons (inside) is for pleasure alone. Over a quarter of respondents have traded sex with other prisoners for money or canteen/commissary during their incarceration, and 14% have traded sex with other prisoners for personal protection (what is often called "protective pairing"). Respondents who traded sex outside of prison were much more likely to trade sex inside of prison, although it is significant that many respondents who did not trade sex outside of prison did trade sex while incarcerated. The means and mechanisms for survival in prison are even more limited than those available to LGBTQ people on the outside, and trading sex is one way LGBTQ prisoners can access the things they need.



Use and access to condoms or barriers in prison
Respondents: 1006 & 1073, respectively



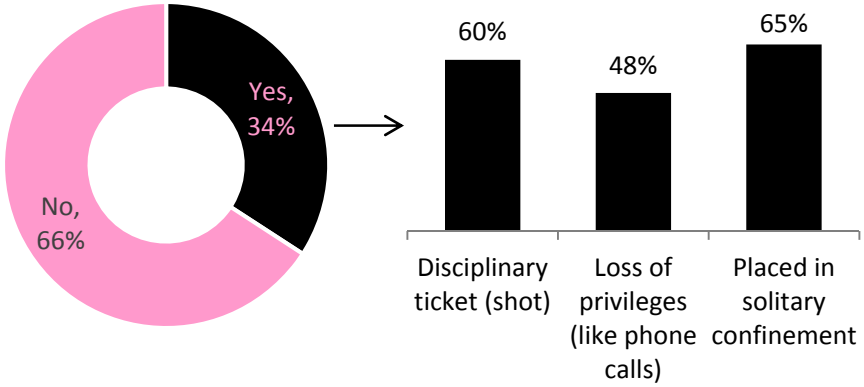
Trading sex inside for money and/or protection, Did not trade sex before incarceration
Respondents: 644



Trading sex inside for money and/or protection, Did trade sex before incarceration
Respondents: 413

While it is commonly known by prisoners, prison staff, and the general public that prisoners are engaging in consensual sexual activity, virtually all prison administrations have established rules forbidding sex between prisoners. PREA has intentionally left decision-making regarding the regulation of consensual sex between prisoners to local prisons, rather than insisting on a universal mandate. Many prison administrators have in fact utilized PREA as an opportunity to expand their rules governing sexual activity, some even going so far as to

make hand-holding a disciplinary offense. Over a third of respondents have been disciplined for engaging in consensual sex, and of those, nearly two-thirds have been placed in solitary confinement as their punishment.



Whether respondents reported disciplinary action for engaging in consensual sex and, if yes, punishment(s) received
Respondents: 758 & 259 respectively

The above findings illustrate that issues around sexuality, gender identity, and sexual activity within prisons are complex, with significant cause for concern occurring simultaneously alongside resilience and resourcefulness. As discussed in the recommendations section, there are many policy changes that can be made to immediately reduce the risk and violence faced by LGBTQ prisoners, and advocates must work to remove the barriers prison officials put in place that prevent LGBTQ prisoners from navigating their incarceration as sexual and gendered beings.



Card by Jay M., incarcerated member

SOLITARY CONFINEMENT

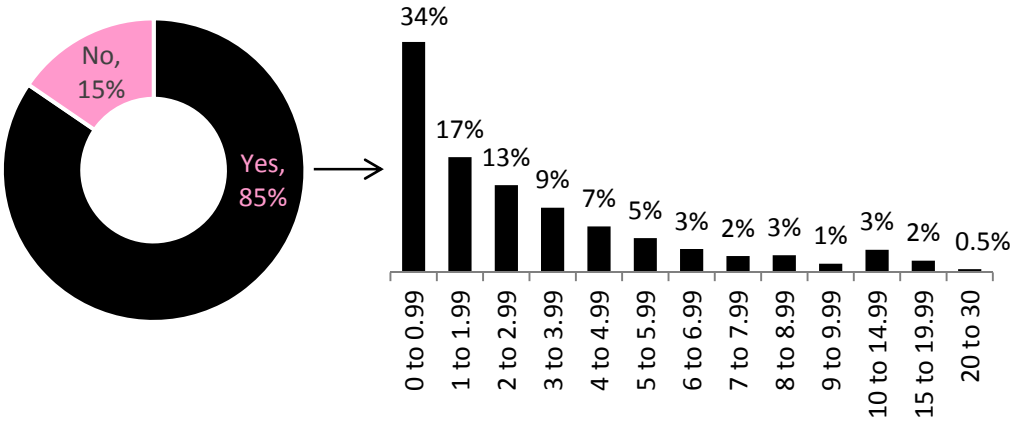
Solitary confinement is a violent tool that can cause great harm, even to people who are subjected to only a couple of days of it. Our respondents have spent years of their lives locked away in isolation. The United Nations Committee Against Torture has been very explicit on the detrimental effects of long term solitary confinement:

> According to the Inter-American Court of Human Rights, "prolonged isolation and coercive solitary confinement are, in themselves, cruel and inhuman treatments, damaging to the person's psychic and moral integrity and the right to respect of the dignity inherent to the human person." Because of its potentially deleterious effect on prisoners' mental and physical health, the Committee Against Torture, the official body established pursuant to the Convention Against Torture (a treaty ratified by the United States and part of United States law), has recommended that the practice be abolished altogether.[1]

As is noted in the recommendations, the practice of solitary confinement must stop immediately and long term healing efforts must be provided to all those who have been forced to deal with the trauma of solitary.

Based on the information given, all respondents taken together spent a total of 5,110 years in solitary confinement.

An overwhelming majority of respondents have been held in solitary confinement at some point during their incarceration. At the time of the survey, 248 respondents were writing out their answers from solitary cells. Based on the information given, all respondents taken together spent *a total of 5,110 years* in solitary confinement. Half of respondents have spent two years or longer there.



Reports of ever being in solitary confinement and, if yes, total amount of time ever spent in solitary confinement (years)
Respondents: 1099 & 874, respectively

It is not uncommon for prison staff to assert that they are placing prisoners into solitary confinement as a means of increasing safety. Indeed, because prison administrators often consider solitary confinement a protective measure, they do not use the term solitary confinement, but rather euphemisms such as "protective custody."

Excerpts from survey respondents describing why they requested solitary confinement

- *Because the men was making me sell my body and it was the only safe place for me, the prison system won't help...so I ran to solitary to be safe.*
- *... due to my gayness. I was totally harassed - daily by inmates and staff alike…*
- *Sexually abused by staff member…*
- *I was placed in solitary after being raped... only released after it drove me to a suicide attempt.*
- *I was raped BADLY and cuz Trans, scared of being hurt cuz of how feminine I am and I was 18 years old. So scared.*
- *Protection from gang relation inmates, pressuring for sex. Exhaustion and for protection from security due to my sexual lifestyle and openly gay pride.*
- *People did not like to live with someone who has HIV so I was put into confinement because of this.*
- *Because I'm trans I was threaten by the white gang members.I was placed involuntarily while a PREA investigation was conducted.*

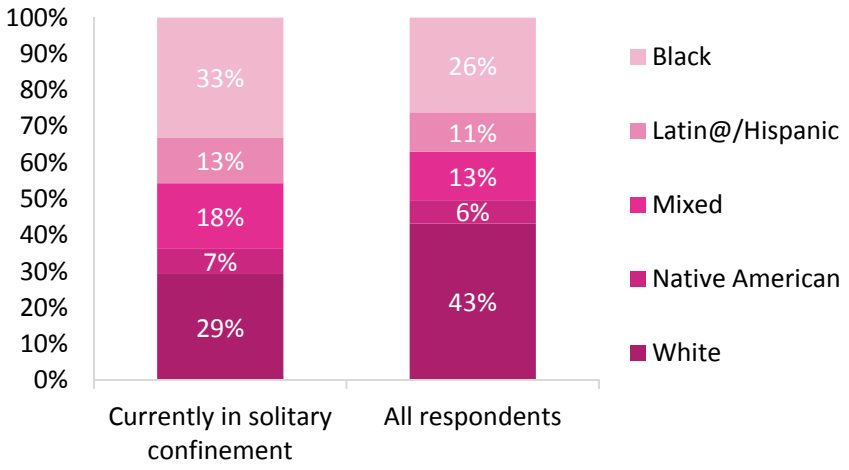
Thus, despite the Prison Rape Elimination Act's clear statement that isolation should only be used in circumstances when there is no other possible alternative to prevent abuse, it is nevertheless a routine practice used on LGBTQ prisoners. Fifty percent of those who have experienced solitary confinement were put there for their own protection but against their will. Thirty eight percent of respondents report being housed in solitary confinement for their own protection and at their request. While it may be difficult to imagine a person choosing to be housed in "the prison within a prison," prisoners are often forced to decide between the torture of sensory deprivation and constant violence from other prisoners in the general population. Those who requested solitary confinement faced life threatening positions due either to imminent violence or self-harm. See box for excerpts from survey respondents detailing why they requested solitary confinement.

Roadmap for Change, a 2014 report addressing the criminalization of LGBTQ people and people living with AIDS, details the excessive use of solitary confinement and some of this practice's impacts on LGBTQ prisoners:

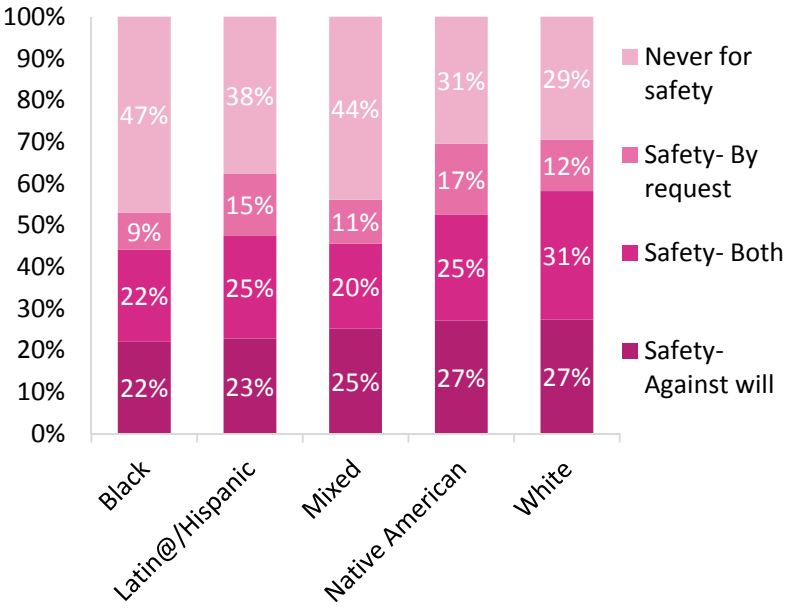
> For many LGBT and gender non-conforming people, protective custody remains the default placement for periods of days, months, years, and in some cases, decades. In addition to the conditions themselves amounting to torture, solitary confinement usually restricts a person's access to education, work, and program opportunities. These opportunities are not only essential for maintaining a person's mental health, but are usually necessary for achieving good time credit and being paroled. This means that LGBT people, who are likely to serve much of their sentence in isolation, are also more likely to serve the maximum time (or longer) of non-life sentences.[2]

Race / Ethnicity and Solitary Confinement

At the moment of the survey, 33% of those currently in solitary self-identify as Black, 28% as Latin@/Hispanic, 24% as mixed-race, 23% as Indigenous/American Indian, and 19% as white. People of color respondents are thus dramatically overrepresented in solitary confinement, given the absolute number of survey respondents in each racial category (see table). Overall, participants of color are more likely to currently be in solitary confinement at the moment the survey was taken. Black, Latin@/Hispanic, mixed-race, and Native American/American Indian respondents are twice as likely to have been in solitary confinement at the time of the survey than white respondents



Those currently in solitary confinement compared to all respondents, by race / ethnicity
Respondents: 232 & 1076, respectively

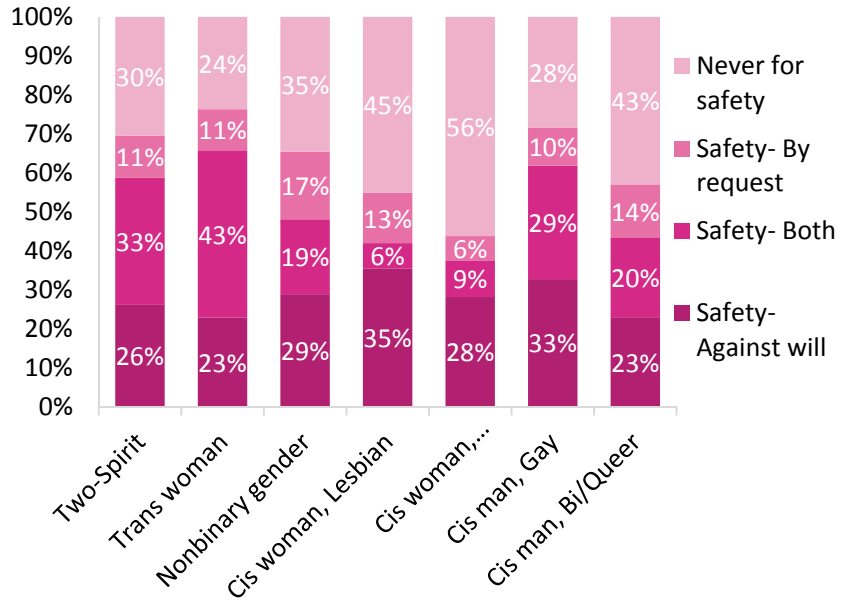


Respondents placed in solitary confinement for safety by their own request and/or for safety against their will, by race / ethnicity
Respondents: 236, 101, 123, 59, & 373, respectively

As already noted, there are times when prisoners ask to be placed in solitary confinement and other times when prison staff decide to place prisoners in solitary confinement under the guise of protection but against the prisoner's will. All respondents, regardless of race, are more likely to have been placed in solitary confinement for their own safety against their will. However, white respondents were disproportionately likely to have been in solitary confinement for "safety" both by their own request and against their will. It seems that, even in prison, white life is more valuable or worthy of protection. However, this racialized and disingenuous claim of "protection" cannot obscure the fact that that solitary confinement violates the human rights of anyone subject to it.

Gender / Sex and Sexuality and Solitary Confinement

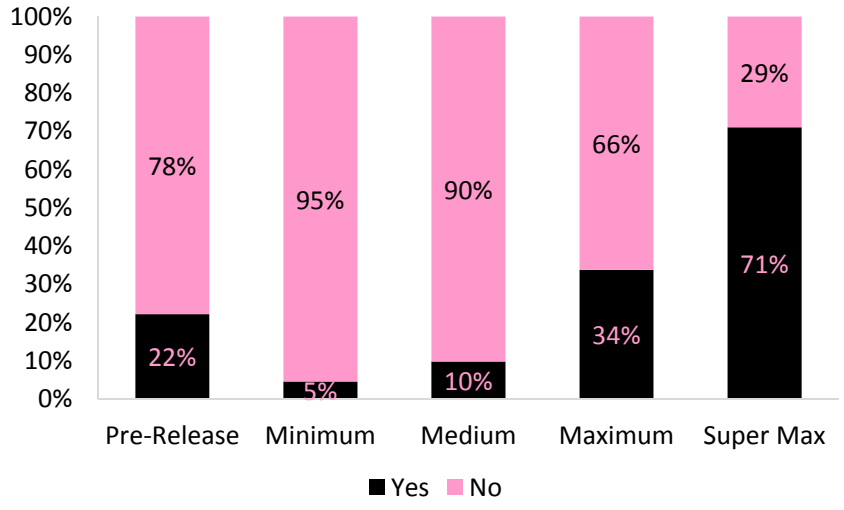
All respondents who experienced solitary confinement, whether by request or involuntarily, were placed in solitary confinement against their will at higher rates than by request. Further, trans women, Two-Spirit people, and cisgender gay men are put into solitary confinement against their will at the highest rates. While prison staff may claim they are placing LGBTQ prisoners in solitary confinement for their own safety, it is often being done so as an attempt to decrease sexual activity amongst prisoners or to control what they see as disruption of the social order of the prison by LGBTQ prisoners.



Respondents placed in solitary confinement for safety by their own request and/or for safety against their will, by gender / sexuality
Respondents: 46, 114, 52, 31, 32, 165, & 349, respectively

Prison Security Level and Solitary Confinement

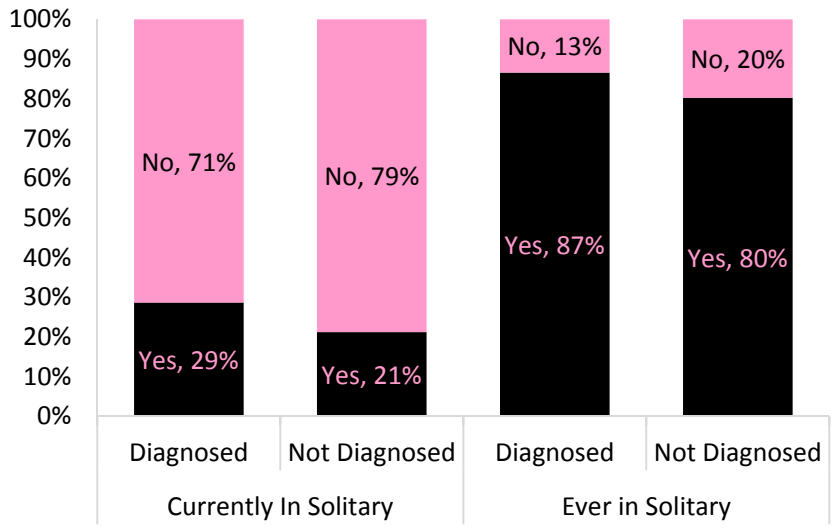
The chart shows that, apart from pre-release prisons, the usage of solitary confinement by prison authorities increases with the security level of the facility. Thus solitary confinement is used most in supermax prisons, which are already an extreme form of confinement by design.



Respondents placed in solitary confinement for safety by their own request and/or for safety against their will, by gender / sexuality
Respondents: 46, 114, 52, 31, 32, 165, & 349, respectively

Self-Identified Mental Illness and Solitary Confinement

Prisons are not designed to address the needs of people living with mental illness; rather, they often exacerbate it and/or its underlying issues. Prison staff often respond to prisoners suffering from mental illness with excessive discipline and, in many cases, rely on solitary confinement as a means of control of these prisoners. The graph below show that respondents with a mental illness diagnosis were more likely to be in solitary confinement at the time of the survey and are more likely to have ever been in solitary confinement during their incarceration.



Currently in solitary confinement as well as has ever been in solitary by diagnosed with mental illness
Respondents: 614, 283, 723, & 354, respectively



The Cell
Sitting in this 6 by 9 cell,
no it's not pleasant, but feel like hell.
Looking at life, wondering how I fell.
Thinking back, and wishing only if I made bail.
Sitting in this small cell,
feeling down and out. Don't want to talk,
or to be bothered, smelling myself, damn I smell.
This overwhelming experience is no small tell,
If you take a look in my eyes, I'm not living well.
It feel like these walls are closing in,
My ears hurt, arguing is a common trend.
In the belly of the beast, not looking or seeking a friend,
but when I get out for my life, I will make amend.
But until then, I be sitting in this cell.

Art and poem by Kevin P., incarcerated member

Endnotes:

1. Lobel, Jules. "Prolonged solitary confinement and the Constitution." *University of Pennsylvania Journal of Constitutional Law* 11.115, 2008: 2009-19.
2. Hanssens, Catherine, et al. "Roadmap for Change: Federal Policy Recommendations for Addressing the Criminalization of LGBT People and People Living with HIV." 2014.

DISCRIMINATION AND VIOLENCE

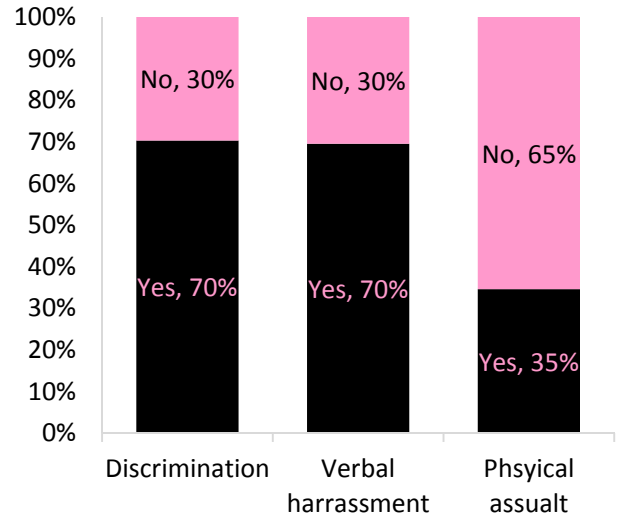
Discrimination, harassment, harm, and violence are the lived realities of LGBTQ prisoners. In the closing paragraph of their chapter on prisons, the authors of *Queer (In)Justice: The Criminalization of LGBT People in the United States* assert that

> the violence and punishment visited on LGBT prisoners "are not anomalies," and they cannot be eradicated through reform. They are deeply embedded in the fabric of the prison system, and perpetuated through queer criminalizing archetypes. Not only have prisons failed to deter crime and produce safety, they are sites where the safety, dignity, and integrity of all prisoners, including LGBT prisoners, are eviscerated.[1]

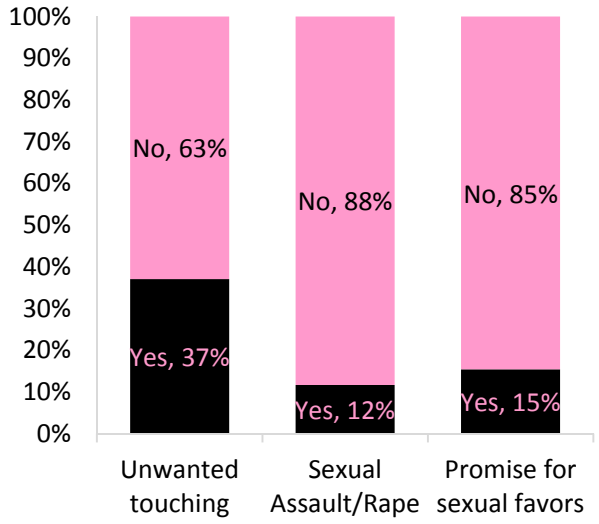
The responses that follow only confirm these observations.

VIOLENCE BY STAFF

The vast majority of respondents experienced discrimination and verbal harassment by prison staff people and more than a third were physically assaulted. Nearly half of Native American/American Indian respondents experienced physical assaults by prison staff.



Whether respondents experienced discrimination and violence by prison staff
Respondents: 1092, 1090, & 1084 respectively



Whether respondents experienced sexual violence by prison staff
Respondents: 1090, 1090, & 1077 respectively

Respondents also reported incidences of sexual assault by a prison staff and experiences of unwanted touching by prison staff. We intentionally left the question about unwanted touching vague given that not all people who experience sexual violence by prison staff consider it an assault and that there is much unwanted touching by prison staff that respondents may want to disclose. Also, not all sexual assaults are aggressively violent, even if

they involve violations of consent or exploit the power inequity inherently at work in the relationship between prison staff and prisoner. So, for example, sometimes prison staff promise things, like cigarettes, food, drugs, or leniency, in exchange for sex.

Of the respondents who experienced sexual assault or unwanted touching by prison staff, 197 provided details. The following are excerpts of their stories. While these may be difficult to read, it is important that they not be hidden:

- *I was raped by a jail guard in Sedgwick County, KS and am currently in a lawsuit against that county. I feel horrible every time I think about it and wonder what I could ever have done to avoid it. Please do pray for me. Thank you.*

- *A female CO kept patting me down and stripping me. I asked her why. She said because I can. She would call other staff to strip me and she would watch and then comment on my body parts. I also had a mental health doctor touch me and try to assault me saying "who will they believe, me or you?" And this is still a problem but I am in mental health unit for suicide attempt and can't go anywhere.*

- *Nearly every time I am pat searched the male officers either cup my breasts or extensively rub my nipples of which is not allowed at female facilities.*

- *It only happened once but A C/O made A comment on the size of my penis saying It's true what they say About Black people.*

- *I had a Sergeant touch my legs and groin area when he was patting me down & I was wearing shorts, so he had NO reason to caress my legs from top to bottom. I told him he doesn't need to touch me in this way, he replied I'll touch you in any way I want to. When I spoke to a Lieutenant, he stated I would be placed in segregation if I raised a PREA issue over this.*

- *I was raped in 2007 by another prisoner, and placed on self-harm observation status because I was feeling suicidal. The guard assigned to observe me entered my cell after turning the security camera off and coerced me to perform oral sex on him. He promised to protect me, and gave me food and tobacco products.*

- *For a few months in 2006 there was a practice at MCT-Norfolk of pat-searching prisoners leaving the Health Services Unit if they received an injection. After male guards grabbed my breasts, I stopped taking the Lupron injections to avoid this.*

- *Every prisoner experiences unwanted touching or sexual assault by prison staff whether they want to admit it or not. I don't like being forcefully touched by anyone or stripped search every day! I feel violated by having another individual seeing my naked body and touching me without my consent but there's virtually nothing I can do to prevent it from happening.*

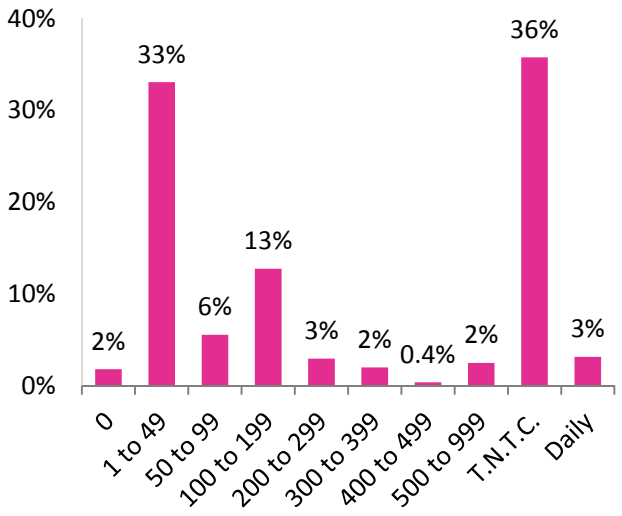
- *When these officers knows you are LGBTQ, they purposely began to harrass us. They'll subject us to a strip-search & make us bend over & open our butts until they can see our anus or they'll pat search us and they'll either rub their filthy hands on our butts, nuts, or jack our pants in the crack of our butts.*

- *in 2003 at USOW they showed a video on the new pat searching clothed searches by male officers. They used the outside of their palms to run down between our breasts and also in an upward motion moving up our thighs and pressing into our vaginas.*

Not only are these sexually violent experiences, but they make clear the ways that sexual violence is informed by and functions as a tool of racism, sexism, and transmisogyny. In addition to the harm of the assault itself, sexual violence also results in prisoners not getting the health care they need, being afraid to go to programs, and can lead to self-harm or suicidal feelings.

STRIP SEARCHES

Advocates, policy makers, and politicians alike have advocated that sexual violence by prison staff, and prisoners, is an egregious and preventable aspect of incarceration. Political will and coalition-based organizing led to the passage of the Prison Rape Elimination Act in 2003. Much attention has been paid to PREA and the mandates that have followed its passage. This attention has caused advocates to respond to some of the specific types of sexual violence that happens in prisons across the country. However, rather than classify the act of strip-searching a prisoner as a form of sexual harm, PREA offers appropriate ways to strip search prisoners. Some of these regulations, such as the practice of transgender women prisoners being entitled to strip searches by female prison staff, have been celebrated by advocacy organizations. However, the systemic practice of strip searching prisoners has become presumed as an inevitable aspect of incarceration. Jesse Lee Jackson reflects on this reality in an article dealing with the effects of PREA:



Approximate number of times strip searched during incarceration
T.N.T.C. = too numerous to count
*Respondents: 1043*T.N.T.C. = too numerous to count

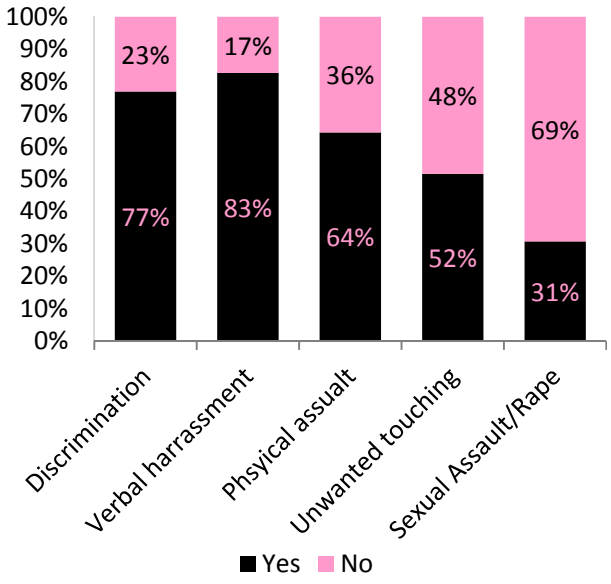
> In the [National Prison Rape Elimination Commission] report, practices that could be considered institutional sexual abuse, such as body cavity searches and pat-downs, are affirmed as necessary for security. The conflict between monitoring practices and opposition to sexual violence is most clear in this instance: security procedures demand what would in other contexts be considered sexual abuse. But because it happens in the context of state monitoring, it is disclaimed as sexual violence.[2]

While not all individuals who are strip searched experience trauma from the event, the constant invasion of a prisoner's body can be devastating. Strip searches are rarely a one-time event. Respondents ranged in their answers to how many times they have been strip searched from 1 to 50, 250, 500, "millions", "every day in 12 years", "too many to count". One person even questioned, "who the heck keeps track of all that?" The truth about prisons is that they are inherently sexually violent places and 100% of prisoners have experienced sexual violence by prison staff.

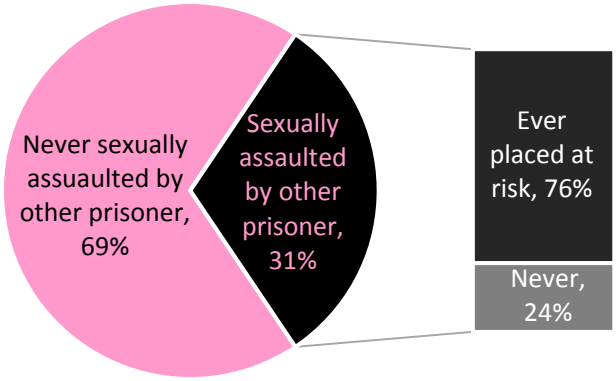
VIOLENCE BY OTHER PRISONERS

Prison staff are not the only ones who are violent and discriminatory towards LGBTQ prisoners. Other prisoners also commit verbal harassment, physical attacks, and sexual violence. In fact, prisoners are responsible for more physical violence and verbal harassment than prison staff. However, prison staff are responsible for the culture that allows prisoners to harm one another.

The responsibility of prison staff for violence between prisoners is evidenced by survey responses. Prisoners are nearly three times more likely to sexually assault LGBTQ prisoners than prison staff. However, of those who report ever having been sexually assaulted by a prisoner, 76% report that prison staff had intentionally placed them in situations where they would be at high risk of being sexually assaulted by another prisoner. Certainly prisoners are responsible for sexually assaulting another prisoner, but prison staff must also be held accountable for creating the environment for that possibility.



Whether respondents experienced discrimination, physical or sexual violence by other prisoners
Respondents: 1092, 1095, 1090, 1089, 1081



Whether respondents who experienced sexual violence or rape by other prisoners have ever or never been intentionally placed at risk by prison staff
Respondents: 1081 & 325, respectively

More than 130 prisoners shared stories of being sexually assaulted by other prisoners. These are a few excerpts:

- *Have had cellmates who have forced me to perform oral sex on them in exchange for not beating me or turning me over to their friends or enemies. Have also been guilted into receiving anal sex when I didn't want to.*

- *I have been raped at nearly every level 5 camp in MO. PREA is a joke.*

- *I've been sexually assaulted about 5 times in 25 years. it's to the point now that i just go on and sell my body for these gang members because the prison staff won't put me in safekeeping around other homosexuals. I sell my body sometimes to make my pimp happy so I don't get beat up.*

- *When other prisoners find out I'm gay they start trying to touch me on my ass or showing their penises. A couple of times I got involved sexually because of a promise to help me with money. They demanded sex almost daily whether I wanted it or not.*

- *Three times officers allowed an inmate to cut and rape me. Three times officers set me up to get raped by another inmate. While on lines inmates cop feels of my breasts and butt unwantedly.*

- *I was raped, I was in bed when another inmate came into my cell and held me down and stuck his penis in me. I told only my close friend because I did not want to get locked down.*

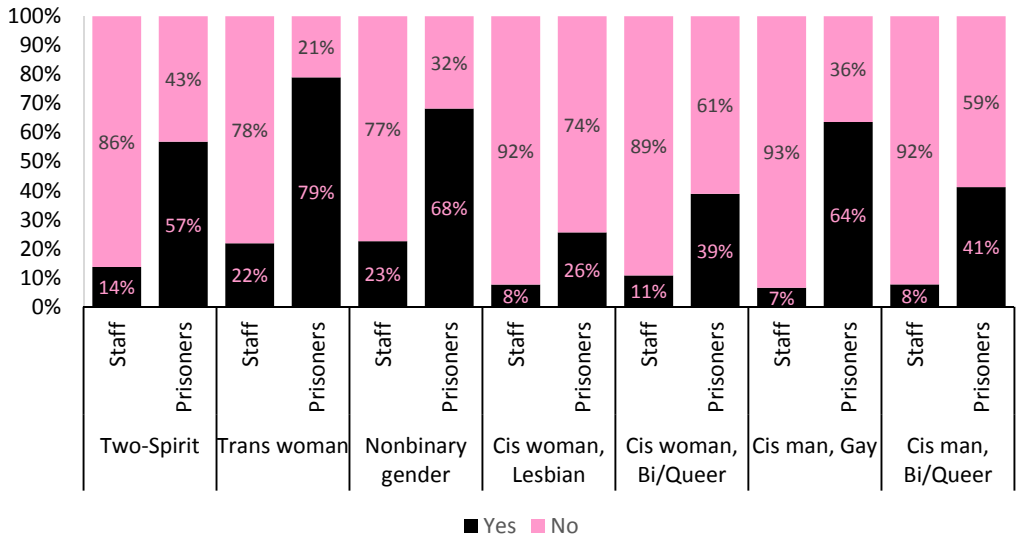
- *At Brush Mountain, an inmate raped me and when I reported the rape, I was ignored by CO saying "Faggots can't get raped."*

- *First 1997 Allred unit I was beaten and raped by five men. I tried to hang myself to deal with it. I have medical records proving this assault happened-statements from DRs, but they still won't put me in safekeeping.*

- *I've been in cells with dudes who tried to rape me but I fought back. And they'll touch me while I'm sleep. I ended up joining a gang, because prison staff wouldn't put me around my own kind. But that wasn't for me, so I quit. When I first came to prison, I was just turning 18 years of age. I really didn't know what to expect, so I basically stayed to myself and observed my surroundings at the same time. After being incarcerated for only 3 months I was placed on close custody with other aggressive prisoners. One day I was standing in the commissary & a guy began to masturbate. I got upset because it made me think of the 2 men that molested me when I was 5, but I was scared also, like I was when I was 5. So I didn't stop him. Anyways, I had a cellmate, who actually tried to rape me. He started jacking me off first, and then who wanted to have sex with me, but I refused and we got into a fight cause he felt like I owed him something. Sometimes, while I'm asleep he'll touch my private parts, so I informed the guards and they moved me. I'm not gonna lie man, it's hard being gay in prison. I mean you suffer discrimination from the guards and prisoners and it's not fair at all. I tried numerous times*

to get placed on safe-keeping, but each time I was denied. My only reasons for joining a gang is because I was looking for 2 things: #1 Acceptance and #2 protections. But, the gang members had a problem with me expressing my sexuality, when I tried to quit, I was threatened and jumped on. Eventually, I quit, but when I end up on units where gang members know me I have to leave, because my life be in danger. So, now I just hide my sexuality by being single & remaining affiliated in a gang. Actually, I have no other choice--other than going to safe-keeping, but I'll only be denied. so, I have to do what I have to do to survive. With no help from the outside, what else can I possibly do. What would you do if you were in my shoes. I just wish people will accept people for who they are instead of who they want them to be. Just because I identify with the LGBTQ community, doesn't mean I'm strange. If that's the case--then the whole world is strange, right? Well, that's my story. If what I've said helps someone, to God be the Glory.

According to our data, LGBTQ respondents are 4 times more likely to be sexually assaulted than the general prison population.[3] This is higher than the number cited by the Bureau of Justice Statistics, which in 2015 found that 11% of transgender prisoners had been sexually assaulted by prison staff and 24% by other prisoners in the last twelve months (they do not evaluate the data based on sexual orientation).[4] Given that our survey respondents were asked if they had ever been sexually assaulted during their sentence (in other words, during a period of time not limited to twelve months), it makes sense that we would find a higher percentage of transgender women prisoners experiencing sexual violence, though these numbers are deeply unsettling.



Whether respondents experienced discrimination, physical or sexual violence by prison staff or by other prisoners, by gender/sexuality
Respondents: 51, 137, 62, 39, 36, 198, & 410, respectively

Violence, harm, harassment, and sexual assault are pervasive in prisons across the United States. Reform efforts, such as PREA, are failing to meet the immediate needs of prisoners, especially LGBTQ prisoners. It is the responsibility of advocates to support and nurture the leadership of prisoners that are most targeted for harm, especially transgender women, nonbinary gender prisoners, and cisgender gay men. Physical, emotional, and

sexual violence are essential tool of prisoner control and as long as prisons continue to function, these tools will remain at the disposal of those maintaining power.

Endnotes:

1. Mogul, Joey L., Andrea J. Ritchie, and Kay Whitlock. *Queer (in) justice: The criminalization of LGBT people in the United States*. Vol. 5. Beacon Press, 2011.
2. Jackson, Jessi Lee. "Sexual Necropolitics and Prison Rape Elimination." *Signs*39.1, 2013: 197-220.
3. Beck, Allen J., and Candace Johnson. *Sexual victimization reported by former state prisoners, 2008*. US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2012.
4. Beck, Allen J. *PREA Data Collection Activities, 2015*. US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2015.

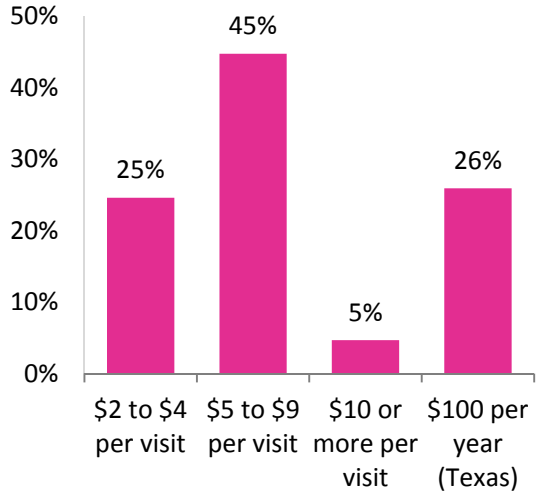


Art by Patrick H. F., incarcerated member

HEALTHCARE

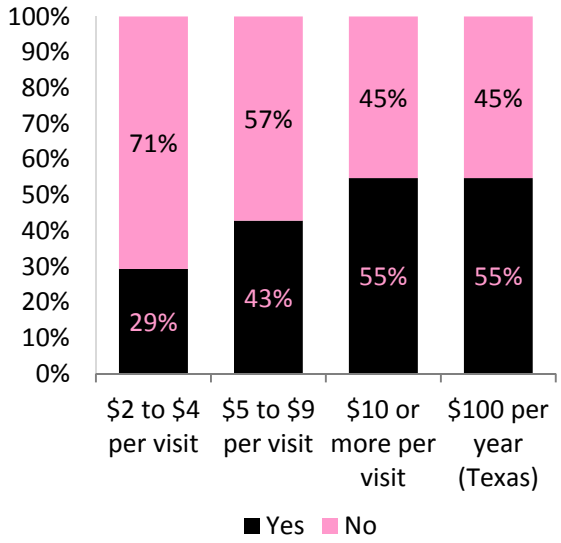
FEES

Although prisons and jails are required to provide medical care for the prisoners in their facilities, it does not need to be free. A vast majority (83%) of respondents reported needing to pay a fee to see a doctor. Fees ranged from $2 per visit to Texas state prisons' annual fee of $100. These fees have prevented 43% of respondents from seeking medical care when they needed it. Additionally, more than half of respondents were denied some medical care they requested.



Range of medical care fees, if required

Respondents: 918



Whether the fee has ever prevented the respondents from accessing care, by fee range

Respondents: 1081 & 325, respectively

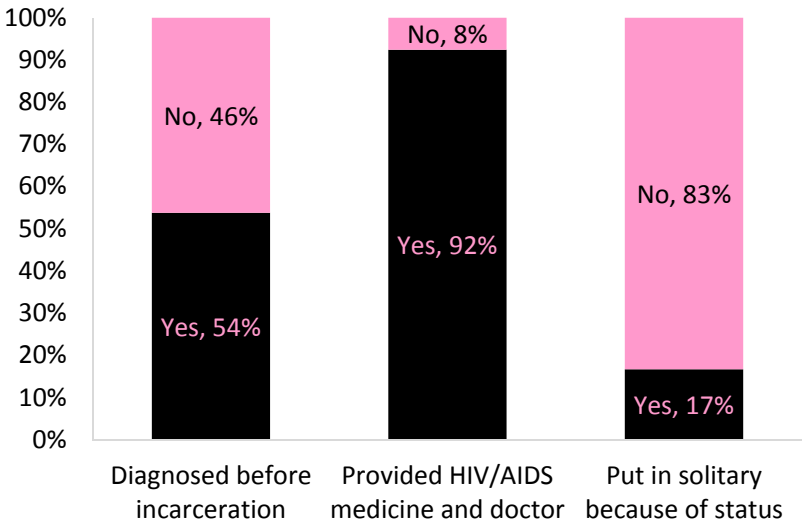
For people on the outside of prison, many of whom who spend thousands of dollars on healthcare per year, these fees may seem affordable, but for prisoners they can be devastating. Surviving on sub-minimum wage jobs, prisoners may be faced with the vexing choice of buying toiletries, seeking care, or keeping in touch with loved ones on the outside. Fees cause many people to forgo doctor visits in order to avoid incurring greater financial burdens on themselves or on their families, who are already suffering financially from the loss of their incarcerated family member's income. An article in the *National Prison Project Journal* noted, "Often prisoners will do without hygiene items or medical treatment rather than have their families deposit funds that will be immediately confiscated to satisfy prison charges."[1] .

HIV / AIDS

Respondents were knowledgeable about HIV/AIDS in general and their own HIV/AIDS status. Ninety three percent had been tested for HIV, and 75% had received education about HIV in prison. Seven percent of respondents are HIV-positive which, while much higher than the prevalence in the US population (0.04%) and the prevalence in the general state and federal prison population (1.3%)[2], it is significantly lower than the prevalence recorded by the Center for Disease Control among men who have sex with men (20%).[3] It would seem that our respondents

are under representative of HIV-positive LGBTQ prisoners. It is unclear if respondents may not know their HIV status, may have chosen not to disclose, are not able to be sexually active due to isolation from other prisoners, or if Black & Pink does not effectively reach HIV-positive prisoners.

Slightly over half (54%) of respondents who are HIV-positive received their diagnosis prior to their incarceration. While it is promising that the far majority of HIV-positive prisoners are receiving access to medical staff and treatment for manage their care, this does not necessarily lead to equitable treatment within the prison or a broad acceptance of community education about HIV/AIDS. One respondent came into the prison system with knowledge and experience of effective safer sex education gained from the outside, but staff attempted to quash any discussion of it amongst prisoners:



Experiences of respondents diagnosed with HIV/AIDS
Respondents: 80, 79, & 78, respectively

> *I have had staff members try to order me not to discuss the certain topics about AIDS/HIV with other inmates, outside of class as a peer educator, and specifically... to gay or homosexuals... cause I was not allowed to go speak to them in that manner…*

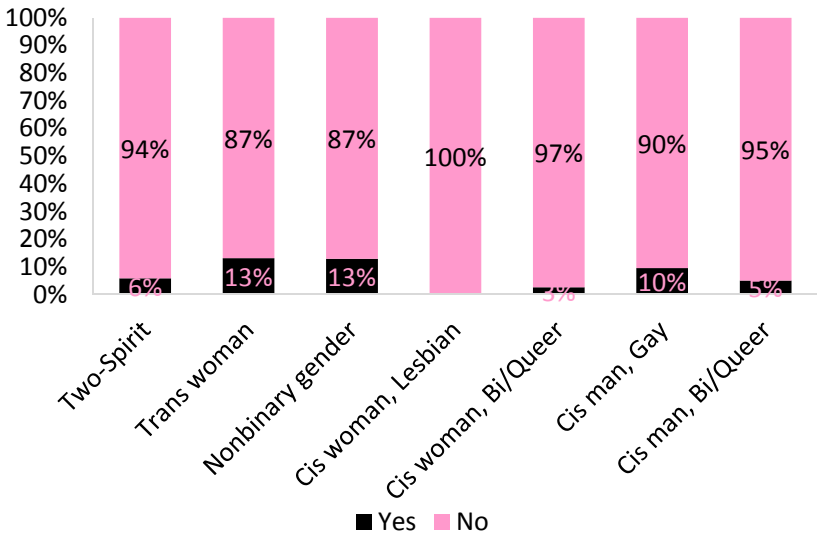
A key struggle of living with HIV is dealing with the constant stigmatization of one's status as positive. HIV stigma is pervasive outside of prison, so it is unsurprising that HIV-positive respondents similarly experience harassment on the inside because of their status. Treatment of HIV-positive prisoners by prison staff ranges from indiscretion about respondents' HIV status to downright manipulative and abusive behavior. These are some of respondents' stories:

- *I believe that many, not all, of my institutional issues may have arose because of my HIV status in part - regarding harassful misconducts of state officials. One CO told a guy I was dating of my status and my ex-spouse told me of the officers actions; this was all while we were dating.*

- *I was diagnosed this yr and it has been hell! People treat me like I'm radioactive both staff and inmates, I have been begging since being diagnosed for mental health care ie counseling and HIV case mang. but have yet to receive any! It has made me depressed, suicidal and devastated!!!*

- *Living with HIV is a stigma in itself. But all too often the medical staff will deliberately put EVERYONE that is HIV+ or one call-out + give the same spill to each of us. So if one was + is not confident enough to disclose his status if just became evident. Because the staff totally refuses to use discreation. Therefore the Correction Officers will more than often be very disrespectful + yell, "Hey Mary another one of your HIV patients are here." or "Hey Bob, Dead Man walkin."*

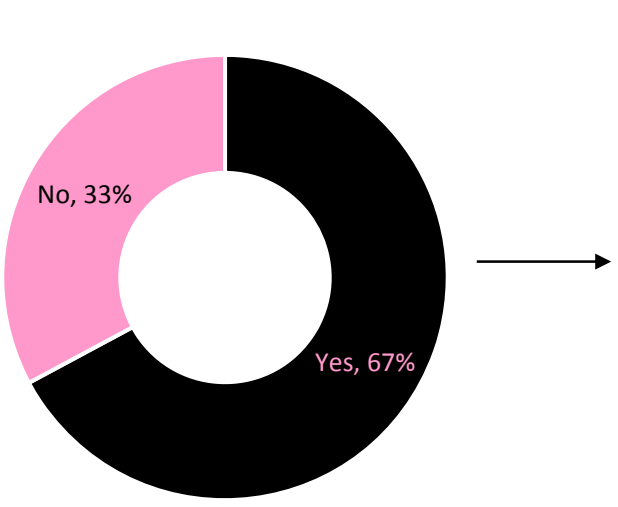
HIV does not affect all prisoners equally, just as it does not affect all people outside of prison equally. In particular, the greatest inequities in HIV status are across race. Black respondents are more likely to be HIV-positive than white respondents. Inequities are also noticeable between respondents based on gender and sexuality, with transgender women and nonbinary gender respondents having the highest prevalence of HIV (13%), followed by gay cisgender men (10%).



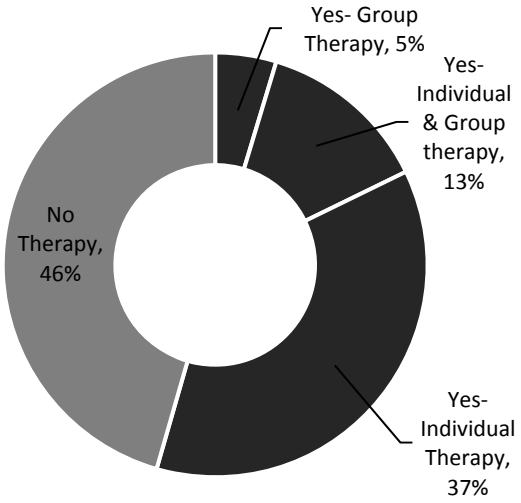
Whether respondents have HIV/AIDS diagnosis, by gender/sex
Respondents: 51, 137, 62, 39, 38, 199, & 414, respectively

Mental Illness

According to a 2005 special report of the Bureau of Justice Statistics, 56% of state prisoners and 45% of federal prisoners have a mental illness.[4] Our respondents reported a significantly higher rate of mental illness, with more than two-thirds having a mental illness diagnosis. Of those respondents living with mental illness, nearly half receive no therapy, and those who do are not always getting adequate mental health care.



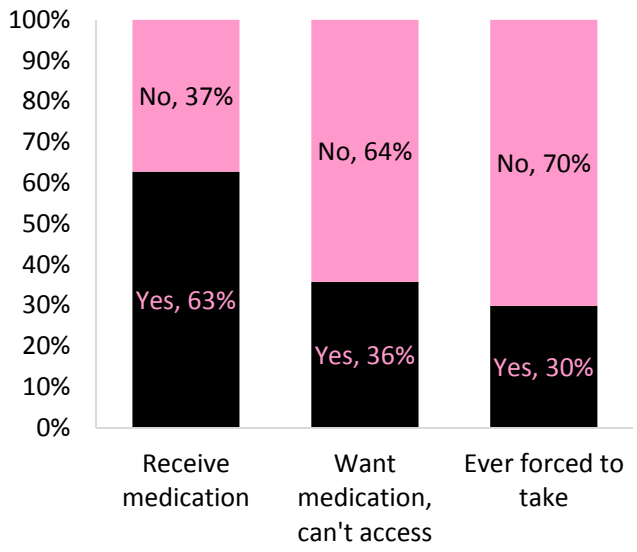
Whether respondents have been diagnosed with a mental illness
Respondents: 1081



Whether and what kinds of therapy those with mental illness diagnoses participate in
Respondents: 709

The pharmacological aspect of mental health care is not necessarily any better. There are respondents who want medication to treat their mental illness, but are unable to get it; meanwhile, there are respondents who are being forced to take medications they do not wish to take.

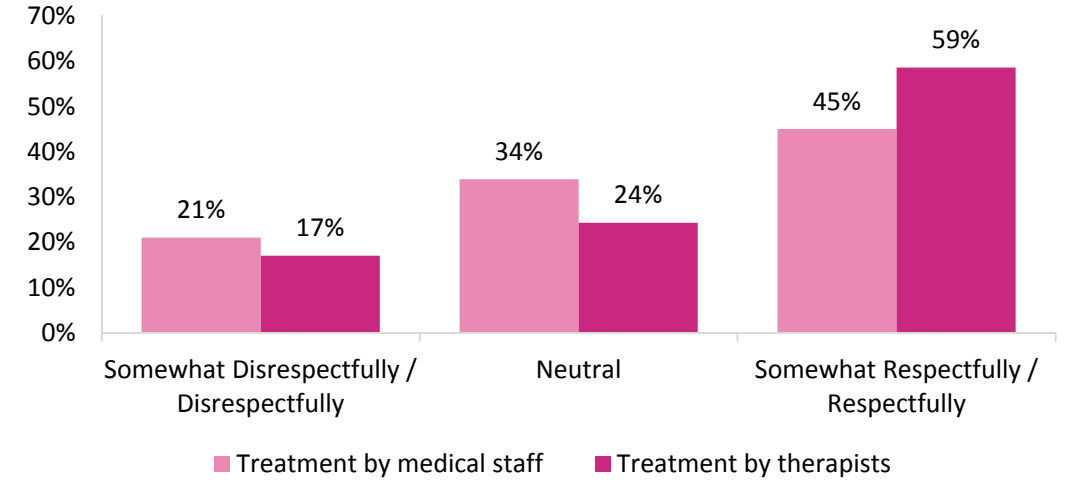
There is a crisis in prison healthcare generally, ranging from primary care to gender affirming treatment, from HIV/AIDS care to mental health treatment. The lack of adequate healthcare continues to demonstrate the institutional culture of viewing prisoners as disposable. Alongside larger efforts, immediate and effective care should be provided to all prisoners.



Medication experiences of those with diagnosed mental illnesses
Respondents: 717, 644, & 700 respectively

RESPECT

Even when respondents did get access to medical care, they were not necessarily provided adequate services that met their needs. A fifth of respondents (21%) reported that medical staff treated them disrespectfully or somewhat disrespectfully. While it is often suggested that medical staff will be a safe alternative for prisoners to reach out to, in reality the general medical care in prison for respondents leaves much to be desired. Similarly, nearly a fifth of respondents report being treated disrespectfully or somewhat disrespectfully by their therapist(s).



Treatment by medical staff and therapists
Respondents: 1055 & 563, respectively

Endnotes

1. Eisen, Lauren-Brooke. "Charging Inmates Perpetuates Mass Incarceration." Brennan Center for Justice at New York University School of Law, 2015.
2. Mayer, Kenneth H., et al. "Human immunodeficiency virus in correctional facilities: a review." *Clinical Infectious Diseases* 35.3, 2002: 305-312.
3. Wejnert C, Le B, Rose CE, Oster AM, Smith AJ, et al. "HIV Infection and Awareness among Men Who Have Sex with Men–20 Cities, United States, 2008 and 2011. Centers for Disease Control and Prevention, 2013.
4. James, Doris J., and Lauren E. Glaze. *Mental health problems of prison and jail inmates*. Washington, DC: US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2006.



Art by Shaylanna L., incarcerated member

RELATIONSHIPS AND COMMUNITY

ROMANTIC RELATIONSHIPS

A large majority of respondents have developed significant romantic relationships while in prison. As *Queer (In)Justice* notes,

> Despite rules banning sex and notwithstanding the reality of endemic physical and sexual violence, many incarcerated men and women engage in consensual, loving, sexual relationships and friendships as a form of resistance to the isolation and violent dehumanization of prisons, as a tool of survival within them, to affirm their humanity, or simply as an exercise of basic human desire.[1]

However, LGBTQ prisoners are distinctly targeted for their relationships in ways that heterosexual prisoners are not; for example, by hyper-surveilling and/or prohibiting forms of contact that are often sanctioned or promoted for heterosexual prisoners. Indeed, respondents' experiences attest to a culture of policing and punishing queer relationships in prisons. This is a distinctly LGBTQ prisoner fear and experience.

Respondents shared some of the successes and challenges of maintaining romantic relationships in prison. Navigating these relationships can be incredibly difficult, particularly given that these relationships are forbidden by prison regulations. Below are some of the responses to how respondents, to the best of their abilities, resiliently participate in creating loving relationships with one another while in prison.



Envelope Art by Shaylanna L., an incarcerated member

- *By staying out of trouble or gettin into trouble to manipulate transfer to same prison [as my partner]*

- *Me and my husband went to church service and passed letters through people who liked us to one another. I was on close custody my husband medium, and we met every Sunday, Thursday and Tuesday at church. Not caring what others think.*

- *It's nice to not be alone in here, but we have to be very secretive. Now with P.R.E.A. staff use it against Homosexuals. If they think we're together, they separate us permanently.*

- *The relationship worked cause I thought real love exist(s) in prison. She taught me to love again, even though she got released and went on with her life I needed that. The challenge was staying and not getting moved.*

- *It was rough cause of where we are but our families were involved with us so that made it strong . we go home together 2015.*

- *Talking to each other through cracks in the door in solitary.*

- *You just make it work it's hard cause you can always be split up, but for the most part. Just enjoy the time you have & always be careful. it's good to have someone who you know has your back.*

- *I'm trying to make one work now.*

- *We are both transgender women, imprisoned in different states. We fell in love by mail, and have stayed in love as committed partners since 2006. The power of love and the suspension of disbelief allows us to stay strong. I miss her everyday, yet she always with me.*

- *Always try to be discreet and low-key about it. however, it is hard to have a healthy relationship when everything around you is designed to prevent it from happening.*

- *We sat down and made lists of our expectations, boundaries and needs, then went over them together, made compromises if needed, then both signed and had copies. We went to positive classes together, learned communication skills. The hard part is the CO's who try to keep couples separated and punish us for even eating together.*

- *I only hang out with other LGBT or LGBT friendly people so that helps. The biggest challenge is not being able to hold hands or kiss the person I love because of rules.*

- *To know the routines of the prison and C/O's. Just be cautious when doing something and keep it private.*

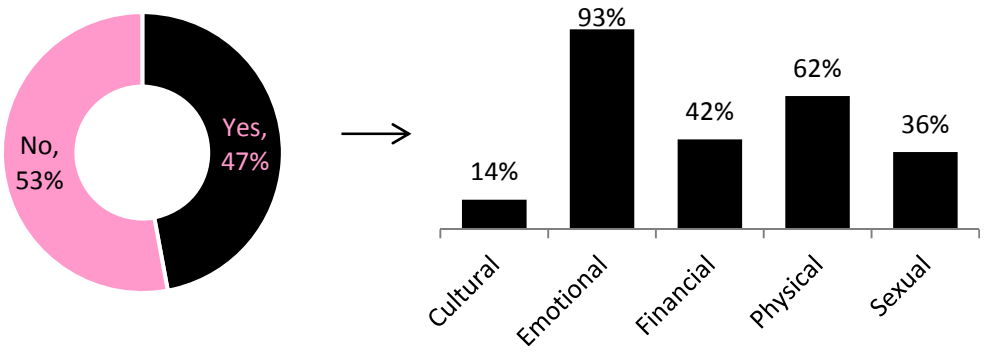
- *I was too scared of people finding out because of the verbal and physical assaults that would have followed.*

- *Keep it unknown to officers to prevent them to make it hard. Texas legislation made it a misdemeanor to have a consensual sexual relationship on a TX prison.*

Secrecy was cited by many as both critical to maintaining romantic relationships and, at the same time, a significant obstacle to maintaining romantic relationships. The outing of relationships—whether by staff or other prisoners—was routinely reported as a threat to being able to maintain relational connections. Moreover, being found out has material consequences. As noted earlier, 24% of survey participants reported being punished for engaging in consensual sexual activity, ranging from receiving a "shot" (disciplinary ticket) to loss of privileges (e.g., phone calls) or even solitary confinement.

Intimate Partner Abuse, Survival and Resilience

While romantic relationships can be beautiful and affirming for prisoners, they can also be harmful and abusive, just as they can be for people outside of prison. A third of respondents experienced some combination of emotional, physical, sexual, cultural and/or financial abuse in one or more romantic partnerships in prison. That percentage is higher than the statistic often cited that 1 in 4 LGBTQ people experience intimate partner violence nationwide.[2]



Whether respondent has ever been in an abusive relationship in prison and, if yes, what kind(s) of abuse were present
Respondents: 726 &342, respectively

Eighty-two percent of respondents did not know of any institutional resources that could help them if they were attempting to leave an abusive relationship. The 18% of respondents who had some idea about available institutional resources mostly referred to PREA. Everyone who claimed knowledge of resources attested that most were untrustworthy and did not attempt to use them, or did little to nothing to intervene or protect themselves from intimate partner abuse.

Respondents who offered their own solutions to ending abusive relationships mostly did so without direct institutional support. A few respondents were able to enlist the support of friends or fight back on their own. One respondent wrote, “I ended my emotionally abusive relationship by sending him a note. I had the support of several friends close to me. I was worried when he moved back to the unit, but everything worked out.”

However, not all prisoners have access to friends who will defend them. Most respondents found that the only viable resolution they had access to was distancing themselves from their partner by moving to a different housing unit or another facility altogether. One of the most common ways of distancing oneself from an abusive partner was to seek solitary confinement. However, a request to be held in solitary confinement to get away from another prisoner is not always granted. One respondent wrote, “I had to cut my wrist to get away because the officers wouldn't help. It was the only way.” Self-harm can be one way that prisoners get themselves out of abusive relationships, or other particularly dangerous situations, although doing so often forces them into mental health units that have their own detrimental consequences.

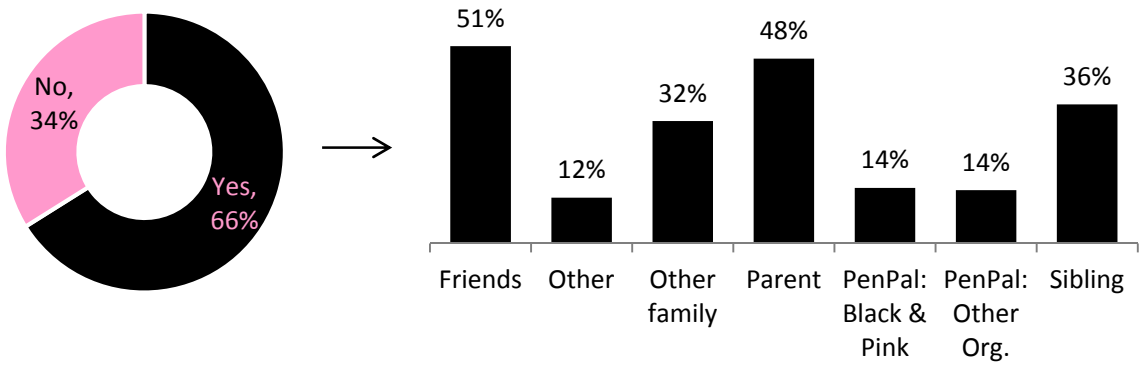
Below are stories LGBTQ prisoners shared about leaving abusive relationships in prison. In some cases, prisoners used homophobic policies and practices to either end or physically remove themselves from an abusive situation. In other cases, prisoners tried going through institutionally offered resources and were met with punishment for trying to access them. In all cases, there were no institutional support structures in place to deal directly with abuse crises or the trauma inflicted by abuse.

- *I always run to solitary confinement...it's the only place i feel safe since i don't have any outside help to get placed on safekeeping.*
- *Made sure we got caught having sex so we'd go to the hole.*
- *I got stronger I refused to be her doormat. I kept myself away from her until I knew I could stand up for myself to her.*
- *Placed in solitary, and told family via letters*
- *One instance the person was shipped to another unit. The second, I finally got strong enough with encouragement and support from friends to walk away from the relationship.*
- *Cell mate threatened me. I reported the situation to the guard per PREA and published policy. I was punished by 18 days in the hole solitary confinement in disciplinary segregation unit.*
- *I transferred to another institution without telling my cellmate/abuser.*
- *Verbally broke it off, then had myself moved to the other side of the yard so as to ensure lack of contact, surround myself with those I felt safe with.*

- *Asked for help from prison staff. It only took them 18 months to listen, and then another 6 months to take action.*
- *Sometimes I set boundaries. Sometimes I move housing.*
- *By getting transferred or messing up and getting institutional charges/tickets so I'd go to segregation.*
- *I called my mom and she called the prison.*

RELATIONSHIPS WITH COMMUNITY OUTSIDE OF PRISON

Maintaining relationships with community outside of prison can be vital to LGBTQ prisoners' well-being.[3] As some of the stories above revealed, connection, support, and visibility are resources that can support survival and resistance to inhumane prison practices. The charts below show that two thirds of respondents receive mail at least once a month from a range of community members, family members, and pen pals. Given that many LGBTQ people struggle with family rejection, it is not surprising that friends are such an important connection to the outside.

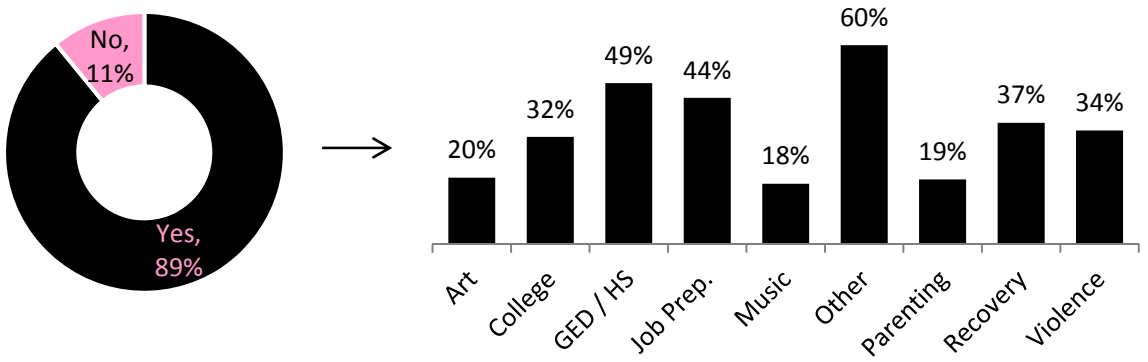


Whether the respondent receives regular mail from anyone, and if yes, which kind(s) of people
Respondents: 1097 & 716, respectively

Fewer than half of respondents receive newspapers and magazines aside from the Black & Pink newspaper. Although the mail is monitored, controlled, and censored by prison, the newsletter remains a critical resource for information to move between prison walls and the free world.

PROGRAMS

Most respondents (89%) reported having participated in a range of programs offered by the prison. The charts below show the variety of programming in which LGBTQ prisoners participate:



Whether the respondent ever took part in prison program(s), and if yes, which kind(s)
Respondents: 1084 & 966, respectively

However, 15% of respondents had been excluded from a program because of being LGBTQ. This can mean denying LGBTQ prisoners access to skills building, opportunities to accrue "good time credits" towards the possibility of parole, religious participation, or simply a break from the monotony of prison life.

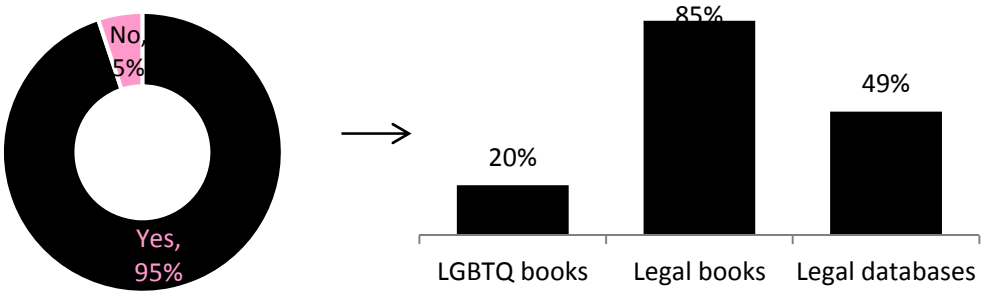
Not only are LGBTQ prisoners excluded from prison programming, but prison programming also excludes LGBTQ content. *Queer (In)Justice* illustrates an example of this practice from a facility in Michigan:

> Efforts to eradicate all forms of activity and expression related to homosexuality can extend to the refusal to allow religious services for LGBT people. In 1984, Metropolitan Community Church, an LGBT-focused ministry, was denied entry into a Michigan facility to provide religious services. Conversely, religious programs that promote heterosexuality and submission to "traditional' gender roles are welcome and promoted through incentives such as provision of more comfortable housing options in exchange for participation.[4]

ACCESS TO BOOKS

Ninety five percent of respondents have access to books provided by the institution. Of those, the vast majority have access to legal books, although only a fifth have access to books with LGBTQ content.

LGBTQ-affirming programming and books need to be made available in prisons. In order to be effective, these programs and books should be brought in to the prison via contracts with outside organizations, as outside organizations are much more likely to be trusted by LGBTQ prisoners than prison staff. Utilizing outside organizations for these services will strengthen trust by LGBTQ prisoners and ideally facilitate opportunities for deeper connections between LGBTQ prisoners and people on the outside.



Whether respondent is provided books by the institution they are in and, if yes, what kind(s) of books

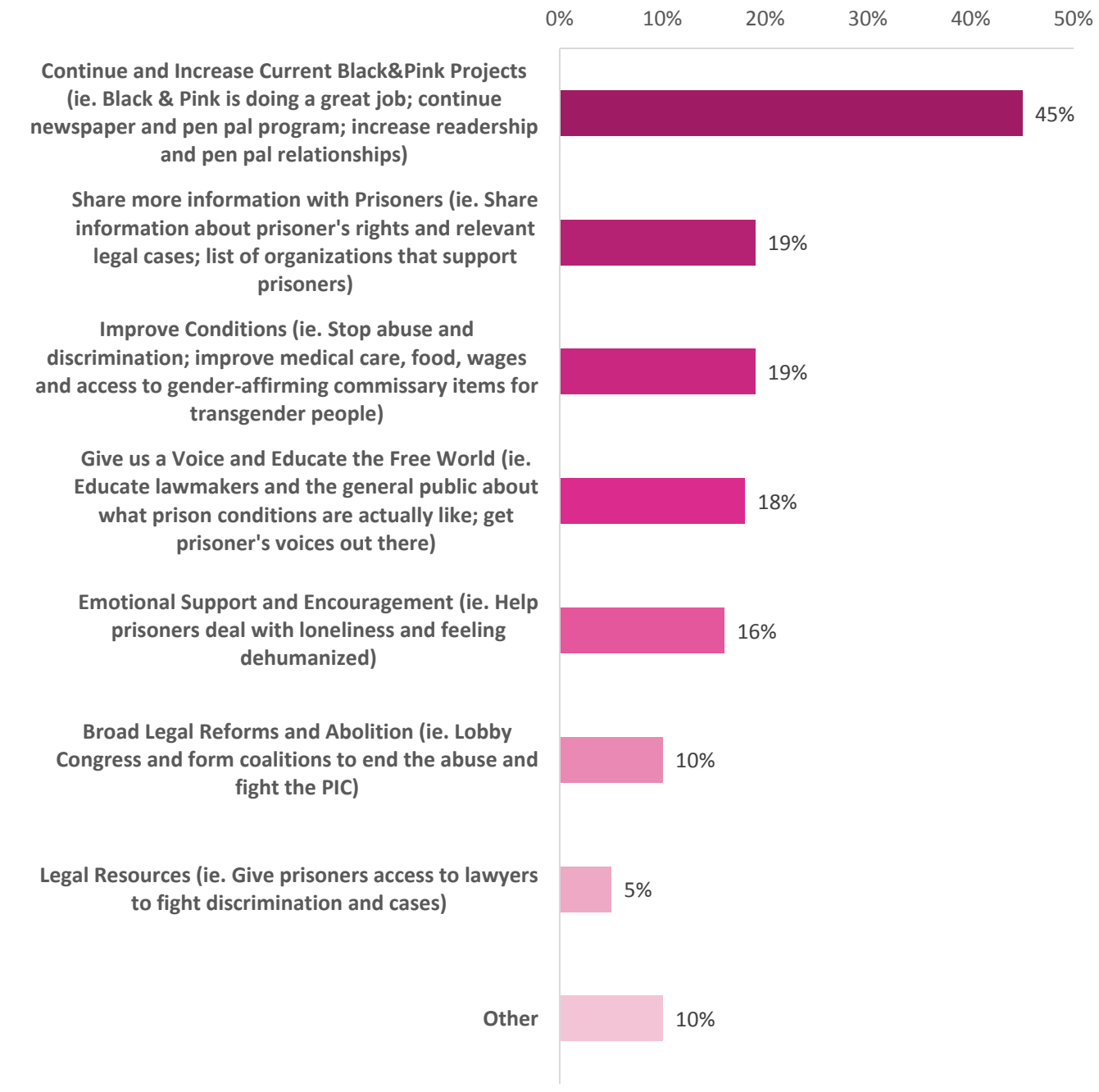
Respondents: 1079 &1024, respectively



Art by Mikee, incarcerated member

VISIONS FOR MOVEMENT BUILDING

Respondents offered clear strategies for building the power of LGBTQ prisoners. Ninety percent of the responses fell into seven categories, listed below with representative examples:



The clearest mandate from respondents was that Black & Pink should continue its current projects: the newspaper and pen pal program, which help prisoners deal with the stress of being incarcerated and feel accepted in their

gender and sexuality, and the provision of resource lists as well as prisoner advocacy (i.e., calling prisons to advocate for individual prisoners who are being abused). Additionally, respondents requested more information on their rights, legal changes, and case law. As shown throughout this report, abuse and discrimination from prison staff members is a major concern. Respondents want their voices and stories to reach lawmakers and the general public to educate them about what prison conditions are actually like for LGBTQ prisoners.

Here is a selection of representative answers to the question: "How can the Black and Pink family increase the power of prisoners?"

- *The most important way to empower prisoners is by giving them a voice and a "soap box" to communicate from. Inability to communicate is the one most effective way prisons control and oppress us prisoners. Further to bring accountability to the staff abusers, and to stop retaliation from reporting. If we don't report a wrong or abuse for fear of being attacked we never will be strong. Finally we need to continue building our ranks in prison and out. Power In Numbers!*

- *By giving more of the honest truth to the world at large! Tell people the real truth, prisons don't deter crime, programs and mentoring do!*

- *Create a means of Holding Staff accountable for any and all wrongdoing. Help prisoners acquire more say so in How, Where, and With Whom they are housed.*

- *Increase the power of prisoners by letting us be placed with the one's we love and to help lower the commissary prices because it's hard living in prison with no help from the outside world and living on cheap state pay knowing that you can't eat a meal or snack at night all because of the government issues.*

- *1. Working to decrease the rate of recidivism; 2. Advocate restoration and use of voting rights by ex-offendors; 3. Educate prisoners about their rights and how to exercise said rights; 4. Centralize the flow of information and advocacy so that the prisoners in different systems can be on the same page in our struggle. 5. Inspire and enlighten those in the dark places. Light as many candles as we can!*

- *Maybe list addresses to pro bono attorneys. Help with getting our criminal truth version out to the free world. Addresses to counseling or self help groups to correspond with through mail maybe someone to help us with grievances that are never answered or held so that time elapses. You all are awesome already. You give us so much strength.*

- *We/I would like to see what can be done about all the violence/stigma that is being committed against all our transsexual, queers & lesbian, sisters across NYs who are incarcerated, held in solitary or put in protective custody against their will, and being denied not only certain medications by denied shots/pills for our* beloved sisters who are transitioning to being what they want to be. A full woman

CONCLUSION

It is the responsibility of those with power to listen to the voices of those affected by it. These pages offer necessary tools for those willing to work in solidarity with LGBTQ prisoners. It is the hope of the authors, and all members of Black & Pink, that the collective movement for liberation is strengthened by the addition of these stories, data, and information contained in this report. LGBTQ prisoners, disproportionately transgender women, nonbinary gender prisoners, cisgender gay men, and people of color, are experiencing horrific violence, harm, and inequities of all sorts. However, even while surviving all of this, LGBTQ prisoners also offer clear leadership to those willing to follow. This is an invitation for you to strengthen the work you are already doing with criminalized LGBTQ people and LGBTQ prisoners or get involved for the first time. There is much work to do and a movement to grow, join us!

ACKNOWLEDGMENTS

This report has been made possible because of so many people's hours of work. First and foremost, thanks goes to the prisoner members of Black & Pink, who took the time and risk to fill out this groundbreaking survey. Many thanks to the following people for entering survey data: Akane, Alice, Andrew, Andy, Ben, Courtney, Derwin, Desiree, DJ, Eddie, Eli, Elizabeth, Emily, Emma, Franklin, Gabriel, Gilbert, Greg, Jackie, Jaymie, Johannes, Julia, Kamaria, Katie, KC, Keelyn, Kenny, Mitali, Olivia, Peter, Reina, RK, Ruthie, Rye, Tyler, Victoria, Zoe. Thank you to Jackie Wang for highlighting the harms caused by solitary confinement as evidenced in our findings and for co-facilitating the Allied Media Conference workshop. Much gratitude to Chris Schweidler from the RAD Collective for creating survey tools, sharing data information, connecting collaborators, and in general having great wisdom. Thanks to Shaya French for coding data on building prisoner power. Thank you to Heike Schotten for the excellent editing of the report. We want to appreciate the image we used on the cover of this report, it is a photo taken of Alcatraz prison by Mike Shelby. Big thanks to Urvashi Vaid for opportunities to present the preliminary data and connecting possible donors and researchers.

Funding for this project was made possible by the Van Amerigen Foundation, the Hutchins Center for African and African American Research at Harvard University, Horizon's Foundation, Michael Field, and Alix Ritchie. However, truly none of this work would have been possible without the blood, sweat, and tears of our elders and ancestors in the prisoners' rights and penal abolitionist movement. To them also, we give our thanks.



The member survey begins by asking a bit about you. ***PLEASE ONLY FILL OUT THIS IMPORTANT SURVEY ONE TIME.***

Instructions for survey (second printing of same survey)

- Please mark **one or more** ∇ which make sense for you.
- Please put an **X** for "__X___Yes, _____No" type questions
- Please put **one or more X** for questions like: "___**X**___Emotional, _____Physical, __**X**____Sexual"
- Please fill in the blank for other types like: "__35____years old" or "$_10,000_____"
- Please write in answers to more detailed questions. You can use more paper if you are putting the survey in an envelope, please just write the question number ☺

1. Your age: _____years old

2. Your race/ethnicity:

- ∇ **2a. Black/African American/Afro-Carribean**
- ∇ **2b. Latin@/Hispanic**
- ∇ **2c. White (non-hispanic)**
- ∇ **2d. East Asian**
- ∇ **2e. Southeast Asian**
- ∇ **2f. South Asian**
- ∇ **2g. Middle Eastern/Arab**
- ∇ **2h. American Indian/Indigenous/First Nations/Native American**
- ∇ **2i. Mixed Race**
- ∇ **2j. Native Hawaiian or other Pacific Islander**
- ∇ **2k. Inuit/Native Alaskan**
- ∇ **2l. Other: _____**

3. What languages do you speak? _____

4. Your gender/sex (below are some examples)

- ∇ **4a. Trans woman (assigned Male when born, now a Woman)**
- ∇ **4b. Trans man (assigned Female when born, now a Man)**
- ∇ **4c. Woman, or Cisgender Woman (assigned Female when born, now a Woman)**
- ∇ **4d. Man, or Cisgender Man (assigned Male when born, now a Man)**
- ∇ **4e. Genderqueer / Gender fluid**
- ∇ **4f. Two Spirit (this identity only applies to people who identify as Indigenous / Native American / American Indian)**
- ∇ **4g. Intersex**
- ∇ **4h. Any other description of your gender? _____**

5. Your sexuality

- ∇ **5a. Lesbian**
- ∇ **5b. Gay**
- ∇ **5c. Homosexual**
- ∇ **5d. Bisexual**
- ∇ **5e. Queer**
- ∇ **5f. Same-Gender Loving**
- ∇ **5g. Two Spirit (this identity only applies to people who identify as Indigenous / Native American / American Indian)**
- ∇ **5h. Asexual**
- ∇ **5i. Any other description of your sexuality? _____**

6. Do you have a disability? _____Yes, _____No

6a. What kind of disability (please list all)? _____

7. Do you have children? _____Yes, _____No

7a. If yes, do you ever get visits or phone calls from them? _____Yes, _____No

8. Did you complete this kind of school? Mark X for "Inside" an institution like prison or juvenile detention, or "Outside" in the free world?

- ∇ **8a. Elementary School:** _____ "inside" an institution like prison or juvenile detention, _____"outside" in the free world
- ∇ **8b. Middle School:** _____ "inside" an institution like prison or juvenile detention, _____"outside" in the free world
- ∇ **8c. High School:** _____ "inside" an institution like prison or juvenile detention, _____"outside" in the free world
- ∇ **8d. GED:** _____ "inside" an institution like prison or juvenile detention, _____"outside" in the free world
- ∇ **8e. Some college credit, no degree:** _____ "inside" an institution like prison or juvenile detention, _____"outside" in the free world
- ∇ **8f. Trade/technical/vocational training:** _____ "inside" an institution like prison or juvenile detention, _____"outside" in the free world
- ∇ **8g. 2 year college (Associate degree):** _____ "inside" an institution like prison or juvenile detention, _____"outside" in the free world
- ∇ **8h. 4 year college (Bachelor's degree):** _____ "inside" an institution like prison or juvenile detention, _____"outside" in the free world
- ∇ **8i. Graduate degree:** _____ "inside" an institution like prison or juvenile detention, _____"outside" in the free world

9. Have you ever served in any branch of the armed forces of the United States? _____Yes, _____No

9a. If yes, which branch? _____

10. What was your housing situation before you were incarcerated most recently? _____

11. Were you employed before you were incarcerated most recently? _____Yes, _____No

12. Have you ever traded sex for money, housing, food, drugs, protection or services when not incarcerated? _____Yes, _____No

13. Have you ever sold drugs for money? _____Yes, _____No

14. Have you ever stolen money or anything else you needed? _____Yes, _____No

15. How much money did you make in a year before you were incarcerated most recently? $_____

16. Growing up, about how much money did the people who raised you make each year? $_____

17. How old were you when you were first arrested? _____years old

18. How old were you when you were first incarcerated? _____years old

19. How many times have you been incarcerated? _____times

Pre-Trial and Court Questions (based on your current sentence)

20. Were you held in jail prior to your conviction because you could not afford bail? _____Yes, _____No

20a. If yes, how long were you held in jail prior to your sentencing? _____years _____months _____days

21. Were you denied bail prior to your conviction? _____Yes, _____No

21a. If yes, how long were you held in jail prior to your sentencing? _____years _____months _____days

22. Did you have a private attorney? _____Yes, _____No

23. Did you have an attorney appointed for you? _____Yes, _____No

24. Did your attorney know about your gender/sexual identity? _____Yes, _____No

25. Did you feel discriminated against by your attorney? _____Yes, _____No

26. Did you feel discriminated against by the prosecution? _____Yes, _____No

27. Did you feel discriminated against by the judge? _____Yes, _____No





Cute break!

They say "Hi!"

28. Did you take a plea agreement? _____Yes, _____No

28a. If yes, what were some of the reasons that you took the plea agreement? _____

29. Did you have a jury trial? _____Yes, _____No

29a. If yes, did you feel discriminated against by the jury? _____Yes, _____No

30. What were you convicted of (remember this is anonymous, and we will not judge you based on your conviction)? _____

Incarceration Questions (based on your current sentence)

31. How long is your current sentence?
    - ∇ 31a. Release after (Example: 10 years 6 months): _____years _____months
    - ∇ 31b. Life sentence
    - ∇ 31c. Life without parole
    - ∇ 31d. Death Sentence
32. How long have you done on this sentence? (Example: 3 years 4 months) _____years _____months
33. What type of facility are you currently housed in? _____Federal ,_____State, _____ County, _____Hospital
34. What level facility are you currently housed in? _____Pre-Release, _____Minimum, _____Medium, _____Maximum, _____Super Max
35. Which state are you incarcerated in now? _____
36. Have you ever been in solitary confinement? _____Yes, _____No

Please only answer questions 37-41 if you have ever been in solitary confinement. Otherwise, skip to question 42. Thank you!

37. Are you currently in solitary confinement? _____Yes, _____No
38. How many times have you been in solitary confinement? _____times
39. Added together, what is the total amount of time you have spent in solitary confinement? _____years _____months _____days
40. Have you ever been placed in solitary confinement for your own safety, or as a protective measure by the prison, *against your will*? _____Yes, _____No
41. Have you ever been placed in solitary confinement for your own safety *by your own request*? _____Yes, _____No
    41a. If yes, what were some of the reasons?_____
    _____

Parole Questions

42. Do you have the option for parole with your current sentence? _____Yes, _____No
    42a. Given the opportunity, would you go on parole? _____Yes, _____No
    42b. If yes, when do you go up for your next parole hearing? _____
43. Have you ever been granted parole during a previous sentence? _____Yes, _____No
44. Have you ever been denied parole? _____Yes, _____No
45. How do you feel the parole board treated you? _____
    _____
    45a. Do you believe you were discriminated against by the parole board? _____Yes, _____No
46. Have you ever been returned to prison for a parole violation? _____Yes, _____No

This is a great time to take a break, stretch your fingers, and rest. The next bunch of questions start asking about your identity and experiences with harm.

Sexuality

47. Did you identify as LGBTQ before your incarceration? _____Yes, _____No
48. Have you felt emotional pain from hiding your sexuality? _____Yes, _____No
49. Do any other prisoners know what your sexuality is? _____Yes, _____No
    49a. If yes, how did they respond? (It is okay if different people had different reactions)_____
    _____
50. Do prison staff know about your sexuality? _____Yes, _____No
    50a. If yes, how did they respond? (It is okay if different people had different reactions)_____
    _____
51. If you have been sexually active in prison, have you had conversations while in prison with your sexual partners about:
    _____Safer sex, _____Sexually transmitted infections, _____HIV/AIDs, _____ None of these topics, _____I have not been sexually active in prison
52. Have you ever been disciplined for consensual sexual activity? _____Yes, _____No
    52a. If yes, which then occurred?: ____Disciplinary ticket (shot), ____Loss of privileges (like phone calls), ____ Placed in solitary confinement, Other:_____
53. Have you ever used condoms or other barriers to help stop the transmission of Sexually Transmitted Infections while in prison? _____Yes, _____No
54. Does your prison offer access to condoms or other safer sex items? _____Yes, _____No
55. Have you ever traded sex with other prisoners for money/canteen/commissary during your incarceration? _____Yes, _____No
56. Have you ever traded sex with other prisoners for personal protection? _____Yes, _____No

Questions 57-69 are about Gender Identity.
Please answer only if **you identify as transgender, gender non-conforming, genderqueer, two spirit, or another gender that is not cisman or ciswoman**

Gender Identity

57. Have you felt emotional pain from hiding your gender identity? _____Yes, _____No
58. Do any other prisoners know what your gender identity is? _____Yes, _____No
    58a. If yes, how did they respond? (It is okay if different people had different reactions)_____
    _____
59. Do prison staff know about your sexuality? _____Yes, _____No
    59a. If yes, how did they respond? (It is okay if different people had different reactions)_____
    _____
60. Do you have a diagnosis of Gender Identity Disorder or Gender Dysphoria? _____Yes, _____No
61. Have you ever been denied a diagnosis of Gender Identity Disorder or Gender Dysphoria? _____Yes, _____No
62. Before you were incarcerated, did you take hormone replacement therapy to support your gender expression?
    _____ Yes prescribed by a doctor, _____ Yes from the street, _____No
63. Do you take prescribed hormone replacement therapy to support your gender expression now? _____Yes, _____No
64. Have you ever been denied hormone replacement therapy you requested? _____Yes, _____No
65. Have you been given access to gender confirming (AKA sex reassignment) surgeries? _____Yes, _____No
66. Have you been denied access to gender confirming (AKA sex reassignment) surgery you requested? _____Yes, _____No
67. Do you know your prison's policy about medical services for transgender prisoners? _____Yes, _____No
    67a. If yes, what is your understanding of the policy? _____
    _____
68. Are you permitted access to underwear and cosmetic needs that match your gender? _____Yes, _____No
69. Is there a special canteen available for transgender prisoners? _____Yes, _____No
    69a. If yes, does one have to have a medical diagnosis to access products in this canteen? _____Yes, _____No



Sometimes even reading questions about violence can bring up things inside your mind. These thoughts can make you sad, angry, feel like you are back in the situation when harm happened. Remember to take breaks if you need them. Remember that you are not alone. One of the reasons we ask these questions is to show that violence against LGBTQ prisoners is far too common. Know that you are cared for and not forgotten.

Discrimination, harrassment, physical and sexual violence by prison staff

70. Have you experienced discrimination by prison staff? _____Yes, _____No
71. Have you experienced name calling or verbal harassment by a prison staff person? _____Yes, _____No
72. Have you ever been physically assaulted (hit, punched, kicked, beaten, etc) by a prison staff person? _____Yes, _____No
73. Approximately how many times have you been strip searched during your incarceration? _____times
74. Have you ever been subjected to a cavity search (inserting fingers inside anus and/or vagina)? _____Yes, _____No
75. Have you ever had unwanted touching by a prison staff person? _____Yes, _____No
76. Have you ever been sexually assaulted or raped by a prison staff person? _____Yes, _____No

77. Would you be willing to share any details of your experience(s) of unwanted touching or sexual assault by a prison staff person? _____Yes, _____No
If yes, please describe (feel free to use another page if you are sending this in an envelope): _____
_____
_____
_____
_____

78. Have you ever been promised anything in exchange for sexual favors from prison staff? _____Yes, _____No
79. Have prison staff ever intentionally placed you where you would be at high risk of being sexually assaulted by another prisoner? _____Yes, _____No

Discrimination, harrassment, physical and sexual violence by another prisoner

80. Have you experienced discrimination by another prisoner? _____Yes, _____No
81. Have you experienced name calling or verbal harassment by another prisoner? _____Yes, _____No
82. Have you ever been physically assaulted (hit, punched, kicked, beaten, etc) by another prisoner? _____Yes, _____No
83. Have you ever had unwanted touching by another prisoner? _____Yes, _____No
84. Have you ever been sexually assaulted or raped by another prisoner? _____Yes, _____No
85. Would you be willing to share any details of your experience(s) of unwanted touching or sexual assault by another prisoner? _____Yes, _____No
If yes, please describe (feel free to use another page if you are sending this in an envelope): _____
_____
_____
_____
_____

Relationships

86. Have you ever been in a romantic relationship while in prison? _____Yes, _____No
87. Have you ever been in love with another prisoner? _____Yes, _____No
88. How did you make the relationship work? What were some of the successes? What were some of the challenges? _____
_____
_____
89. Are you now or have you ever been in an abusive relationship while in prison? _____Yes, _____No
89a. If yes, what kinds of abuse were present in your relationship? Abuse occurs when there is control by one person over another person:
_____Emotional, _____Physical, _____Sexual, _____Financial, _____Cultural
90. If you have gotten out of an abusive relationship while in prison, in the past, how did you do so? _____
_____
_____
_____
91. Do you know of resources available for prisoners who are in abusive relationships during their incarceration? _____Yes, _____No
91a. If yes, what are they?_____
_____

This is a great time to take another break. Stretch your body, stretch your fingers. Take a rest.

Drug Use

92. Have you ever struggled with drug/alcohol addiction? _____Yes, _____No
93. Which drugs or alcohol have you used?_____
94. Have you used while incarcerated? _____Yes, _____No
95. Are there drug treatment programs available to you? _____Yes, _____No

Prison Programs

96. Have you ever taken part in a program offered by the prison? _____Yes, _____No
96a. If yes, which programs have you taken art in? _____Parenting, _____Recovery, _____Violence Prevention, _____Music, _____Art, _____Job Training, _____GED/High School Diploma, _____College Classes, _____Other programs
97. Have you ever been denied access to a program because of being LGBTQ? _____Yes, _____No
98. Does the institution you're in provide access to any books? _____Yes, _____No
98a. If yes, can you access these kinds of books? ____Legal books, ____ Computer databases about legal information, ____LGBTQ books
99. What types of books do you read (either from the institution or mailed to you)?_____
_____

Healthcare

100. How many times per year do you see a doctor?
101. Do you have to pay a fee to see a doctor? _____Yes, _____No
101a. If yes, how much are the fees you have to pay to see a doctor? $_____
101b. If yes, has the fee ever prevented you from accessing medical care? _____Yes, _____No
102. Does the medical staff know that you are LGBTQ? _____Yes, _____No
103. Have you ever been denied medical care you requested? _____Yes, _____No
104. How does the medical staff treat you?
____ Respectfully, ____ Somewhat respectfully, ____ Neutral, ____ Somewhat disrespectfully, ____ Disrespectfully

HIV/AIDS

105. Have you ever been tested for HIV/AIDS? _____Yes, _____No
106. Have you ever received education about HIV/AIDS in prison? _____Yes, _____No
107. Have you been diagnosed with HIV/AIDS? _____Yes, _____No
108. Were you diagnosed before your incarceration? _____Yes, _____No
109. If you are living with HIV/AIDS, are you provided with medication and doctor's visits for HIV/AIDS? _____Yes, _____No
110. Have you ever been put in solitary confinement because of your HIV/AIDS status? _____Yes, _____No
111. If you are living with HIV/AIDS, can you share some about your experience with harassment, stigma, support, or other interactions with prisoners and prison staff? Please share as much or as little as you would like _____
_____
_____

Hepatitis C

112. Have you been diagnosed with Hepatitis C? _____Yes, _____No
113. Were you diagnosed before your incarceration? _____Yes, _____No
114. Are you provided appropriate care for Hepatitis C (medication) ? _____Yes, _____No

Mental Illness

115. Have you been diagnosed with any mental illness? _____Yes, _____No
115a. If yes, do you receive any therapy? _____Individual therapy, _____Group therapy, _____No, I do not receive therapy
116. How do your therapist(s) treat you?
____ Respectfully, ____ Somewhat respectfully, ____ Neutral, ____ Somewhat disrespectfully, ____ Disrespectfully

Note: this space is left blank so that your name, on the reverse side, can be removed from the survey and your answers will remain anonymous

117. Do you receive any medication to treat mental illness? _____Yes, _____No

118. Do you want medication to treat mental illness, but are not able to access it? _____Yes, _____No

119. Have you ever been forced to take medication that you didn't want to take for mental illness ? _____Yes, _____No

Mail: Letters, Penpals, and the Newspaper

120. Do you receive regular mail (at least once per month) from anyone? _____Yes, _____No

120a. If yes, please mark who sends you regular mail: ___Parent, ___Sibling / Sister / Brother, ___Other family member, ___Friend, ___Black and Pink penpal, ___Penpal from another organization (which one? _____), Other: _____

121. How many pen pals do you have from Black and Pink? _____pen pals

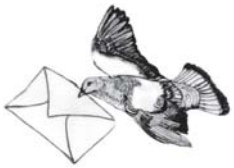
121a. If you have penpal(s), how would you rate your overall experience with your penpal(s)? _____Great, _____Okay, _____Bad

122. How long have you been writing with your Black and Pink pen pal(s)? _____

123. How often do you get a letter from your penpal(s)? _____

124. What kinds of experiences have you had with your Black and Pink penpal(s)?

- ∇ **124a. I get emotional support from our pen pal friendship**
- ∇ **124b. We write each other sexy letters/erotica**
- ∇ **124c. They stopped writing**
- ∇ **124d. I wanted romance and they didn't**
- ∇ **124e. They sent me money or gifts**
- ∇ **124f. We write about social justice/activism**
- ∇ **124g. They help with personal advocacy needs**
- ∇ **124h. Other thoughts about your penpal: _____**



125. When did you get your first issue of the Black and Pink newspaper? _____month _____year

126. Have you ever had the Black and Pink newspaper refused by the mail room? _____Yes, _____No

126a. If yes, what reasons did they give _____

127. Do you receive any other publications (newspapers and magazines etc)? _____Yes, _____No

127a. If yes, which ones? _____

Politics

128. What are your political beliefs? Feel to list several. (Example: revolutionary, moderate, conservative, anarchist, patriot, progressive etc):

_____

129. Which terms do you prefer people to refer to you as: _____Prisoner, _____Inmate, _____Incarcerated person, _____Person who is incarcerated, Other: _____

Movement Building & Visions for Change! (Feel free to use another page if you are sending this in an envelope, please list the question number)

130. How can the Black and Pink family increase the power of prisoners?

_____

_____

_____

_____

_____

_____

_____

_____

Step 1 for folding Business Reply Mail: Fold back along this line below

131. What is your vision of a world without prisons?

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

132. What are two immediate changes you feel are most important for people to work towards as we build the movement for abolition (for example: ending solitary confinement, abolishing life without parole, eliminating mandatory minimums, etc)

1) _____

_____

2) _____

_____

133. What do you feel should be Black and Pink's three priorities?

1) _____

_____

2) _____

_____

3) _____

_____



You are finished!!!! Thank you for taking this survey! Your information is very valuable. Your experiences need to be honored. We are stronger because of your voice. Thank you!

To share the Black & Pink family's appreciation, after you send in the survey you will receive a Certificate, a resource guide, and be entered in a raffle for $25 canteen (with 25 winners)! Each person will only be entered into the raffle one time.

Step 2 for folding Business Reply Mail: Fold back along this line

Please SEND IN YOUR SURVEY! DEADLINE DECEMBER 15!

If you are able to afford the stamp to mail this to us, we would really appreciate your help in saving costs! We pay for each Business Reply. Please put the survey in an envelope and send it to:

Black and Pink –SURVEY, 614 Columbia Rd. Dorchester MA 02125

However, if you are not able to afford the postage, please feel free to use this Business Reply Mail and send in the survey at no cost to you. Return address is optional, do if needed. Fold this sheet of newspaper so that the entire BUSINESS REPLY MAIL rectangle above is on the front, and this text is on the back:

Step 1) Fold the paper back at the crease in the middle along the bottom of the BUSINESS REPLY MAIL rectangle. **Step 2)** Fold the paper in on this line to the left. **Step 3)** Fold the paper in at the line at the top of this rectangle. **Step 4)** Use something to tape or staple it together. **Step 5)** Mail it! No stamp!

Step 3

Please tell us your name and DOC# to receive your certificate! We will remove your name from this survey immediately so your answers are anonymous.

NAME:_____#_____