

*This document was created because trans women imprisoned in the SF jails expressed a need for detailed information about going to prison or back to prison after not having been there in a long time.*

## **Surviving Prison in California: Advice By and For Transgender Women**

This Survival Guide will always be a work in progress as conditions change and new information becomes available. Please send any additional advice, suggestions, concerns, or feedback to **TGI Justice Project, 342 Ninth Street, Suite 202B, San Francisco CA 94103.**

*We'd like to dedicate this handbook in memory of Debbie Lee Worledge. Debbie Lee was the first volunteer to contribute to the creation of this book, as well as a lifelong supporter, educator, and advocate for trans women everywhere. Her passion was to see the successes achieved by the trans girls who survived against the odds during their prison terms. She thus paved the way for the successes of her and our incarcerated sisters. Though Debbie Lee is gone, her memory is a bright star that shall shine forever.*

This survival guide was written by Bella-Christina Birrell (California Medical Facility (CMF)-Vacaville) and Faith Phillips (formerly at California Rehabilitation Center (CRC) and Mule Creek). Thank you both for all of your brilliant advice and wisdom and for being such amazing activists and organizers in your communities. Thank you to Lala Yantes (formerly at CRC, California State Prison-Sacramento, and San Quentin) for her input, additions, and feedback on the guide and for writing the dedication.



This guide is a joint project of  
the Forensic AIDS Project &  
the TGI Justice Project

Forensic AIDS Project  
798 Brannan Street  
San Francisco, CA 94103  
415-863-8237

TGI Justice Project  
342 9<sup>th</sup> Street, Suite 202B  
San Francisco, CA 94103  
415-252-1444



Your responsibility when using any materials distributed by TGI Justice:

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

The materials in this guide were not created by an attorney and do not constitute legal advice. Law changes frequently and is subject to differing interpretations. Unfortunately, we do not have the resources to make changes to the material as the laws change. If you need legal advice backed by a guarantee, please seek out the assistance of a lawyer to address your specific problem. If you use this information, make sure that the law has not changed and is applicable to your situation. Additionally, if you believe that you have been injured and might have grounds to file a law suit, you should IMMEDIATELY contact an attorney and law office and try to obtain legal representation. You should be aware that there are strict time limitations within which you must act in order to protect your rights in this matter. These limits are complex and vary for different types of legal actions. **YOU SHOULD ACT IMMEDIATELY IF YOU WISH TO PURSUE THIS MATTER. FAILURE TO FILE A CLAIM AND/OR A LAWSUIT WITHIN THE NECESSARY TIME MAY MEAN THAT YOU COULD BE BARRED FOREVER FROM PURSUING YOUR ACTION.**

- Prisoner Correspondence Project: QPIRG Concordia C/O Concordia University, 1455 de Maisonneuve O, Montreal, QC H3G 1M8.
- Sylvia Rivera Law Project, 147 W 24<sup>th</sup> Street, 5<sup>th</sup> Floor, New York, NY 10011. 212-337-8550. Provides free legal services to transgender and gender nonconforming low income people and people of color. Has a prisoner pen pal program.
- TGI Justice Project. 342 Ninth Street, Suite 202B, San Francisco, CA 94103. Provides peer support, organizing, and advocacy for transgender, gender variant, and intersex (TGI) people in California prisons and beyond.

**Case Precedence:**

- "GIRLALDO V. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION", 85 Cal. Rptr. 3d 371, 168 Cal. App. 4<sup>th</sup> 231. This is a recent legal case that involved a transgender woman inmate who was sent to Folsom State Prison, ("Old Folsom") where she was repeatedly raped by two of her cellmates and where CDCR officials simply didn't give a damn about her. She later was transferred to CMF and sued the CDCR. Her case created a new tort in the State of California and officially acknowledged the "Special Relationship" doctrine, which means that CDCR officials have a responsibility to prisoners under their control to protect them from injury by third persons. This is a legal case that can be found in your institution's Law Library.
- "FARMER v. BRENNAN" (1994) 511 U.S. 825, 114 S. Ct. 1970; 128 1.Ed. 2D 811. This is a landmark case that set the standard for "deliberate indifference." Farmer was a transgender woman prisoner doing time in a federal prison who was raped by another prisoner and then sued the prison for being deliberately indifferent to her safety.

Overall, prison is a place that you, for the most part, decide what kind of time you'll do. If you grin and bare it and cause little problems you'll get through it without any problems. If you sleep around, get in everyone's business and fight with the cops, you are in for a miserable experience. Always stand for your sisters though, right or wrong, we are our only real allies in here.

In this survival guide, you'll find general tips and information about:

- housing
- protecting yourself
- education
- dress code
- health care
- other resources.

## HOUSING/CLASSIFICATION

### **How can I find out where I'll be housed?**

- To find out where you will be housed once you get to prison you'll need to talk with your counselor or ask an officer when you arrive at the reception center.
- There are guidelines for everything in the CDCR, but they are ONLY guidelines and the CDCR does not have to follow them.

### **What's considered in my housing placement?**

- Age at time of conviction
- Amount of years sentenced
- Being transgender plays **no** role in where you are housed. Since the CDCR considers transgender inmates to be either male or female based only upon their sex at birth, no consideration will be given to your being transgender. [Unless you no longer have a penis, in which case, you will be housed in a women's prison.] Over time and because of a number of court decisions, the CDCR stopped its practice of segregating the transgender inmates and started to house us with male inmates and at other CDCR institutions (instead of only at CMF or California Men's Colony).

### **How does Point Level affect my housing?**

- A point score between 0-27 is Level I or II and is dorm or gym housing. Level III and IV housing is cell living and higher security. Point scores of 28-51 are level III and level 52 and above are level IV.

- provides legal services and advocacy to people in women's prisons ( including gender nonconforming people in women's prisons) that require services in the following areas: emergency/life threatening medical crisis; child custody issues; and alternative sentencing. They also assist people in men and women's prisons who are seeking compassionate release (i.e. the early release of people who either are terminally ill with six months or less to live or living with a permanent, total disability) and they provide a variety of legal and health resources to people in prison who write for assistance. It also works with people in prison to figure out how people inside can have a say in legislation and policy debates. Free.
- LEGAL SERVICES FOR PRISONERS WITH CHILDREN. 1540 Market Street, Suite 490, San Francisco, CA 94102. They publish different handouts covering many areas of CA law of interest to prisoners and especially women prisoners. Free.
  - Lesbian and Gay Insurrection (LAGAI), 3543 - 18<sup>th</sup> street #26, San Francisco, CA 94110. A grassroots organization doing direction action and education for radical social change from a queer perspective. Produces the bimonthly newspaper ULTRAVIOLET. Free to prisoners.
  - National Center for Lesbian Rights, 870 Market Street, Suite 370, San Francisco, CA 94102. 415-392-6257. Provides legal referrals for LGBTQI people. Also have publications that include legal issues affecting transsexual clients and the rights of transgender prisoners.
  - PRISON LAW OFFICE Represents classes of people in prison in impact litigation class-action law suits. They also have self-help manuals/materials on a variety of topics, such as how to file a law suit against a prison employee.

## RESOURCES:

### **Books:**

The following books are worth the small investment and will help you understand what is required of the State.

- "PROTECTING YOUR HEALTH AND SAFETY" by Robert E. Toone. Available through the Southern Poverty Law Center, PO Box 548 Montgomery, AL 36101-0548. \$10.00 P & H included. The book provides a quick reference concerning your personal rights as a prisoner of the state and is well worth the cost.
- "THE CALIFORNIA STATE PRISONERS HANDBOOK" Fourth Edition. Written by Heather MacKay and the Prison Law Office and published by the Prison Law Office, General Delivery, San Quentin, CA 94964. Cost \$40.00 which includes S & H. This book sets the benchmark for California prisoners as it contains information on every aspect of the California prison system and your rights as prisoners.
- The Jailhouse Lawyer's Handbook, published by the Center for Constitutional Rights and the National Lawyers Guild. This is an outstanding publication that gets down to the nuts-and-bolts of federal civil rights lawsuits for violation of your rights while in prison. Cost: FREE. Contact or write the Center for Constitutional Rights, 666 Broadway, New York, NY 10012.

### **Organizations and/or Legal Resources:**

- Critical Resistance: 1904 Franklin Street, Suite 504 Oakland, CA 94612 , 510.444.0484. Critical Resistance provides information on the prison industrial complex and produces quarterly newspaper "The Abolitionist." Please do not contact for legal help.
- JUSTICE NOW. 1322 Webster Street, Suite 210, Oakland, CA 94612. is a prison abolitionist human right organization. It

### **What is Dorm or Gym housing?**

- This is generally housing without cells or walls separating bed areas and there is usually more freedom to move around. But remember, everyone is able to move around too so you will have little to no privacy and live in an open dorm with 100-250 people. Mind your manners, as your business is not your own in a dorm.

### **If you are in cell living:**

- Some institutions have cell living only. Normally, you will be double celled.

### **Can I choose my cellmate or location?**

- You can now be placed in ANY available open bed. Pursuant to California Code of Regulations, (CCR) Title 15 § 3269, inter alia, "Inmates are NOT entitled to single cell assignment, housing location of choice, or to a cellmate of their choice."

### **Should I be housed in General population (GP) or Sensitive Needs Yard (SNY)?**

- *Usually* if you are any race other than black and are housed in GP you will be removed from the yard (usually w/ violence) because prison gangs dictate that homosexuality and/or transgender people are forbidden from being housed with them. Remember prison politics outweigh prison policy.
- Race does not play a factor in where you are housed if you are in protective custody or housed as sensitive needs (SNY).
- In Level II GP, prison gangs *may* be less likely to remove girls who are races other than black because there are less prison politics in level II GP.
- Sensitive needs (SNY) housing has no politics (none) and offers a better (safer) environment for the girls to do time. You can

date any race, live with any race and generally not be hassled. SNY has its problems too, its still prison, but it's a whole lot safer than general population (GP). No one can make the choice for you, but remember your safety comes first.

- If you decide to be SNY it is best to do this at reception because it is an easier transition than to do it from GP (safer tool).

#### **Can I refuse a celly?**

- According to Title 15 rules, you cannot refuse housing even if you don't like your celly, unless you have a safety concern or you will be written up (and even if you do have a safety concern, you may be written up).

#### **Help! How can I be moved?**

- Your safety is your number one priority. If you feel unsafe and don't want to openly tell staff, put a note (kite) in an envelope with the nightly mail and state that you feel unsafe and need to be moved. If you do this you will likely be put in Administrative Segregation (ad-seg) (the Hole). But remember your health and safety comes first! Going home in one piece is the #1 goal of doing time.
- While you can always "ask" to be moved, this will normally not happen unless there is a specific issue such as your personal safety. You will most likely be placed in the "Hole" under the pretext of "protecting you."
- In the event that you need to move for personal safety concerns and do not wish to use that reason, some people have gone to staff and told them that they feel depressed or that they need help because they feel like hurting themselves and taking themselves "off the count" (killing yourself). This

AIDS, Hepatitis, Gonorrhea, Syphilis, or a host of other diseases, some deadly. Men who are seeking a warm place to make a deposit of their semen are not going to tell you that they have any of these diseases because in prison, we transgender individuals are considered expendable, of absolutely no worth either as human beings or individuals having feelings wants, desires, goals or even families and friends. We are considered as being "nothing"! Should we be converted from HIV negative to HIV positive, oh well, no one cares in the prison environment. This is true even for those of us who are already HIV positive as well since we also run the risk of cross-contamination with a different strain of the HIV virus, one that our current medications cannot treat with any type of effectiveness.

#### **I already have HIV. What do I need to know?**

- If you already have HIV or AIDS and engage in sexual acts with some "John", and DO NOT inform the "John" prior to engaging in sex and that fool converts to HIV positive, then you have committed another felony and can be charged with attempted murder with a life sentence, and that's if you are not killed by the fool that you converted or one of his homeboys or friends. So be careful what you do because prison is a very unforgiving place to be and make mistakes in.

## HEALTH

### **How can I get a bra?**

- At some institutions, go to the doctor and ask for a "bra chrono" and (usually) he/she will write it if you're on hormones. Without this chrono you will not get a bra or be able to wear one.
- Some places will not allow tank tops unless you wear a bra and even then, if the bra shows through the tank top, you'll be asked to change.

### **How do I get on Hormones?**

- Tell your Primary Care Physician (PCP) that you want to be referred to a transgender specialist. Your PCP will have to put in a RFS 7362 Form for telemed. This request then goes to Sacramento.
- You will be referred to telemedicine and be seen by either Dr. Kohler or a Nurse Practitioner. If you were getting hormones outside of prison, they will prescribe them to you.
- If they don't refer you, 602 it [the internal prison grievance process] and follow all levels of the 602 process.

### **How do I get on hormones if I wasn't on them before coming to prison?**

- You will be required to go through some type of psychological testing before receiving H.R.T. (hormone replacement therapy).

### **What do I need to know about STDs?**

- Segregation based upon a person's health status is being eliminated throughout the CDCR system, so we must always be aware that we are susceptible to being infected with Sexually Transmitted Diseases (STD). These diseases include HIV or

method is absolutely guaranteed to get you off the mainline and locked up fast! You would not have to carry through with hurting yourself, but just by saying this, the state is obligated to place you some place where you will not hurt yourself or someone else. You would however, be locked up, which is the down side to all of these methods.

## PROTECTING YOURSELF

### **Will other inmates protect me?**

- NEVER PUT YOUR PERSONAL SAFETY IN THE HANDS OF ANOTHER INMATE! Finding a husband for protection only provides the appearance of being protected because if someone really wants you, they will take your husband down first and once he is gone, you will find that you will now be sexually serving the stronger individual. If you are foolish enough to become involved with a "shotcaller," God be with you because then you will be used to satisfy not only the shotcaller, but the other members of his gang as well.
- You should always remember that no one is responsible for your safety and health except you, as long as you are always diligent and proactive with regards to staying safe, then your exposure to being hurt, raped or killed, will be greatly reduced. Always remember that, "MEN ARE DOGS!" and will only seek you out for one thing, "sex"!
- "NO ONE!" and I mean "NO ONE!" will ensure your safety, it's up to you to protect yourself and be VERY proactive at doing so.
- There is simply "NO FREE LUNCH" in prison! That means that, for everything that you may be given with "no strings attached," at some later time, you WILL be expected to pay up for that "free-bee"! Any protection that someone offers you, or actually provides for you, you eventually will have to pay for their service(s). This payment will normally be with your body providing sexual favors or being a "mule" by either being required to carry hot contraband or deliver the contraband to third parties.

## EDUCATION/EMPOWERMENT

### **What skills can I learn?**

- We have the perfect opportunity to upgrade our education and in doing so, we also upgrade our fighting abilities. One thing that the "System" cannot tolerate, and is scared of, is an educated inmate and especially a transgender woman inmate! Once you know the rules, regulations, and laws better than the police do, believe me when I tell you that they will steer a wide berth around you and pick some uneducated fool to mess with. The police hate paperwork especially when it makes sense and uses their own rules against them!
- The time has come for each of us to put our pride and egos aside and start to make up for our lack of education and job skills.

## DRESS CODE

### **Am I allowed to wear make-up?**

- There is no make-up in prison. You will usually be written a rules violation or harassed by correctional officers if you wear make-up that gets snuck in.



separate, divide and conquer us. If they can divide us into different groups, and then cause strife and distrust causing us to fight among ourselves, then we are unable, as a united community, to fight the real enemy...the corrupt "system" that defiles and oppresses us as human beings.

- Find an older girl (or one that knows the ropes) and get under her wing.
- If need be, find a sister that will help you learn to read and write, and to learn how to understand and comprehend what you have read.
- If you are being harassed you can usually tell another girl who is respected by the yard to talk to who is bothering you. Other than that, stand up for yourself by telling them to leave you alone and walk away. If you are close with another girl, hang with her.
- Remember, strength in numbers. Experience has shown that it is best for the transgender prisoner to stay with their own kind. I speak not of race, but rather of being with other girls. Again, remember the two survival rules, 1. "MEN ARE DOGS", and 2. "THERE'S NO SUCH THING AS A FREE LUNCH"!

#### **How do I stay safe on the yard?**

- When you get to a yard and find that prison politics are enforced and being used to run the prison, my suggestion is to get the hell out of that institution as soon as you can and don't look back when you do.
- IF you are ever told to get off a yard, then get off of that yard as quickly as your legs will carry you. But try not to name names or snitch on who told you that you had to go.

#### **Help! I'm scared for my safety.**

- Any time that you feel in need of protection for your own personal safety, find any CDCR employee and ask to be locked-up for your own protection. Personal property can always be replaced. You cannot! Once in Ad. Seg., you can refuse to return to the mainline because of your personal safety concerns and then request to be transferred to another yard, institution, or even SNY.
- If you can count more than 5 people in your personal circle, there are too many people around you. Keep your group of friends small and you will limit problems and drama. It's easier to control a problem if you have fewer people to deal with.

#### **What are some things that might get me into trouble?**

- Most transgender women prisoners find themselves getting into serious trouble due to one thing, their MOUTH! Watch what you say and who you say it to. If you hear a new word and do not know what it means, by all means do not use it!
- Another way to get into serious trouble is to be "screwing around" with too many men. My advice, only be with one man at a time.

- Another fatal mistake is when one of the girls plays or “works” some “John” for all they can get and then ends up getting hurt or killed when the “trick” or fool finally realizes that he has been made out to be nothing more than a “chump.” In prison, when you make a serious mistake like making someone look like a fool, the price that you will pay is often much worse than it would be on the street in free society. So never forget where you are and how easy it is to get killed.

**What should I know about snitching?**

- There is no such thing as a “no telling” clause! In today’s prison system, everyone tells. It all depends on who you are telling on. If you are foolish enough to become involved with a gang member and especially if he is your boyfriend or husband, then watch out! You may have serious problems on your hands that will require you to go to the police and lock-up in Ad-Seg for your own safety where your boyfriend or husband or any of his home-boys cannot get to you.

**What can I do if custody is being non-responsive to a complaint I have about another inmate sexually harassing or assaulting me?**

- You can put a CDCR 7362 (sick call slip) to see mental health and let the psych know you need help. They are bound by law to report any threat of harm against you or another person.

**What do I need to know about sex and/or finding a husband or boyfriend?**

- Trust no one but your self and you will be safe and very likely go home without any serious problems. Whore around and cause problems for yourself and your community and you may very well pay for your foolishness with your body and/or your life.

- If you find a boyfriend stick with him and limit your involvement with others.

**Can Correctional Officers (COs) keep me safe?:**

- It is never a good idea to buddy up with a CO. Other officers who are transphobic will give you a harder time because they’ll feel you are manipulating staff. Avoid unnecessary conversation with COs. Sometimes you’ll find an ally or sympathetic CO and if you do ever get in a bind that person is the one you can trust and talk to and will keep you safe.

**How do I gain respect while serving time in prison?**

- Keep it 100%, meaning don’t portray yourself to be anything but what you are. Keep it real, people will respect you.
- Mind your business, keep sexual talk to a minimum, and don’t sleep around with everyone you meet.
- Walk with purpose and confidence
- Stick with people that others respect (birds of a feather flock together).
- Never be afraid to take good advice from someone who knows more than you.
- Avoid eye contact when walking around. Stay out of peoples faces (COs too)—you will invite all kinds of drama especially if they see fear in your eyes. Then you invite predatory behavior. Keep your eyes in front of you and walk with confidence like you got somewhere to be.

**What about the other girls?**

- The most important thing is to completely avoid and not become involved in the petty nit-pickin and back stabbing of other girls. Always remember that the police are trained to