

# Legislative Advocacy Guide for TGI Folks Inside Prisons

Open to Learn  
More About:

*Understanding  
How the U.S.  
Government  
Says it Works*

*Deciding What to  
Fight For*

*Drafting and  
Passing Bills*

*Fighting for  
Gender Justice*

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# ARC Gender Justice

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# About Our Collective

## **Gabriel Arkles**, Co-Founder (NY)

Gabriel Arkles is an experienced lawyer and writer who works toward trans liberation, prison abolition, and disability justice. He has experience with direct services, collective building, and community organizing support (Sylvia Rivera Law Project), teaching and researching (NYU and Northeastern law schools), and impact litigation and public education (ACLU LGBTQ & HIV Project, Transgender Legal Defense and Education Fund). Gabriel's writing has appeared in publications such as the NYU Law Review, Northeastern Law Journal, Southwestern Law Review, Scholar and Feminist Online, and TruthOut.

Outside of ARC Gender Justice, Gabriel is currently Senior Counsel at the Transgender Legal Defense and Education Fund. He also serves on the steering committee for Muslim Alliance for Sexual and Gender Diversity (MASGD) and the board of HEARD (a cross-disability, abolitionist organization). Gabriel is a white, trans, queer, Muslim, neurodivergent, U.S. citizen man and a survivor of gender-based violence. He lives with his partner and cats on Lenape land in Brooklyn. In his free time, he loves reading sci fi and fantasy, studying Islamic feminist theology, and cooking.

## **Pooja Gehi**, Co-Founder (FL)

Pooja Gehi is a lawyer, activist and strategist who has worked for immigrant, prisoner and racial justice, trans and queer liberation, transformative justice, and cross-movement coalition building for decades. As the former Executive Director of the National Lawyers Guild (NLG), she centered and lifted up jailhouse lawyer members in the organization and ensured they had a seat on the national board. She also successfully brought a resolution in support of prison abolition, making the NLG the first and only explicitly abolitionist bar association in the US. Prior to that, she was the Director of Immigrant Justice at the Sylvia Rivera Law Project (SRLP), where she provided direct legal services to hundreds of low-income transgender and gender nonconforming clients, and achieved major victories like access to transition-related healthcare for New York State Medicaid recipients through litigation and coalition work. Pooja's scholarly work focuses on social movements, the devolution of criminal and immigration systems, and the intersections of race, gender, sexuality, class, and nationality.

Pooja serves on the Board of GRIOT Circle - a community based organization that provides services and a political home to BIPOC elders in New York City. She is a queer, south asian, cis woman with disabilities. Pooja is also a survivor of gender based violence. She has the best emotional support dog, named Henry, and has recently become an avid gardener.



# About Our Collective

## **Ary Graham, Inside Member (PA)**

Aryella Miclee Graham aka Ary does not like labels because she feels that they divide us more than they unite us, she likes to say that she is just her. She is a proud parent to a beautiful child, a paralegal, and an LGBT+ and gender justice activist, she strongly believes in and incorporates Malcolm X's form of activism BY ANY MEANS NECESSARY. She enjoys studying and practising law, targeting inequality, discrimination, oppression and the likes through lawsuits and activism activities, listening to music cooking, tattooing, being adventurous, being outdoors, trying new things, being stimulated intellectually and emotionally, and geeking out to animation movies and shows and humorous stuff. Her goals and dreams include owning some businesses, flipping houses, finding her soulmate, getting married and living on a self sufficient environment friendly farm complete with baby goats, chickens, cows, horses, crops, a pond or creek, staff to maintain the property, and a wide range of off road vehicles to wet her appetite for mudding, rock climbing and trails. She encourages anyone to reach out to her for any reason because as she says you can never have too many loyal, honest, and helpful friends. As she always says "STAY UP".

## **Niara Burton, Inside Member (PA)**

Niara Burton is a pretty woman of color and trans Muslimah who is assiduous at justice. As a jailhouse lawyer and paralegal, she has litigated and prevailed on the merits in over nine cases for others, and is working on her second case for herself. She joined ARC Gender Justice because marginalized communities are deprived of advocacy and a voice. As a victim of gender abuse herself, she wants to use her skills to help others access justice and feel whole! She dreams for a future where there is no more abuse, and people can live and let live. She sees equality as a human right.

## **Adrian Lowe, Outside Member (PA)**

Adrian Lowe has organized for the past 3 decades in movements for LGBTQ civil rights, economic justice, prison abolition and health justice. In 2007 he co-founded Hearts on a Wire, an inside/outside prison advocacy organization working to address the needs of transgender people in Pennsylvania's prisons. He remains a committed member of the Hearts on a Wire collective. Adrian is also a senior staff attorney with the AIDS Law Project of Pennsylvania where he specializes in public benefits and HIV-related civil rights issues.

## **Maddy Tamarez, Inside Member (NY)**

Madelyn Tamarez is a Latinx woman and a mother of two beautiful girls. She is a being who had her glimpse of enlightenment and considers herself a lifelong learner. She is down to earth, selfless, with a satirical sense of humor. She has been told she has an old soul--many people confide in her, and she can usually relate. She is proud of coming to a point in her life where she can own her story. She decided to get involved in ARC Gender Justice because why wouldn't she want to help her people? She hopes one day everyone will get that second chance they justly deserve. She loves hot sauce, dogs, and funny cards, and her sign is Scorpio.

## **Nadirah Ali, Inside Member (PA)**

Nadirah Ali is a 53-year-old, beautiful inside and out, caring, and understanding black female of the Islamic faith. She hopes to help others to have courage to believe in themselves and to stand up for themselves and to stand up for what they believe in. She would like to help reform this injustice system. She has lived through a lot--some good, some bad, but she always tries to look at the glass as half full and not half empty. One of her biggest dreams is to go home.

# About Our Collective

## **Rayne Vylette** **Inside member (FL)**

Rayne Vylette is a mixed race, Indigenous trans woman. She is an active supporter of other trans women in prison and a member of several advocacy organizations, including the Prisoner correspondence project, Black and Pink, and the transgender, gender nonconforming, intersex justice project (TGIJP). She is also in a creative writing group, the gavel club, an advanced public speaking class and a comedy class. She has authored several articles, including "FI Trans Prison Policy," available on ARC's blog page.

## **Kaylyn Alvarado, Inside Member (PA)**

Kaylyn is a 38 year old mixed race (Irish and Puerto Rican), straight trans woman. She has hazel eyes, brown hair, and speaks English. One of Kaylyn's future goals is to change how the trans woman and the male prison population are viewed as different populations and make all prisoners viewed as unisex so DOCS can't use the male and female rhetoric against trans people in order to keep us segregated on things we can have and not have every time we strive for something making us road blocked by this divisiveness. Her goal is to work with ARC is to help and try to bring changes in prisons. She enjoys reading, learning, working, and being outdoors. Kaylyn has a positive attitude and outlook on life and dislikes negative people with negative attitudes. She joined ARC gender justice because she has passion for wanting to help people who are doing advocacy work and the story on how this organization formed impacted her deeply. She wants to help bring change and equality for the transgender community. Kaylyn believes that although she is only one person joining she is one of many joining to help fight the injustice that the transgender community in prison has to endure.

## **Miley Selena Fletcher,** **Inside Member (PA)**

Miley Selena Fletcher has 30 years in as of 2022, and her earliest release date comes in 2024. She has done a lot of legal cases for the last 27 to 28 years, including criminal, tort, habeas, post-conviction relief act, § 1983, and § 1986 cases and cert petitions for the US Supreme Court. She is also an artist. She is a calm person who thinks before she does and researches before she speaks. She's not the kind of woman who gets a big head—she listens and learns. She believes that as a team we have no time to belittle anyone; we need to put our heads together to bring forth success. She believes in enforcing the legal system to give transgender rights to our transgender communities, juveniles and adults, and wants to help communities in need either incarcerated or on the outside.

# WHO WE ARE

## *Fighters for Justice Across Prison Walls*

The Alyssa Rodriguez Center for Gender Justice (ARC Gender Justice) strengthens movements for gender justice across prison walls, fights gender-based violence, and eliminates barriers to political participation for incarcerated survivors and other grassroots advocates.

We recognize that incarcerated and marginalized advocates have done the most critical, ground-breaking gender justice work for decades with the least resources and support. We bring in more resources and support, so people can have even greater impact.

We are made up of inside members and free-world members.

Our work has three main parts:

**1** Facilitating opportunities for gender justice advocates to learn from one another, build shared analysis, strategize, and collaborate to end gender-based violence.

**2** Creating and distributing advocacy materials and other resources to support the gender justice work of jailhouse lawyer survivors and other advocates.

**3** Organizing to shift power through fighting for changes to court, administrative, and legislative procedure to make it easier for grassroots leaders, including incarcerated survivors, to participate politically.

# WHY

## *We Created This Resource*

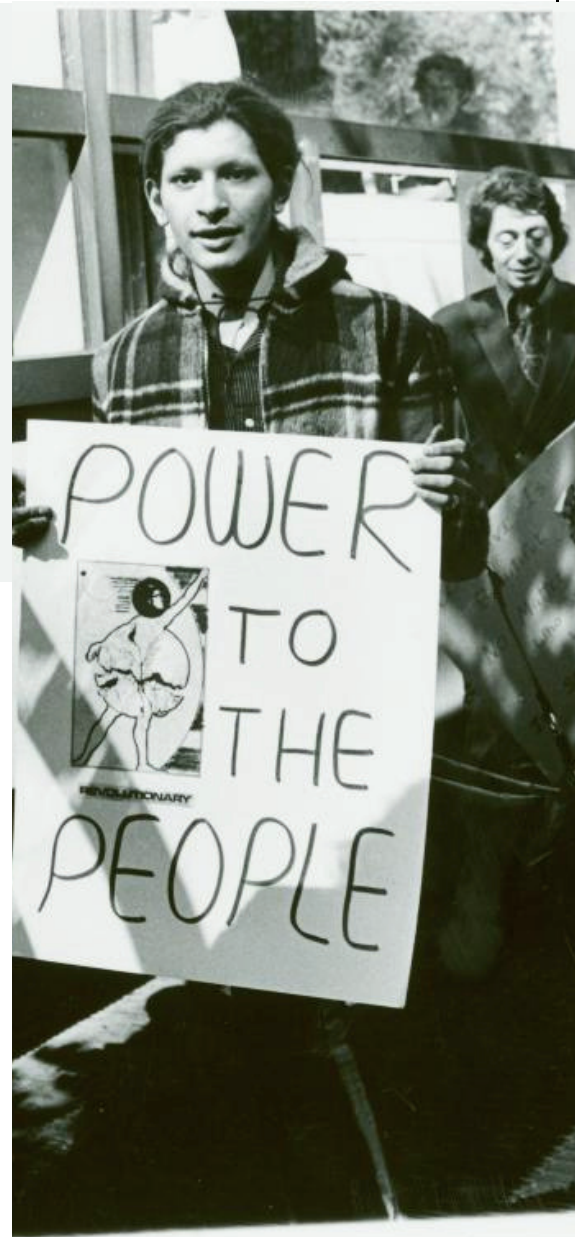
ARC has inside and outside members. In 2022 and 2023, members pitched projects they wanted to work on together. Members voted to develop this resource so TGI people inside have support in their efforts to reach out to policy makers and elected representatives and to engage in legislative advocacy.

Simply put, incarcerated trans people want to be able to advocate for their needs with their own voices. This resource provides general information about the legislative process that is hopefully useful to incarcerated people anywhere.

ARC created another resource, titled “Practical Skills for Gender Justice Advocacy” If you would like a copy, please write to us.

ARC also has state-specific information for the states that ARC has members in: New York, Pennsylvania, Georgia, and Florida. If you want other states, we may be able to help. Please write us.

This resource is just a starting point. We’re here to support you and your efforts to engage in building power and changing policy.



*This is a photo of Sylvia Rivera, a Latinx trans woman who was incarcerated many times and who organized for trans rights. In one essay, she wrote, “We have to do it because we can no longer stay invisible. We have to be visible. We should not be ashamed of who we are. We have to show the world that we are numerous. There are many of us out there.”*



# HOW TO *Change Things*

There are so many different ways to change things. This guide mainly discusses legislative advocacy, which includes how to pass or amend laws. Legislative advocacy is difficult and requires knowledge, expertise, resources, time, and skills. Even when legislative advocacy is successful, “a law is only as powerful as the legal advocacy, relentless organizing, and community-based inquiry that comes before and comes after.”

Knowing how the legislature works and how policy advocacy works are important skills, but they are only part of the story. Our experiences in developing and winning campaigns and in advocating for incarcerated people has shown us over and over again how important lots of different strategies, skills, and tactics are to this work.



*This is a photo of Marsha P. Johnson, an early activist for trans people and trans and queer youth specifically.*

Most legislative advocacy driven by incarcerated individuals is the result of relentless advocacy of large coalitions of people. In New York, incarcerated people and outside organizations organized for ten years to pass the New York State Domestic Violence Survivors Justice Act, which allows judges to re-sentence survivors of domestic violence currently in prison and to grant shorter terms or program alternatives to survivors upon their initial sentencing. In California, multiple statewide coalitions organized to support incarcerated trans people and multiple legal organizations successfully sued the state prison system for nearly a decade, resulting in progressive laws that require state prisons to recognize people’s gender, search preference, and housing preference. These efforts, too, have their roots in organizing stretching back decades.

# HOW TO *Change Things*

We do not share this to scare you. We share this to acknowledge that organizing to change things takes time, labor, and care. We interviewed long-time activist and organizer Judith Clark, who was incarcerated for 37 years in Bedford Hills CF in New York, for this guide. She described how she and other organizers didn't start with a policy proposal; they started by "taking on issues that we wanted policymakers and policy enforcers to think about." Sometimes, she said, this involved specific legislative work with specific individuals. But more often than not, Clark and others inside would come together in both "formal" groups, like committees approved by the Superintendent, and "informal" groups, those that were not recognized by the prison, to discuss what they were experiencing. These groups reflected the issues at the time.

The women at Bedford created a "Long Termer" committee that addressed the needs of those who were incarcerated for a long time. Others created cultural/identity-based groups, like the Puerto Rican committee at Bedford that advocated on behalf of Puerto Rican women and all spanish-speaking people at the prison. They also created committees to address the impact of policy changes, like a committee they formed in the 90's to bring back college after the state revoked funding, or creating ACE in the 80's, which provided peer education and support to address the emergent AIDS epidemic.

In these settings, she and others would share their stories and then learn from others, developing one's awareness of the relationship between personal experience and the wider social context.

Clark emphasized that the purpose of this work was always to gain a deeper, better understanding of what was really going on. Her work resonates with what Chris Dixon, another organizer for liberation, has said: "Transformative social movements are always much more dynamic and intelligent than individual organizers, no matter how reflective, tireless, and courageous such individuals may be. This is one of many amazing things about collective struggles for justice."

We see this guide as one step towards collective liberation. Yes, we all need to know how policy is passed and how legislative advocacy happens! But we also need so much more to achieve trans liberation & gender justice.

# Government 101

## A SHORT INTRODUCTION TO HOW THE UNITED STATES GOVERNMENT SAYS IT WORKS.

In the United States, there are three branches of government: the executive, judicial, and legislative branches.

The Executive Branch is led by the President of the United States, who is also head of state and Commander-in-Chief of the armed forces. The President is responsible for implementing and enforcing the laws written by Congress. The President appoints the heads of the federal agencies, including the Cabinet. The Cabinet and independent federal agencies are responsible for the day-to-day enforcement and administration of federal laws. These departments and agencies have missions and responsibilities as widely divergent as those of the Department of Defense and the Environmental Protection Agency, the Social Security Administration and the Securities and Exchange Commission.

The Judiciary consists primarily of the U.S. Supreme Court, the U.S. Courts of Appeals, and the U.S. District Courts. It also includes a variety of other lesser federal tribunals. Federal courts hear and adjudicate specific types of cases based on the Constitution and the Federal Rules of Civil Procedure.

The Legislature consists of the House of Representatives and the Senate, known collectively as the Congress. Among other powers, the legislative branch makes all laws, declares war, regulates interstate and foreign commerce and controls taxing and spending policies.



*This is a photo of trans activists and allies protesting for trans rights.*



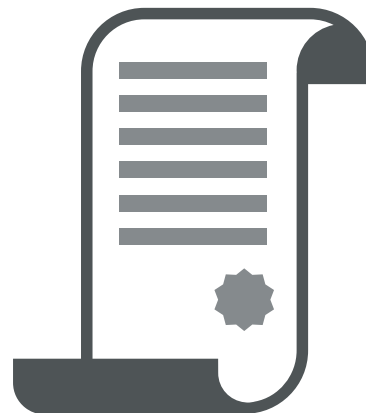
# Legislative Process 101

## A SHORT INTRODUCTION TO HOW THE UNITED STATES GOVERNMENT SAYS ITS LEGISLATIVE PROCESS WORK.

In the United States, voters elect people to serve in the legislature in state governments and in the federal government. These people are called “elected officials” or “legislators.” The federal legislature has two parts: the House of Representatives and the Senate. Together, the House and the Senate make up the United States Congress, the legislative branch of the United States Government.

Most states have the same structure where voters elect representatives to a larger body, usually called “the House,” and a smaller body, usually called “the Senate”. Even though the names are similar, your state government is different from the federal government. States and the federal government have different roles, and each can pass only certain types of legislation. When thinking about passing or understanding laws, it is important to make sure you understand who passed it.

Every group that makes laws (often called “legislative body”) has different rules and procedures they follow. It is important to know the specific rules for your state before seeking to change the law.





# How a Bill Becomes A LAW

**THIS IS THE PROCESS THAT THE FEDERAL GOVERNMENT FOLLOWS FOR PASSING LAWS:**

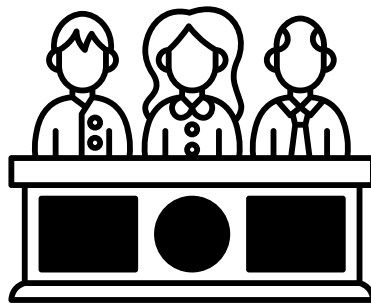
## 1 Idea to Reality

The original idea for a bill may come from anyone! Many bill ideas come from the President or government, a special interest group, a voter, or a legislator. Anyone may do the initial drafting of a bill, although legislators' staff people typically work on the language at some point. One or more legislator must decide that she wants to sponsor the bill for it to go further



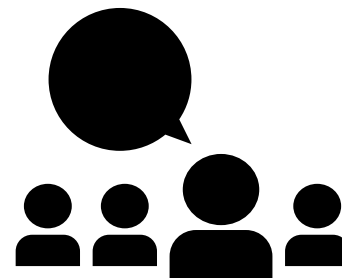
## 2 Introduction

Next, a legislator introduces the bill on the floor of one of the legislative bodies: the House or the Senate. The clerk assigns the bill a number. If the bill starts with H.R. if it was introduced in the House, and S. means it was introduced in the Senate. The Speaker of the House or the presiding officer in the Senate assigns the bill to a committee for study.



## 3 Committees

Committees can “kill” bills simply by not acting on them. If the committee acts on the bill, it may hold legislative hearings, revise the bill, and ultimately vote on the bill. If the bill passes the committee's vote, the bill goes back to the House or Senate, with a report explaining and justifying the bill. During this step, people and organizations may lobby for or against the bill.



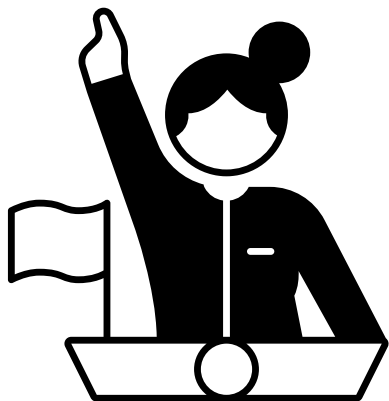
# How a Bill Becomes A LAW

## PART 2:

### 4

#### Debate & Amendment

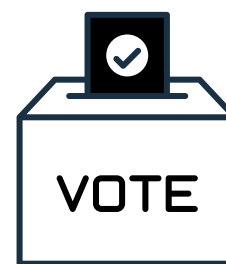
Then, the full House or Senate can debate the bill and offer amendments. Sometimes, the people who offer amendments intend to improve the bill, increase the likelihood it will pass, or increase the likelihood the amendment—which might have been less popular if on its own—will pass. Sometimes the people who offer amendments intend to sabotage the bill by making it less palatable for other people to support it. In the Senate, people may try to prevent the passage of a bill through a filibuster, which involves holding the floor with lengthy debate. During this step, people and organizations may lobby for or against the bill.



### 5

#### Vote

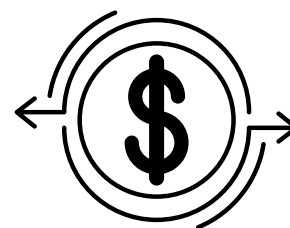
After debate and amendment, the bill may be sent back to committee, or it may be voted upon. If it receives a vote with a simple majority in favor, it passes that house of Congress.



### 6

#### Budget & Endorsement

The Congressional Budget Office (CBO) must confirm that the bill adheres to spending constraints.



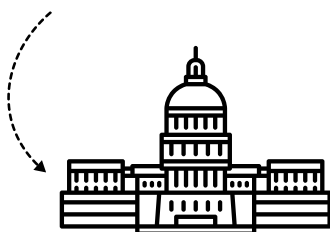
# How a Bill Becomes A LAW

## PART 3

### 7

#### Passing the Other House

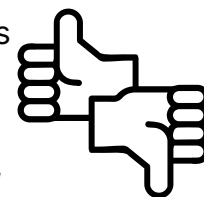
The same bill must go through the same steps and get a majority vote in the other house of Congress. Often, the House and Senate pass different versions of the same bill. A committee will then seek to reconcile the bills into the same version, which the House and Senate must then vote on again. During this step, people and organizations may lobby for or against the bill.



### 8

#### Presidential Action

Once both houses have passed the same version of the bill, it goes to the president. If the president signs the bill, it becomes law. If the president takes no action on the bill and Congress is still in session ten days later, the bill becomes law. If the president takes no action on the bill and Congress is not in session ten days later, the bill does not become law. This is called a “pocket veto.” If the president vetoes the bill, it does not become law, unless the House and Senate override the veto by passing the bill with a two-thirds majority in both houses. During this step, people and organizations may lobby for or against the bill.



### 9

#### Publication

The law first comes out in the Session Laws. Then, the law becomes a part of the United States Code (U.S.C.), which is organized by subject. The U.S.C. serves as the main way people locate and cite federal statutes.



### 10

#### Implementation

The law may not go into effect immediately. Congress may have set an effective date for some time in the future. Congress may also have empowered an agency to develop regulations implementing the statute.



# How a Bill Becomes A LAW

## 1. Idea + Bill

Ideas are the start of every bill!

## 2: Introduce Bill

An elected Representative or Senator can introduce bills. The bill then is assigned to a committee.

## 3. Committee

Representatives or Senators then meet in committees to research, discuss, and change the bill. They vote to accept or reject the bill.

## 4. Debate & Amendment

Representatives or Senators then debate the bill and introduce other bills to amend or change the existing bill.

## 5. Vote

The bill can be sent back to committee or it can be voted on. If there's a simple majority in favor, it passes that house of Congress.

## 6. Budget

After one house passes a law, the Budget Office will check the bill to make sure it follows other laws and that there's money for it.

## 7. The Other House

The other house follows the same process: committee, debate, amendments, and voting.

## 8. Presidential Action

When both houses pass the same version of a bill, it goes to the president. The president can sign, veto, or "pocket veto" a law.

## 9. Publication & Codification

After a law is passed, it is then published and codified in the U.S. Code.

## 10. Implementation

The last step is the law actually being implemented by the government.



# DECIDING WHAT *To Fight For*

Social movements have developed questions to consider when evaluating proposed legislation and policies and when thinking about developing policy proposals. Many organizers for trans liberation are aware of how laws and even lawsuits can be inadequate, harmful, and demobilizing.

There's a growing movement of people inside and outside of prisons who are fighting to build a world where prisons are not necessary, or the abolition of prisons. Many of these people are trans, queer, gender non-conforming and impacted by prisons.



*This is a drawing by Micah Bazant. It reads, "Remember trans power, Fight for trans freedom."*

Organizations fighting against prisons and for liberation summarized some of the questions and criteria people fighting for a world without prisons, in a recent publication called, *So is this Actually an Abolitionist Proposal or Strategy?*

The authors say, "We are living in a historical moment where "reform" means many things—often whatever is most relevant to the speaker. Abolitionist organizers understand that we must take steps toward attaining our key goals. In some cases, this means engaging in policy struggles."

# DECIDING WHAT *To Fight For*

Here's one set of questions that help us figure out what legislative proposals might result in (from Erica Meiners, a Chicago-based educator and abolitionist):

- 1** Who benefits from this campaign, initiative, reform, form of resistance? Who doesn't, and why?
- 2** What are the logics, languages, and "commonsense" discourses that initiatives validate and/or reinforce? Are these logics liberatory or punitive?
- 3** Who is working on this initiative? Who is not? Why us? Why now?
- 4** Is this something that we, or others, will be organizing to undo in five years because it is used to cage or dehumanize people?

Let's apply these criteria to a policy example.

Imagine that in a state, formerly incarcerated people can vote 20 years after completing their sentence. Moms for Liberty, supported by Republican legislators, have proposed to lessen that to 5 years for "non-violent" offenses and to bar "violent" offenders from ever voting.

1. This law would benefit "non-violent" offenders because they would be able to vote 15 years sooner than the current policy. "Violent" offenders, however, do not benefit because they can never vote.
2. Many policy debates center on "violent" versus "non-violent" offenses. This proposal values those labeled as "non-violent" over those labeled as "violent" and punishes them.
3. Moms for Liberty and Republicans are working on this. Incarcerated individuals and their outside advocates are not. Formerly incarcerated individuals are not. If the bill is being pushed in an election year, that may mean that there are other motives behind the bill.
4. Advocates would organize to undo the lifetime ban of "violent" offenders. It is dehumanizing to bar someone for voting simply because of a criminal conviction.

# DECIDING WHAT *To Fight For*

Here's another set of questions from Dean Spade, a trans law professor and organizer:

- 1** Does it provide material relief?
- 2** Does it leave out an especially marginalized group?
- 3** Does it legitimize or expand a system we are trying to dismantle?
- 4** Does it mobilize most affected for ongoing struggle (i.e. Is this building power?)

Let's apply these criteria to a policy example.

Imagine that currently, universities can give financial aid to anyone, including students who are not citizens or who have criminal records. A group, Students for Equitable Access, propose to increase student aid funding but bar non-citizens and anyone with a criminal history from receiving aid.

1. This law would additional material relief (money, financial aid) to students.
2. This policy leaves out particularly marginalized groups, including people with criminal records and undocumented students.
3. It expands student aid funding, which is excellent, but only for certain types of people. We are fighting for free, accessible education, and this would expand corporate universities' access to financial resources.
4. This bill / campaign excludes those who are already most-marginalized from higher education (undocumented people, people with convictions). It does not build power.

# DECIDING WHAT *To Fight For*

Survived & Punished NYC, an organization committed to support survivors of intimate partner violence who are criminalized, asks the following questions:

- 1** Does it (as a whole or in part) legitimize or expand the carceral system we're trying to dismantle?
- 2** Does it benefit parts of the Prison Industrial Complex, industries that profit from the PIC, or elected officials who sustain the PIC?
- 3** Do the effects it creates already exist in a way we have to organize against? Will we, or others, be organizing to undo its effects in five years?
- 4** Does it preserve existing power relations? Who makes the decisions about how it will be implemented and enforced?
- 5** Does it create a division between "deserving" and "undeserving" people?
- 6** Does it leave out especially marginalized groups (people with criminal records, undocumented people, etc.)?
- 7** Does it cherry-pick particular people or groups as a token public face?
- 8** Does it undermine efforts to organize and mobilize the most affected for ongoing struggle? Or does it help us build power?

The questions are similar to the previous lists, but we like that it names some particularly important questions, like Does it cherry-pick certain people? and Does it undermine efforts to organize and mobilize the most affected?



# DECIDING WHAT *To Fight For*

Some people have developed lists of reforms/proposals to avoid. The Abolition & Disability Justice Collective recommends avoiding or questioning these types of policy or legal proposals:

- 1** Reforms that replace policing and criminalization with mandatory social or health services.
- 2** Reforms that require compliance with medication or any kind of forced drugging to avoid incarceration/hospitalization or in order to get other services (like housing or Social Security benefits).
- 3** Reforms that expand funding for mandatory services like psych hospitals or psychiatrization more broadly, or mandatory check-ups (by medical professionals, Child Protective Services, etc.).
- 4** Reforms that rely upon the usage of forced restraint or corporal punishment, such as tasers.
- 5** Reforms that require registries, monitoring, or surveillance.
- 6** Reforms that rely upon the use of Mandatory Reporting
- 7** Reforms that rely upon the expansion of Adult Protective Services and Child Protective Services.
- 8** Reforms that base eligibility for housing or other services on sobriety, medication compliance, not engaging in self-harm, or other restrictive criteria.
- 9** Reforms that further isolate and segregate people.

# WHAT IS *Gender Justice?*

Gender justice is often used to describe various social justice movements and campaigns that seek to transform gender-based interpersonal, structural, and systemic inequities.

Gender justice is broader than just women and girls. Gender justice requires an analysis and a strategy for addressing sexism in institutional and organizational policies and practices.

Gender justice empowers, organizes, and mobilizes those most impacted by gender injustice. Gender justice is rooted in the leadership, power, and voices of women of color, low-income communities, youth, elders, trans, intersex, gender nonconforming, and queer communities within the larger social justice movements.

Gender justice describes how we want to solve problems and what the goal is. It has always been rooted in transnational feminisms.

Gender justice analysis (lens and approach are also used interchangeably) means you are aware of the impact that gender equity and/or gender norms have on an issue or problem. A gender analysis recognizes that different strategies may be necessary to achieve equitable outcomes for women, men, trans, and gender nonconforming people.

Having a gender justice analysis helps us move beyond assumptions about “male” or “female” behaviors, and also connects gender with race and class. It helps us better see how gender norms influence our cultural expectations of what is considered socially appropriate for men and women.



# Gender Justice LAW & POLICY

## **TRANS COMMUNITIES HAVE SUCCESSFULLY PASSED SOME LAWS TO PROTECT TRANSGENDER PEOPLE GENERALLY.**

Federal civil rights laws prohibit discrimination on the basis of sex. The Supreme Court held employers cannot discriminate on the basis of sexual orientation or transgender status, because either type is discrimination on the basis of sex. See *Bostock v. Clayton County*, 590 U.S. \_\_\_ (2020).

Twenty-two states and the District of Columbia have passed laws that expressly prohibit employment discrimination based on gender identity. The laws in these states protect against both sexual orientation and gender identity discrimination in the workplace. Other states do not explicitly protect transgender individuals from employment discrimination, but they apply and expand existing state law protections against sex discrimination to prohibit discrimination based on gender identity

Federally, Section 1557 of the Affordable Care Act (ACA) created specific protections barring insurance discrimination on the basis of sex. This means that insurance companies should not be able to discriminate against individuals who are LGBTQ+. Over twenty states have passed laws also barring insurance companies from discriminating against LGBTQ+ individuals. However, this is actively being contested in courts across the country.



*This is a photo of Miss Major Griffin-Gracy, a Black trans woman who spent years in prisons and jails. She organized for trans people in prison with the TGI Justice Project in San Francisco.*



# Gender Justice LAW & POLICY

## DESPITE SOME WINS OUTSIDE OF PRISONS, VERY FEW LAWS APPLY TO TRANS PEOPLE INSIDE PRISON WALLS.

In this section, we discuss legislative examples from California, Massachusetts, and Connecticut.

### CALIFORNIA, PART 1

California has passed two bills: the Name & Dignity Act for Incarcerated People (SB 310, passed in 2017), and the Transgender Respect and Dignity Act (SB 132, passed in 2020).

The Name and Dignity Act for Incarcerated People created a right for people in California prisons and jails to petition the court to obtain a name or gender change.

The act changed California law to include this language: “A person under the jurisdiction of the Department of Corrections and Rehabilitation or sentenced to county jail has the right to petition the court to obtain a name or gender change pursuant to [existing law]. . . In all documentation of a person under the jurisdiction of the Department of Corrections and Rehabilitation or imprisoned within a county jail, the new name of a person who obtains a name change shall be used, and prior names shall be listed as an alias.”

The law does require individuals to follow the prison or jail’s rules, but it does not allow the Warden or Sheriff to create or make policies that effectively prohibit or ban people from changing their names.

Citation: Cal. Civ. Pro. § 1279.5.



# Gender Justice LAW & POLICY

## CALIFORNIA, PART 2

Here is the full text of the Name and Dignity Act for Incarcerated People.

Cal. Civ. Pro., Title 8: Change of Names, § 1279.5.

(a) Except as provided in subdivision (e) or (f), this title does not abrogate the common law right of a person to change his or her name.

(b) A person under the jurisdiction of the Department of Corrections and Rehabilitation or sentenced to county jail has the right to petition the court to obtain a name or gender change pursuant to this title or Article 7 (commencing with Section 103425) of Chapter 11 of Part 1 of Division 102 of the Health and Safety Code.

(c) A person under the jurisdiction of the Department of Corrections and Rehabilitation shall provide a copy of the petition for a name change to the department, in a manner prescribed by the department, at the time the petition is filed. A person sentenced to county jail shall provide a copy of the petition for name change to the sheriff's department, in a manner prescribed by the department, at the time the petition is filed.

(d) In all documentation of a person under the jurisdiction of the Department of Corrections and Rehabilitation or imprisoned within a county jail, the new name of a person who obtains a name change shall be used, and prior names shall be listed as an alias.

(e) Notwithstanding any other law, a court shall deny a petition for a name change pursuant to this title made by a person who is required to register as a sex offender under Section 290 of the Penal Code, unless the court determines that it is in the best interest of justice to grant the petition and that doing so will not adversely affect the public safety.

(e continued) If a petition for a name change is granted for an individual required to register as a sex offender, the individual shall, within five working days, notify the chief of police of the city in which he or she is domiciled, or the sheriff of the county if he or she is domiciled in an unincorporated area, and additionally with the chief of police of a campus of a University of California or California State University if he or she is domiciled upon the campus or in any of its facilities.

(f) For the purpose of this section, the court shall use the California Law Enforcement Telecommunications System (CLETS) and Criminal Justice Information System (CJIS) to determine whether or not an applicant for a name change is required to register as a sex offender pursuant to Section 290 of the Penal Code. Each person applying for a name change shall declare under penalty of perjury that he or she is not required to register as a sex offender pursuant to Section 290 of the Penal Code. If a court is not equipped with CLETS or CJIS, the clerk of the court shall contact an appropriate local law enforcement agency, which shall determine whether or not the petitioner is required to register as a sex offender pursuant to Section 290 of the Penal Code.

(g) This section shall become operative on September 1, 2018.



# Gender Justice LAW & POLICY

## CALIFORNIA, PART 3

The Transgender Respect and Dignity Act (SB 132, 2020) requires California prisons to take a number of actions with respect to transgender, gender variant, and intersex people.

The bill requires the State house transgender, gender variant, and intersex people in a facility designated for men or women based on an individual's preference, and to ask anyone entering the prison system for their gender identity (male, female, nonbinary); whether they identify as transgender, nonbinary, or intersex; and the individual's pronouns and honorifics. It requires CDCR staff to use an individual's pronouns.

It also requires CDCR to address individuals "in a manner consistent with their gender identity," and to search individuals "according to the search policy for their gender identity or according to the gender designation of the facility where they are housed, based on the individual's search preference."

It also states that a TGI person shall "[b]e housed at a correctional facility designated for men or women based on the individual's preference, including, if eligible, at a residential program for individuals under the jurisdiction of the department." It also requires staff to give "serious consideration" to individuals' views of their own health and safety "in any bed assignment, placement, or programming decision within the facility in which they are housed."

CDCR states that "All requests for housing based on gender identity are reviewed by a multi-disciplinary classification committee chaired by a Warden and made up of custody, medical and mental health care staff, and a PREA Compliance Manager. This committee will review all case factors and the individual's history to make a recommendation for approval or disapproval of the request. If approved, the incarcerated person will be transferred to a male or female institution consistent with their gender identity. If disapproved, notification is given to the incarcerated person who has up to 60 days to file a grievance of the decision. If grieved, it will be referred to the Departmental Review Board for a decision regarding housing in a male or female institution. If there is new information, the request will be reevaluated by the classification committee."

As of February 2024, 347 people housed in male institutions have requested to be housed in a female institution. Since the law's implementation, 41 were approved for transfer, 45 were denied, and 70 changed their minds. The remaining requests are being reviewed.

As of February 2024, 19 individuals housed in a female institution have requested to be housed in a male institution. 3 were approved for transfer, 2 were denied, and 5 changed their minds.

Anti-trans groups are challenging this bill in federal court. They are raising really concerning claims. However, trans groups and advocacy organizations have intervened in the case to represent trans peoples' interest.

# Gender Justice LAW & POLICY

## CALIFORNIA, PART 4

Here is the full text of the Transgender Respect and Dignity Act.

Cal. Pen. Code, Article 1: Civil Rights, § 2605: Questions regarding gender identity; use of gender pronouns and honorific by staff, contractors, and volunteers

(a) During the initial intake and classification process, and in a private setting, the Department of Corrections and Rehabilitation shall ask each individual entering into the custody of the department to specify all of the following:

(1) The individual's gender identity of female, male, or nonbinary.

(2) Whether the individual identifies as transgender, nonbinary, or intersex.

(3) The individual's gender pronoun and honorific.

(b) A person incarcerated by the department may not be disciplined for refusing to answer, or for not disclosing complete information in response to, the questions pursuant to this section.

(c) At any time, a person under the jurisdiction of the department may inform designated facility staff of their gender identity, and designated facility staff shall promptly repeat the process of offering the individual an opportunity to specify the gender pronoun and honorific most appropriate for staff to use in reference to that individual, in accordance with subdivision (a).

(d) Staff, contractors, and volunteers of the department shall not consistently fail to use the gender pronoun and honorific an individual has specified in all verbal and written communications with or regarding the individual that involve use of a pronoun and honorific.

(e) For the purposes of this section, the following terms have the following meanings:

(1) "Gender pronoun" means a third-person singular personal pronoun, such as "he," "she," or "they."

(2) "Honorific" means a form of respectful address typically combined with an individual's surname.

# Gender Justice

# LAW & POLICY

## CALIFORNIA, PART 5

Cal. Pen. Code, Article 1: Civil Rights, § 2606: Addressing, searching, and housing individuals in manner consistent with gender identity (continued from previous page)

(a) An individual incarcerated by the Department of Corrections and Rehabilitation who is transgender, nonbinary, or intersex, regardless of anatomy, shall:

(1) Be addressed in a manner consistent with the incarcerated individual's gender identity.

(2) If lawfully searched, be searched according to the search policy for their gender identity or according to the gender designation of the facility where they are housed, based on the individual's search preference. If the incarcerated individual's preference or gender identity cannot be determined, the search shall be conducted according to the gender designation of the facility where they are housed.

(3) Be housed at a correctional facility designated for men or women based on the individual's preference, including, if eligible, at a residential program for individuals under the jurisdiction of the department. These programs include, but are not limited to, the Alternative Custody Program, Custody to Community Transitional Reentry Program, Male Community Reentry Program, or Community Prisoner Mother Program.

(4) Have their perception of health and safety given serious consideration in any bed assignment, placement, or programming decision within the facility in which they are housed pursuant to paragraph (3) of subdivision (a) or subdivision (b), including, but not limited to, granting single-cell status, housing the individual with another incarcerated person of their choice, or removing the individual or individuals who pose a threat from any location where they may have access to the individual who has expressed a safety concern.

If, pursuant to this paragraph, the individual is not granted an alternative based on their perception of health and safety, the department shall document the reasons for that denial and share them with the individual.

# Gender Justice LAW & POLICY

## CALIFORNIA, PART 6

Cal. Pen. Code, Article 1: Civil Rights, § 2606: Addressing, searching, and housing individuals in manner consistent with gender identity (continued from previous page)

(b) If the Department of Corrections and Rehabilitation has management or security concerns with an incarcerated individual's search preference pursuant to paragraph (2) of subdivision (a) or preferred housing placement pursuant to paragraph (3) of subdivision (a), the Secretary of the Department of Corrections and Rehabilitation, or the secretary's designee, shall, before denying a search preference or housing the incarcerated individual in a manner contrary to the person's preferred housing placement, certify in writing a specific and articulable basis why the department is unable to accommodate that search or housing preference.

(c) The Department of Corrections and Rehabilitation shall not deny a search preference pursuant to paragraph (2) of subdivision (a) or a housing placement pursuant to paragraph (3) of subdivision (a) based on any discriminatory reason, including, but not limited to, any of the following:

- (1) The anatomy, including, but not limited to, the genitalia or other physical characteristics, of the incarcerated person.
- (2) The sexual orientation of the incarcerated person.
- (3) For a denial of a housing preference pursuant to paragraph (3) of subdivision (a), a factor present among other people incarcerated at the preferred type of facility.

(d) The incarcerated individual shall receive a copy of the written statement described in subdivision (b) and, within a reasonable time following the individual's receipt of the statement, the Department of Corrections and Rehabilitation shall provide the individual with a meaningful opportunity to verbally raise any objections to that denial, and have those objections documented.

(e) If an incarcerated individual raises concerns for their health or safety at any time, their housing and placement shall be reassessed.

# Gender Justice LAW & POLICY

## MASSACHUSETTS

Massachusetts passed law that allows transgender individuals to request to be housed in a facility consistent with their gender identity.

Here is the full text of the law:

Mass. Gen. Laws Ch. 127 § 32A, Prisoner Gender Identity, effective Dec. 31, 2018.

“A prisoner of a correctional institution, jail or house of correction that has a gender identity, as defined in section 7 of chapter 4, that differs from the prisoner’s sex assigned at birth, with or without a diagnosis of gender dysphoria or any other physical or mental health diagnosis, shall be: . . . housed in a correctional facility with inmates with the same gender identity; provided further, that the placement shall be consistent with the prisoner’s request, unless the commissioner, the sheriff or a designee of the commissioner or sheriff certifies in writing that the particular placement would not ensure the prisoner’s health or safety or that the placement would present management or security problems.”

However, Massachusetts’ DOC policy appears more deferential to the Department. Their policy, titled, 103 DOC 652: Identification, Treatment, and Correctional Management of Inmates Diagnosed with Gender Dysphoria, states,

“A Gender Dysphoric inmate’s own views with respect to his/her/their own safety shall be given serious consideration. In addition, consideration of specific cases with partial completion of sex reassignment surgery, removal or augmentation of breasts, removal of testicles, etc. shall be evaluated on a case-by-case basis by the Program Medical Director and reported to the Assistant Deputy Commissioner of Classification for consideration of any safety, security and/or operational concerns presented. Consideration of these clinical recommendations should be given by the Department of Correction when making determinations regarding such issues. Final determination as to the most appropriate housing, however, is the responsibility of the Department. ”



# Gender Justice LAW & POLICY

## CONNECTICUT

Connecticut passed a law that requires the prison system to provide gender-affirming items, to use an individual's pronouns, and to follow search preferences.

Here is the language of Senate Bill No. 13, Public Act No. 18-4, Fair Treatment of Incarcerated Persons Act (2018).

Any inmate of a correctional institution, as described in section 18-78 of the general statutes, who has a gender identity that differs from the inmate's assigned sex at birth and has a diagnosis of gender dysphoria, as set forth in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders", shall:

- (1) Be addressed by correctional staff in a manner that is consistent with the inmate's gender identity,
- (2) have access to commissary items, clothing, personal property, programming and educational materials that are consistent with the inmate's gender identity, and
- (3) have the right to be searched by a correctional staff member of the same gender identity, unless the inmate requests otherwise or under exigent circumstances.

An inmate who has a birth certificate, passport or driver's license that reflects his or her gender identity or who can meet established standards for obtaining such a document to confirm the inmate's gender identity shall presumptively be placed in a correctional institution with inmates of the gender consistent with the inmate's gender identity.

Such presumptive placement may be overcome by a demonstration by the Commissioner of Correction, or the commissioner's designee, that the placement would present significant safety, management or security problems.

In making determinations pursuant to this section, the inmate's views with respect to his or her safety shall be given serious consideration by the Commissioner of Correction, or the commissioner's designee."

# Gender Justice LAW & POLICY

## NEW YORK CITY

In 2016, New York City passed a law that requires the City's jails to provide menstrual products to anyone incarcerated in the jails. In 2023, the City passed another law to amend the 2016 law. See the differences below.

2016 Law: City of New York, Administrative Code, § 9-141 Feminine hygiene products:

All female incarcerated individuals in the custody of the department shall be provided, at the department's expense, with feminine hygiene products as soon as practicable upon request. All female individuals arrested and detained in the custody of the department for at least 48 hours shall be provided, at the department's expense, with feminine hygiene products as soon as practicable upon request.

For purposes of this section, "feminine hygiene products" means tampons and sanitary napkins for use in connection with the menstrual cycle.

2023 law (effective in October 2024):

City of New York, Administrative Code, § 9-141 Menstrual products:

- a. As used in this section, the following terms have the following meanings:  
Department. The term "department" means the department of correction.  
Menstrual cup. The term "menstrual cup" means a funnel-shaped or disc-shaped device made of either reusable or single-use material for use in connection with the menstrual cycle.
- b. Distribution of menstrual products.
  1. All incarcerated individuals in the custody of the department who are in need of menstrual products shall be provided, at the department's expense, with menstrual products as soon as practicable upon request. All individuals arrested and detained in the custody of the department for at least 48 hours who are in need of menstrual products shall be provided, at the department's expense, with menstrual products as soon as practicable upon request. For purposes of this section, "menstrual products" means tampons and sanitary napkins for use in connection with the menstrual cycle.
  2. The department shall provide a reusable menstrual cup, at the department's expense, to any person who requests such cup upon release from the department's custody
- c. Reporting on provision of menstrual products.
  1. No later than July 31, 2025, and annually thereafter, the commissioner shall submit to the mayor and the speaker of the council and post on the department's website a report on the provision of menstrual products, as required by subdivision a of this section, during the preceding fiscal year. Such a report shall include the following:
    - (a) The average daily population of individuals in the custody of the department, disaggregated by gender;
    - (b) The number of such products ordered by the department during the preceding 12 months, disaggregated by product type;
    - (c) The number of such products distributed to city correctional facilities during the preceding 12 months, disaggregated by product type; and
    - (d) The number of such products distributed to individuals in the custody of the department during the preceding 12 months, disaggregated by product type.

# Gender Justice LAW & POLICY

## NEW YORK STATE

In 2016, New York State passed a law (proposed as S. 6695, chaptered as N.Y. Corr. § 611) that prohibits shackling pregnant people subject to specific rules. Here's excerpts from the bill:

1. (a) If a woman confined in any institution or local correctional facility be pregnant and about to give birth to a child, the superintendent or sheriff in charge of such institution or facility, a reasonable time before the anticipated birth of such child, shall cause such woman to be removed from such institution or facility and provided with comfortable accommodations, maintenance and medical care elsewhere, under such supervision and safeguards to prevent her escape from custody as the superintendent or sheriff or his or her designee may determine. No restraints of any kind shall be used during transport of such woman, a woman who is known to be pregnant by correctional personnel or personnel providing medical services to the institution or local correctional facility, or a woman within eight weeks after delivery or pregnancy outcome, absent extraordinary circumstances in which:

i. [If custody and medical staff] made an individualized determination that restraints are necessary to prevent such woman from injuring herself or medical or correctional personnel or others and cannot reasonably be restrained by other means, including the use of additional personnel; or

ii. the correctional personnel directly responsible for the transport of such a woman determine that an emergency has arisen in which restraints are necessary because the woman poses an immediate risk of serious injury to herself or medical or correctional personnel or others and cannot reasonably be restrained by other means.

(b) If a determination has been made pursuant to subparagraph i or ii of paragraph (a) of this subdivision that extraordinary circumstances exist then restraints shall be limited to handcuffs wrist restraints in front of the body. [Staff] shall document in writing the facts upon which the finding of extraordinary circumstances were based within five days of the use of such restraints and shall also document the type of restraints used and the length of time such restraints were used.

(c) No restraints of any kind shall be used when such woman is in labor, admitted to a hospital, institution or clinic for delivery, or recovering after giving birth. Any such personnel as may be necessary to supervise the woman during transport to and from and during her stay at the hospital, institution or clinic shall be provided to ensure adequate care, custody and control of the woman, except that no correctional staff shall be present in the delivery room during the birth of a baby unless requested by the medical staff supervising such delivery or by the woman giving birth. The superintendent or sheriff or his or her designee shall cause such woman to be subject to return to such institution or local correctional facility as soon after the birth of her child as the state of her health will permit as determined by the medical professional responsible for the care of such woman.

# Gender Justice LAW & POLICY

## PROPOSED BILLS

Many states' legislatures have pending bills that have not yet been passed. Even those these examples are not law, they are good examples.

Here is the language of Proposed Assembly Bill A7001B, "Gender Identity Respect, Dignity, and Safety Act," during the 2021-2022 Session of the New York State Legislature.

Section 1. Short title. This act shall be known and may be cited as the "Gender Identity Respect, Dignity and Safety Act".

§ 2. Section 137 of the Correction Law is amended by adding a new Subdivision 7 to read as follows:

7. (A) Any incarcerated individual in a correctional facility who has a gender identity that differs from their assigned sex at birth, who has a diagnosis of gender dysphoria, who has a variation in their sex characteristics, or who self-identifies as transgender, gender nonconforming, nonbinary, or intersex shall:

(i) be addressed by correctional officers and staff in a manner that most closely aligns with such person's gender identity, including the name and pronouns specified by that person. If a person states that, in order to most closely align with their gender identity, they use a name that is different from the name listed on their government-issued identification, they shall be addressed and referred to by their requested name;

(ii) have access to commissary items, clothing, personal property, programming and educational materials that most closely align with such person's gender identity.

# Gender Justice LAW & POLICY

## PROPOSED BILLS

Here is some of the language of a pending bill (AB 1810, 2024) in the California legislature. Note how the bill includes EVERYONE who might need these resources. The language (“A person who menstruates or experiences uterine or vaginal bleeding. . .” includes trans masculine people who may menstruate or experience bleeding, and trans feminine people who have had gender affirming bottom surgery and need supplies, too.

SECTION 1. Section 3409 of the Penal Code is amended to read:

3409. (a) A person incarcerated in state prison who menstruates or experiences uterine or vaginal bleeding shall, without needing to request, have ready access to, and be allowed to use, materials necessary for personal hygiene with regard to their menstrual cycle and reproductive system, including, but not limited to, sanitary pads and tampons, at no cost to the person. A person incarcerated in state prison who is capable of becoming pregnant shall, upon request, have access to, and be allowed to obtain, contraceptive counseling and their choice of birth control methods, subject to the provisions of subdivision (b), unless medically contraindicated.

[Details about family planning and birth control omitted.]

SEC. 2. Section 4023.5 of the Penal Code is amended to read:

4023.5. (a) A person confined in a local detention facility shall be allowed to continue to use materials necessary for personal hygiene with regard to their menstrual cycle and reproductive system, including, but not limited to, sanitary pads and tampons, at no cost to the incarcerated person. A person confined in a local detention facility shall, upon request, be allowed to continue to use materials necessary for birth control measures as prescribed by a physician, nurse practitioner, certified nurse midwife, or physician assistant. [Details about family planning and birth control omitted.]

SEC. 3. Section 221 of the Welfare and Institutions Code is amended to read:

221. (a) A person confined in a state or local juvenile facility shall, without needing to request, be allowed to continue to use materials necessary for personal hygiene with regard to the person’s menstrual cycle and reproductive system. A person confined in a state or local juvenile facility shall, upon request, be allowed to continue to use materials necessary for birth control measures as prescribed by the person’s physician. [Details about family planning and birth control omitted.]

SEC. 4. Section 1753.7 of the Welfare and Institutions Code is amended to read:

1753.7. (a) A person confined in a county juvenile justice facility overseen by the Office of Youth and Community Restoration shall be allowed to continue to use materials necessary for personal hygiene with regard to the person’s menstrual cycle and reproductive system. A person confined in a county juvenile justice facility shall, upon request, be allowed to continue to use materials necessary for birth control measures as prescribed by the person’s physician. [Details about family planning and birth control omitted.]



# State-Specific POLICIES

**EACH STATE HAS THEIR OWN RULES AND PROCEDURES FOR ITS LEGISLATIVE PROCESS.**

**WHILE MANY STATES HAVE SIMILAR POLICIES, ACTUAL PRACTICE AND IMPLEMENTATION LOOKS VERY DIFFERENT. HERE'S HOW TO FIGURE OUT HOW YOUR STATE LEGISLATIVE PROCESS WORKS:**

1. Determine if there is relevant information in the Law Library at your prison. You'll want to look up your state's constitution, which often has basic information about the legislative process. You'll also want to search for key words like, "legislative process" or "legislature."
2. Write to your elected official. Prison staff, other incarcerated people, or the Law Library should have addresses for your elected officials. You can write to them to request information about how the legislature works.
3. Write to advocacy organizations. Advocacy organizations, like us at ARC Gender Justice, can research specific questions or send materials from the internet.
  - a. For a list of these organizations, you can write to: Prison Activist Resource Center, PO Box 70447, Oakland, CA, 94612.
  - b. For state-specific policies, you can also write to the Transgender Law Center who regularly request state-level prison policies. Their address is: PO Box 70976, Oakland, CA 94612. Their collect line for people in prison and detention is (510) 380-8229.

# Glossary & DEFINITIONS

<b>EXECUTIVE BRANCH</b>	the branch of government charged with the execution and enforcement of laws and policies and the administration of public affairs; also called the executive.
<b>LEGISLATIVE BRANCH</b>	the branch of government having the power to make laws; also called the legislature.
<b>JUDICIAL BRANCH</b>	the branch of government charged with the interpretation of laws and the administration of justice; also called the judiciary.
<b>REPRESENTATIVE OR ASSEMBLY MEMBER</b>	an elected representative, usually to the House of Representatives or the Assembly (depending on the state); these representatives usually run every two years and represent smaller districts.
<b>UNITED STATES HOUSE OF REPRESENTATIVES</b>	the House is made up of 435 elected members, divided among the 50 states in proportion to their total population. In addition, there are 6 non-voting members, representing the District of Columbia, the Commonwealth of Puerto Rico, and four other territories of the United States: American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of Northern Mariana Islands.
<b>SPEAKER OF THE HOUSE</b>	the presiding officer of the chamber is the Speaker of the House, elected by the Representatives. He or she is third in the line of succession to the Presidency.

# Glossary & DEFINITIONS

## **SENATOR**

an elected representative, usually to the Senate (may have another name, depending on the state), which has fewer members than the other body; Senators usually have staggered terms and represent much larger areas.

## **UNITED STATES SENATE**

the Senate is composed of 100 Senators, 2 for each state. Until the ratification of the 17th Amendment in 1913, Senators were chosen by state legislatures, not by popular vote. Since then, they have been elected to six-year terms by the people of each state. Senators' terms are staggered so that about one-third of the Senate is up for reelection every two years.

## **ADVOCACY**

the act or process of supporting a cause or proposal; the act or process of advocating something.

## **LEGISLATIVE ADVOCACY**

the act or process of supporting or opposing a specific bill

## **PROPOSAL**

a plan or suggestion, especially a formal or written one, put forward for consideration or discussion by others.

## **STRATEGY**

a plan of action or policy designed to achieve a major or overall aim.

## **POLICY**

a course or principle of action adopted or proposed by a government, party, business, or individual

# Glossary & DEFINITIONS

## **PUBLIC POLICY**

What government (any public official who influences or determines public policy, including school officials, city council members, county supervisors, etc.) does or does not do about a problem that comes before them for consideration and possible action.

## **ABOLITION**

“Abolition is a political vision with the goal of eliminating imprisonment, policing, and surveillance and creating lasting alternatives to punishment and imprisonment. Abolition is both a practical organizing tool and a long-term goal.” - Critical Resistance

## **REFORM**

Make changes in something (typically a social, political, or economic institution or practice) with the intention (usually) to improve it. Many organizers for gender justice are skeptical of “reforms” when offered by prisons or police.

## **CAMPAIGN**

(noun) An organized course of action to achieve a goal.  
(verb) Work in an organized and active way toward a particular goal, typically a political or social one.

## **LIBERATION**

The act of setting someone free from imprisonment, slavery, or oppression; release

## **TRANSFORMATIVE JUSTICE**

A political framework and approach for responding to violence, harm and abuse. At its most basic, it seeks to respond to violence without creating more violence and/or engaging in harm reduction to lessen the violence.

# *Glossary &* **DEFINITIONS**

## **JAIL**

A place of confinement for persons held in lawful custody that is under the jurisdiction of a local government (such as a county) for the confinement of persons awaiting trial or those convicted of minor crimes.

## **PRISON**

An institution (under state or federal jurisdiction) for confinement of persons convicted of serious crimes.

## **DEPARTMENT OF CORRECTIONS**

The department of local government that is responsible for managing the treatment of people who are convicted of a “crime.”

## **GRIEVANCE**

Grievances are one way incarcerated people raise issues, especially a complaint about custody treatment, medical treatment, jail or prison policies and procedures, or other related matter; a grievance may include complaints against the substance of policies as well as their application.

## **APPEAL**

When someone does not agree with the prison’s response to a grievance, they can file an appeal and ask for higher-level staff to review the grievance

## **EXHAUSTION REQUIREMENTS**

The Prison Litigation Reform Act (PLRA) requires prisoners to fully exhaust any administrative remedies available to them before filing a lawsuit concerning any aspect of prison life. PLRA passed in 1996 in an effort to curb litigation from prisoners.



# Glossary & DEFINITIONS

## **PRISON RAPE ELIMINATION ACT**

A federal law passed in 2003. The purpose of the act is 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.

## **TRANSGENDER**

Transgender people (very broadly conceived) are those of us whose gender identity and/or expression that does not or is perceived to not match stereotypical gender norms associated with our assigned gender at birth. In other words, people think that we should be more masculine, more feminine, not have facial hair, have facial hair, not have wombs, have wombs, identify differently, etc.

## **GENDER VARIANT**

A term often used by the medical community to describe individuals who dress, behave, or express themselves in a way that does not conform to dominant gender norms. People outside the medical community tend to avoid this term because it suggests that these identities are abnormal, preferring terms such as gender expansive

## **INTERSEX**

The current term used to refer to people who are biologically between the medically expected definitions of male and female. This can be through variations in hormones, chromosomes, internal or external genitalia, or any combination of any or all primary and/or secondary sex characteristics. While many intersex people are noticed as intersex at birth, many are not. As intersex is about biological sex, it is distinct from gender identity and sexual orientation. An intersex person can be of any gender identity and can also be of any sexual orientation and any romantic orientation.





# ARC Gender Justice

**This resource is available in Spanish, Kreyol, and American Sign Language.**

**Bilten sa a disponib an kreyòl!**

**¡Este boletín está disponible en español!**

We send these free of charge. Anyone can use these resources!

Please write to us about your advocacy. We want to hear about what you're doing, what's working, and how we can help.

## Contact Us

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