

Honorable Members of the Charles Colson Task Force,

Thank you for allowing me to testify before you today. My name is Raffi Freedman-Gurspan, and I work as a Policy Advisor at the National Center for Transgender Equality. Today, I'd like to highlight just a few of the issues we expand on in our written testimony and the written testimony submitted by our colleagues from the National LGBTQ Task Force.

In a study conducted last year by Lambda Legal of LGBT people and those living with HIV, 73% of respondents had face-to-face contact with law enforcement, and 5% of those surveyed had spent time in jail or prison. Those disproportionately high rates are no surprise. Our community faces discrimination at every level of our criminal justice system: from policing and sentencing, to time in incarceration, into release and supervision. The 21st Century Policing Task Force adopted some of the recommendations from the LGBT community regarding problems we face in interactions with police, but ending biased policing is just a first step.

We desperately need change in our corrections system. LGBT people and people living with HIV/AIDS are overrepresented in prisons, where we face widespread and pervasive violence, inadequate healthcare, and exclusion from services and programs. We are also more likely to be placed in administrative segregation or solitary confinement and to face harassment and sexual assault.

Transgender women face particular hardships. We are routinely placed in men's facilities in virtually every jurisdiction, many of us spend extended periods in isolation supposedly for our own protection, and most of us face harassment and violence. In fact, a

recent study from the Bureau of Justice Statistics found that 40% of transgender prison inmates reported sexual victimization, a rate that BJS admits is the highest they have ever seen in such a study.

I'd like to share with you the words of one transgender woman of color, Janetta Johnson, taken from her testimony in [A Roadmap for Change](#).

Janetta says, "I spent three and half years in federal prison on a drug charge. I was put in blatantly dangerous housing situations where officials knew I would be taken advantage of. When I went to tell the prison staff that the guy I was in the cell with had several times fondled my breast when I tried to sleep, I was told that if I reported the assault the only place he could house me was in the SHU. I knew that being housed in the SHU would prevent me from participating in the drug program that was allowing me to qualify for early release and I would not be able to attend school programs that I was involved in. I chose to keep quiet about what was happening to me so that I could be part of the program and be released from prison 18 months early. No one should have to make the choice between enduring a longer prison sentence or being sexually assaulted. It was a hard decision to make but I learned to shut my mouth and do the best I could just to stay strong."

The conditions Janetta describes are not unique, and they're not just harmful for LGBT and HIV positive prisoners while incarcerated, but they also make them more vulnerable upon release. The 2009 report from the National Prison Rape Elimination Commission found that readjustment after release is particularly hard for former inmates who had experienced sexual assault while incarcerated. This group of inmates is more likely to suffer unmet

medical needs, mental health consequences from discrimination and violence, and fewer benefits from educational and other programs offered inside prisons.

That's why it's so important for the Bureau of Prisons to develop release plans that address the housing, healthcare, and social services that LGBT people and people living with HIV/AIDS so desperately need, and why we need Community Corrections Centers to integrate LGBT and HIV issues into their training and programs.

The need for change in our corrections system is urgent, and we call upon this Task Force to issue recommendations that take into account the vulnerability and sorely needed reform that will impact LGBT people and people living with HIV in our prisons.

Thank you.