

ARC QUARTERLY

EDITION 1

ARC GENDER JUSTICE.ORG

JULY 2023



Art by Bishakh Som

INAUGURAL EDITION

Welcome to the first issue of the Alyssa Rodriguez Center for Gender Justice Newsletter! Alyssa was a Puerto Rican trans woman from the Bronx who fought for the safety and freedom of incarcerated LGBTQ+ people and survivors of gender-based violence. In her honor, we hope our community will use this space to share advocacy and safety tips, visions for the world we want to build, and updates on work for gender justice.

Many thanks to our team of volunteers and contributors for creating the newsletter; A.B.O. Comix for advice and printing; Hearts on a Wire, Let's Get Free, and Florida Prisoner Solidarity for spreading the word; and Mary's Pence, Emergent Fund, Borealis Philanthropy's Fund for Trans Generations, Trans Justice Funding Project, and Peace Development Fund for their support.

Bilten sa a disponib an kreyòl!
¡Este boletín está disponible en español!

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.



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Art by Art Twink





Gender Justice News Briefing

by Lewis Raven Wallace

#StopCopCity

The Stop Cop City campaign in Atlanta faces a major setback. Atlanta residents have been fighting for months to save a forest from being turned into a police training center. The Atlanta Police Foundation has been pushing for the \$90 million center even as protesters occupy the Weelaunee Forest to defend some of Atlanta's only green space from being bulldozed. In January the cops shot and killed Tortuguita, a queer, nonbinary, indigenous activist who was defending the forest.

On June 5, Atlanta City Council members voted 11-4 to approve \$31 million in public funds to support the Cop City project in spite of local and national protests and massive community opposition. We will continue following this important story, as many believe the Atlanta Police are trying to make an example of their city by teaming up with the city's leading gentrifiers, media outlets and politicians to consolidate cop and capitalist power.

Anti-Trans Laws

In 2023 alone, 72 anti-trans state bills have been passed and signed into law, and more than 550 have been proposed. That's up from 26 bills that passed in 2022. These include so-called "bathroom bills" which require people in public institutions to use the bathroom associated with their assigned sex; bills prohibiting public institutions from creating policies to respect people's

preferred pronouns or names; bills banning trans women from playing women's sports; and bills banning gender-affirming health care for young people and criminalizing parents and health care providers who support them. The Right Wing extremists behind these laws are also pushing for bans on drag performances and the regulation of queer, trans, and gay content in schools and public libraries.

Perhaps the most notorious series of attacks on trans people is taking place in Florida under Governor Ron DeSantis. On May 17, 2023, Alejandra Caraballo, a trans attorney from Florida and clinical instructor at Harvard Law School's CyberLaw Clinic, posted: "Today, Ron DeSantis is set to sign the expansion of Don't Say Gay, drag/pride ban, criminal trans bathroom ban, and a criminal ban on gender affirming care, including for most ADULT care. It's a day of hate against LGBTQ people in Florida."

Legal and protest action is being taken all over the country to resist these attacks. In April, "hundreds of drag queens" marched on the Florida capital in protest, according to The Hill. On June 6, a federal judge partly blocked Florida's ban on gender-affirming care, declaring it likely unconstitutional, and a federal judge also blocked Tennessee's ban on drag performance. However, on July 8, a federal appeals court allowed Tennessee's ban on trans health-care for young people to go into effect.



Pride is a Protest

LGBTQ+ people around the country are responding to these attacks with protests and celebrations. Pride celebrations started as both resistance and protests and that tradition continues. In 2022, Johnson City, Tennessee held its first annual pride celebration in the face of Right Wing attacks, and Lander, Wyoming launched its first pride centering the stories of Two Spirit Indigenous queer people. This May, trans youth activists convened in Washington, D.C. to hold the first ever youth-run Trans Prom. Hundreds of trans and nonbinary young people showed up dressed to the nines.

If there are specific laws, cases, or protests you would like us to update you on next time, please write and let us know!

Health & Safety Tips

by Rayne Vylette

Find community

Find community inside if possible. Us girls have to stick together and look out for one another when possible.

Also look for outside community. This can include contacting organizations like Black & Pink, LAGAI, TGIJP, and the Prisoner Correspondence Project and 1) subscribing to their newsletter, 2) requesting a resource guide. These newsletters can make a person feel less alone and give them an outlet for self-expression. I particularly enjoy the letters, poetry, and articles.



Trust your instinct about who has motives that may be unsafe for you. Don't assume any area, including the restroom, is safe if off camera.

Find resources

Request resources from organizations as directed above and also from free book programs like Lucy Parsons Prison Book Program, Prison Activist Resource Center (PARC), and LGBT Books to Prisoners. These resources are empowering and include educational material, community materials, and things like free books, including LGBTQ+ friendly books.

Educate yourself about policy in and out of prison

Every state is different, but the best way to find out what policy works for you and against you is to research it in your prison law library. For example, Florida has policy number 403.012 regarding Gender Dysphoria, Inmates, and their Treatment. Be sure to read your state's PREA policy, look for loopholes. It's worth looking at your state's search policy, too.

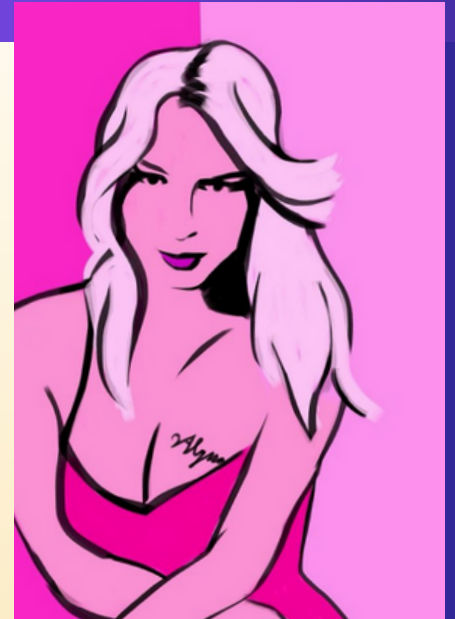
Stay safe

Be mindful of 1) who you are alone with, and 2) areas not on camera. Trust your instinct about who has motives that may be unsafe for you. Don't assume any area, including the restroom, is safe if off camera. Be reasonably suspicious of unsolicited "gifts."

Find mental health + support

If you can safely, write mental health to meet with a counselor. If you have symptoms of gender dysphoria and wish to pursue treatment, discuss it and request evaluation. In FL, regular counseling results in psych classification 2. If your institution only houses inmates with specific psych classifications, this may result in transfer. Treatment for gender dysphoria may lead to transfer to Wakulla or Dade, I believe.

Check to see if a support group is available. Mine, at Sumter, met every Monday at 2 PM.



Art by Paco May,
Radical Hearts Collective

RESOURCES

Black & Pink

6223 Maple St #4600
Omaha, NE 68104

LAGAI

3543 18th St. #26
San Francisco, CA 94110

TGIJP

370 Turk St #370
San Francisco, CA 94102

Prisoner Correspondence Project

QPIRG Concordia
c/o Concordia University
1455 de Maisonneuve Ouest
Montreal QC H3G 1M8
Canada





Art by Amir Khadar with TGI Justice Project and Forward Together. You can download this poster at www.tdor.co

What You Need to Know Before Contacting A Conviction Integrity Unit (CIU)

by Miley S. Fletcher

Over the past several years, more and more prosecutors have created Conviction Integrity Units (CIUs), or Conviction Review Units (CRUs), in their offices. While still primarily used in offices serving bigger cities, such as Philadelphia, Chicago or Detroit, many offices in smaller jurisdictions are also developing processes to review wrongful conviction claims. Working with a CIU or CRU can have tremendous benefits for convicted individuals, but working with a unit carries very real risk, especially for someone working without an attorney.

In the best case, the CIU could agree the applicant's wrongful conviction claim merits relief and support vacating the conviction rather than fighting against the petition in court.

But the CIU could also uncover information that opens the applicant or their friends and family members up to prosecution for new crimes or even jeopardizes the applicants' options for parole and probation. For these reasons, incarcerated individuals applying to CIUs must understand the benefits and risks of working with a CIU before applying to one.

What CIUs Do

The work CIUs do goes beyond investigating individual claims of wrongful conviction. Most CIUs are involved in creating policies for their offices and conducting trainings on the factors that lead to wrongful convictions, such as faulty forensics, false confessions, or eye witnesses led through a flawed identification procedure to make incorrect identification.

But at the center of the unit's operations is investigating wrongful convictions. The types of cases the CIUs investigate can vary from office to office. Some will only investigate cases where the applicant claims they had no involvement in the underlying crime (usually referred to as "actual" or "factual" innocence). Most will also investigate cases where the applicant claims their conviction "lacks integrity due to procedural or constitutional violation." These units usually have at least one staff attorney and often an investigator. During its investigation phase, a CIU often will

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Photo: Katie Crommett

CIUs Generally

A CIU is a special unit within a state or county prosecutor's office dedicated to reviewing claims of wrongful convictions from people convicted by that office. No state or county requires that a prosecutor's office have a CIU. It is entirely

within the elected head prosecutor's discretion to decide whether to have a unit or not and how that unit will run. There is no right to have a case reviewed by the unit, and any decision the DA's office makes about an application can't be appealed.

What You Need to Know Before Contacting A Conviction Integrity Unit (CIU)

(continued)

conduct a full reinvestigation of a case. That could mean interviewing witnesses, finding witnesses who never testified at trial, conducting forensic or scientific testing of relevant evidence, and reviewing police or other governmental files and sharing these files with an applicant's attorney.

Because these investigations occur outside the regular proceedings of the judicial system, prosecutors aren't focused on statutory or procedural issues. Rather, the purpose of the investigation is to

determine whether the person convicted is the person who committed the crime. If evidence developed or uncovered during the investigation proves the applicant's innocence – or even if the evidence undermines the conviction to the point that the prosecutors no longer have faith in it – the CIU can support the applicant's request for post-conviction relief. Even if the evidence doesn't prove the applicant's innocence, CIUs can still work with an applicant's counsel to negotiate a lower sentence or even reduced charges.

The goal of a well-functioning CIU is to review cases as objectively as possible, without considering what legal arguments may have been made and rejected before.

Where a D.A.'s office may have taken a position that a given conviction should stand, a CIU looks at the case in a different light by focusing on the facts, not the law or procedural defenses. Often – 61 times in 2020 alone – these CIUs support a petition for vacatur (reversing a conviction in court).

What Unrepresented People Need to Know

Most people writing to CIUs are not represented by counsel. While some CIUs will not work with people who do not have an attorney representing them, many will. Indeed, for some units, pro se applications for assistance make up well over 70% of the cases under review. But while working with a CIU can provide hope, there are risks.

People reaching out to a CIU need to know how that unit operates. First and foremost, the people who work in a CIU are not defense lawyers. They do not, and never will, represent someone who has written to them. They are prosecutors who investigate wrongful convictions claims, and they do not provide legal advice to people who have written to them.



Exoneration hearing

Nothing you say in person or in writing to a CIU lawyer is confidential. There is no protection for any of your communications with a CIU. Because the CIU are prosecutors, everything you say to them in writing or an interview can be used against you. It can [be used] against you for the case being reviewed or even for other criminal activity for which you were never prosecuted.

In addition, in many states, anything that is in a prosecutor's file is subject to right to know or freedom of information laws. That means what you provide to a CIU can end up in the hands of a reporter.

Once you provide information to a CIU, you can't take it back. As mentioned above, the CIU will conduct an investigation if they choose to review your case. An investigation means they will contact every person in the case including your family members and loved ones.



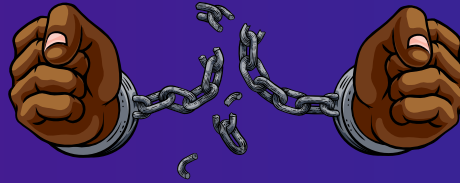
The CIU Will Want to Talk with Your Lawyers

To conduct a thorough investigation, the CIU may want to talk to the attorneys who represented you at trial, on appeal, or in a post-conviction proceeding. The CIU may also want to review your past attorneys' files and the files of any attorney or innocence organization currently representing you or with whom you're working.

Your attorneys are required by law to keep confidential any information they learned about your case from representing you, including the contents of their files. They cannot share their knowledge of your case or their files with the CIU without your permission. You can choose to allow your attorneys to share this information if you want to.

If a CIU requires you to waive attorney-client privilege to have your case reviewed, you should be very cautious. It means any communication between you and your attorneys—letters, conversations, messages, and so on—can be revealed to the CIU. You may not know all the information your former or present attorneys have in their files. They may have information linking you or people you know to a crime.

You may need to decide if you will permit your attorneys to share what they know about the case, their communications to you and from you, and their case files with the CIU. In making that decision, you may want to consult with a lawyer who is not part of the CIU.



While the CIU may begin reviewing your application even if you decide not to share confidential information or files with the CIU, at some point they may need to speak with your lawyers. The CIU may advise you that their investigation cannot be completed and a decision cannot be made on your claim without speaking with your past attorneys and/or reviewing their case files. At that point, you will need to decide if you are willing to waive your rights and give your past lawyers permission to share their information, case files, and communications with you to the CIU.

Many times when convicted individuals write to a prosecutor's CIU they send long letters talking about their prosecutions, conviction, and appeal. But these narratives often have legally privileged information about the legal strategy, things that your lawyer said, and even why you decided not to testify at trial. These are all topics that are privileged and don't have to be disclosed.

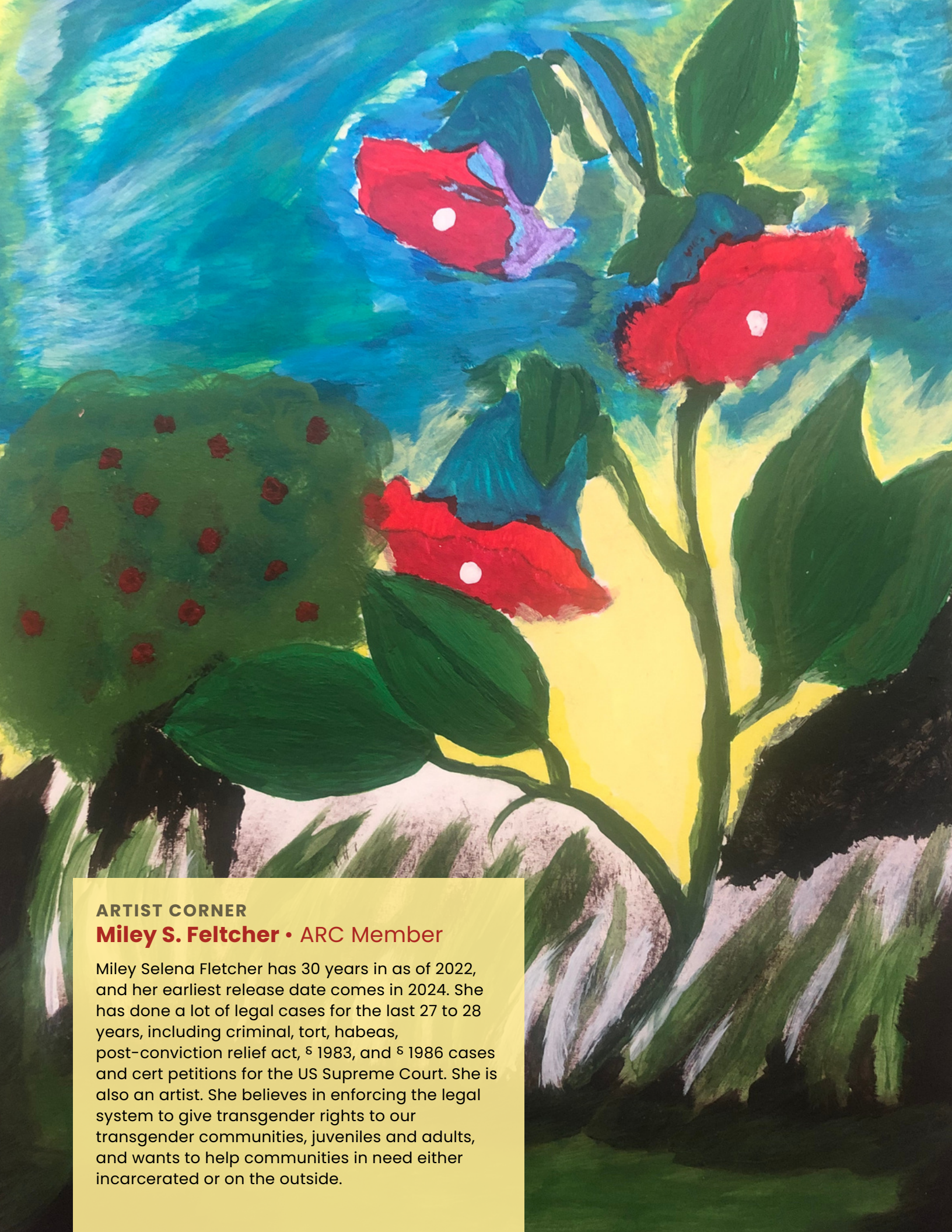
If you reach out to a CIU or are completing paperwork for them, make sure to keep communication focused solely on the FACTS of the case or

what happened. Talking about anything related to conversations you had with your attorney or decisions you made after consulting with them could inadvertently waive those privileges going forward, even without you realizing you've done it.

Conclusion

The increase of CIU units nationwide has given wrongly convicted individuals another potential avenue to win their freedom. But CIUs vary greatly in the cases they accept and in the way they operate. CIUs review cases from a more objective viewpoint than the appellate unit of DA's offices, but CIU attorneys are still prosecutors and working with them still carries great risks for incarcerated people, especially those without lawyers. Before reaching out to a CIU for help, incarcerated people need to understand how the CIU in their jurisdiction is run, and how working with them could potentially help or hurt your case. Good luck!





ARTIST CORNER

Miley S. Feltcher • ARC Member

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 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.



Resource spotlight: Fight 4 Justice

Dee Deidre Farmer is a legal expert and consultant. She founded Fight4Justice after her release from federal prison.

Ms. Farmer brought the landmark case *Farmer v. Brennan* and fought it single-handedly up to the United States Supreme Court. In it, the Supreme Court established that prisoners have a right to be protected from harm and that prison officials are responsible for their safety. For almost 20 years following her Supreme Court victory, Ms. Farmer worked tirelessly as a jailhouse lawyer, peer educator, and prisoner advocate.

Today, at Fight4Justice, she helps LGBTQ people still inside advocate for safer housing placements. She also helps people apply for compassionate release. And at the same time, she continues her role as an educator, teaching psychologists, law students, judges, and public defenders why and how to support people in prison.

At a joint event with Fight4Justice, ARC Gender Justice and Freedom Overground, Ms. Farmer offered this advice, "Know the rights that you have, and be willing to exercise those rights and demand that those rights be respected. And once you are able to exercise those rights, then you take care of yourself, do your programs, prepare yourself for your life outside."



Know the rights that you have, and be willing to exercise those rights and demand that those rights be respected.

-Dee Farmer

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ARC Newsletter Submission Guidelines ✨

What to submit:

- Visual art, 8½ x 11 or smaller
- Essays, articles, personal narrative, short stories, and poetry under 2500 words
- Topics:
 - Advocacy tips & legal skills
 - Strategies for ending gender-based violence
 - Strategies for accessing trans healthcare and reproductive healthcare
 - Updates on conditions in facilities and work folks are doing to make change
 - News on law and policy related to gender justice
- Geographic focus: Global, national, Florida, Georgia, New York, or Pennsylvania
- Language: English, Spanish, or Haitian Creole

What not to submit:

- Sexually explicit material
- Anything that encourages riot or violation of institutional rules
- Personal information of an inmate or staff member
- Plagiarism
- Anything racist, sexist, ableist, anti-trans, anti-LGBQ, classist, Christian supremacist, threatening, or hateful
- Personal letters or shout-outs to friends or family
- Anything that you think would put you at risk if people saw it

How to submit:

- By mailing us your work at the address below, you give us permission to publish it in our newsletter and on the internet. We may edit for length or clarity.
- If your work was published before, please let us know when and where, so we can ask for permission to reprint it
- We will do our best to return originals of visual artwork on request. We CANNOT return original writing.

MAIL TO:

ARC Gender Justice
Attn. Newsletter
P.O. Box 180198
Brooklyn, NY 11218



Artwork by Haadia Khan for Disabled And Here

Call for submissions: Healthcare



Right now, a lot of people are going without healthcare they need. What tips do you have for advocating for hormones, trans surgery, abortion, prenatal care, STI treatment, or ob-gyn care? When you haven't been able to get the care you needed, what have you done to cope with dysphoria, protect your health, or take control of your fertility or pregnancy?

