

## Language Disclaimer


Please note the use of dehumanizing terms and language in the cited resources or websites referenced in this resource from the Georgia Department of Corrections and the 2009 advocacy guide of Southern Center for Human Rights that refers to incarcerated individuals as ~~prisoners~~ and ~~inmates~~. These are terms that we advocate against as they are not appropriate because they strip the humanity and dignity from individuals impacted by the criminal legal system, including those incarcerated in jails and prisons. Therefore, going forward as well as in your advocacy of your loved ones and others impacted by the system, use PERSON centered language such as a person who is incarcerated (or incarcerated person). Why? **Because incarcerated people are PEOPLE first and should be referred to and treated as such.** We believe that when humanizing language is embraced, that policies and the treatment of incarcerated people will also change to policies and treatment that centers individuals as PEOPLE and HUMAN first! ~ [NewLife-Second Chance Outreach, Inc.](#)


### Language: Out with the old, in with the new


- Today, there are approximately two million people incarcerated in the United States' jail and prison system. People with criminal justice histories are referred to in an array of dehumanizing labels, such as "inmates," "criminals," "prisoners," "convicts," "delinquents," "felons," and "offenders." Even after people have served their time, once they have returned to the community, these labels follow that not only cause stigmas but impact laws and policies that affect them based on social stigmas. Terms like "inmate or ex-inmate," "prisoner or ex-prisoner," "convict or ex-convict," "felon or ex-felon," and "offender or ex-offender" are used to categorize and stigmatize people affected by the criminal justice system based on their past actions or what they have been accused or convicted of but may not even have been guilty of.
- Dehumanizing labels stereotype and marginalize people based on a time or circumstance in their life rather than support them as the people they currently are as they attempt to rebuild their lives. Individuals with justice system involvement are not defined by their conviction history. The words we use to reference people should reflect their full identities, abilities and acknowledge their potential and capacity to change and grow.
- Be mindful of how you speak about people impacted by the criminal legal system, social systems, the people we serve and whom you will interact with and our staff and board members (in which a few are justice-involved). We encourage you to use humanizing language going forth as your example will inspire others to see justice-involved people as PEOPLE, not just their criminal record.


### Words to Avoid

#### INSTEAD OF THIS

Inmate, prisoner, convict, felon, offender, detainee or juvenile delinquent, probationer or parolee 

Sex offender, predator, molester, pedophile 

Mentally ill, crazy, ret\*\*\*ed, homeless, addict, crackhead 

Diabetic, handicapped, HIV/AIDS infected 

#### USE THIS

• PERSON who is incarcerated (or incarcerated person), person with a felony, person who is justice-impacted (or justice-involved) or justice-involved (or justice-impacted) person, justice-impacted (or justice-involved) youth, person on parole (or probation).

• Person with a sex offense, person on the registry, person forced to register (PFR), registrant

• Person with a mental illness, person with a developmental (or intellectual) disability, person who is unsheltered (or person who is housing insecure), person with a substance use history (or chemical dependency), person with a substance use disorder, person in recovery

• Person with diabetes, person with a disability, person living with HIV (or AIDS)

## **ADVOCATING FOR AN INCARCERATED LOVED ONE'S HEALTH & SAFETY**

When families actively engage with prison administration to address safety concerns, it holds the system accountable. This advocacy ensures that correctional facilities maintain standards of care and treatment for all those in their care. Whether you are advocating for a loved one's their medical and healthcare, their need to be placed in protective custody (solitary confinement) or their reports of rape and abuse, below are key steps to take when advocating for an incarcerated loved one (please also read Southern Center for Human Rights' 2009 Advocacy Handbook for a list of all facilities, tips and more [here](#)):

1. Stay informed about where your loved one is currently in their progress from transfer to diagnostics to their assigned facility. (see map below)
2. Know the rules, regulations, [policies and procedures](#) of the facility where your loved one is located. Know the State of GA's rules and regulations on Medical Care: [rules.sos.ga.gov/gac/125-4-4](http://rules.sos.ga.gov/gac/125-4-4), including [injuries and deaths](#).
3. Familiarize yourself with incarcerated people's rights and health services they are entitled to at [gdc.georgia.gov/organization/about-gdc/divisions-and-org-chart/health-services](http://gdc.georgia.gov/organization/about-gdc/divisions-and-org-chart/health-services)
4. Know the GDC Abbreviations and Terminology: [gdc.georgia.gov/organization/about-gdc/gdc-abbreviations-and-terminology](http://gdc.georgia.gov/organization/about-gdc/gdc-abbreviations-and-terminology)
5. Maintain regular communication with your loved one by writing letters, calling them and visiting them as much as you can to stay updated on their well-being, any concerns they might have and their routines. TIP: having a routine set date and time to visit and/or call makes it easier to recognize when something is wrong due to their routine being broken.
6. Monitor medical needs by ensuring your loved one is receiving necessary medical treatment and follow up on any concerns regarding their health.
7. Actively listen to them when they speak of violence, riots, abuse, neglect, rape, mistreatment, inadequate medical care, or unsafe conditions mentioned by your loved one. TIP: also stay updated on media and print news regarding these issues.
8. Document the details of any signs of abuse or details of reports of violence, abuse or mistreatment. Documentation and what you are reporting should include dates, details of incidents, names of involved parties, and actions you have made (or those taken by, or have not been taken by, the facility administration and staff).

9. Report the incidents using the documentation you have to the facility's administration, such as the Warden or Sheriff, or the appropriate oversight body, including the medical staff. You can call them or send your complaint via certified mail, return receipt requested. Email is also good, but the key is to get your concerns on the record. TIP: if you call and speak to someone, ALWAYS be persistent and follow up to ensure that your concerns are addressed and investigated thoroughly but remain professional AND follow it up with an email (that can be used as documentation) to thank them for speaking with you or to confirm what they said they would do.
- Example: Thank you Warden Johnson for speaking with me today regarding my son, James James, and my concerns that he is being targeted and mistreated by your corrections staff. Based on our conversation, you assured me that you would speak with James as well as your staff to get an understanding of the problem and to reach a resolution and will follow up with me on Friday, the 13th. Thank you for following up on my concerns and I look forward to receiving a call or email from you on the 13th regarding the matter and how it will be resolved to ensure my son's safety.
  - You can also report criminal activity of that your loved one is a target of such as rape, sexual harassment as well as staff corruption at [gdc.georgia.gov/contact-us/report-criminal-activity](http://gdc.georgia.gov/contact-us/report-criminal-activity)

10. Always keep a copy of the documentation for yourself but also send a copy to your loved one's attorney or advocacy group advocating on their behalf.

11. File formal complaints if your concerns are not addressed by those you reported it to by using the facility's grievance process.

12. Seek outside support if you believe your loved one's rights are being violated or their safety is seriously compromised. In this event, consider seeking advocacy groups or legal counsel. There are several advocacy groups and attorneys throughout Georgia that specialize in the rights of incarcerated people and correctional law.

- Advocacy organizations offer support and advocacy for incarcerated people and their families by providing valuable resources, advice, and assistance in navigating the complexities of the correctional system. Engaging with these organizations can also connect you with a community of individuals facing similar challenges, offering mutual support and shared experiences.
- Open record reports can be requested [here](#).

13. If you are requesting to have your loved one moved to a facility closer to you, you should have your loved one make the request to his / her counselor in the prison. If you are trying to have them moved farther away, you should contact the [Office of Ombudsman and Incarcerated Individual Affairs Office](#).

### **QUESTIONS ABOUT YOUR LOVED ONES**

The Office of the Ombudsman acts as a bridge between concerned civilians and the Department of Corrections by gathering information that potentially uncovers and reduces problems within the corrections system thus ensuring the rights and safety of offenders are protected. Below are just a few questions/answers but you can see all of the most frequently asked questions of the ombudsman at [gdc.georgia.gov/friends-and-family/questions-about-your-loved-ones](http://gdc.georgia.gov/friends-and-family/questions-about-your-loved-ones)

Who do I contact if my loved one is being assaulted? The individual should immediately report any assaults (sexual/physical) to the counselor, Deputy Warden, and/or Warden and allow them to take appropriate action. However, family members may contact one of the above staff and or Ombudsman at [Ombudsman@gdc.ga.gov](mailto:Ombudsman@gdc.ga.gov) or (478) 992-5358

What if my loved one has complained and reported issues but they aren't being addressed? Encourage your loved one to attempt to handle it at the facility level first by filing a grievance and/or attempt to contact the following staff in this order:

- Your loved one's Counselor
- Chief Counselor
- Deputy Warden of Care & Treatment
- Warden, and then
- Ombudsman staff

Incarcerated people may write to the Ombudsman staff. They prefer that the incarcerated person do the grievance process first; however, they do understand that there are some issues that require immediate attention.

How can I get my loved one moved to a prison closer to home? Our policy states that a routine transfer shall not be considered until an individual has been assigned to an institution for twelve (12) months with no Disciplinary Reports during the preceding six (6) months. Once the individual is eligible for a transfer he/she must speak with his/her counselor regarding his/her desire to transfer. Please be mindful that an individual may be eligible to submit a transfer request; however, this does not guarantee transfer approval.

Who do I speak to about the early release of my loved one or their TPM has changed a couple of times? These are all parole-related concerns and GDC, the Ombudsman unit more specifically, has no jurisdiction over these matters. You

may contact Pardons and Paroles at [GaParoleBoard@pap.ga.gov](mailto:GaParoleBoard@pap.ga.gov) or 404) 656-5651

My loved one's time was not computed correctly or they didn't receive time served in jail. What should I do? The individual may speak to his/her counselor regarding the computations error. If the matter is still unresolved the individual may file a grievance. \*Please note that this issue may require you to contact the clerk of court in the county of conviction as well.

Who do I contact if my loved one is not receiving the proper medical treatment? While you may contact the following people on your loved one's behalf; they ask that you encourage your loved one to utilize the grievance process form first.

Please attempt to contact the following staff in this order:

- Incarcerated person's Counselor
- Chief Counselor
- Deputy Warden of Care & Treatment
- Warden
- Regional Director, and then
- Ombudsman staff

→ View incarcerated people's constitutional rights and the health division's fact sheet of mental health services given (or are supposed to be given) to those incarcerated in the GDC:

[gdc.georgia.gov/organization/about-gdc/divisions-and-org-chart/health-services](http://gdc.georgia.gov/organization/about-gdc/divisions-and-org-chart/health-services)

I have contacted the Ombudsman but they are telling me the same thing as the warden. Isn't the Ombudsman supposed to fight on behalf of incarcerated people and their families? The Ombudsman Unit was created by the Georgia Department of Corrections (GDC) to act as a bridge between the concerned citizens and GDC by gathering information that potentially uncovers and reduces problems within the corrections system thus ensuring the rights and safety of offenders are protected. It is the goal of the Ombudsman unit to be impartial, to provide an objective view, and resolve issues by utilizing fair, consistent, and respectful practices which are outlined by policies, procedures, and laws. If the facility is acting within policy the Ombudsman unit does not have the authority to direct them to do otherwise. However, if we look into a concern and it is revealed that there is room for improvement the appropriate GDC staff will be notified.

**Info for Friends & Family- [gdc.georgia.gov/friends-and-family](http://gdc.georgia.gov/friends-and-family)**

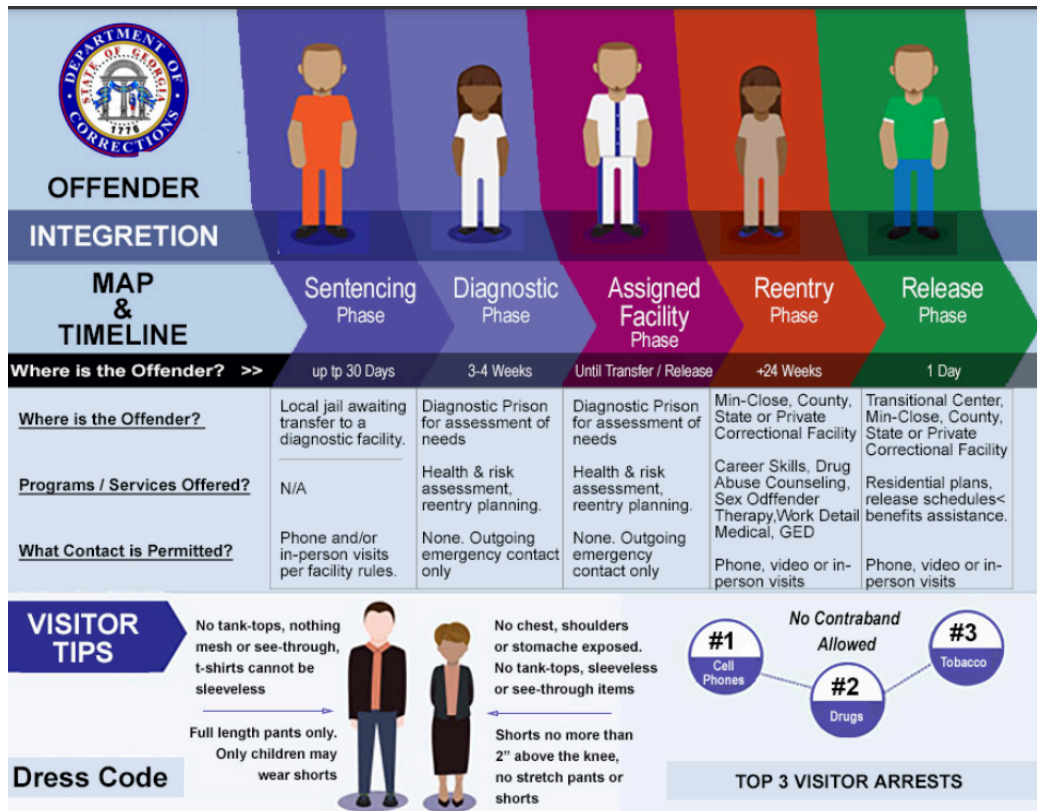
This is where you would go to find a facility, locate an incarcerated person, learn about visitation rules and to schedule visitation, how to send money and packages, see the orientation handbook and more. [Visitation FAQs](#).

Southern Center for Human Rights Georgia Prison Advocacy [handbook](#) was written for families and loved ones of those incarcerated in Georgia's prisons. It explains the hierarchy in the Department of Corrections and how to maneuver within it as well as appropriate and effective steps to take to resolve your loved one's problems.

**WHERE IS MY LOVED ONE & HOW LONG WILL THEY BE THERE?**

To find a location: [gdc.georgia.gov/locations](http://gdc.georgia.gov/locations)

**Info for Friends & Family- [gdc.georgia.gov/friends-and-family](http://gdc.georgia.gov/friends-and-family)**- This is where you would go to find a facility, locate an incarcerated person, learn about visitation rules and to schedule visitation, how to send money and packages, see the orientation handbook and more.



## ADVOCATING FOR AN INCARCERATED LOVED ONE LIVING WITH A PHYSICAL DISABILITY

Tom McElhenney is the Americans with Disabilities Act (ADA) Statewide Coordinator and as the ADA Coordinator, McElhenney is responsible for the oversight and review of Title II requirements of ADA.

- Learn the steps to file disability services complaint by visiting [dso.georgia.gov/contact-us-0/how-do-i-file-disability-services-complaint](https://dso.georgia.gov/contact-us-0/how-do-i-file-disability-services-complaint)
  - Their email: [odso@georgia.gov](mailto:odso@georgia.gov). Their phone: (404) 656-4261 or 1 (866) 424-7577 and their address: 7 Martin Luther King, Jr., Drive, SW, 4th Floor, Suite 443, Atlanta, GA 30334
- To see the GDC's policy on ADA and accommodating incarcerated people with disabilities and how to request accommodations, [click here](#).
- Related link: [Health Services](#)
- Disability resources: [dso.georgia.gov/resources/disability-resources](https://dso.georgia.gov/resources/disability-resources)

## ADVOCATING FOR AN INCARCERATED LOVED ONE LIVING WITH A MENTAL ILLNESS

(Received from [NAMI's Website Article: Mental Health Treatment While Incarcerated](#))

- About two in five people currently incarcerated have a history of mental illness
- Too often, jails and prisons serve as providers of mental health care — care that is often inadequate to meet the needs of a person with a mental illness.
- Despite constitutional rights for individuals who are incarcerated to receive medical and mental health care, nearly two-thirds of people with mental illness in jails and prisons do not receive mental health treatment ([BJS, N.D.](#))
- More than **50%** of individuals who were taking medication for mental health conditions at admission did not continue to receive their medication once in prison. ([Gonzalez & Connell, 2014](#))

See what the State of GA says the Prison's responsibility is regarding taking care of people with mental health issues: <https://rules.sos.ga.gov/gac/125-4-5>

Related link: [Health Services- Mental Health](#)

Additional Mental Health Resources

<https://dso.georgia.gov/resources/mental-health-resources>

Advocating for Incarcerated Loved Ones in Georgia  
[NewLife-Second Chance Outreach, Inc.](#)



# Mental Illness and the CRIMINAL JUSTICE SYSTEM

People with mental illness deserve help, not handcuffs. Yet people with mental illness are overrepresented in our nation's jails and prisons. We need to reduce criminal justice system involvement and increase investments in mental health care.

About **2 million times** each year, people with serious mental illness are booked into jails. 

About **2 in 5** people who are incarcerated have a **history of mental illness** (37% in state and federal prisons and 44% held in local jails).

**66%** of women in prison reported having a history of mental illness, **almost twice the percentage of men** in prison. 

Nearly **1 in 4** people shot and killed by police officers between 2015–2020 had a mental health condition. 

Suicide is the **leading cause of death** for people held in local jails. 

An estimated **4,000 people** with serious mental illness are held in solitary confinement inside U.S. prisons. 

## COMMUNITIES

**70%** of youth in the juvenile justice system have a diagnosable mental health condition.   
Youth in detention are **10x more likely** to suffer from psychosis than youth in the community.

About **50,000 veterans** are held in local jails — 55% report experiencing mental illness. 

Among incarcerated people with a mental health condition, **non-white individuals** are more likely to be held in solitary confinement, be injured and **stay longer in jail**. 

## ACCESS TO CARE

About **3 in 5 people** (63%) with a history of mental illness do not receive mental health treatment while incarcerated in state and federal prisons. 

**45%** Less than half of people with a history of mental illness **receive mental health treatment** while held in local jails. 

People who **have health care coverage** upon release from incarceration are more likely to **engage in services that reduce recidivism**. 

Data from the U.S. Department of Justice and other select sources. Find citations for this resource at [nami.org/mhstats](https://nami.org/mhstats)

 NAM Helpline 800-950-NAMI (6264)  
 NAM  
 @NAMIAdvocacy  
 @NAMICommunicate  
 [www.nami.org](https://www.nami.org)





## **RAPE & SEXUAL HARASSMENT & SEXUAL ASSAULT INSIDE OF GDC & OUTSIDE (Probation)**

The Prison Rape Elimination Act (PREA) aims to eliminate sexual abuse in correctional institutions. All GDC staff have a duty to report all rape and sexual assaults as well as consensual sexual relationships between GDC staff and incarcerated people. NOTE: Due to the imbalance of power between incarcerated people and staff in correctional settings, sexual interactions between staff (who have power) and incarcerated people (who lack power) are unprofessional, unethical and **illegal**.

To learn what prison staff's role in preventing and reporting rape, see the latest policy on prison rape and sexual assault and what incarcerated people (and people on probation) can do to report rape and sexual assault, visit [gdc.georgia.gov/organization/about-gdc/research-and-reports-0/prison-rape-elimination-act-prea](http://gdc.georgia.gov/organization/about-gdc/research-and-reports-0/prison-rape-elimination-act-prea). The full PREA Standards can be found at website of the National PREA Resource Center at [PREAResourceCenter.org](http://PREAResourceCenter.org)

### **HOW TO REPORT SEXUAL ABUSE OR HARASSMENT OF AN INCARCERATED PERSON IN THE GDC OR SOMEONE ON PROBATION.**

You (and your loved one) can make a report by following any of the steps listed below.

- [Contact Prison Rape Elimination Act \(PREA\)](#)
  - Incarcerated people can call the PREA hotline at \*7732 (\*PREA) from any pay phone. They do not have to enter their pin number.
  - People on probation who are being sexually abused or sexually harassed by their probation officer Probationers: 1-888-992-7849
  - You can use the toll-free number 1-(888) 992-7849. All toll-free calls are confidential but recorded. Messages are checked Monday through Friday between 8 a.m. – 5 p.m. by staff of the PREA Unit.
  - You can also email or send correspondence via mail using the contact information listed below.
  - You can also email them at [PREA.report@gdc.ga.gov](mailto:PREA.report@gdc.ga.gov)
  - You can write them at Statewide PREA Coordinator 300 Patrol Road Forsyth, GA 31029

- [Contact the Ombudsman & Intimate Affairs Office.](#) A prison ombudsman investigates complaints and concerns from incarcerated people and the public, and advocates for fairness and accountability in the correctional system. They are responsible for looking into allegations of policy violations, unfair practices, and other problems, monitor the correctional system, watching for issues and trends that could be improved, address concerns by listening and responding to concerns, suggesting ways to improve policies and procedures and ensure that the rights
  - You can call the Ombudsman at (478) 992-5358 or email them at [Ombudsman@gdc.ga.gov](mailto:Ombudsman@gdc.ga.gov)
  - Write them at P.O. Box 1529 Forsyth, GA 31029
  - You don't have to give your name but it is critical that you provide as many details as possible. Details include:
    - The name(s) and locations of all persons involved.
    - The Offender GDC number.
    - A brief description of the incident(s).
    - A brief description of where the event(s) occurred.
    - The date(s), time and place of occurrence(s).
    - Your contact phone number and address (optional)
- [Contact the Pardons and Parole Victims Services Office](#)
  - Call them at (404) 651-6668 (primary) or (1-800) 593-9474 or email them at [VictimServices@pap.ga.gov](mailto:VictimServices@pap.ga.gov)
  - Write them at Director of Victims Services, 2 MLK Jr. Dr., SE, Suite 458 East Tower Atlanta, GA 30334

**WHAT TO DO IF YOU'VE BEEN SEXUALLY ASSAULTED**

1. Get to a safe place
2. Even if you want to clean up immediately, it is important to save the evidence
3. Don't use the bathroom, brush your teeth, shower, or change your clothes.
4. Report it, even if you don't have any evidence.
5. Tell any staff member. You may tell in person, send a kite, or drop a note under a staff member's door. It doesn't matter – just tell someone.
6. Call the PREA hotline at \*7732 (\*PREA) from any inmate phone. You do not have to enter your pin number.
7. Seek support from friends, family, mental health, medical, or counseling staff.

*The Georgia Department of Corrections has zero tolerance for sexual assault and sexual harassment*

The Georgia Department of Corrections has a zero tolerance policy toward the sexual abuse of offenders, and is committed to the prevention, detection, and punishment of sexual abuse.

**REPORTING IS THE FIRST STEP!**

Inmates: Call \*7732 (\*PREA) from any inmate phone.

Probationers: Call 1-888-992-7849.

You may also report allegations to any staff member, or write to one of the following:

Statewide PREA Coordinator  
300 Patrol Road  
Forsyth, GA 31029

Ombudsman  
P.O. Box 1529  
Forsyth, GA 31029  
(478-992-5358)

Director of Victims Services  
2 MLK Jr. Dr., SE, Suite 458 East Tower  
Atlanta, GA 30334



Georgia Department of Corrections

**Sexual Assault  
Sexual Harrassment  
Prison Rape Elimination Act  
(PREA)**



**How to prevent it  
How to report it**

**What will happen to me if I make allegations knowing them to be false?**

Any person who files an allegation of sexual abuse knowing it to be false will be subject to serious disciplinary action. In applicable cases, the Department of Corrections will actively pursue criminal prosecution.

The Department of Corrections will seek termination and criminal prosecution of state employees, contractors, volunteers, visitors or offenders who engage in sexual abuse of offenders.

**Examples of sexual assault:**

- Rape – forcible penetration
- Someone forcing you to have sex with them or another person to repay a debt
- Someone offering you protection in exchange for sex
- A staff member offering you a privilege or a favor in exchange for sex

**What is sexual assault?**

Anytime another inmate touches the sexual parts of your body, forces you to touch the sexual parts of their body, has forcible sex with you against your will, or forces you to have sex with someone else against your will, it is against the law.

Anytime a staff member, contractor, or volunteer makes sexual advances or comments, sexually touches you, or has sex with you, it is against the law. Even if you wanted or invited it, the staff member is not allowed to respond. This does not include routine searches or specific medical procedures.

Anytime you sexually touch a staff member or force them to touch you, it is against the law.

**Inmates: Call \* 7732**

**Probationers: Call 1-888-992-7849**

*The department will not tolerate retaliation toward anyone who makes a sexual abuse allegation in good faith or who participates in an investigation and will punish anyone found to be participating in this behavior or act.*

It is not your fault if you were sexually assaulted.

**Sexual assault is not part of your sentence!**

**Avoid sexual abuse:**

Carry yourself in a confident manner

Do not accept gifts or favors from others. Most gifts come with strings attached

Be alert and avoid drugs or alcohol. These weaken your ability to make good judgments

Stay in well-lit areas

Trust your instincts

## ADVOCATING FOR LGBTQ LOVED ONES

The PREA regulations include several specific protections for LGBTQ individuals, such as consideration of a person's LGBTQ identity or status in determining risk for sexual victimization, limitations on cross-gender searches, and special considerations for housing placements of transgender and intersex individuals. While PREA is often a useful tool, it is also important to keep in mind that it is not a perfect one: some of its provisions are limited or unclear, and PREA has even been used as an excuse to justify mistreatment of LGBTQ people, such as by penalizing incarcerated LGBTQ people for consensual physical contact. For a detailed discussion of key PREA provisions related to incarcerated LGBTQ people, see the full PREA Standards can be found at website of the National PREA Resource Center at [PREAResourceCenter.org](http://PREAResourceCenter.org)

### THE KEY ISSUES FACED BY INCARCERATED PEOPLE WHO ARE LGBTQ

Violence by Staff and Other Incarcerated People-Prisons and jails have a responsibility to protect prisoners from violence at the hands of other prisoners, as well as prison staff and correctional officers. If prison officials do not uphold this duty to protect, they may have violated the Eighth Amendment of the U.S. Constitution, which prohibits cruel and unusual punishment.

- LGBTQ individuals face horrifying rates of sexual abuse and other forms of violence by staff and other incarcerated individuals. Federal data indicates that the rate of sexual assault in the past year against incarcerated LGBTQ people was about three times higher for non-heterosexual incarcerated people and about ten times higher for those that are transgender.
- Transgender women who are housed in men's prisons are at especially high risk of sexual abuse. The current standard governing prison officials' legal obligations was set forth by the U.S. Supreme Court in the case of a transgender woman who was repeatedly sexually assaulted and beaten by other incarcerated people. In that case, the Supreme Court stated that prison officials may be liable for such abuse when "the official knows of and disregards an excessive risk to inmate health or safety." The Supreme Court also said that an excessive risk of abuse can be established when an incarcerated individual belongs to "an identifiable group of prisoners who are frequently singled out for violent attack by other inmates,". Therefore, when officials know that a person is LGBTQ and therefore vulnerable, failure to take adequate steps to protect them from abuse can

violate the Constitution. Under this standard—called “deliberate indifference”—incarcerated individuals must prove not only that prison officials failed to take steps to stop or prevent abuse, but also that they knew that the abuse was likely to happen, which can be very difficult to prove.

### Housing and Solitary Confinement

Prisons and jails generally separate individuals by sex, which they decide based on an individual’s external genital characteristics or assigned sex at birth, regardless of their gender identity or presentation. However, the PREA Standards require prisons and jails to make individualized housing and program placements for all transgender and intersex including, including when assigning them to male or female facilities. The PREA Standards make clear that staff cannot make housing or program placements based solely on an individual’s LGBT status. In some cases, concerns about protecting LGBTQ people from abuse have been misused to stigmatize LGBTQ individuals and punish them for their identities, relationships, or any displays of affection. Incarcerated LGBTQ people have reported being harassed by staff or disciplined for “PREA violations” for consensual hand-holding, hugging, or kissing with another incarcerated person. While the PREA Standards specify that consensual sexual contact among incarcerated people cannot be treated as sexual abuse, they do permit facilities to prohibit such contact—prohibitions that have been disproportionately used against LGBTQ people.

Many correctional facilities house transgender people in long-term segregation, claiming they are doing so to protect them from violence. However, PREA Standards do not allow staff to place you in administrative segregation against your will unless they have found—within the first 24 hours of involuntary segregation—that there is no other way to keep you safe. The PREA Standards also state that you cannot be segregated against your will for more than 30 days, and that individuals placed in protective custody must be given access to programs, privileges, education, and work opportunities to the extent possible.

Here are a few things you can do if you do not feel safe in your housing situation:

- If you are placed in segregation and do not want to be there, file an appeal about your placement. You should also appeal anything that seems unfair about your placement, such as not being able to participate in a hearing,

not being told why you were moved to segregation, not being able to participate in programming, or not being told when you can get out.

- If your placement is based on so-called safety concerns and you would feel safer in a women's facility (as a transgender woman), request such a transfer and file appeals if you do not get one.
- As always, appeal all denials as soon as you can and within the time frames required by the grievance process.

Medical Care- Failing to provide adequate health care—including care for gender dysphoria—can constitute cruel and unusual punishment under the Eighth Amendment of the U.S. Constitution.

- Constitutional Requirements for Medical Care. [Page 6 of KNOW YOUR RIGHTS Laws, Court Decisions, and Advocacy Tips to Protect Transgender Prisoners](#)

Clothing & grooming

- See more info regarding access to clothing and grooming products consistent with one's gender identity, visit [Page 7 of KNOW YOUR RIGHTS Laws, Court Decisions, and Advocacy Tips to Protect Transgender Prisoners](#)

Searches and Showers Searches, especially strip searches, can be unpleasant, humiliating, and in some cases traumatic for LGBTQ and non-LGBTQ people alike. But these searches can be especially traumatic for transgender people, who are often searched by someone of a different gender, and are sometimes searched simply so that prison staff can see their genital characteristics, or for the purpose of humiliating or harassing them. In general, jail and prison officials have latitude to conduct personal searches to identify weapons or contraband. However, searches must be conducted for a legitimate reason—not simply to harass an LGBTQ prisoner—and strip searches should be conducted out of view of other prisoners except in extremely urgent situations.

- While some courts have held that strip searches must be conducted by officers of the same gender absent an emergency, courts have not said how this rule applies to transgender people. However, PREA regulations set out a number of requirements regarding searches of transgender people, including prohibiting searching them solely for the purpose of observing or documenting their genital characteristics and requiring searches to be conducted in the least intrusive manner possible.

- PREA guidance from the U.S. Department of Justice also outlines other policies agencies should follow when searching transgender prisoners, which can include providing transgender prisoners with an opportunity to indicate whether they would be safer being searched by male or female.
- PREA Standards also require facilities to take other measures to protect transgender people's privacy, such as allowing them to shower separately from others if they choose.

## Privacy

- For many LGBTQ people, privacy around sensitive information—like information about their LGBTQ status or medical information, their HIV status or past treatments for gender dysphoria—can be critical to protect their safety. But too often, staff disclose this information— whether through carelessness or for the purpose of gossip or harassing them. Disclosure of this highly personal information to people who do not need to know it may violate the individual's' constitutional rights. Privacy related to personal information is protected by the Constitution, even in prison, meaning that unless an individual has disclosed this information themselves, staff may not disclose it to other incarcerated people, staff or other third parties without a legitimate reason.

## Equal Treatment in Visitation, Conduct, and Other Opportunities

- Courts have held that facilities may not exclude LGBTQ individuals from prison employment or programs simply because of their identity, absent some legitimate reason
- Some courts have also held that facilities may not ban visitation by same-sex partners, prohibit same-sex hugging or kissing between incarcerated individuals or prohibit them from receiving LGBTQ publications.
- The Supreme Court has ruled that incarcerated LGBTQ people have the right to marry while behind bars.

### Sources used:

- [LGBTQ people behind bars: A Guide to Understanding the Issues Facing Transgender Prisoners and Their Legal Rights](#)
- [KNOW YOUR RIGHTS Laws, Court Decisions, and Advocacy Tips to Protect Transgender Prisoners](#)
- [Advocates for Trans Equality's Police, Jails and Prisons.](#)
- [National PREA Resource Center](#)

## REQUESTING PROTECTIVE CUSTODY FOR A LOVED ONE IN A GEORGIA PRISON

According to the [State of Georgia's Rules & Regulations for the Board of Corrections](#), to request protective custody for a family member incarcerated in a Georgia prison, the incarcerated individual should submit a written request to their prison counselor or a staff member detailing the specific threats or reasons why they feel unsafe in the general population; a family member can also contact the prison warden's office to express concerns and advocate for their loved one's placement in protective custody, but ultimately the individuals must formally request it themselves.

You can read more about the State of Georgia's rules and regulations on "Administrative Segregation" AKA protective custody at <https://rules.sos.ga.gov/gac/125-3-1-.03>

Key points to remember:

- **The incarcerated individual must initiate the request in writing:** While a family member can raise concerns, the incarcerated person needs to formally request protective custody in writing.
- **Provide specific details:** The incarcerated person should clearly explain the threats they are facing, including who is threatening them and why.
- **Contact the prison:** Family members can contact the prison warden's office or their loved one's counselor to discuss their concerns and advocate for protective custody.

**Note:** Prison officials will likely investigate the claims made before placing an individual in protective custody.

Again, in the event of physical or sexual assault, the incarcerated person should immediately report any assaults (sexual/physical) to the counselor, Deputy Warden, and/or Warden and allow them to take appropriate action. However, family members may contact one of the above staff and or Ombudsman at [Ombudsman@gdc.ga.gov](mailto:Ombudsman@gdc.ga.gov) or (478) 992-5358

- To learn more on report sexual harrassment or rape, visit <https://gdc.georgia.gov/contact-us/report-criminal-activity/how-do-i-report-sexual-abuse-or-harassment-inmate#hdi-1306-step-1>



## TIPS TO REMEMBER WHEN CONTACTING PRISON STAFF REGARDING ANY CONCERNS:

- Be respectful and professional in your town
- Be specific by clearly stating the issues you are concerned about and providing detailed information when filing complaints.
- Be persistent. Continue to advocate for your loved one's well-being even if you encounter initial resistance.
- Know your limitations by understanding that you may not be able to resolve every issue, but your advocacy can still make a positive impact.

### IMPORTANT NUMBERS AND EMAILS

**Georgia Department of Corrections-** [gdc.georgia.gov](http://gdc.georgia.gov), Mailing address: 300 Patrol Road, Forsyth, GA 31029 US

Divisions and Organizational Charts

[gdc.georgia.gov/organization/about-gdc/divisions-and-org-chart](http://gdc.georgia.gov/organization/about-gdc/divisions-and-org-chart)

**Find a GDC Facility:** <https://gdc.georgia.gov/locations>. Email GDC using the contact form at [gdc.georgia.gov/contact-us](http://gdc.georgia.gov/contact-us). Please do not put any private information in this form such as social security numbers, medical information, or financial information/records. If you need to make an inquiry utilizing private information, please call 404-656-4661.

**Grievances & Family Services-** (404) 656-4661, (478) 258-7454 or [gdc.answers@gdc.ga.gov](mailto:gdc.answers@gdc.ga.gov)

→ Family Services Coordinator- Beverley Crawford [beverley.crawford@gdc.ga.gov](mailto:beverley.crawford@gdc.ga.gov),

**Health Services-** Read the Incarcerated People's Constitutional Rights and learn more about what medical, mental and dental care is offered.

→ Tyrone Oliver, Commissioner [tyrone.oliver@gdc.ga.gov](mailto:tyrone.oliver@gdc.ga.gov)

→ Alan Watson, Chief of Staff

→ Randy Sauls, Assistant Commissioner Health Services Division

**Office of Victim Services:** (404) 651-6668 (primary) or (1-800) 593-9474, email them at [VictimServices@pap.ga.gov](mailto:VictimServices@pap.ga.gov) or write them at Director of Victims Services, 2 MLK Jr. Dr., SE, Suite 458 East Tower Atlanta, GA 30334

**GDC Americans with Disabilities Act (ADA):** (478) 993-4737

**Board of Corrections:** (478) 992-5261. Learn more about the board and see upcoming meeting dates at [gdc.georgia.gov/organization/about-gdc/board-corrections](http://gdc.georgia.gov/organization/about-gdc/board-corrections)

**THANK YOU AND WE WISH YOU THE BEST IN ADVOCATING FOR THE HEALTH, SAFETY & DIGNITY OF YOUR LOVED ONE!!**

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