

QUESTIONS FROM THE COMMISSION OF THE "AT RISK:
THE GAY, LESBIAN, AND TRANSGENDER POPULATIONS" PANEL

CHAIRMAN WALTON: We're way past time, but if there's any pressing questions.

COMMISSIONER SMITH: Because I think that we have to be very mindful of our mandate, I guess I would ask if there are current standards or current publications that you could point us to that would be helpful in figuring out what kinds of standards we should be recommending, what -- if there are current communities that you think do a good job of this.

MR. DALEY: Included with the written testimony I submitted is some model policies created by the San Francisco Human Rights Commission and the National Lawyers Guild. They're a couple years old now. They can probably use some tweaking, but at least it might be a good start to kind of get an idea of what a model policy could look like.

CHAIRMAN WALTON: If you have any ideas of what that tweaking should be, we'd like to hear from you.

MR. DALEY: We'll be more than happy to submit it, I'm sure everyone on the panel and others.

Thank you.

CHAIRMAN WALTON: Great.

COMMISSIONER SMITH: Great.

COMMISSIONER STRUCKMAN-JOHNSON: The data you gave today on especially intersex clients was incredible, I think incredibly important.

Do you have tables or do you have statistics that we could have, other than your testimony?

MR. SPADE: Yes. In my written testimony, I believe I made a reference to the leading organization that's collecting statistics on this that I'm aware of is the Intersex Society of North America, which has a very comprehensive web site that details the incidence of intersex conditions, what the 20-something intersex conditions that are recorded are, and describes in greater detail the issues that come forward.

Just to give you a brief snapshot into how this comes up in our client base, the first client I ever had who was incarcerated was a person with an intersex condition, and he faced consistent rape and consistent sexual assault of varying kinds, frisking, lots of other strip searching to look at his genitals, which the corrections officers found to be very humorous, in part because he was placed in mental facilities, where he was denied the hormones that prevent him from menstruating, and so he would be strip searched so that everyone could see what was going on, in terms of the other inmates.

And I actually found him because a person who was sympathetic to him who was employed in a medical center in the corrections facility contacted me, which is very out of step from the norm. They were that worried about him and the level of assault

he was experiencing.

And what's interesting is that how he had ended up in that environment was that he had had to run away from a drug-treatment program that he had been sent to where his intersex condition had been disclosed by his therapist to the entire treatment community, and he was facing really high threats of rape and ran away from it. So he had turned himself in to be able to start his life over and had ended up, again, in a more and more dangerous facility.

So it was this notion, I think, that everyone is so unaware of intersex issues, so unaware of what intersex issues are, and the responses by the community he was in was often violent, and the people running the programs had no method of dealing with it, no knowledge about even what the condition was and didn't know what to do.

Again, these situations are far more common than people know. One statistic I've heard is that one in 2,000 babies are born with intersex conditions, so -- I'm sorry, yeah, one in 2,000. So that's a lot of people. Many --

COMMISSIONER STRUCKMAN-JOHNSON: Right. Sorry to interrupt.

Just in particular the prison sexual assault rape your clients and all, that is very relevant to have, but yes, all the education, yes, it's a new frontier.

So thank you all. It was very, very --

CHAIRMAN WALTON: Any additional information that you haven't provided that you can, we'd appreciate receiving it. Thank you very much. Very helpful.