

CRUEL AND UNUSUAL

A FILM BY JANET BAUS, DAN HUNT, and REID WILLIAMS

**64 Minutes
Video, Color, USA, 2005**



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PRESS QUOTES

“The movie unfolds in ways that inspire jaw-dropping disbelief at the petty insanities of the profiled prisons, leaving the viewer to wonder who are the criminals and who are the wardens.”
New York Blade.

“Groundbreaking! t times graceful, at times unflinching, *Cruel and Unusual* is haunting, urgent and intense.”**South by Southwest Film Festival**

“This moving and thoughtful documentary raises awareness about the abuse, isolation and poor medical care faced by transgender prisoners. We hope that the film's insight will be a springboard for new policies that adequately protect this vulnerable community.”
Elizabeth Alexander, Executive Director, ACLU National Prison Project

“*Cruel and Unusual* is a remarkable and essential work. At a time when torture has haltingly become part of the national conversation, *Cruel and Unusual* draws emotionally devastating attention to victims of violence who are persecuted for their stubborn visibility within the penal system—but remain invisible to an indifferent world outside. I can affirm that everyone needs to hear and see this film’s crucial, disturbing, and enthralling story.” **Scott Long, Director, LGBT Rights Program, Human Rights Watch**

“Masterful editing packs compelling punches of the brutal realities of life behind bars.” **Austin Chronicle**

“Eye-opening and caustic in its depiction of the blatant discrimination transgender people endure, this documentary will leave you with much to think about.”
Frameline International LGBT Film Festival

“It takes a lot of courage to stand up and be different and this documentary gives these women a voice to tell their stories.”
TheMovieChicks.com

“*Cruel and Unusual* is one of the most interesting and fascinating movies I have seen in a long time.” **EurekaPride.com**

CRUEL AND UNUSUAL SYNOPSIS

Most states separate prisoners by genitalia alone, so pre-op, transgender women are placed in men's correctional facilities, where they find themselves vulnerable and preyed upon. **CRUEL AND UNUSUAL** is a frank, often unsettling documentary, that portrays the challenges faced by these women.

Ophelia, beautiful and bold, cuts herself when left alone in solitary confinement for an entire year. Yolanda, 21, has taken hormones since age 12; after surviving a childhood of poverty and drugs, she is raped by fellow inmates. Rough and tough Linda, imprisoned for stealing pantyhose, performs her own correctional surgery when the Idaho Correctional Facilities deny her request for drug therapy. Anna loses not only four years of hormone treatment but also custody of her only son when she is sent to prison for being in the wrong place at the wrong time.

The women's stories are interwoven with commentary by lawyers and prison custodians who discuss the problems transgender inmates face; chief among them is the authorities' complete refusal to recognize Gender Identity Disorder as a legitimate medical condition. Disturbing evidence suggests that thirty percent of all transgender people have been imprisoned—three times the national average. Eye-opening and caustic in its depiction of the blatant discrimination transgender people endure, this documentary will leave you with much to think about.

BACKGROUND INFORMATION

SYNOPSIS

Women, transgender women such as Ashley, Linda, Anna, Yolanda and Ophelia, are incarcerated in men's prisons across the U.S. from Wyoming to New Jersey and Florida. Denied medical and psychological treatment, victims of rape and violence, the documentary *CRUEL AND UNUSUAL* asks if the punishment for their crime is indeed cruel and unusual?

BACKGROUND

Cruel and Unusual tells the stories of five transgender women who landed in state and federal prisons for men. These are people whose sex and gender don't match—biological men who have lived as women on the outside, but are placed in male prisons based on their genitalia. Nationwide, the Federal Bureau of Prisons and each state's Department of Corrections places prisoners in men's or women's facilities based on their sex assigned at birth or their genitals, not on their gender as many prison advocates are recommending. This situation presents a serious conundrum for both sides; a feminine person in a men's prison is at risk for excessive harassment, humiliation, and sexual violence; and prison officials are reluctant to place anyone with a penis in a women's prison.

Only three facilities in the US exist to house transgender, 'gender variant' or gay prisoners separately from the general population without placing them in solitary confinement: 2 in California and 1 in New York. Hundreds, if not thousands more are sentenced to male facilities where they are forced to live as men, among men, without the hormone treatment they have come to rely on for their 'gender dysphoria'. Some have argued successfully that these conditions add up to excessive punishment for the crime committed—a violation of the 8th amendment protection from cruel and unusual punishment. But the voices of the vast majority of transgender women in prison are not heard. Being transgender is not a condition readily understood by most, but hearing these prison stories takes us into the lives of a much marginalized and misunderstood population.

The filmmakers spent three years making contact with transgender women in prisons all over the US through a wonderful newsletter for incarcerated transgender people, the *TIP Journal*, published through the Gender Identity Center in Colorado. Once the women were interested in participating, we then had to secure permissions for interviews from the prisons which was a frustrating and interminable process. Overall, we got letters from about 100 incarcerated people, mostly transgender women, and put in permission requests to prisons in almost every state. Eventually we traveled to 6 prisons for interviews, and then included three of those people in the final documentary.

Initially we intended to include both transgender women and transgender men in the documentary, but the issues for each were so different, and the issues for transgender women were so complex that we narrowed the film to one gender, and aimed for subtlety and depth.

We followed five women: three women in prison and two women recently released. One of them, Yolanda was released in the course of filmmaking. The film took three years because of the slow process of communication with the prisoners, working with the public relations departments of US prisons, and waiting for things to happen in these women's lives. Although the film is largely interview driven as a necessity given our lack of access to the women's lives in prison, in the spirit of verite filmmaking we followed significant events in their lives.

The stories of LaJoyya Thomas incarcerated in Arkansas, Ophelia DeLonta in Virginia, Yolanda Valentin in New Jersey, Anna Connelly in Florida and Linda Thompson in Idaho reveal some of the deepest conflicts in our society—binary expectations of one’s gender that it match their biological sex; and the rehabilitation of an ever-increasing prison population.

No one knows exactly how many transgender women are in men’s prisons—in general, prisons don’t track these cases—but the lawyers and psychologists who have taken up this issue suspect the numbers are higher than one might expect. Some argue that transgender people, like other marginalized groups, are ‘over-incarcerated’, are incarcerated in proportionately higher numbers given their population.

“Transphobia, compounded with such 'old fashioned' oppressions such as racism, sexism and homophobia in housing, education and employment is largely to blame for creating poverty and forcing transgender people to resort to underground economies to survive.” --**Alexander L. Lee, esq., "Nowhere to Go But Out"**

In telling the stories of these women, Cruel and Unusual untangles the enormously complicated issues surrounding being transgender and being in prison. Can extreme marginalization contribute to bad choices and long prison sentences? If GID, or Gender Identity Dysphoria is a recognized condition in the Diagnostic and Statistical Manual IV, should prisoners get treatment for it in prison? If treatment consists of counseling, female hormones, and in some cases sexual reassignment surgery, how far should prisons go? How can prisons protect feminine persons in men’s prisons without simply placing them in solitary confinement to get them out of the general population, a clear violation of their civil rights? Should they be placed in women’s prisons?

These questions framed our research, and were formed in conversation with the women in the film and the small but committed and smart activist community that is working to define and shore up the rights of transgender people in prison. While most transgender cases are dismissed, a few have won the right to protection from violence, the right to hormone treatment, and in Canada, the right to surgery and placement in a female prison.

Imagine what might happen to a woman incarcerated in a men’s prison—then you have a good idea of what happens to these women. Harassment, humiliation, all variety of sexual violence, and rape are constant threats. As stated before, there are no statistics on transgender prisoners, but research shows that at least one in four men are raped in prison. Femininity in men’s prisons is a liability that is very difficult to negotiate. If not raped against their will, many feminine men or transgender women will become a sexual slave to another prisoner in exchange for some type of protection.

For incarcerated transgender women, being forced to live as a man, among men, may amount to cruel and unusual punishment. Our documentary explores this claim through the life stories of transgender women, the law suits brought to address these conditions, and the people who have taken up this cause.