"My rape crisis counselor was the first person to see me as a woman, apart from the people who wanted to abuse me."

— Michelle, a transgender survivor of sexual abuse behind bars

Targets for Abuse: Transgender Inmates and Prisoner Rape

While anyone can be sexually assaulted in detention, transgender inmates are exceptionally vulnerable to this form of violence. One study of California prisoners found that 59 percent of transgender women housed in men's prisons had been sexually abused while incarcerated, as compared to 4 percent of non-transgender inmates in men's prisons. Making matters worse, transgender inmates often face prejudice and discrimination in the aftermath of an assault.

The Basics about the Transgender Community

People who are transgender have a gender identity that is different from their assigned sex at birth. Everyone has a gender identity — a sense of being male or female (and for some, neither male nor female). A transgender woman is someone who was identified as male at birth but whose gender identity is female and lives, or desires to live, her life as a woman. A transgender man is someone who was identified as female at birth but whose gender identity is male and lives, or desires to live, his life as a man. Gender identity and sexual orientation are not the same thing — a transgender person may identify as lesbian, gay, bisexual, or heterosexual.

The federal government and almost every state recognize transgender people's right to change their name and to have identification documents with the gender marker that matches their gender identity. Despite that right, grave misconceptions about what it means to be transgender are common, in detention facilities and in society as a whole. Some think that transgender people's "true" sex or gender is the one they were assigned at birth. Others believe that transgender people only become "real men" or "real women" after they have had surgery, failing to recognize that each person transitions in their own way and that someone's gender identity always is that person's "true" gender.

Most transgender people face discrimination. Many are rejected by their families, denied housing, and verbally abused simply for being themselves. Transgender people also have a very hard time finding a job; employment discrimination forces many to become involved in the street economy and in survival crime. Widespread bias and ignorance among law enforcement and other officials mean that transgender people are disproportionately subjected to arrest and, in turn, imprisonment.

Transgender People in Detention

In most cases, corrections agencies make gender classifications based on genitalia and not a person's gender identity. As such, transgender women are held in men's facilities and called "he"; transgender men are held in women's facilities and called "she." Transgender inmates face unique challenges and extreme danger, fuelled by hostile and ill-informed notions among officials and prison-
ers alike. In many cases, the gender identity of transgender inmates is simply ignored and they are denied gender-appropriate clothing and hygiene products. Because transgender women are typically housed in men’s facilities, they often have to shower and change their clothes in front of male inmates and staff. Once targeted for abuse, the majority of transgender survivors are subjected to repeated sexual assaults.6

Transgender inmates are frequently unable to get the health care they need, especially care related to their gender transition, resulting in significant medical and emotional problems. Many are also cut off from the outside world, as visitation policies in prisons and jails typically do not recognize transgender inmates’ chosen families as relatives. For those who already have been rejected by their birth families, such policies can lead to an acute sense of isolation.

The health and wellbeing of transgender inmates is further affected by relentless verbal abuse by staff and other inmates. Sexual abuse thrives in prisons and jails in which staff and other inmates are sometimes the only people who will treat transgender detainees with respect, recognize their gender identity as their true gender, and care about their safety.7

Because of the unique challenges facing transgender inmates, and their extreme vulnerability to sexual violence, rape crisis service providers play a particularly important role in promoting their health. As Michelle described in the opening quote, counselors are sometimes the only people who will treat transgender detainees with respect, recognize their gender identity as their true gender, and stop you from helping the survivor. Apologize and continue to offer help.

Endnotes

1Valerie Jenness et al., Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault (Irvine: Center for Evidence-Based Corrections, University of California, 2007), 3.
3In a recent survey, the percentage of transgender people who were unemployed was double that of the national average. See Jaime M. Grant et al., Injustice at Every Turn: A Report of the National: Transgender Discrimination Survey (Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011), 55.
4Ibid., 158.
5More information about transgender people can be found in JDI’s forthcoming Advocate’s Manual (due in 2013).
6For first-person testimony from transgender survivors, visit JDI’s website: www.justdetention.org; such accounts of abuse can also be found in a joint report by JDI and the ACLU National Prison Project, Still in Danger: The Ongoing Threat of Sexual Violence against Transgender Prisoners (Los Angeles: 2005), 6.
7For more information on new protections for transgender detainees required by the Prison Rape Elimination Act, see JDI’s factsheet, The Prison Rape Elimination Act (PREA) Standards: An Overview for Community Service Providers, 2013.

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