



Two transgender women inmates in a men's jail.  
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*“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

**W**HILE 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> Widespread bias and ignorance among law enforcement and other officials mean that transgender people are disproportionately subjected to arrest and, in turn, imprisonment.<sup>4</sup>

### 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.”<sup>5</sup>

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.<sup>6</sup>

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 allow, or participate in, the degradation of inmates on the basis of their gender identity. Widespread use of epithets creates a hostile environment for transgender people and anyone who is gender non-conforming. Because of their masculine appearance, transgender men (and gender non-conforming women)

held in women's facilities are often incorrectly identified as safety threats or aggressors. When transgender inmates report sexual violence they are frequently blamed for the abuse by staff members, who may feel that transgender inmates deserve to be victimized, that they "are asking for it."

In many facilities, officials have a standing policy to house transgender inmates in solitary confinement, either as soon as they enter a facility or after they have been sexually assaulted. Sometimes officials make such housing decisions in an attempt to protect transgender people; other times the isolation itself is used as a form of abuse. Regardless of the intent, solitary confinement causes significant emotional distress. Inmates who are locked down in a tiny cell for 23 hours a day are cut off from vital services and programs. Not surprisingly, many transgender rape survivors suffer in silence, afraid that speaking out will result in isolation.

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 care about their safety.<sup>7</sup>

## Endnotes

<sup>1</sup>Valerie 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.

<sup>2</sup>Jami Kathleen Taylor, "Transgender Identities and Public Policy in the United States: The Relevance for Public Administration," *Administration & Society* vol. 39 (2007): 837-8.

<sup>3</sup>In 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.

<sup>4</sup>Ibid., 158.

<sup>5</sup>More information about transgender people can be found in JDI's forthcoming *Advocate's Manual* (due in 2013).

<sup>6</sup>For first-person testimony from transgender survivors, visit JDI's website: [www.justdetention.org](http://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.

<sup>7</sup>For 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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## Tips for Advocates

- Seek out an appropriate advocacy organization and request training for your staff. The membership list of the National Coalition of Anti-Violence Projects is a good place to start for regional resources: [www.ncavp.org/AVPs/default.aspx](http://www.ncavp.org/AVPs/default.aspx).
- Remember that transgender detainees have likely faced significant discrimination, harassment, and violence before they contact you, and that they may fear the same reaction from your agency.
- Listen carefully and use the same language as the client for pronouns, relationships, and names. The words that transgender people use to describe themselves vary, but you should use their language. If in doubt, be comfortable asking simple, clarifying questions – transgender people, as other clients, will appreciate your candor.
- Do not let a mistake in your language stop you from helping the survivor. Apologize and continue to offer help.
- Respect the privacy of transgender people. Only ask questions about his or her body and medical history if it is necessary for your crisis counseling.

**JUST DETENTION INTERNATIONAL**  
is a health and human rights organization that seeks to end sexual abuse in all forms of detention.

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