

Katelyn Stramaglia

## **Life as a Transgender Individual in a Correctional Setting**

The United States is often known as the “land of the free,” but how free is this country when comparing incarceration rates from around the world? In 2020, America holds around 2.3 million people in prisons or jails (Initiative & Wagner, 2020). Of those incarcerated, this diverse land is increasingly incarcerating LBGTQ+ individuals, specifically transgender. Since the idea of transgender individuals is still relatively a new concept in society, correctional facilities are not built to accommodate, house, and protect this population, particularly, transwomen in an all-male facility.

According to Lesbian and Gay Community Services Center, LBGTQ+ can be defined as an acronym that expresses an individual’s sexual orientation or gender identity. The acronym is simply lesbian, gay, bisexual, transgender, queer, or questioning. Transgender individuals can be considered an umbrella term, where people’s gender identity and/or gender expression is different from the society’s norm of assigned gender from your anatomy at birth.

In 2012, there were about 4,918 identified transgender prison residents between state and federal correctional facilities (Kanewske et al., n.d.). These facilities are not fully equipped to house transgender individuals, due to the lack of resources and understanding. Continually, transgender individuals are at a higher risk to physical violence and sexual assaults, such as rape, compared to the other carceral populations. Mental health is another factor that seems to be predominately affecting transgender individuals more frequently than their counterparts.

There is a lack of gender-affirming items, such as undergarments, clothing, and hygiene items. Transgender individuals can be denied certain medical treatments that are crucial to their health, such as hormone therapy medication. A research study conducted by Reisner, Bailey, and Sevelius (year) collected self-reported surveys from 6,456 respondents. The survey included questions about discrimination in jail or prison environments, health indicators, and denial of health care. This survey found that 24.5% transgender individuals in custody were denied access to health care. According to the researchers, transgender women can experience discontinuity of health care due to transferring residents to different facilities, limited number of providers who are willing to continue hormone therapy, and limited amount of prescription that would document prior hormone therapy. Gender reaffirming surgeries have been historically rejected, but recently the California Department of Corrections and Rehabilitation is required to provide gender affirming surgeries to transgender residents. However, the percent of gender affirming surgeries is very low due to the case-by-case process that is time consuming. Since the criminal justice system lacks support for transgender individuals, they are consistently predisposed to negative outcomes.

The correctional facility’s environment already puts incarcerated individuals in a vulnerable state and being transgender makes certain individuals even easier targets. Research from the University of California, Irvine found that more than 4% out of the 322 randomly sampled residents in California state prisons reported being a victim of sexual assault. Sexual assaults

among transgenders residents was 13 times more prevalent, with 59% of transgender individuals reporting these assaults. The study had two different measurements of rape, “one that relied on the inmates’ own assessment of incidents and one that relies on an operationalization of rape as oral or anal penetration by force or threat of force.” This study further revealed that 2% or 3% of the general population sample expressed at least one event of rape. Continually, 41% or 50% of the transgender sample indicated multiple occurrence of sexual assault. Based on these statistics and other supporting research, it is clear and concerning that transgender individuals, who are incarcerated, are disproportionately susceptible to violence (physical & sexual assault).

To give a better example, here is the story about Angie who is a transwomen carceral resident living in a male prison in California. Growing up she was always surrounded by gangs and when she was incarcerated, she was gang-affiliated. She only affiliated with a gang in exchange for protection, which can be common. Angie was physically assaulted by her gang members when she did not follow their orders. There were times when she was so severely beaten by her own gang members that she was hospitalized for three months. Sadly, when she recovered from her injuries, the California’s correctional facility placed her back into the same environment that got her into the hospital.

Mental health is also a huge factor when trying to understand this unique population in the correctional settings. Transgender residents have an increased risk of depression, suicidal thoughts/behaviors, low self-esteem issues, anxiety, and substance or alcohol use. Reisner, Bailey, and Sevelius conducted a survey based off of the National Transgender Discrimination Survey (NTDS). Their study had seven health-related variables that were considered in the survey, such as daily cigarette smoker, substance use, history of suicidality, self-reported HIV serostatus, sex work involvement, physical assault/attack, and (7) sexual assault/attack. Result suggested that risk ratios estimated about 1.32 to 2.87 across the various health outcomes, specifically 32% to 187% increase risk of poorer health compared to individuals who were not incarcerated. Furthermore, according to Lydon (year), “78%of transgender respondents reported experiencing emotional pain from hiding their gender identity during incarceration/throughout their interactions with the criminal justice system” (p. x).

Beyond general population prison environments, the use of segregation or isolation can be detrimental to the mental health of these individuals. A survey was conducted by Black and Pink (year), where they surveyed LBGTQ+ residents in prison facilities. Their study found that about 85% of respondents had experienced restrictive housing. Additionally, about half of these respondents expressed being in solitary confinement for 2 years or longer. Lastly, transgender individuals face discrimination and mis-gendering, such as calling them by their wrong pronouns, which can add onto their poor mental health. The chief editor of *The Rainbow Times*, Lashomb, discusses mis-gendering in his blog, titled as “Pronouns: A Big Deal.” He states that careless mis-gendering can have detrimental effects to the psyche of transgender individuals, which leads increased depression and suicidal ideation.

When President Joe Biden was vice president (2012), he announced transgender discrimination as “the civil rights issue of our time.” Now that Biden is president, he became the first president to start a conversation about transgender communities in the criminal justice system. Specifically, he is advocating for better treatment, improving/ending physical or sexual violence

that target transgender individuals, and exposing disproportionate rates of death among colored transgender individuals. The need for reforms has been greatly addressed by President Biden, which furthers the discussion of what correctional facilities need to support this population.

Staff within correctional facilities need proper training in order to handle protecting and preventing harm against transgender individuals. According to Miller, Hodges, and Wilner (year), a “system-based model for assessment and treatment planning” can benefit the correction facilities and the transgender population. This model identifies at an early stage of the booking in process to determine if someone is transgender. Additionally, special programs that are geared towards transgender individuals check up with residents, such as via a counselor and group meetings. Furthermore, carceral institutions could also allow individuals to choose which type of facility they feel most comfortable in. And, we’re already doing this...the U.S. Justice Department implemented a policy that allows transgender residents to be placed in their ideal gender facility and cannot be housed by their anatomy by itself.

Money is a huge factor when considering new special programs that target the transgender community in jail and prisons. Currently, the United States spends about \$81 billion per year on just mass incarceration (Kuhn, 2021). Who knows how much money left over is used to continue programs that are existing today in jails and prisons? Questions such as who is going to pay the new staff, is a program really going to be beneficial to LGBTQ+ residents including transgender individuals, and how will it change corrections (in a negative or positive way)? Since, this is a common issue that arises in politics in general, this might sway politicians and state government to vote against rehabilitation programs for LGBTQ+ individuals. Additionally, society’s beliefs on how to correctly produce justice is still divided between punitive punishments and retroactive/rehabilitation alternatives. These disagreements can limit the time, money, and actions necessary to really change the lives of transgender residents within the correctional system.

The LGBTQ+ community has had a hard-uphill battle with society, originally not accepting them, but as modern times progress a new battle emerges, acceptance of transgender individuals in jails and prisons. In order to create a better atmosphere for LGBTQ+ individuals who are incarcerated, we all must become educated. We need to fully understand their background, not judge them, and learn about the historical and current struggles they face. Please support politicians and reform policies to fight for the safety and protection of this population, whether that is state or federal institutions. Lastly, do not be afraid to talk about controversial topics, such as this Op-Ed. The more society knows about the physical and mental states of LGBTQ+ (including transgender individuals), the more that can be done to fix the many problems and improve the lives of some of America’s most vulnerable.

## References

*Defining LGBTQ.* (n.d.). The Lesbian, Gay, Bisexual & Transgender Community Center. Retrieved November 9, 2021, from <https://gaycenter.org/about/lgbtq/>

- Jenness, V. (2021). The Social Ecology of Sexual Victimization Against Transgender Women Who are Incarcerated: A Call for (more) Research on Modalities of Housing and Prison Violence. ms, *Criminology & Public Policy*, 20(1), 3–18.
- Kanewske, C., Hattery, A., Magnuson, S., Rudes, D., & Zaborowski, Z. (n.d.). *Experiences of Transgender and Gender Nonconforming Individuals in Jail/Prison: Navigating Tensions*. ms. 35
- Kuhn, C. (2021, April 7). *The U.S. spends billions to lock people up, but very little to help them once they're released*. PBS. Retrieved October 19, 2021, from <https://www.pbs.org/newshour/economy/the-u-s-spends-billions-to-lock-people-up-but-very-little-to-help-them-once-theyre-released>
- Miller, S. L., Hodges, R. M., & Wilner, L. L. (2020). Transgender inmates: A systems-based model for assessment and treatment planning. *Psychological Services*, 17(4), 384–392. <https://doi.org/10.1037/ser0000305>
- Reisner, S. L., Bailey, Z., & Sevelius, J. (2014). Racial/Ethnic Disparities in History of Incarceration, Experiences of Victimization, and Associated Health Indicators Among Transgender Women in the U.S. *Women & Health*, 54(8), 750–767. <https://doi.org/10.1080/03630242.2014.932891>
- Rodgers, J., Asquith, N., & Dwyer, A. (2017, February). Cisnormativity, Criminalisation, Vulnerability: Transgender People in Prisons. Australia; *The Tasmanian Institute of Law Enforcement Studies*. 13.
- Sevelius, J., & Jenness, V. (2017). Challenges and opportunities for gender-affirming healthcare for transgender women in prison. *International Journal of Prisoner Health*, 13(1), 32–40. <https://doi.org/10.1108/IJPH-08-2016-0046>
- Wagner, W. S. and P. (2020, March 24). *Mass incarceration: The whole pie 2020*. Mass Incarceration: The Whole Pie 2020 | Prison Policy Initiative. Retrieved October 19, 2021, from <https://www.prisonpolicy.org/reports/pie2020.html>
- Woods, E., & Poor, N. (Hosts). (2021, March 31). Marcel and Angie (No. 55) [Audio Podcast Episode]. *Ear Hustle*. Radiotopia. <https://www.earhustlesq.com/episodes/2021/3/31/marcel-and-angie>