

WHERE THE MARGINS MEET: A DEMOGRAPHIC ASSESSMENT OF TRANSGENDER INMATES IN MEN'S PRISONS*

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Abstract

Drawing on official data and original interview data on 315 transgender inmates in California prisons for men, this research provides the first empirical portrayal of a prison population in California that is unique by virtue of being both transgender and incarcerated. Situated at the nexus of intersecting marginalities, transgender inmates in California prisons are diverse with regard to their gender presentation, gender identity, sexual orientation, and sexual attractions. In addition, both incarcerated and non-incarcerated transgender populations fare far worse on standard demographic and health measures than their non-transgender counterparts in the U.S. population, the California population, the U.S. prison population, and the California prison population. With the possible exceptions of partnership status and educational attainment, these factors combine to reveal that transgender inmates are marginalized in heretofore undocumented ways. At a time in which evidence-based corrections is increasingly embraced by corrections officials in the U.S., this article provides the first systematic profile of transgender prisoners as a heretofore “forgotten group” of prisoners (Tewksbury & Potter, 2005).

Keywords: transgender, gender, sexuality, inmate, prison, vulnerable populations, social and economic marginalization

Introduction

A recently released report by The Pew Center on the States (2008) revealed a startling figure: “for the first time, more than one in every 100 adults is now confined in an American jail or prison” (p.3). This number has received considerable attention from the media, policymakers, academics, activists, and corrections officials alike, at least in part because it dramatically emphasizes mass incarceration in the U.S. Growing mass incarceration, in turn, raises a plethora of social, legal, and fiscal issues related to how U.S. prisons have become “warehouses” for a sizeable—and growing—portion of the American population (Tonry, 2004). In the words of Mauer and Chesney-Lind, “[U]ltimately, a society in which mass imprisonment becomes the norm is one in which questions of justice, fairness and access to resources are being altered in ways hitherto unknown” (2002, p. 2).

Mass imprisonment has been accompanied by newfound challenges confronting criminal justice officials charged with managing diverse and changing inmate populations while attending to human rights issues as well as legislative and judicial mandates. In a historical context in which prisons have become “warehouses” for criminals rather than institutions designed to rehabilitate offenders (e.g., Simon and Feeley, 1992; Irwin, 2005; Tonry, 2004), departments of corrections have increasingly had to confront the realities of incarcerating transgender inmates in men’s prisons. These realities include reconsidering intake, screening, and classification processes and other custodial challenges related to medical care, housing, physical presentation, disproportionately high rates of victimization, and litigation resulting in high institutional costs associated with transgender inmates (Blight, 2000; Jenness, Maxson, Matsuda, & Sumner, 2007; Mann, 2006; Petersen, Stephens, Dickey, & Lewis, 1996; Tarzwell, 2006; Tewksbury & Potter, 2005).

Among the millions of people currently incarcerated, transgender inmates have become increasingly visible as a(nother) “special population.” Over a decade ago the U.S. Supreme Court heard a case in which a transgender inmate, Dee Farmer, alleged “deliberate indifference” to her safety. In this case the Court affirmed that prison officials have a duty to protect inmates’ rights under the “Cruel and Unusual Punishment” clause of the Eighth Amendment of the U.S. Constitution by protecting them from violence at the hands of other prisoners (*Farmer v. Brennan* [114 S.Ct. 1970 (1994)]).¹ More recently, the issue of conditions of confinement for transgender inmates was made even more visible to the American public in *Cruel and Unusual* (2006). This award-winning documentary follows the lives and stories of a handful of transgender women in men’s prisons to reveal the complex nature of their identities as well as the unique challenges they face as prisoners. Bringing mainstream media attention to transgender inmates, more than one corrections agency in the United States has made the news when announcing new policies providing for the treatment of transgender inmates. In 2008, for example, New York corrections made national news when Governor Patterson’s office announced a new anti-discrimination policy that allows transgender youth in New York detention centers to wear whatever uniform they choose, be called by whatever name they want, and request (and be considered for) specialized housing (Associated Press, 2008). More recently, the Washington, DC Department of Corrections issued a new policy on “Gender Classification and Housing” that will allow for housing placement according to gender identity (Najafi, 2009). Furthermore, in California, State Assemblyman Tom Ammiano (D-13th District) has introduced a bill (The LGBT Prisoner Safety Act, AB 382) that, if adopted, would require the California Department of Corrections and Rehabilitation (CDCR) to “add the sexual orientation and gender identity of the inmate or ward to the list of characteristics to be

considered” when classifying inmates and wards “in order to prevent inmate and ward sexual violence and to promote inmate and ward safety.”

In a context in which the judicial decision-makers, the media, elected officials from the executive and legislative branches, and corrections officials are increasingly focused on transgender inmates, there is little empirical social science research devoted to understanding this population of inmates. As Tewksbury and Potter (2005, p. 15-2) recently concluded, “Despite the fact that transgender individuals are fairly likely to end up in prison... there is very little scholarly information available about transgender inmates.” While select works examine correctional policies that do and do not address transgender inmates (see Petersen et al., 1996; Tarzwell, 2006; Tewksbury & Potter, 2005), systematic social science work that examines the demographic patterns and lived experiences of this population is, at best, in a nascent state. In 2007, the Sylvia Rivera Law Project, a non-profit group dedicated to providing legal services to transgender, gender non-conforming, and intersexed low-income communities, recently released a report based on a systematic analysis of first-hand accounts obtained through in-person interviews with legal clients (Sylvia Rivera Law Project, 2007). Also in 2007, research on violence in California correctional facilities by Jenness et al. (2007) revealed that transgender inmates are disproportionately victims of sexual assault. Specifically, comparing the results from in-person interviews with a convenience sample of 39 transgender inmates and a random sample of 322 inmates in California prisons for adult men, Jenness and her colleagues reported that 59% of transgender inmates reported having been sexually assaulted in a California correctional facility in contrast to 4.4% of the random sample of inmates (Jenness et al., 2007). Moreover, incident-level data from this study revealed that when transgender inmates are sexually assaulted in prison by another inmate, the incident is more likely to involve the use of a

weapon, yet less likely to evoke medical attention if needed. Through these and other empirical findings, this report makes clear that the prevalence rate of sexual assault for transgender inmates is significantly higher than for their non-transgender counterparts in prison; moreover, transgender inmates experience different institutional interactions and responses than their non-transgender counterparts in prison.

These recently conducted studies are the exception, rather than the rule, when it comes to relying on systematically analyzed empirical data to delineate the demographic parameters of transgender inmates as a uniquely situated prison population. This is surprising given the wealth of information provided through decades of ethnographic research on inmate culture and lives. Although the term “transgender” is absent in most research on prison culture and inmate violence, a well-established literature on inmate culture nonetheless details the characteristics, behaviors, and status of the “punk” and the “queen”—each of whom *could*, presumably, be included in current umbrella understandings of the term “transgender.”² The queen is the inmate who displays visible feminine characteristics, always plays the submissive role to the “men,” is referred to by way of female pronouns, and is understood to have presented as feminine/female when on the streets. While not occupying the lowest position within the prison hierarchy, *she* is located not far above the truly despised punk (Sykes, 1958; Donaldson, 1993 & 2003; but see also Coggeshall, 1988).³ The punk is distinct from the queen and is seen to be of lower status within the prison hierarchy because the punk has been forcibly “turned out” or forced to play the submissive sexual role through force or threat of force. The punk is despised because *he* did not have the strength to resist the force of another. Both are situated near the bottom of the inmate social hierarchy: the queen because she represents the “female” among “men” and the punk because he has been forced into a role not (presumably) his own.

Similarly, while empirical research that examines the causes and correlates of inmate violence or other inmate issues often includes inmates with non-normative sexual identities, it does not allow for the separate and distinct consideration of transgender inmates.⁴ In prison settings, references to sexual and gender identities are frequently conflated and inconsistently used by both inmates and staff. According to Donaldson, “[t]he prisoner subculture fuses sexual and social roles and assigns all prisoners accordingly” (1993, p.7). Thus, not surprisingly, even as the more established literature on “homosexuality” in inmate culture details the characteristics and behaviors of those who may presumably be considered transgender, depending on the definition used for the term, we have yet to fully understand this population within a rubric of non-normative gender and sexual identities. Transgender inmates are a unique and empirically underexamined population whose labels and images are subject to interpretation both inside and outside of prison by inmates, researchers, lawmakers, and lay persons alike.

Drawing on official data and original interview data with transgender inmates in prisons for men, the following research provides the first systematic empirical portrayal of a population that is exceptionally vulnerable by virtue of being both transgender and incarcerated. The focus is on demographic and well-being factors that characterize this population in ways that render it distinct from other inmate populations as well as populations of people who are not incarcerated. We begin by detailing the research methodology employed and the data collected. Next, we provide an examination of the demographic characteristics of transgender inmates in California prisons for adult men. We then compare transgender inmates in California prisons for men to the non-incarcerated transgender population, the incarcerated population of both the U.S. and California specifically, and the non-incarcerated populations of the U.S. and California in order to determine whether these populations are comparable or distinct when it comes to a host of

demographic and social factors that correlate with victimization and, more generally, life chances. More specifically, we answer the following overarching, interrelated questions: are transgender inmates more marginalized than other groups in terms of their basic demographic and social profile? And, if so, how? Finally, we draw on original interview data to provide an empirical assessment of the gender and sexual identities of transgender inmates in California in order to capture their diversity along the very same dimensions that define their marginality.

Research Methodology and Data

This article draws on data collected from a larger study focused exclusively on transgender inmates in California prisons (Jenness, Sexton, & Sumner, 2009).⁵ However, as described below, this article makes use of both official and original data collected for the purposes of this larger study as well as secondary data on the United States population, the California population, the United States men's prison population, the California men's prison population, and the transgender population in the community for comparative purposes. We begin this section by defining the target population. Thereafter we describe the research sites, how we collected original interview data and official data from the CDCR, and how we amassed secondary data to be used for comparative purposes.

Defining the Target Population

Our focus on transgender inmates immediately raised a dilemma best phrased as a question: who is transgender in prison and how can we identify transgender inmates in prisons? Varying definitions in the activist and research communities, a lack of consensus with regard to what transgender means in a prison setting, and by what criteria an inmate should be classified as transgender, made this task quite challenging. To further complicate matters, the CDCR, the research site for this work, does not employ an agreed-upon definition of transgender to identify

or classify inmates. Indeed, as discussed earlier, transgender is often conflated with gay or homosexual by prison staff and inmates alike.

In light of this morass of ambiguity, in order to collect reliable and valid data in prisons for men, we operationalized transgender by utilizing four specific criteria. For the purposes of this study, a transgender inmate is an inmate in a men's prison who: (a) self-identifies as transgender (or something analogous); (b) presents as female, transgender, or feminine in prison or outside of prison; (c) receives any kind of medical treatment (physical or mental) for something related to how she presents herself or thinks about herself in terms of gender, including taking hormones to initiate and sustain the development of secondary sex characteristics to enhance femininity; or (d) participates in groups for transgender inmates. Meeting any one of these criteria would qualify an inmate for inclusion in this study.⁶

Selecting Research Sites

The State of California currently has the largest correctional population in the country (Petersilia, 2008; The Pew Center on the States, 2008). When field data collection began, approximately 160,000 adult prisoners were incarcerated in California's 33 prisons.⁷ Despite the rising rate at which females are being incarcerated in California (Petersilia, 2006), well over 90% of these inmates are housed in 30 prisons for adult men. Rather than sample transgender inmates from these institutions, we worked collaboratively with CDCR officials to identify and make face-to-face contact with all transgender inmates in California prisons for men in order to obtain data on the population. We asked for all inmates on our lists to be educated⁸ for interviews and, once face-to-face with inmates on the list, we asked them if they are transgender.⁹ Inmates who met our criteria as described above were invited to participate in the study.

Collecting Original Interview Data

The field data collection process began in late April 2008 and ended in late June 2008; in eight weeks, the interview team traveled to 27 prisons for adult men in California, met face-to-face with over 500 inmates, and completed interviews with over 300 transgender inmates.¹⁰ The interview instrument included questions about transgender inmates' daily prison life, fear of victimization in prison, perceptions of sexual and non-sexual victimization in prison, personal victimization from sexual and non-sexual assaults in California correctional facilities and in the community, opinions on safety and reporting, and demographics.¹¹ The shortest interview was less than a half an hour (19 minutes), while the longest extended just under 3 hours (2 hours and 55 minutes). The mean duration for interviews was slightly less than 1 hour (56 minutes). The total amount of live interview time approached 300 hours (294 hours and six minutes).

Predictably, there was some sifting and attendant loss of cases from the interview data as we moved from the total number of names provided on all of the lists from 27 prisons for adult men (n=705) to the number of inmates we actually saw face-to-face at a prison (n=505) to the number of inmates who met our eligibility requirements for participation (n=332) to the number of inmates who consented to an interview (n=316) and the number of inmates who completed a usable interview (n=315).¹²

There are two potential sources of bias introduced in our data collection strategy. First, there were possibly transgender inmates who were not identified by CDCR officials for inclusion in the study and thus did not appear on our original interview lists. Second, it was the case that many of the inmates who were listed were not transgender (according to our study definition). Our method corrects for error resulting from inmates being on our lists who do not qualify for participation. However, it does not address the opposite source of source of error: the omission

of inmates who qualify for participation in the study from our lists. Fortunately, we have no reason to believe this introduced systematic bias and, in fact, our experience in the field suggests that CDCR officials were—just as we had requested—over-inclusive. This process resulted in a 95% participation rate.¹³ This exceptionally high participation rate does not leave much room for consequential bias in the data born of transgender inmates declining to be interviewed. Using age, sex, race/ethnicity, occupational status, and language used in the interview as key interviewer indicators, we found no evidence to suggest that the characteristics of the interviewer had an impact on transgender inmates' willingness to participate in the study (see also, Jenness et al., 2009)

Collecting Official Data

Next, we concatenated existing official data retrieved from the CDCR's database on inmates—the Offender Based Information System—to the self-report data described above.¹⁴ To protect the identity of each inmate participating in the research, we assigned each participant in the study a unique study identification number for the purposes of this project only. This study ID was used to link the interview and official data for each inmate in the study. Official data variables include age, race/ethnicity, mental health status, verified gang membership, custody level, commitment offense, lifer status, and sex offender registration.

Secondary Data Collection

Finally, for comparative purposes, we retrieved the most comparable data possible on all relevant indicators of social status and welfare across other populations. To do so, we first chose several key demographic and social dimensions on which to compare transgender inmates to other populations, including education and employment, marital status, health, sex work, homelessness, and victimization. Next, we identified empirical research that examined these variables for each of

the following populations: the non-incarcerated transgender population, the incarcerated populations of both California and the United States (in adult men's prisons only), and the non-incarcerated California and United States populations. A total of 27 data sources were ultimately selected for inclusion in the study. These range from decennial Census reports to small-scale studies of transgender health and economic needs conducted by small non-profit organizations, with the methodological rigor and sampling quality of each study informing the ultimate decision for inclusion.

This approach has its limitations, which are largely born of those that are characteristic of secondary data collection more generally. First, the large number of distinct data sources—each with its own particular operationalization of key constructs—results in imperfect comparisons across several dimensions. This is most problematic when differences are evident in the unit of analysis or time frame, or when constructs themselves were differentially operationalized. This limitation was minimized through the selection of sources with data that best approximate measures used for the transgender inmate population in order to maximize validity of comparisons across data. Second, as studies of the non-incarcerated transgender community are few and far between, several data sources and analyses did not meet the high standards of methodological rigor evident in data for the other populations. In an effort to remedy this, wherever possible multiple measures are used from multiple studies, in order to triangulate the estimates and hopefully achieve convergence—or, at the very least, display the breadth in estimates evident in the larger literature.

Despite these limitations, as the first demographic profile of transgender inmates and the first systematic comparison of transgender inmates to other populations, the findings presented below are informative because they reveal multiple dimensions of what it means to be transgender in California

prisons for men. Moreover, by utilizing comparative data, we provide an assessment of how these dimensions differ from other U.S. populations.

Findings

To make systematic comparisons between the transgender inmate population and the entire men's prison population in California, we analyzed official data on eight demographic variables: age, race/ethnicity, offense category, custody level, type of life sentence (or not), registered sex offender (or not), verified gang affiliation (or not), and mental health status.¹⁵ Table 1 reveals that transgender inmates are distinguishable from the larger population of inmates in prisons for adult men in terms of age, with transgender inmates more represented in the middle ages (36-45);¹⁶ race/ethnicity, with transgender inmates disproportionately White and Black; commitment offense, with transgender inmates disproportionately admitted to prison for crimes against property; custody level, with transgender inmates disproportionately classified as Level 3 and Level 4 inmates; sex offender status, with transgender inmates more frequently classified as sex offenders; gang status, with transgender inmates less frequently identified as gang members; and mental health status, with transgender inmates more often classified as CCCMS¹⁷ and EOP.¹⁸ The magnitude of the difference (i.e., the effect size) for all of these dimensions is not large. Transgender inmates and the larger population of inmates in prisons for men are roughly equivalent on only one dimension reported in Table 1. Namely, 15.7% of transgender inmates are serving life sentences and 16.9% of inmates in prisons for adult men are serving life sentences. Combined, these findings suggest that the demographic composition of the transgender population is considerably different from the demographic composition of the total population of inmates in prisons for adult men.

Table 2 presents a bricolage that expands the domain of comparisons between transgender inmates in California and other populations. It does so in two ways: 1) by making comparisons across more populations, including the U.S. population, the U.S. prison population (men's prisons only), the California prison population (men's prisons only), the transgender community (non-incarcerated), and the transgender population in California prisons for men; and 2) by moving beyond age, race/ethnicity, criminal history, and offender status—standard demographic variables—to consider other variables related to health and welfare, including education and employment, marital status, health status (mental health, substance abuse, and HIV status), participation in sex work, homelessness, and experiences with victimization (sexual and non-sexual).¹⁹ These features of social life serve as a lens through which specific dimensions of the economic and social status of transgender people (in general) and transgender inmates (in particular) are rendered evident.

Education and Employment

A comparison of transgender populations in the community and in prison to their non-transgender counterparts reveals notable differences in terms of education and employment, two important measures of class status. The highest level of educational attainment for 32.5% of the transgender inmates in California prisons is a high school degree or GED, while less than 8% have a college degree. This compares favorably to the population of inmates in men's prisons in California and the population of inmates in men's prisons in the U.S.; however, it does not compare favorably to the transgender community outside of prison, the California population, or the U.S. population.

Just over 10% of Americans were unemployed or marginally employed as of August 2008 (U.S. Department of Labor, 2008). This stands in stark contrast to the figures for the U.S.

and California men's prison populations one month prior to their arrest, which hover around 30% (U.S. Department of Justice, 2004). For the transgender population in the community, unemployment estimates range from 23% to over 50% (Herbst, Jacobs, Finlayson, McKleroy, Neumann, & Crepaz, 2008 and Clements-Nolle, Marx, & Katz, 2006, respectively). By some accounts, the prevalence of unemployment for transgender people is even higher than the U.S. and California prison populations, and by all accounts it exceeds the percentage of the general population that is unemployed (Table 2). In accordance with estimates for both transgender and incarcerated populations, joblessness for transgender inmates in California prior to their incarceration is just below 30%.

Throughout the interviews with transgender inmates in California prisons for men, transgender inmates expressed awareness of their marginalized status along these lines. For example, a Level 1 African-American transgender inmate who worked as a prostitute on the streets of Los Angeles for over twenty years explained it this way: "Look at me. That's the only line of business some of us can get. They aren't going to hire us at Target. Only real girls get hired at Target." Related, some of the transgender inmates expressed that the value of securing conventional employment outside of prison is as much about securing respect as it is about the pursuit of financial self-sufficiency. As a White transgender inmate who reported considerable problems with drug addiction and mental illness surmised when asked how transgender people get respect outside of prison: "You have to show you can be productive as a transgender. You'll get a lot of respect if you can get a real job." Those who reported having a "real" job—which means conventional, legal employment—outside of prison often emphasized their atypical status. As a biracial transgender inmate distinguished herself from other transgender inmates when she wrote in a follow-up letter:

I am a caring, respectful, productive, self-supported member of society that developed an addiction to meth. I was clean for 4 years, relapsed, and ended up here. I always have a job, I graduated high school, and have parents that support me being transsexual 100%. This constellation of factors, especially employment and the presence of social support from family members, is rare among the transgender inmates in California prisons for men.

Marital Status

Predictable differences emerge when comparing marital status—as just one measure of social integration²⁰—across various populations. More than half of all U.S. adults are married and approximately one in five prison inmates in the U.S. and California is married (U.S. Census Bureau, 2000; U.S. Department of Justice, 2004, respectively). In contrast, only 8.7% of transgender community members reported being married in a survey of over 250 transgender community members in Washington, D.C. (Xavier, 2000). Over 20% of these respondents were reportedly partnered, but unmarried, perhaps due to legal limitations on same-sex marriage and the complications of legal sex change documentation. Approximately 40% of transgender inmates in California prisons reported being married or partnered, which is considerably more than transgender people in the community outside of prison (30.1%).

Health

Far more revealing than demographic comparisons, however, are the differences between the transgender population and the larger population with regard to health, most notably mental health, substance abuse, and HIV/AIDS status. Over 60% of respondents in a San Francisco survey of 362 male-to-female transgender people reported that they were currently suffering from clinical depression—a figure more than twice the rate of mental illness as a whole for the U.S. population in a given year and over twice the lifetime prevalence of a mental illness

diagnosis for male prisoners (Clements-Nolle et al., 2006). Furthermore, estimates of transgender individuals in the community who have had suicidal ideation or who have attempted suicide range from 30% to over 50% (Kenagy, 2005 and Herbst et al., 2008, respectively). Among the incarcerated transgender population in California, over 70% reported having had a mental health problem at some point in their lives, most of whom (66.9%) reported experiencing mental health problems since being incarcerated (Table 2).

Alcohol and drug abuse are similarly overrepresented among transgender populations. Over one-third of transgender people in the community suffer from drug and alcohol abuse problems (Xavier, 2000). The level of alcohol abuse among the non-incarcerated transgender population is slightly higher than among prisoners in general, though the estimate of drug abuse among transgender inmates falls short of the levels for prisoners in general. For the incarcerated transgender population, however, these numbers rise precipitously, with estimates that exceed those of the larger California men's prison population (see Table 2).

The prevalence rates for HIV are even more disparate. While an estimated .5% of the U.S. population is HIV-positive (McQuillan & Kruszon-Moran, 2008), an estimated 1.6% of inmates in men's prisons in the U.S. are HIV positive (Maruschak, 2006). The figure for California's transgender inmates in prisons for men far exceeds that number. According to Dr. Lori Kohler, the founder of California's only health clinic for transgender inmates (located at the California Medical Facility (CMF) in Vacaville): "Anywhere from 60-80 percent [of transfeminine prisoners] at any given time are HIV-infected. And many are also Hep-C infected. The next greatest problem is addiction" (Alpert, 2005). To worsen the situation, most health care professionals have had little to no exposure to transgender people. Dr. Kohler explained: "Care of transpeople is not something that most medical people understand. As far as I know of, CMF

and now CMC [California Men's Colony] are the only two prisons in the country that actually have a physician who's dedicated to providing good care [for transgender inmates], including cross-hormone therapies."²¹ This observation was confirmed by a middle-aged, White, HIV-positive transgender inmate with a history of drug abuse who said the following when asked "if there was one thing you'd want people to understand about being transgender in prison, what would it be?":

I would like to see a lot more of certain staff in here that aren't too familiar with transgenders to be more familiar and not be prejudice towards us. I'd like to see some sensitivity training. I wish they knew that being transgender is hard. Going from prison to the community is hard. We need drug treatment that is HIV- and transgender-friendly.

Sex Work

By their own account, over 40% of transgender inmates in California prisons for men have participated in sex work. It is difficult to put this number into context by making comparisons to the U.S. population, the California population, or other prison populations because comparable data for these populations do not exist. Nonetheless, it is telling that this self-reported rate approximates the rate estimated by Herbst et al. (2008) in their analysis of 29 studies of HIV prevalence and risk behaviors of transgender persons in the U.S.; to be exact, our study estimates 42.5% and Herbst et al.'s study (2008) estimated 41.5%. It is difficult to imagine a higher prevalence of sex work in the U.S. population, the California population, or the population in men's prisons.

Compatible with these numbers, it is not surprising that transgender inmates in this study who reported engaging in sex work often did so in a matter-of-fact way, such that the taken-for-grantedness of selling sex was emphasized and the problematic nature of prostitution understood

to be an unfortunate part of sex work. When asked about the frequency of engaging in “sexual things against one’s will” or “sexual things one would rather not do,” some transgender inmates could not recall exact numbers, but frequently told accounts of prostitution in response to these inquiries. When they were prodded to estimate a number, the response was often some version of “too many times to count” or “more times than I can remember.” On occasion and without prompting, some transgender inmates compared working on the streets to serving time in prison. For example, an African-American transgender inmate who reported engaging in prostitution for decades while coming in and out of prison explained: “I was prostituting for 20 years, more than 20 years. It’s [the violence is] much worse on the streets than in prison.” Similarly, a recently incarcerated young White transgender inmate who recently tested positive for HIV described being stabbed in the chest while engaging in street prostitution: “I did prostitution for drugs to support myself, my habit. It was easy and fast money, but then there’s the risk. I’m going to die. That’s the risk.” Also revealing a theme of life-threatening risk, another transgender inmate explained the circumstances in which engaging in prostitution led to being raped on the streets by a local law enforcement officer:

Transgender inmate: He [a municipal police officer] penetrated me with a foreign object. It was a routine stop in a prostitution area. He arrested me and took me to a secluded area.

Interviewer: What foreign object?

Transgender inmate: His billy club.

Interviewer: Did you report it?

Transgender inmate (mildly laughing): No, god no. Why?

The frequency and severity of violence associated with prostitution notwithstanding, a handful of transgender inmates described engaging in prostitution as a rite of passage of transgender people. As a transgender inmate serving a life sentence who reported engaging in prostitution “for about four months... just to fit in” explained:

It just wasn't me. I'd rather go get a credit card—someone else's credit card—and go shopping. I didn't have to prostitute to survive like some of the girls in here. I got money from credit cards and then told some of the other girls I made it as a prostitute. I'd tell them I had a date for \$200. They would be impressed.

In a similar vein, a Mexican-American transgender inmate who reported coming from a wealthy family explained the importance of engaging in prostitution this way:

No matter how much money I had, I wanted to know how much I was worth. How much would a guy pay for me. I went to prostitution to see how much I could get—I got \$1,000 once. I'm not joking. A \$1,000—and I could have got more.

This is not to say that transgender inmates *routinely* took pride in engaging in prostitution, nor did they deny the physical harm associated with prostitution. Rather, most frequently, transgender inmates who reported engaging in prostitution described sex work as a way to survive in light of their limited prospects for employment. As one of the oldest transgender inmates interviewed for this study, a biracial transgender inmate who reported engaging in prostitution both inside and outside of prison, explained: “Prostitution. It's something I have to do to survive. Of course I'd prefer to not do it. I'd prefer to not be in here. But, I am. You just make the best of it. That's all you can do, really.” Elaborating along these lines, another older African-American transgender inmate who reported engaging in prostitution off-and-on since becoming a teenage runaway said:

I was a sex worker beginning when I was 18. But, I stopped when I was 40 once I got SSI. When I was a prostitute, there would be dates I really didn't want, but I did it for the money. I didn't want to do it, but it wasn't against my will. I did it willingly, but I didn't want to.

These and other comments by transgender inmates point to the multiple ways in which engaging in sex work and being transgender outside prison intersect in the lives of transgender inmates. At the aggregate level, these are lives defined by considerable economic and social marginalization, including exceptionally high rates of homelessness.

Homelessness

Estimates of homelessness for transgender people who are not incarcerated range from 6.4% to 25.5% of the population reporting being currently homeless (Xavier, 2000 and Reback & Lombardi, 1999 respectively). The prevalence of homelessness among transgender people, according to a meta-analysis of 29 studies, averaged almost 13%—a figure over ten times as high as the largest estimate for the U.S. population (Herbst et al., 2008). This number increases further still when considering the incarcerated transgender population. Nearly half (47.4%) of California's transgender inmates experienced homelessness at some point in their adult lives, and over 20% reported being homeless right before their most recent incarceration.

Transgender inmates in California prisons described homelessness as an outgrowth of not being able to work, lacking social support in the form of dependable family and friends, and being confronted with no viable alternatives upon parole. An African-American transgender inmate described daily life prior to coming to prison this way: "I was a girl on the street. I can't read well enough to get a job. I lived homeless and panhandled to eat every day. I go to the mission to shower and change my clothes." This transgender inmate went further to express a

desire to learn to read past the sixth grade level, a concern about having no place to live upon release, a defeatist attitude about any prospects for improvement in her life, and an acceptance of the inevitable: that upon release from prison, life outside prison would be “all the same” as it was before being incarcerated due to a lack of programming in prison and a lack of alternatives outside of prison. In this case, “all the same” includes prostitution and considerable victimization in the form of verbal harassment and sexual assault on the street.

Others are beginning to document the ways in which the consequences of being homeless are exacerbated for transgender people, including acting as a catalyst for criminal behavior and attendant incarceration (see, for example, the Sylvia Rivera Law Project, 2007). As Raschka (2008, p. C08) recently explained to a national audience after examining the lives of homeless transgender youth: “transgender people face— often bravely—hostility and other obstacles that complicate their homelessness.” Homelessness, like many of the other dimensions of marginalization associated with being transgender, correlates with victimization.

Victimization

In terms of physical victimization, transgender individuals do not fare well—and transgender inmates worse still. Compared to the 2.3% of the U.S. population who were victims of a violent crime in a given year (Rand & Catalano, 2006), an estimated 37% of transgender people reported having experienced physical abuse *because of their gender identity or presentation* (Clements & Clynes, 1999) and 43%, 51.3%, and 59.5%, respectively, report lifetime violent victimization (Xavier, 2000), lifetime physical abuse (Kenagy, 2005), and lifetime harassment or violence (Wilchins, Lombardi, Priesing, & Malouf, 1997). While reports from a single year cannot be directly compared to lifetime prevalence rates, the sheer magnitude of the difference suggests that transgender people are differentially vulnerable to victimization.

As compared to inmates in U.S. and California men's prisons—by all reports, populations that have also suffered high rates of physical abuse—transgender people experienced more than five times as many incidents of non-sexual physical victimization. Even when compared to other relatively vulnerable populations, transgender people are perilously situated. When examining a population that is doubly vulnerable—transgender inmates—lifetime prevalence of physical assault while presenting as female outside of prison is 61.1%, a number that rises to 85.1% when considering assault both in and out of a carceral setting (Table 2). Statistics are just as revealing for sexual victimization. While approximately one in ten Americans—and one in six American women—has experienced rape or attempted rape (Tjaden & Thoennes, 1998), numerous estimates for the transgender population range from 13.5% to nearly 60% (Clements & Clynes, 1999; Kenagy, 2005; Wilchins et al., 1997; Xavier, 2000). The corresponding figure for transgender inmates in California prisons is higher still, with over 70% of the population reporting a lifetime prevalence of sexual victimization (Table 7).

Self and Identity

Breaking new ground entirely, this study enables the first empirical profile of transgender inmates as a diverse prison population in terms of four important dimensions of self and identity: continuity in terms of presenting as female, gender identity, sexual orientation, and sexual attraction(s).²² Reported in Table 3, over three-fourths (76.7%) of transgender inmates presented as female outside of prison and anticipate presenting as female if/when they are released from prison. Through continuity of presentation along these lines, these transgender inmates display consistency between their gender presentation and their status as transgender both inside and outside of prison. For them, prison life does not disrupt this particular dimension of how they situate socially and in terms of what Erving Goffman (1963) calls “presentation of self.”

In contrast, a little less than a quarter (23.3%) of transgender inmates in prison report more discontinuity along these lines. Specifically, 13.6% did not present as female prior to their most recent incarceration, but plan to present as female if/when they leave prison; 5.2% presented as female prior to their most recent incarceration, but do not plan to present as female if/when they leave prison; and a little less than 5% (4.5%) did not present as female before their most recent incarceration and do not plan to present as female if/when they leave prison. For some transgender inmates, then, being transgender is imported into prison and for others becoming transgender—at least in terms of presenting as female—is a life event that occurs for the first time in prison.

Finally, transgender inmates expressed contrasting views on the degree to which being transgender is an ascribed dimension of the self versus a feature of the self that is socially-environmentally dependent.²³ With regard to belief that being transgender is an immutable fact—a middle-aged White inmate serving a multi-decade sentence expressed the following in a letter to the Lead Researcher after being interviewed for the current study:

Although there is no test, I believe a true t/g could describe certain feelings or/and mutilation/prosthesis that one has had during their mind-boggling “oh my god! I’m not in the right body.” Being tg is something that one doesn’t just wake up and become. This is something that we have been born with.

Sharing this view, a 26 year old, Hispanic transgender inmate who did not present as female prior to being incarcerated, but began presenting as female while incarcerated, said: “I was holding it secret for a long time. I found a friend who was comfortable with it who told me: ‘just come out and be yourself’ and I got more respect and feel much better about myself.”

In sharp contrast to this essentialized view of being transgender, other transgender inmates see being transgender as time and place dependent. For example, a self-identified homosexual inmate expressed a transition to “becoming” transgender as an adaptation to prison life:

When you come into prison being homosexual, you’re automatically a girl. It’s your place to play the female role. If you’re open with your homosexuality.... But if you’re a guy and you’re fucking around with me, they’re the man and I’m the girl. I don’t understand it because you’re doing the same things I am doing.... When I first got here I had a bald head and was more tough. One transgender told me, “you have to gay it up!” And then the guys were really receptive. Real life is so different than prison life. Here, you’re gay so there’s pressure right away to grow your hair out.... If you’re a manly gay boy you don’t fit in with the guys or the homosexuals. You have to adapt or be a total loner. I came in more manly and now am more feminine so people are more receptive. It’s an adaptation but I wouldn’t take hormones for it. That’s too far.

As a final example of the malleable nature of being a transgender inmate, consider the trajectory of an inmate who has lived for decades as a transgender inmate in a California prison, but no longer defines himself as transgender. At the beginning of an interview, this middle-aged African American inmate who has been in prison for over two decades reported that he is no longer on hormones and does not participate in groups with transgender inmates. He then politely and simply declared: “I’m not transgender anymore.” As he described his life, he began taking hormones in the late 1960s, used to be transgender for many years (including on the streets in the city in which he grew up and in which he lived prior to coming to prison in the mid

1980s on his current term), and quit taking hormones in prison in the mid 2000s after testing positive for HIV, receiving news that his mother died, and finding god. He reported:

I always wanted to be a little girl. Since 1968, I took hormones early on. I was living as a woman and looking good. I had the clothes, the jewelry. I had it all going on. Girl, you should have seen me.... [But] transgenders have a very big problem in the prison system. When I came in, they were automatically ostracized. They were not treated well by anyone—not the inmates, not the guards, not the people who were supposed to help them....I'm a people person. I like everybody, but everybody does not like me [as a transgender person].

When asked why he “quit” being transgender, he said:

I learned I wasn't happy as transgender, but I came to prison as transgender. I was the person everyone wanted to be around. I followed a guy to [name of another prison], but he never went there. I sure loved him. I came here [name of prison he's in] to settle down. Lord, I've been doing this for 40 some years and I'm not happy. I came to [prison he's in] to settle down, it was just too much of a lifestyle. I just wanted to be happy. So I gave it up. I quit being transgender and a woman.

When asked if being transgender is “something you can just choose to quit,” he said: “Yes, I still see guys and get that tingly feeling, but I resist. I just don't act on it—and some of the young ones are soooooo cute. They really are, but I just look the other way.” This view could be an exception to the rule, but it is telling nonetheless when considering the malleability of being a transgender inmate.

Likewise, transgender inmates report a range of labels to describe themselves. Figures 1 and 2 reveal the distribution of self-referencing labels embraced by transgender inmates in

prison. The vast majority (76.1%) identify themselves as female when asked about their gender identity, with considerably fewer identifying as “male and female” (14%), “other” or “it depends” (3.5%), “neither female nor male” (3.2%), and “male” (3.2%). In one case, an inmate identified as hermaphrodite and emphasized that “federal papers” affirmed the identity with legal standing.

Figure 2 reveals that transgender inmates self-identify with a range of sexual orientations. About a third (33.3%) of transgender inmates in California prisons identify as “homosexual,” while 19.4% identify their sexual orientation as “transgender,” 18.1% identify as heterosexual, 11.3% identify as bisexual, and the remaining 17.8% identify as something else. “Something else” includes a range of self-signifiers, such as: “a girl transsexual,” “a queen that likes men,” “androgynous,” “both transgender and heterosexual,” “heterosexual in a transgender world,” “homosexual and transgender,” “I’m my mother’s daughter,” “just sexual,” “just normal,” “just myself,” “just a person,” “just natural,” “just me,” and “human.”

Finally, Figure 3 reveals less variation in terms of sexual attractions for transgender inmates in California prisons. The majority of transgender inmates are sexually attracted to men (81.9%), but a considerable minority indicated being attracted to both men and women (15.6%). Only 1.3% of transgender inmates reported being sexually attracted exclusively to women. The remaining respondents reported being sexually attracted to “neither” men nor women or some combination of “transgender” or “transsexual” persons and women. This pattern is not specific to the prison environment. The vast majority of transgender inmates (75.8%) report being attracted to men outside of prison and inside prison (see Table 4), effectively dispelling the notion that they turn to men as an adaptation to being in a sex-segregated environment in which women are not available.

Discussion

The demographic profile of transgender inmates presented in this article reveals multiple dimensions of social and economic marginality as well as the diversity of inmates that fall under the rubric of “transgender.” First, transgender inmates constitute a diverse group in terms of continuity of gender presentation, gender identity, sexual orientation, and sexual attractions; indeed, the findings presented above suggest that it is fitting to consider “transgender” an umbrella term that encompasses multiple non-normative identities, sexual orientations, and presentations of self. Second, with regard to the social, economic, and experiential status of transgender inmates, the larger picture is clear: with the possible exceptions of partnership and educational attainment, transgender inmates are marginalized in ways that are not comparable to other prison populations.

As the focus shifts to the incarcerated transgender population, these multiple sources of marginalization continue—and along some dimensions are exacerbated. Most significantly, transgender inmates fare far worse in terms of their health, participation in sex work, homelessness, and history of sexual victimization. It is not surprising that these factors cluster together. Homelessness has dire consequences for both physical and mental health (a relationship which is often reciprocal) and can be intimately linked to sex work as a means of survival—a means that carries with it a high risk of victimization. Stories of violence recounted by transgender inmates were common both as they related to living on the streets and, more generally, simply living as transgender—prompting the vast majority of California transgender inmates to report sexual assault in the community and/or while incarcerated. These accounts not only reveal drastically disproportionate marginalization at multiple turns but highlight the interconnectedness of these marginalities and clearly illustrate the familiar point made by

philosopher de Tocqueville: "It is well known that most individuals on whom the criminal law inflicts punishment have been unfortunate before they become guilty" (Beaumont & de Tocqueville, 1964). This quote is perhaps nowhere more true than with regard to transgender inmates.

References

- Abbott, A. (2004). *Methods of discovery: Heuristics for the social sciences*. Chicago: University of Chicago Press.
- Alarid, L. F. (2000). Sexual orientation perspectives of incarcerated bisexual and gay men: The county jail protective custody experience. *The Prison Journal*, 80(1), 80-95.
- Alpert, E. (2005, November 21). Gender outlaws. *In the Fray Magazine*. Retrieved May 21, 2009, from <http://www.inthefray.com/html/print.php?sid=1381>
- Associated Press. (2008, Friday, June 20). Advocates hail new policy for transgender youth at New York's juvenile detention centers. *International Herald Tribune*.
- Baus, J., Hunt, D., & Williams, R. (Directors/Producers). (2006). *Cruel and unusual* [Motion Picture]. United States: Reid Productions LLC.
- Beaumont, G., & de Tocqueville, A. (1964). *On the penitentiary system in the United States and its application in France*. Carbondale, IL: Southern Illinois University Press.
- Beemyn, B. G., & Rankin, S. (Forthcoming). *Understanding transgender lives*. New York: Columbia University Press.
- Blight, J. (2000). Transgender inmates. *Trends and Issues in Crime and Criminal Justice No. 168*. Australian Institute of Criminology.
- California Department of Mental Health. (2000). *Estimates of need for mental health services for California for year 2000 for serious mental illnesses by age, sex, race/ethnicity for household population*. Retrieved May 21, 2009, from http://www.dmh.ca.gov/Statistics_and_Data_Analysis/CNE2/Calif_CD/q5asr_hm/California/q5asr2k_wsmi01_ca_excel_Index_demographics.htm
- California Department of Health. (2007). *California AIDS surveillance report: Cumulative cases of AIDS as of June 30, 2007*. Office of AIDS, HIV/AIDS Case Registry Section. Retrieved May 21, 2009, from <http://www.cdph.ca.gov/data/statistics/Documents/OA-2007-06AIDSMerged.pdf>
- California Employment Development Department (2008). News release: California's unemployment rate rises to 7.3 percent. Retrieved on May 21, 2009, from http://www.edd.ca.gov/About_EDD/pdf/urate200808.pdf
- Clements, K., & Clynes, C. (1999). Transgender community health project: Descriptive results. The San Francisco Transgender Health Project, San Francisco Department of Public Health. Retrieved May 21, 2009 from <http://hivinsite.ucsf.edu/InSite?page=cftg-02-02>
- Clements-Nolle, K., Marx, R., & Katz, M. (2006). Attempted suicide among TG persons: The influence of gender-based discrimination and victimization. *Journal of Homosexuality*, 51(3), 53-69.
- Cogeshall, J. M. (1988). Ladies behind bars: A liminal gender as cultural mirror. *Anthropology Today*, 4(4), 6-8.
- Donaldson, S. (1993). *A million jockers, punks, and queens*. Survivor testimony, Stop Prisoner Rape: Sex among American Male Prisoners and its Implications for Concepts of Sexual Orientation. Retrieved May 21, 2009, from http://www.justdetention.org/en/docs/doc_01_lecture.aspx
- Donaldson, S. (2003). Hooking up: Protective pairing for punks. In N. Scheper-Hughes & P. Bourgois (Eds.), *Violence in war and peace: An anthology* (pp.348-353). Malden, MA: Blackwell Publishing Limited.
- Farmer v. Brennan, 511 U.S. 825; 114 S.Ct. 1970; 128 L.Ed. 2d 811; LEXIS 4274 (U.S., 1994)

- Gagné, P., & Tewksbury, R. (1998). Conformity pressures and gender resistance among transgendered individuals. *Social Problems*, 45(1), 81-101.
- Gagné, P., & Tewksbury, R. (1999). Knowledge and power, body and self: An analysis of knowledge systems and the transgendered self. *The Sociological Quarterly*, 40(1), 59-83.
- Gagné, P., Tewksbury, R., & McGaughey, D. (1997). Coming out and crossing over: identity formation and proclamation in a transgender community. *Gender & Society*, 11(4), 478-508.
- Girschick, L. (2008). *Transgender voices: Beyond women and men*. New Hampshire: University Press of New England.
- Goffman, E. (1963). *The presentation of self in everyday life*. Englewood Cliffs, NJ: Prentice Hall.
- Harlow, C. W. (1999). Prior abuse reported by inmates and probationers. (NCJ 172879). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- Hensley, C., Wright J., Tewksbury, R., & Castle, T. (2003). The evolving nature of prison argot and sexual hierarchies. *The Prison Journal*, 83(3), 289-300.
- Herbst, J. H., Jacobs, E. D., Finlayson, T. J., McKleroy, V. S., Neumann, M. S., & Crepaz, N. (2008). Estimating HIV prevalence and risk behaviors of TG persons in the United States: A systematic review. *AIDS and Behavior*, 12(1), 1-17.
- Jeness, V. (2009). Getting to know 'the girls' in an 'alpha-male community': Notes on fieldwork on transgender inmates in California prisons. In S. Fenstermaker & N. Jones (Eds.), *Sociological 'Storytelling': Sociologists talk about what they do*. New York: Routledge Press. [forthcoming].
- Jeness, V., Maxson, C. L., Matsuda K. N., & Sumner, J. (2007). *Violence in California correctional facilities: An empirical examination of sexual assault*. Report to the California Department of Corrections and Rehabilitation. Sacramento, California.
- Jeness, V., Sexton, L., & Sumner, J. (2009). *Transgender inmates in California's prisons: An empirical examination of a vulnerable population*. Report to be submitted to the California Department of Corrections and Rehabilitation. Sacramento, California.
- Jeness, V., Maxson, C. L., Sumner, J. M., & Matsuda, K. N. (2009). Accomplishing the difficult, but not impossible: Collecting self-report data on inmate-on-inmate sexual assault in prison. *Criminal Justice Policy Review* [in press].
- Kenagy, G. P. (2005). Transgender health: Findings from two needs assessment studies in Philadelphia. *Health and Social Work*, 30(1), 19-26.
- LGBT Prisoner Safety Act, AB 382, (2009).
- Lund, L. E. (2005). *Mental health care in California counties: Perceived need and barriers to access, 2001*. California Department of Health Services, Center for Health Statistics. Retrieved May 21, 2009, from <http://www.cdph.ca.gov/pubsforms/Pubs/OHIRmentalhealthCareCA2001.pdf>
- Mann, R. (2006). The treatment of transgender prisoners, not just an American problem: A comparative analysis of American, Australian, and Canadian prison policies concerning the treatment of transgender prisoners and a "universal" recommendation to improve treatment. *Law and Sexuality: Review of Lesbian, Gay, Bisexual, and Transgender Legal Issues*, 15, 91-133.

- Maruschak, L. M. (2006). *HIV in prisons*. (NCJ 222179). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. Retrieved May 21, 2009, from <http://www.ojp.usdoj.gov/bjs/pub/pdf/hivp06.pdf>
- Mauer, M., & Chesney-Lind, M. (Eds.). (2002). *Invisible punishment: The collateral consequences of mass imprisonment*. New York: The New Press.
- McQuillan, G., & Kruszon-Moran, D. (2008). *HIV infection in the United States household population aged 18-49 years: Results from 1999-2006*. Centers for Disease Control and Prevention and National Center for Health Statistics. Retrieved May 21, 2009, from http://www.natap.org/2008/newsUpdates/013008_03.htm
- Mumola, C. J., & Karberg, J. C. (2004). *Drug use and dependence, State and Federal prisoners*. (NCJ 213530). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. Retrieved May 21, 2009, from <http://www.ojp.usdoj.gov/bjs/pub/pdf/dudsfp04.pdf>
- Najafi, Y. (2009, March 5). Prison progress: Activists offer measured praise for transgender plans. *Metroweekly*. Retrieved May 21, 2009, from <http://www.metroweekly.com/gauge/?ak=4090>
- National Law Center on Homelessness and Poverty. (2007). *2007 Annual report*. Retrieved May 21, 2009, from http://www.nlchp.org/content/pubs/2007_Annual_Report2.pdf
- National Institute of Mental Health. (2005). *The numbers count: Mental disorders in America*. Retrieved February 27, 2009, from <http://www.nimh.nih.gov/health/publications/the-numbers-count-mental-disorders-in-america.shtml>.
- Petersen, M., Stephens, J., Dickey, R., & Lewis W. (1996). Transsexuals within the prison system: An international survey of correctional services policies. *Behavioral Sciences and the Law*, 14, 219-229.
- Petersilia, J. (2005). From cell to society: Who is returning home? In J. Travis & C. Visser (Eds.), *Prisoner reentry and crime in America* (pp.15-49). New York: Cambridge University Press.
- Petersilia, J. (2006). *Understanding California corrections*. Berkeley, CA: California Policy Research Center, University of California.
- Petersilia, J. (2008). Influencing public policy: An embedded criminologist reflects on California prison reform. *Journal of Experimental Criminology*, 4(4), 335-356.
- The Pew Center on the States. (2008). One in 100: Behind bars in America 2008. Retrieved May 21, 2009, from http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS_Prison08_FINAL_2-1-1_FORWEB.pdf
- Raschka, L. (2008, July 28). Trans formed: To be homeless and transgender. *The Washington Post*, p. C08.
- Rand, M., & Catalano, S. (2006). *Criminal victimization, 2006*. (NCJ 219413). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Retrieved May 21, 2009, from <http://www.ojp.usdoj.gov/bjs/pub/pdf/cv06.pdf>
- Reback, C., & Lombardi, E. (1999). HIV risk behaviors of male-to-female transgenders in a community-based harm reduction program. *International Journal of Transgenderism*, 3(1+2). Retrieved May 21, 2009, from http://www.symposion.com/ijt/hiv_risk/reback.htm
- Sampson, R. J., Raudenbush, W., & Earls, F. (1997). Neighborhoods and violent crime: A multilevel study of collective efficacy. *Science*, 277(5328), 918-924.

- San Francisco Bay Guardian and Transgender Law Center. (2006). *Good jobs NOW! A snapshot of the economic health of San Francisco's TG communities*. Retrieved May 21, 2009, from <http://www.transgenderlawcenter.org/pdf/Good%20Jobs%20NOW%20report.pdf>.
- Sexton, L., & Jenness, V. (In Progress). Collective identity and efficacy among transgender inmates in California prisons for men.
- Simon, J., & Feeley, M. (1992). The new penology: notes on the emerging strategy of corrections and its implications. *Criminology*, 30(4), 449-474.
- Sylvia Rivera Law Project. (2007). *"It's war in here": A report on the treatment of transgender and intersex people in New York State men's prisons*. Retrieved May 21, 2009, <http://www.srlp.org/files/warinhere.pdf>
- Sykes, G. (1958). *Society of captives*. Princeton, NJ: Princeton University Press.
- Tarzwell, S. (2006). The gender lines are marked with razor wire: Addressing state prison policies and practices for the management of transgender prisoners. *Columbia Human Rights Law Review*, 38, 167-220.
- Taylor, V., & Whittier, N. (1992). Collective identity in social movement communities: lesbian feminist mobilization. In A. C. Morris & C. M. Mueller (Eds.), *Frontier in social movement theory* (pp. 104-129). New Haven, CT: Yale University Press.
- Tewksbury, R., & Potter, R. H. (2005). Transgender prisoners—A forgotten group. In S. Stojkovic (Ed.), *Managing Special Populations in Jails and Prisons* (pp. 15-1–15-14). New York: Civic Research Institute.
- Tjaden, P., & Thoennes, N. (1998). *Prevalence, incidence and consequences of violence against women: Findings from the National Violence Against Women Survey*. (NCJ 172837). Washington, DC: U.S. Department of Justice, National Institute of Justice and Centers for Disease Control and Prevention. Retrieved May 21, 2009, from <http://www.ncjrs.gov/pdffiles/172837.pdf>
- Tonry, M. (2004). (Ed.). *The Future of imprisonment*. New York: Oxford University Press.
- Touraine, A. (1985). An introduction to the study of social movements. *Social Research*, 52(4), 749-787.
- United States Census Bureau. (2000). *Census 2000*. Retrieved May 21, 2009, from <http://www.census.gov/Press-Release/www/2002/demoprofiles.html>
- United States Census Bureau. (2007). *Population estimates as of July 1, 2007*. Retrieved May 21, 2009, from <http://www.census.gov/popest/national/>
- United States Department of Health and Human Services. (2006). *Results from the 2006 National Survey on Drug Use and Health*. Washington, DC: Substance Abuse and Mental Health Services Administration. Retrieved May 21, 2009, from <http://www.oas.samhsa.gov/NSDUH/2K6NSDUH/2K6results.cfm>.
- United States Department of Housing and Urban Development. (2008). *Third annual homeless assessment report to congress*. Washington, DC: Office of Community Planning and Development. Retrieved May 21, 2009, from <http://www.hudhre.info/documents/3rdHomelessAssessmentReport.pdf>
- United States Department of Justice, Bureau of Justice Statistics. (2004). *Survey of inmates in State and Federal correctional facilities, 2004* [Data file]. Available from the National Archive of Criminal Justice Data website, <http://www.icpsr.umich.edu/NACJD/archive.html>
- United States Department of Labor. (2008). *News release: The employment situation August 2008*. Bureau of Labor Statistics.

- Wilchins, R. A., Lombardi, E., Priesing, D., & Malouf, D. (1997). First National Survey of Transgender Violence. GenderPAC. Retrieved May 21, 2009, from <http://transreference.transadvocacy.org/reference/TransViolenceSurveyResults.pdf>
- Xavier, J. M. (2000). *Washington, DC Transgender Needs Assessment Survey: Final Report for Phase Two*. Report to Us Helping Us, People Into Living, Inc. Retrieved May 21, 2009, <http://www.glaa.org/archive/2000/tgneedsassessment1112.shtml>

Endnotes

1. The Court's ruling in this case was a landmark decision insofar as it affirmed that being violently assaulted and raped in prison is not part of the penalty and serves no penological objectives.

2. Although there is a growing academic literature on transgender people and lives, there is not a concomitant consensus on how best to define transgender. At one end of a range of definitions, transgender is used as an umbrella term to refer to gender variant individuals, with gender variance referring to individuals whose gender expression and behavior do not match the expectations associated with a binary understanding of sex/gender (i.e., that there are males and there are females, but nothing else) (Girshick, 2008; see also Gagné & Tewksbury, 1998, 1999; Tewksbury & Potter, 2005). This understanding includes all non-normative sexual and gender identities and lifestyles. At the other end of a range of definitions, transgender is used as a proxy for transsexuals (i.e., those who have undergone, or will undergo, sex reassignment surgery), or transvestites in the narrowest sense of the term (e.g., those who wear "opposite" gendered clothing).

3. However, Hensley, Wright, Tewksbury, and Castle (2003) argue that sexual and gendered hierarchies are being reconfigured such that female-presenting inmates may occupy a higher status.

4. For example, Alarid (2000) recently surveyed (presumably) gay and bisexual men about their sexual identities, behavioral preferences, and perceptions of treatment by others. The author reports that 7% of the sample "would rather be female than male," 14% dress in drag when on the street, and 30% report that they are more feminine than masculine, all characteristics that fit easily within recent "umbrella" definitions of transgender outside carceral settings and that correspond with inmate cultural understandings of "the queen." However, none of the groups are afforded separate examination within the author's analyses.

5. For a more detailed description of the research methodology employed in the larger project see Jenness et al. (2009).

6. By deploying these criteria, we hoped to bypass larger debates about who is and is not transgender and, instead, rely on a comprehensive understanding that would maximize inclusion without diluting the target population beyond recognition.

7. This represents the total population of CDCR prisons in April 2008, just a few weeks prior to the commencement of data collection in the field (see http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Monthly/TP_OPIA/TPOPIAd0804.pdf, last retrieved May 21, 2009).

8. In prison, a ducat is written permission to move throughout the institution for a particular appointment or responsibility, such as a medical appointment or a work.

9. In compliance with the University of California, Irvine (UCI) Institutional Review Board protocol, all interviews were conducted in confidential settings after obtaining informed consent. No potential respondents were questioned about inclusion criteria until a confidential setting was secured.

10. For more details on the experience of collecting data on transgender inmates in California prisons, see Jenness (2009).

11. The complete interview schedule is available upon request.

12. The loss of *potential* cases—going from the name on the master list to actually seeing the person at the prison—is due to a variety of factors, including inmates paroling, dying, or being transferred to another prison after we received our list and before we arrived at the prison; inmates being unwilling to come out of their cell; inmates being unavailable as a result of an urgent medical or psychiatric appointment; and inmates—believe it or not—being “lost” in the prison and thus unavailable for an interview. We emphasize that these are *potential* losses of cases because we have no way of knowing how many would have met our eligibility requirements and therefore been given the opportunity to participate in the study. If, upon arrival at a prison, we learned that an inmate on our list had been transferred to a prison to which we had not yet collected data, we made every effort to locate the inmate at that prison; however, if an inmate on our list transferred to a prison from which we had already collected data, we did not return to that prison to locate the inmate.

13. We also identified four transgender inmates in a prison for women. Three of these inmates completed an interview. These interviews were exceptionally illuminating, both in and of themselves and in light of interviews conducted in men’s prisons; however, because there are so few cases it is difficult to extrapolate statistical trends from these interviews. Therefore, this research focuses exclusively on transgender inmates in prisons and reception centers for men.

14. Because UCI’s IRB, the research protocol, and our own professional ethics required that the identities of research participants be kept confidential (only known to the research team), we received central file information on *all* individuals currently housed in California adult correctional facilities from the CDCR, from which the research team extracted information for study participants. This enabled us to collect official data without revealing to the CDCR which inmates are included in this study (for more along these lines, see Jenness, Maxson, Matsuda, and Sumner 2009).

15. These variables were chosen for two reasons: 1) they are typically used to profile inmate populations; and 2) they represent factors identified by extant research as potential correlates of sexual and/or non-sexual violence.

16. This finding is no doubt related to the age at which transgender people “come out” (i.e., a process whereby gay men, lesbians, bisexuals, and transgender people inform others of their non-normative identity). A recent study based on a survey of 3,474 transgender people from across the U.S. revealed the following: although the vast majority of transwomen “felt different” and reported feeling “uncertain about their gender identity” very early in life (age 12 and under), only 1% disclosed their gender identity to others when they were age “12 and under.” According to this study, 6% of transwomen disclosed their gender identity to others between the ages of 13-19, 16% disclosed their gender identity in their 20s, 17% disclosed their gender identity in the 30s, and 38% disclosed their gender identity when they were 40 or older. In other words, transwomen most often come out as such later in life (Beemyn & Rankin, Forthcoming; but, see a related Power Point presentation at: <http://www.umass.edu/stonewall/translives/>, last retrieved May 21, 2009). For a more complicated view of coming out as transgender, see Gagné, Tewksbury, and McGaughey (1997).

17. CCCMS stands for Correctional Clinical Case Management System.

18. EOP stands for Enhanced Outpatient.

19. Unfortunately, there is very little research on the health and welfare of transgender people in the community that reports systematic data along these lines and what does exist consists of convenience samples from a few select regions of the country. As a result, basic demographic characteristics of the transgender community are difficult to document.

20. The presence or absence of children, another conventional measure of social integration, is also an important consideration. Unfortunately, data along these lines are typically collected with “household” as the unit of analysis, thus comparisons to the transgender inmates in California prisons are problematic.

21. See Alpert (2005), found at <http://inthe fray.org/content/view/1381/39/>, last visited May 21, 2009.

22. Not reported here, in subsequent analyses, analyses of variation in terms of collective identity and collective efficacy are underway (Sexton & Jenness, in progress). Borrowing from Touraine’s (1985) work, a collective identity is present “when some shared characteristic becomes salient and is defined as important, resulting in a sense of ‘we-ness.’” Two of the most cited scholars on the topic, Taylor and Whittier (1992, p. 105), describe a collective identity as “the shared definition of a group that derives from members’ common interests, experiences, and solidarity.” Closely related to collective identity is the concept of collective efficacy. Collective efficacy is measured by the degree to which cohesion and trust are present among a group as well as the degree to which members of a group (or neighborhood) are willing to intervene on the behalf of others in the group (Sampson, Raudenbush, & Earls, 1997).

23. In the vernacular of social science, this often framed as the “realism versus constructionism” debate which. To quote Abbott (2004, p. 46), this debate boils down to a question about “whether the things and qualities we encounter in reality are enduring phenomena or simply produced (and reproduced) in social interaction as need be.”

Table 1

A Comparison of Select Characteristics of the Transgender Inmate Population in California Prisons for Men and the Total Population in CDCR Prisons for Men

	Total Adult Transgender Population in CDCR Prisons for Men		Total Adult Population in CDCR Prisons for Men ^a	
	n	%	N	%
Total	332	100	146,360	100
Age				
<i>M</i>		38.05		37.69
<i>Mdn</i>		38.50		37.00
<i>SD</i>		9.61		11.18
Range		19, 63		18, 92
18-25	33	9.9	21,383	14.6
26-35	90	27.1	46,933	32.1
36-45	135	40.7	40,971	28.0
46+	74	22.3	37,073	25.3
Race/Ethnicity				
Hispanic	94	28.3	56,880	38.9
White	93	28.0	37,954	25.9
Black	115	34.6	43,451	29.7
Asian/Pacific Islander	3	.9	1,337	.9
Other	27	8.1	6,738	4.6
Offense				
Crimes Against Persons	162	49.8	80,202	54.8
Property	98	30.2	26,892	18.4
Drug	53	16.3	26,418	18.1
Other	12	3.7	12,841	8.8

Table 1

A Comparison of Select Characteristics of the Transgender Inmate Population in California Prisons for Men and the Total Population in CDCR Prisons for Men

	Total Adult Transgender Population in CDCR Prisons for Men		Total Adult Population in CDCR Prisons for Men ^a	
	n	%	N	%
Custody Level				
1	39	13.3	25,226	19.6
2	75	25.6	43,288	33.6
3	85	29.0	31,037	24.1
4	94	32.1	29,405	22.8
Life Sentence				
Life	44	13.3	21,271	14.5
Life Without Parole	8	2.4	3,524	2.4
Death Row	-	-	64	.0
Sex Offender Registration				
Yes	68	20.5	21,381	14.6
Gang (Verified)				
Yes	17	5.1	22,070	15.1
Mental Health (Official)				
CCCMS ^b	180	54.2	25,148	17.2
EOP ^c	33	9.9	4,458	3.0

^aThe total adult male prison population figures include the study population and exclude those residing in camps.

^bCorrectional Clinical Case Management System.

^cEnhanced outpatient.

Table 2

A Comparison of Select Characteristics of the Transgender Inmate Population in California Prisons for Men and Various Other Populations

	US Population	CA Population	US Prison Population (Men's Prisons Only)	CA Prison Population (Men's Prisons Only)	Transgender Community	Transgender Inmate Population in CA Men's Prisons ^a
Education						
Some grade school	18.2% ^b	23.2% ^b	60.8% ^c	50.1% ^c	34.5% ^d	38.2%
High school graduate or GED	28.6% ^b	20.1% ^b	24.6% ^c	31.9% ^c	28.2% ^d	32.5%
Some college	21.1% ^b	22.9% ^b	10.3% ^c	13.3% ^c	17.9% ^d	20.7%
College graduate	21.8% ^b	24.2% ^b	1.1% ^c	2.7% ^c	6.3% ^d	7.6%
Any post-graduate	8.9% ^b	9.5% ^b			7.6% ^d	1.0%
Employment						
Unemployed	10.7% ^e (unemployed or marginally employed as of August 2008)	7.3% ^f (percent of civilian labor force unemployed)	26.6% ^c (unemployed one month prior to arrest)	31.6% ^c (unemployed one month prior to arrest)	23.0% ^g 35.0% ^h 42.0% ^d 51.0% ⁱ	27.6% (unemployed before most recent incarceration)
Marital Status						
Married	54.3% ^b	52.4% ^b	19.5% ^c	21.4% ^c	8.7% ^d	13.3%
Partnered (not married)	1.9% ^b (unmarried partner household members)	2.0% ^b			21.4% ^d	29.9%
Separated	2.2% ^b	2.5% ^b	6.6% ^c	7.9% ^c		4.5%
Single	27.1% ^b	30.1% ^b	53.6% ^c	51.0% ^c	68.7% ^d	41.2%
Divorced	9.7% ^b	9.5% ^b	18.0% ^c	17.7% ^c		9.1%
Widowed	6.6% ^b	5.6% ^b	2.0% ^c	2.1% ^c		1.9%

Table 2

A Comparison of Select Characteristics of the Transgender Inmate Population in California Prisons for Men and Various Other Populations

	US Population	CA Population	US Prison Population (Men's Prisons Only)	CA Prison Population (Men's Prisons Only)	Transgender Community	Transgender Inmate Population in CA Men's Prisons ^a
Mental Health						
Mental health problem	26.2% ^j (suffer from a diagnosable mental disorder in a given year)	16.3% ^k (self-reported current need for mental health treatment)	25.3% ^c (ever diagnosed)	26.0% ^c (ever diagnosed)	60.2% ⁱ (currently meet criteria for depression)	66.9% (mental health problem since incarcerated) 71.2% (ever had mental health problem)
Serious mental illness	5.9% ^j (serious mental illness in a given year)	6.5% ^l (serious mental illness in a given year)			30.1% ^m (lifetime attempted suicide) 34.9% ^d (lifetime suicidal ideation) 53.8% ^g (lifetime suicidal ideation)	
Substance Abuse						
Alcohol abuse	7.6% ⁿ (dependence or abuse of alcohol in past year)	8.23% ⁿ (dependence or abuse of alcohol in past year)	33.4% ^o (current alcohol abuse "high need")	33.0% ^o (current alcohol abuse "high need")	34.1% ^d (self-reported current alcohol problem)	37.5% (ever had alcohol problem)
Drug abuse	2.9% ⁿ (dependence or abuse of illicit drugs in past year)	2.9% ⁿ (dependence or abuse of illicit drugs in past year)	40.6% ^o (current substance abuse "high need") 53.0% ^p (drug dependence/abuse)	48.3% ^o (current substance abuse "high need")	36.1% ^d (self-reported current drug problem)	59.2% (ever had drug problem)

Table 2

A Comparison of Select Characteristics of the Transgender Inmate Population in California Prisons for Men and Various Other Populations

	US Population	CA Population	US Prison Population (Men's Prisons Only)	CA Prison Population (Men's Prisons Only)	Transgender Community	Transgender Inmate Population in CA Men's Prisons ^a
HIV Status						
HIV positive	0.5% ^q	0.4% ^{r, s}	1.6% ^t		10.0% ^m 27.7% ^g (weighted mean of prevalence across 4 studies) 32.0% ^d 35.0% ⁱ 35.0% ^v	60-80% ^u
Sex Work						
Participated in sex work					36.0% ^w (past 30 days) 41.5% ^g (average across 29 studies) 48.0% ^v (past 6 months) 80.0% ^v (lifetime prevalence)	42.5% (lifetime prevalence)
Homelessness						
Homeless	.5% ^x (sheltered homeless in a given year) .82 - 1.2% ^y (homeless in a given year)	.4% ^x (sheltered homeless in a given year)	9.0% ^c (ever homeless)	12.4% ^c (ever homeless)	6.4% ^d (current) 10.0% ^h (current) 12.9% ^g (weighted mean of prevalence across 29 studies) 25.5% ^w (current)	21.0% (homeless right before most recent incarceration) 47.4% (ever homeless)

Table 2

A Comparison of Select Characteristics of the Transgender Inmate Population in California Prisons for Men and Various Other Populations

	US Population	CA Population	US Prison Population (Men's Prisons Only)	CA Prison Population (Men's Prisons Only)	Transgender Community	Transgender Inmate Population in CA Men's Prisons ^a
Victimization						
Physical victimization	2.3% ^z (victims of violent crime [including sexual victimization] in a given year)		11.9% ^c (lifetime physical abuse) 13.4% ^{aa} (lifetime physical abuse)	12.4% ^c (lifetime physical abuse)	37.0% ^v (lifetime physical abuse because of gender) 43.0% ^d (lifetime violent victimization) 51.3% ^m (lifetime physical abuse violence) 59.5% ^{cc} (lifetime harassment or violence)	61.1% (ever been physically assaulted outside of prison) 85.1% (ever been physically assaulted in lifetime)
Sexual victimization	10.5% ^{bb} (lifetime rape/attempted rape) 17.6% ^{bb} (females only) 3.0% ^{bb} (males only)		5.7% ^c (lifetime forced sexual contact) 5.8% ^{aa} (lifetime sexual abuse)	5.6% ^c (lifetime forced sexual contact)	13.5% ^d (lifetime sexual assault) 14.0% ^{cc} (lifetime rape or attempted rape) 53.8% ^m (lifetime forced sex) 59.0% ^{d,v} (lifetime forced sex or rape)	40.2% (ever had to do sexual things against will outside of prison) 52.7 (ever had to do sexual things would rather not have done outside prison) 70.7% (ever had to do sexual things against will in lifetime)

- ^aPopulation N =332 (includes 16 refusals and one unusable interview).
- ^bUnited States Census Bureau (2000)
- ^cUnited States Department of Justice (2004)
- ^dXavier (2000)
- ^eUnited States Department of Labor (2008)
- ^fCalifornia Employment Development Department (2008)
- ^gHerbst, Jacobs, Finlayson, McKleroy, Neumann, & Crepaz (2008)
- ^hSan Francisco Bay Guardian and Transgender Law Center (2006)
- ⁱClements-Nolle, Marx, & Katz, (2006)
- ^jNational Institute of Mental Health (2005)
- ^kLund (2005)
- ^lCalifornia Department of Mental Health (2000)
- ^mKenagy (2005)
- ⁿUnited States Department of Health and Human Services (2006)
- ^oPetersilia (2006). "High need" defined as reporting at least eight alcohol-related issues across several areas (out of 25 possible areas) or at least ten drug-related issues (out of 34 possible areas). In short, responding positively to at least 30% of criteria substance-need criteria qualified an individual as "high need." Criteria adapted from *Prisoner Reentry and Crime in America* (Petersilia, 2005).
- ^pMumola & Karberg (2004)
- ^qMcQuillan & Kruszon-Moran (2008)
- ^rCalifornia Department of Health (2007)
- ^sUnited States Census Bureau (2007)
- ^tMaruschak (2006)
- ^uAlpert (2005)
- ^vClements & Clynes (1999)
- ^wReback & Lombardi (1999)
- ^xUnited States Department of Housing and Urban Development (2008)
- ^yNational Law Center on Homelessness and Poverty (2007)
- ^zRand & Catalano (2006)
- ^{aa}Harlow (1999)
- ^{bb}Tjaden & Thoennes (1998)
- ^{cc}Wilchins, Lombardi, Priesing, & Malouf (1997)

Table 3

Distribution of Transgender Inmates in California Prisons for Men Presenting as Female Before and After Incarceration

	Expected Female Presentation Upon Release From Prison					
	Yes		No		Total	
	n	%	n	%	n	%
Female Presentation Prior to Most Recent Incarceration						
Yes	237	76.7	16	5.2	253	81.9
No	42	13.6	14	4.5	56	18.1
Total	279	90.3	30	9.7	309	100

Note. Results of chi-squared analysis significant at $p < .001$

Figure 1.

Distribution of gender identities of transgender inmates in California prisons for men

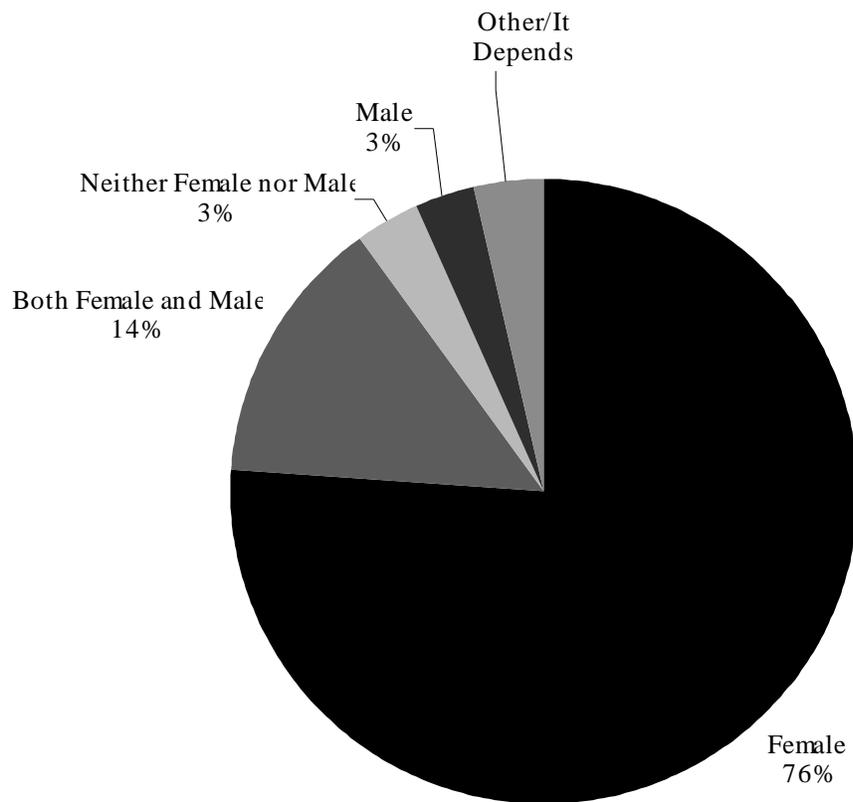


Figure 2.

Distribution of sexual orientations of transgender inmates in California prisons for men

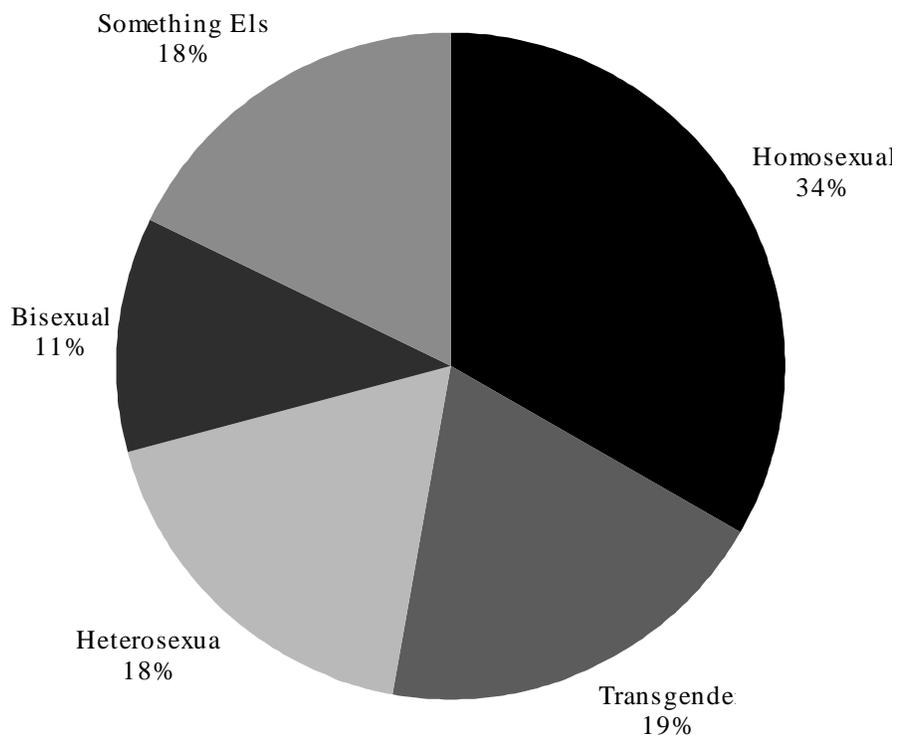


Figure 3.

Distribution of sexual attractions of transgender inmates in California prisons for men

