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CENTER FOR EVIDENCE-BASED CORRECTIONS

# **Transgender Inmates in California's Prisons: An Empirical Study of a Vulnerable Population**

presented at the

**The California Department of Corrections and Rehabilitation**

**Wardens' Meeting**

by

**Valerie Jenness, Ph.D.**

Center for Evidence-Based Corrections  
Department of Criminology, Law and Society  
University of California, Irvine

April 8, 2009

# **The Backdrop for Research on Transgender Inmates**

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## **Round One**

# Highlights of the PREA

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- Supports the elimination, reduction, and prevention of sexual assault within corrections system
- Mandates several national data collection activities
- Creates a national commission to develop standards and accountability measures
- Provides funding for program development and additional research

“The California Department of Corrections and Rehabilitation staunchly supports the Prison Rape Elimination Act. We recognize the need for swift action. And I’ve made a commitment to a strategic planning process for complying with PREA. Not just because it’s the law, but because we have made a commitment to safe prisons and treating inmates humanely.”

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- Roderick Hickman  
Secretary of the CDCR  
(when the PREA became law)

# Sexual Abuse in Detention Elimination Act

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“... the purposes of which would be to protect all inmates and wards from sexual abuse while held in institutions operated by the Department of Corrections and the Department of the Youth Authority....”

**“This law lays the foundation for California, the largest prison system in the country, to be a national leader in the fight to end prisoner rape”**

**–Stop Prisoner Rape**

# Panel on Prison Rape Hears Victims' Chilling Accounts

## Officials Admit They Don't Know Extent

By CAROLYN MARSHALL

SAN FRANCISCO, Aug. 19 — T. J. Parsell was a lanky pimple-faced adolescent bent on mischief. So when he found a toy gun one evening in 1978 while wandering home from a high school party, he thought nothing of pointing it at a store clerk and grumbling, "Your money or your life."

He got \$50 for what he now calls "a stupid impulsive prank." The incident landed the 17-year-old Parsell in an adult jail, where on his first night, an older inmate spiked his drink with Thorazine and sexually abused and raped him.

"While my friends prepared for our high school prom, I was being gang raped," Mr. Parsell testified on Friday to a Congressional commission investigating prison sexual abuse and rape.

Mr. Parsell, now 45, and a successful software executive who lives on Long Island, was one of six victims of prison rape to relate disturbing accounts with a bipartisan panel of The National Prison Rape Elimination Commission here.

"What they took from me went beyond sex," Mr. Parsell said. "They'd stolen my manhood, my identity and part of my soul."

The panel, which also heard from state and federal legislators, law enforcement and prison officials and mental health experts, has been investigating the prevalence, cause and possible solutions to a problem that many experts say has escalated as the prison system is collapsing. Overcrowding, staff shortages and budget cuts have contributed to an often taboo topic.

"As a society, we have an obligation to protect the people we lock up, even though they have harmed society," the commission chairman, Judge Reggie B. Walton of Federal District Court in Washington, said. "Some people say inmates get what they deserve. But they don't think about the overall impact on society."

The body, created by the Prison Rape Elimination Act of 2003, was appointed by President Bush in June

he was incarcerated for 72 hours in April 1973, when he was arrested as an 18-year-old at a party where another guest had hashish. The charges were dropped, but Mr. Martin's three days in jail nearly ruined his life.

"On a purely emotional level," he said after testifying, "I have issues with self-confidence and trust since that day."

Mr. Martin echoed others' statements when he faulted a deteriorating prison system and what he described as a society that is indifferent, and at times disdainful, of people who have been incarcerated.

"Prison rape is a symptom of American society's retreat from rehabilitation toward a system that relies purely on punishment," he said.

The secretary of the California Department of Corrections and Rehabilitation, Roderick Q. Hickman, told the panel that California was trying to quantify the problem. But he said outdated prison designs, inadequate electronic surveillance systems and an antiquated computer database had stalled progress.

The information technology "system in California is completely inadequate," Mr. Hickman said.

"We need a system that can report and handle the cultural classifications of the population," he added.

Mr. Hickman, appointed last month, said he was working to



Photographs by Peter D'Alava for The New York Times

A victim of prison rape when he was 17, T. J. Parsell, testifying yesterday to a Congressional panel.

2004, focusing on questions like inmates' physical and mental problems after being released and economic burdens.

Judge Walton, speaking before the meeting here, the second in a national series, conceded in an interview that the government did not know the magnitude of prison rape.

"We don't really know the prevalence right now," he said. "But I've been in the criminal justice system for 20 years and I have always believed the anecdotal evidence."

On July 31, the Justice Department released its first statistical report on prison rape and inmate sexual abuse, a report also required under the 2003 act. It estimated that there were at least 8,210 reported incidents of sexual abuse and rape a year within a prison population that exceeds 2.1 million.

According to the National Prison Project of the American Civil Liberties Union, prison assaults rose 26 percent from 2000 to 2004.

Kendell Spruce told the commission that he was infected with H.I.V. after having been raped at knife point in 1991 in an Arkansas state prison. Mr. Spruce, who was convicted of forging a check to buy cocaine, said that in one nine-month period he was raped by at least 27 inmates. He was 28 years old and weighed 123 pounds.

"The physical pain was devastating," he said. "But the emotional pain was even worse."

A spokeswoman for the Arkansas Correction Department told The Associated Press that the accusations were untrue that that she believed that Mr. Spruce initiated the activity or was a willing participant. After his five-year term, Mr. Parsell returned to society as an addict of drugs, to "drown out the memories and pain."

He continues to hold back tears as he says he still struggles with the emotional residue of rape, a crime that tarnished his self-esteem and ability to trust.

Chance Martin, 50, an advocate for the homeless here, told the panel that

streamline and centralize procedures to investigate accusations of sexual abuse that were previously handled by individual prisons.

To address guard intransigence, the department has established training programs intended to break what Mr. Hickman called "the code of silence" among guards, behavior that has helped conceal prison rapes.

Representative Barbara Lee, a California Democrat who was an initial co-sponsor of the 2003 law, equated prison rape with human rights violations. She and other prison rights advocates have stressed the need for "zero tolerance" and a corrections system that accommodates different sexual and cultural orientations.

"By doing nothing," Ms. Lee said, "we condone this inhumane and abusive behavior. Indifference, deliberate or not, violates the Eight Amendments of the Constitution banning cruel and unusual punishment."

In the afternoon, the panel heard criminologists, law enforcement officials and leaders of transgender, lesbian, gay and bisexual groups about the need for better inmate classification.

"We don't want a first-time offender charged with drunken driving to be housed next to a guy who has committed multiple armed robberies, and who has been in and out of the system for years," said Bart Lanni, the sheriff's deputy for Los Angeles County.

Mr. Lanni said misplaced inmates ran an increased risk of being a target of sexual abuse.

"Predators looking to rape someone tend to pick people without close ties or a gang affiliation," Dr. Terry A. Kupers, a psychiatrist and an expert on prison rape, said.

All the victims testifying on Friday said that they might have escaped their rapes if the authorities had placed them with inmates of similar age, race, sexual orientation and the same categories of crime.

"The Secretary of the California Department of Corrections and Rehabilitation, Roderick Q. Hickman, told the panel that California was trying to quantify the problem."

"We don't really know the prevalence right now."

--Judge Walton



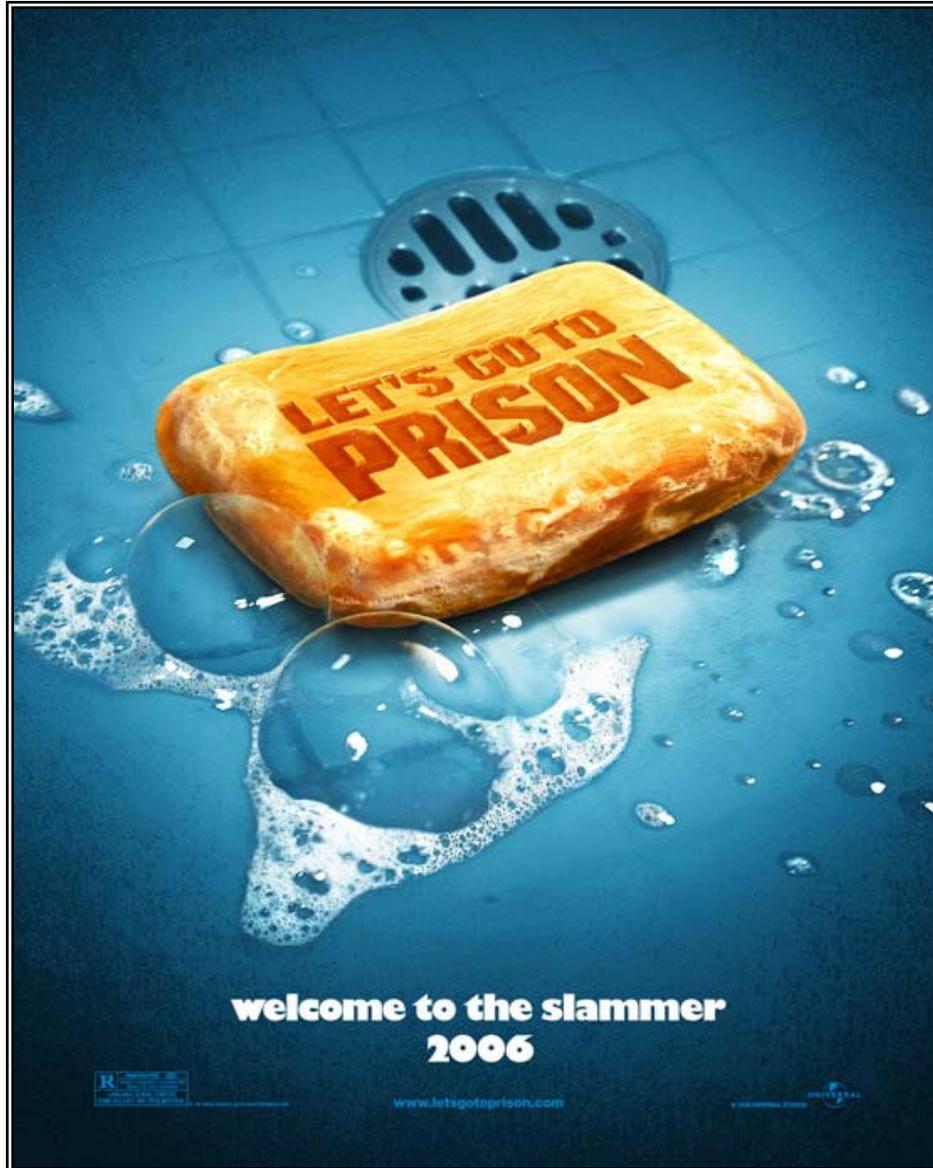
Three prison rape victims at the San Francisco hearing on the problem. From the left, Cecilia Chu, Hope Hernandez and Chance Martin.

Source: New York Times. 08/20/2005

## The CDCR hosts PREA Hearings at Folsom, November 14-15, 2006

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*Let's Go To Prison*, a film that purports to provide a “penetrating look” at the American penal system.

# Why Research?

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1. **CDCR's commitment to "evidence-based corrections"**
2. **[But] A lack of evidence**
  - **In March 2004 NIJ published a comprehensive literature review of the existing research titled "Prison Rape: A Critical Review of the Literature," which:**
    - Describes research conducted since 1968
    - Describes both convergence and divergence across findings, noting the difficulties encountered when comparing across facilities of different sizes, security levels, missions, types of inmates, etc.
    - Describes how conducting such research presents a unique set of challenges
    - Offers suggestions to help guide future research
    - **But, only one prison in California studied!**

# Wooden and Parker (1983)

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- Research on sexual behavior and victimization in a California medium security prison between 1979-80.
- The prison held 2,500 inmates.
- The prison was used to house an overrepresentation of self-avowed homosexual and vulnerable inmates in single cells.
- Researchers distributed 600 questionnaires to a random sample of inmates and received 200 back.
- 65% of respondents report having sex in prison.
- **14% of respondents report having been the victim of sexual assault or pressured to engage in sexual activity.**
- Much of their analysis is dedicated to describing and explaining (what is assumed to be) homosexual behavior that occurs in prison.

# Violence in California Correctional Facilities:

## An Empirical Examination of Sexual Assault

Report submitted to the  
California Department of Corrections and Rehabilitation  
by

Valerie Jenness  
Cheryl L. Maxson  
Kristy N. Matsuda  
Jennifer Macy Sumner



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Center for Evidence-Based Corrections

April 27, 2007

# Acknowledgments

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- Jennifer Sumner

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- Sandi Menefee
- Wendy Still
- Jeanne Woodford
- **Wardens and other prison administrators and correctional officers at seven prisons from which data were collected**

## Research Consultants

- Allen Beck
- Mark Fleisher
- Alexander L. Lee
- Merry Morash
- Andie Moss

## Stop Prisoner Rape

- Lovisa Stannow
- Lara Stemple

## UC Research Team/Consultants

- Victoria Basolo
- Lyndsay Boggess
- Philip Goodman
- Ryken Grattet
- John Hipp
- Lynn Pazzani
- Joan Petersilia
- Amelia Regan
- Michael Smyth
- Rebecca Trammell
- Susan Turner
- Sylvia Valenzuela
- Guadalupe Vidales

## Inmates

- Hundreds whose names will remain confidential

# Major Findings

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1. Prevalence of Sexual Assault/Misconduct
2. Characteristics of Victims
3. Characteristics of Incidents
4. The Lived Experience

# Select Differences between the Random Sample and the Transgender Sample

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	Random Sample	Transgender Sample
Prevalence of Sexual Assault	4.4%	59%
Prevalence of undesirable sexual acts	1.3%	48.3%
Weapon actually used if involved	20%	75%
Officer Aware of the Incident	60.6%	29.3%
Provision of Medical Attention (if needed)	70%	35.7%
Racial composition (% of incidents interracial)	17.2%	63.9%
Relational Distance	Evenly distributed	Skewed toward familiarity



## Now what?

Research Recommendations

Policy Recommendations



More Research!

# Recommendations: Research

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- Research on other incarcerated populations, such as women and juveniles
  - Additional research on transgender inmates, non-heterosexual inmates, inmates of color, inmates with mental health problems, and inmates that are small in stature
- Collect empirical data on a broader range of types of sexual assault, especially
  - Staff-on-inmate assault
- Focus empirical research on perpetration as well as victimization to ascertain if there are similar patterns and correlates
- Support studies that assess current efforts to respond to sexual assault in California correctional facilities



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# Six Good Reasons to Study Transgender Inmates

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- Growing awareness of transgender people in the U.S.

# “Transgender” Enters the National Lexicon



May 2007

# Transgender People in Popular Culture



Candis Cayne plays Carmelita, a transgender character, on the new show "Dirty Sexy Money." Candis Cayne is transgender herself.



Roberta Close: "At one time (and perhaps still) the most famous trans woman of the Latin world."

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- Growing awareness of transgender people in the U.S
- Growing awareness of transgender people in carceral settings
  - 2008 California State Senate hearing: “Issues Facing Gay, Lesbian, Bisexual and Transgender Inmates in California Prisons”

# Transgender Inmates in California Prisons: Comments from the Point of View of Research<sup>1</sup>

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Prepared and presented by Valerie Jenness, Ph.D.  
with contributions by Lori Sexton and Jennifer Sumner, M.A.

Senate Committee on Public Safety

Informational Hearing on

## Issues Facing Lesbian, Gay, Bisexual and Transgender Inmates in California Prisons

Hiram Johnson State Building  
455 Golden Gate Avenue  
San Francisco, CA 94102

December 11, 2008

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<sup>1</sup> The research projects from which this testimony derives were funded by the California Department of Corrections and Rehabilitation (CDCR) as well as the School of Social Ecology and the Center for Evidence-Based Corrections at the University of California, Irvine. I would like to thank the following contributors to this research: CDCR personnel, especially, Suzan Hubbard, Wendy Still, Bubpha Chen, Karen Henderson, Betty Viscuso, and the wardens of California's prisons; academic colleagues, including Francesca Barocio, Kitty Calavita, Mark Fleisher, Ryken Grattet, Cheryl Maxson, Richard McCleary, Jodi O'Brien, and Joan Petersilia; personnel associated with Just Detention International (formerly Stop Prisoner Rape) and the TGI Justice Project; medical experts, including Dr. Lori Kohler and Dr. Denise Taylor; Project Managers, including Kristy Matsuda, Lori Sexton and Jennifer Sumner; a team of research assistants that interviewed hundreds of inmates; and the hundreds of inmates in California prisons who agreed to be interviewed. Direct all correspondence to Valerie Jenness, Department of Criminology, Law and Society, University of California, Irvine. 92697-7080. E-mail: [jenness@uci.edu](mailto:jenness@uci.edu).









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- Growing awareness of transgender people in the U.S.
- Growing awareness of transgender people in carceral settings
  - 2008 California State Senate hearing: “Issues Facing Gay, Lesbian, Bisexual and Transgender Inmates in California Prisons”
- High-profile court cases brought forth by transgender inmates
  - *Farmer v. Brennan*
  - *Giraldo v. the California Department of Corrections and Rehabilitation*

# BAY AREA REPORTER

## Judge delays trans prisoner's trial

Transgender prisoner Alexis Giraldo, who is suing the California Department of Corrections and Rehabilitation for its failure to protect her from sexual assault, appeared in San Francisco Superior Court on Monday, July 9 only to learn that her trial was delayed.

Jose A. Zelidon-Zepeda and Emily Brinkman, deputy state attorneys general, successfully delayed Giraldo's trial by filing a petition with the California Superior Court in San Francisco late July 6 to move the case to the United States District Court in Sacramento. Due to the presence of the petition and processing delays, Superior Court Judge Ellen Chaitin, who was surprised by the timing of the petition, stayed the request until Monday, July 16 to begin trial. The court is awaiting the federal court's decision to either reject the petition or receive an order to move the case to federal jurisdiction.

The delay presents a problem in Giraldo's case, according to her attorney Greg Walston, because as of Friday, July 13, Giraldo will be paroled and therefore she will no longer be in state custody. According to Walston, this motion will make it difficult to have the court award and enforce an order to change CDCR's housing and treatment policies of transgender prisoners by making Giraldo's claim moot.

"The attorney general's desperate petition has bought him one more week, but he will still lose," said Walston of the Walston Legal Group, who viewed the petition as "frivolous and untimely."



"This action brings to light the troubling and ongoing civil rights violations," said Walston, citing that transgender prisoners are "15 times more likely to suffer sexual assault than other inmates," which due to the population size in comparison with the number of assaults that occur, according to Walston, "prove that a majority of transgender inmates are raped in prison."

**Walston cited a study released last month conducted by Valerie Jenness, Professor, the University of California, Irvine for the CDCR.**

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- Legislative mandates (PREA, SADEA, and AB 382 [pending])

**ASSEMBLY BILL**

**No. 382**

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**Introduced by Assembly Member Ammiano**

February 23, 2009

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An act to amend Section 2636 of the Penal Code, relating to the Department of Corrections and Rehabilitation.

LEGISLATIVE COUNSEL'S DIGEST

AB 382, as introduced, Ammiano. Department of Corrections and Rehabilitation: inmates and wards: classification.

Existing law requires the Department of Corrections and Rehabilitation to classify inmates and wards in order to prevent inmate and ward sexual violence and to promote inmate and ward safety, as specified. Existing law also requires the department to consider certain specified characteristics of the inmate or ward when classifying the inmate.

This bill would add the sexual orientation and gender identity of the inmate or ward to the list of characteristics to be considered.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

# AB 382 Specifies:

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*The people of the State of California do enact as follows:*

The following practices shall be instituted to prevent sexual violence and promote inmate and ward safety in the Department of Corrections and Rehabilitation:

(a) The Department of Corrections and Rehabilitation inmate classification and housing assignment procedures shall take into account risk factors that can lead to inmates and wards becoming the target of sexual victimization or of being sexually aggressive toward others. Relevant considerations include:

(1) Age of the inmate or ward.

(2) *Sexual orientation and gender identity of the inmate or ward.*

# Six Good Reasons to Study Transgender Inmates

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  - 2008 California State Senate hearing: “Issues Facing Gay, Lesbian, Bisexual and Transgender Inmates in California Prisons”
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- High rates of sexual assault among transgender inmates (Jenness, Maxson, Matsuda and Sumner, 2007) found in CDCR-funded study.

# Select Differences between the Random Sample and the Transgender Sample

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- Legislative mandates (PREA, SADEA, and AB 382 [pending])
- High rates of sexual assault among transgender inmates (Jeness, Maxson, Matsuda and Sumner, 2007) found in CDCR-funded study
- Systematic, empirical examination of transgender inmates is lacking

*California*  
Department of Corrections  
*and Rehabilitation*



\$199,999 and Access to Prisons and Inmates

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- Alexander L. Lee
- Cheryl Maxson
- Richard McCleary
- Jodi O'Brien
- Denise Taylor, M.D.
- LGBT community members

## Stop Prisoner Rape (now "Just Detention")

- Lovisa Stannow

## CDCR

- Nola Grannis
- Tina Hornbeak
- Suzan Hubbard
- Marisela Montes
- Karen Henderson
- Betty Viscuso
- Wendy Still
- **Wardens and other prison administrators and correctional officers at 28 prisons from which data were collected**

## UCI Research Team

- Akhila Ananth
- Victoria Basolo
- Philip Goodman
- Kristy Matsuda
- Randy Myers
- Gabriela Noriega
- Lynn Pazzani
- Sylvia Valenzuela

## Transgender Inmates

Hundreds, whose names will remain confidential



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# The Current Research

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## Round Two

# Scope Conditions

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## Target Populations

1. All transgender inmates residing in California state prisons, including “ad seg” and SHU units  
*Note: this time EOP is included*
2. English- and Spanish-speaking inmates

## Target Behaviors

1. Presenting as female (inside and outside prison)
2. Inmate-on-inmate sexual assault
3. Inmate-on-inmate non-sexual assault  
(for comparative purposes)

# Central Questions

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- What are the demographic characteristics of transgender inmates?
- In what types of physical, social, and intimate environments are transgender inmates housed?
- What is the overall prevalence of physical and sexual victimization for transgender inmates?
- How does victimization vary in accordance with the demographic characteristics of inmates?
- How does it vary with the physical, social, and intimate features of their housing environments?

# State Prison Officials Not Sure Where to House Transgender Inmate

**BALTIMORE** - Maryland Division of Correction officials say they have no set policies to deal with transsexual inmates — though they now have one ordered to their custody.

“We take them one case at a time,” prison spokesman George Gregory said. Spokeswoman Maj. Priscilla Doggett said prison officials will evaluate Dee Deirdre Farmer, also known as Douglas Farmer, 41, to determine whether she should be housed with men or women.

“We will do a full intake and assessment to determine the correct placement,” she said.

Farmer was sentenced Wednesday to 18 months in the state prison system, after pleading guilty to faking her own death to avoid other criminal charges. She was transferred from the Baltimore City Detention Center to the Maryland Division of Correction on Thursday, said Barbara Cooper, a spokeswoman for the city jail.

Cooper said she could not release whether Farmer was housed with men or women.

Farmer presented a forged court order indicating that she had died to the State Division of Vital Records, which noticed something unusual about the order and reported it to the Attorney General's Office, prosecutors said.

The order was a complete fabrication, prepared by Farmer in hopes of being able to use the altered death certificate to get unrelated criminal charges pending against her in federal court and Baltimore County Circuit Court dismissed, according to prosecutors.

Farmer was born as a male under the name Douglas Farmer, but had a partial sex change operation and now lives as a woman.

A few years ago, Farmer changed her Maryland birth certificate, using a court order from North Carolina, to reflect that she was a woman with the name Dee Deirdre Farmer.

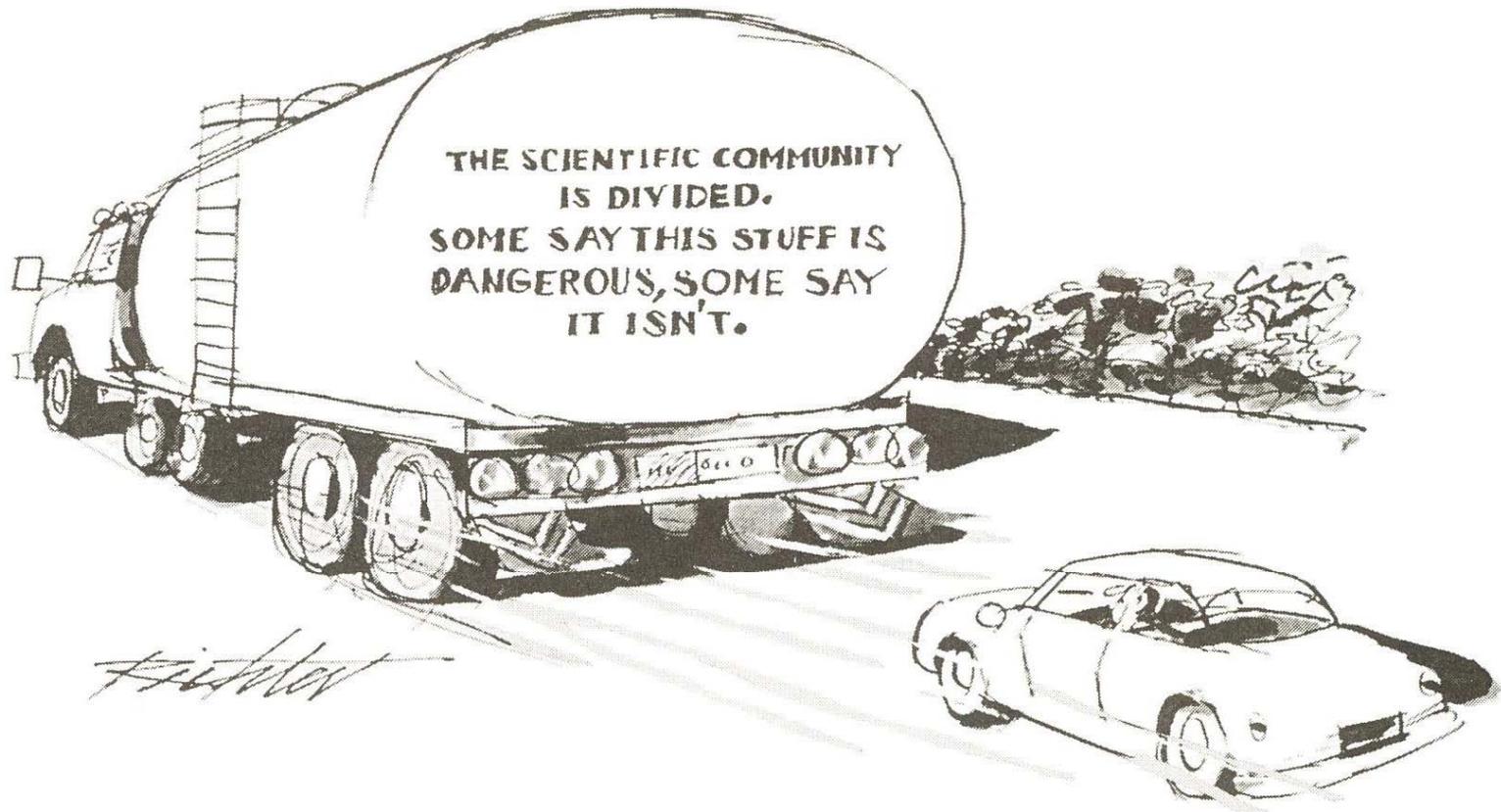
Farmer previously sued federal prison officials over a 1989 rape that occurred after Farmer entered a federal prison for men in Terre Haute, Ind.

Her lawsuit claimed the government violated the constitution's prohibition of cruel and unusual punishment by ignoring the risk that she would be raped by other prisoners, because of her feminine appearance.

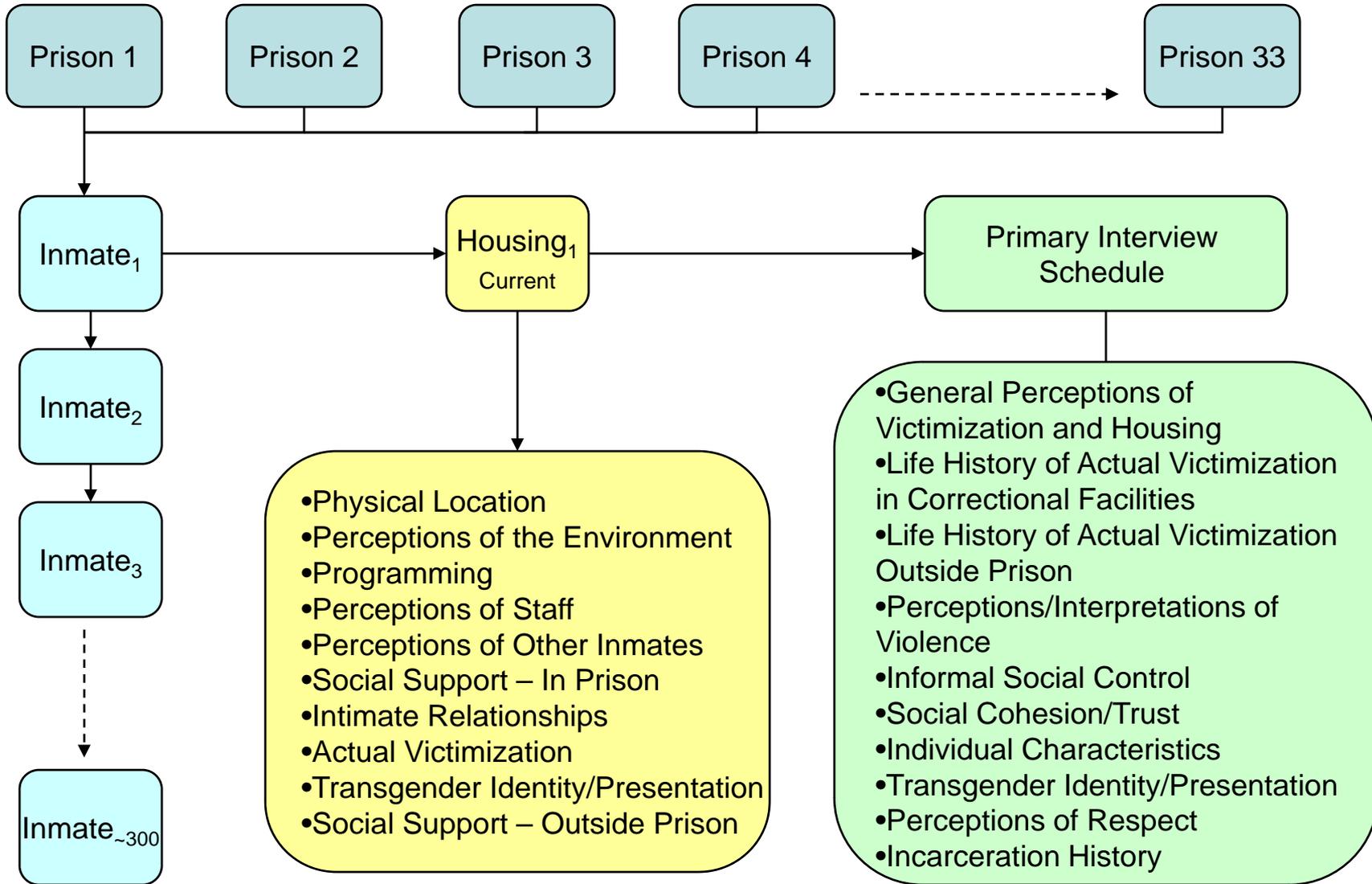
Farmer had been sentenced to a 20-year federal sentence for credit card fraud. Through her attorney, she declined to comment on this story.



# The Funded Policy Question: Where to House Transgender Inmates???????



# Summary of Transgender Study Research Design



- Physical Location
- Perceptions of the Environment
- Programming
- Perceptions of Staff
- Perceptions of Other Inmates
- Social Support – In Prison
- Intimate Relationships
- Actual Victimization
- Transgender Identity/Presentation
- Social Support – Outside Prison

- General Perceptions of Victimization and Housing
- Life History of Actual Victimization in Correctional Facilities
- Life History of Actual Victimization Outside Prison
- Perceptions/Interpretations of Violence
- Informal Social Control
- Social Cohesion/Trust
- Individual Characteristics
- Transgender Identity/Presentation
- Perceptions of Respect
- Incarceration History

# The UCI Interview Schedule

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- œ Preamble/Consent
- œ Physical Location, Perceptions of Physical Environment, Programming
- œ Perceptions of Staff, Perceptions of Other Inmates
- œ Social Support, Intimate Relationships
- œ Victimization in Current Housing Unit
- œ Identity/Presentation in Current Housing Unit
- œ General Housing
- œ Life History of Victimization in Correctional Facilities
- œ Perceptions/Interpretations of Violence, Perceptions of Respect
- œ Life History of Victimization Outside Prison
- œ Identity/Presentation Outside Prison
- œ Individual Characteristics
- œ Incarceration History
- œ Inmate/Transgender Inmate Collective Identity and Efficacy

# “Transgender” Means Different Things to Different Communities

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## Activist

- “We use the term ‘transgender’ in its most inclusive sense, as an umbrella term encompassing: pre-operative, post-operative, and non-operative transsexual people; cross-dressers; feminine men and masculine women; and more generally, anyone whose gender identity or expression differs from conventional expectations of masculinity or femininity” (Transgender Law & Policy Institute, 2008).

## Research

- “The word ‘transgender’ is an umbrella term used to refer to all individuals who live outside of normative sex/gender relations – that is, individuals whose gendered self-presentation (evidenced through dress, mannerisms, and even physiology) does not correspond to the behaviors habitually associated with members of their biological sex” (Namaste, 2000, p.1).

## Medical

- “Transgender refers to a person who is born with the genetic traits of one gender but the internalized identity of another gender” (Kohler, 2008).

## University/Higher Education

- “Gender identity means a gender-related identity, self-image, appearance, expression, or behavior of an individual, or other gender-related characteristics of an individual whether actual or perceived, and with or without regard to the sex designated or assigned to the individual at birth” (UC Irvine Contract for Teaching Assistants, 2008).
- “A state of androgyny... mixing together of both genders for oneness with the universe and all matter that exists” (UC Irvine, LGBT Center, 2008).

# An Insider's View

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- Gay boys: “men who have feminine characteristics. They don’t want to be girls. They are more like pretty boys, but they are boys.”  
Tellingly, his eyebrows were done like many tgs do their eyebrows. When I commented on this he said “oh, thank you, I try to keep them looking good.”
- Transgenders: “they want to be the girls. They want hormones, they want boobs to look like girls. They tend to think they were born to be girls and they are always bottoms.” He noted “I don’t want boobs, no way; and, I’m not always a bottom, but I like that.”
- Homosexuals: “just masculine men—they don’t want and they don’t have feminine characteristics. They are men men—like the Village People, you know that group”? I said yes and asked “what about sexually? “You wouldn’t know they were homosexual, they almost always tops, but you’ll find about 25% go both ways. Have you heard about gunslingers”?

## What Does “Transgender” Mean for this Research?

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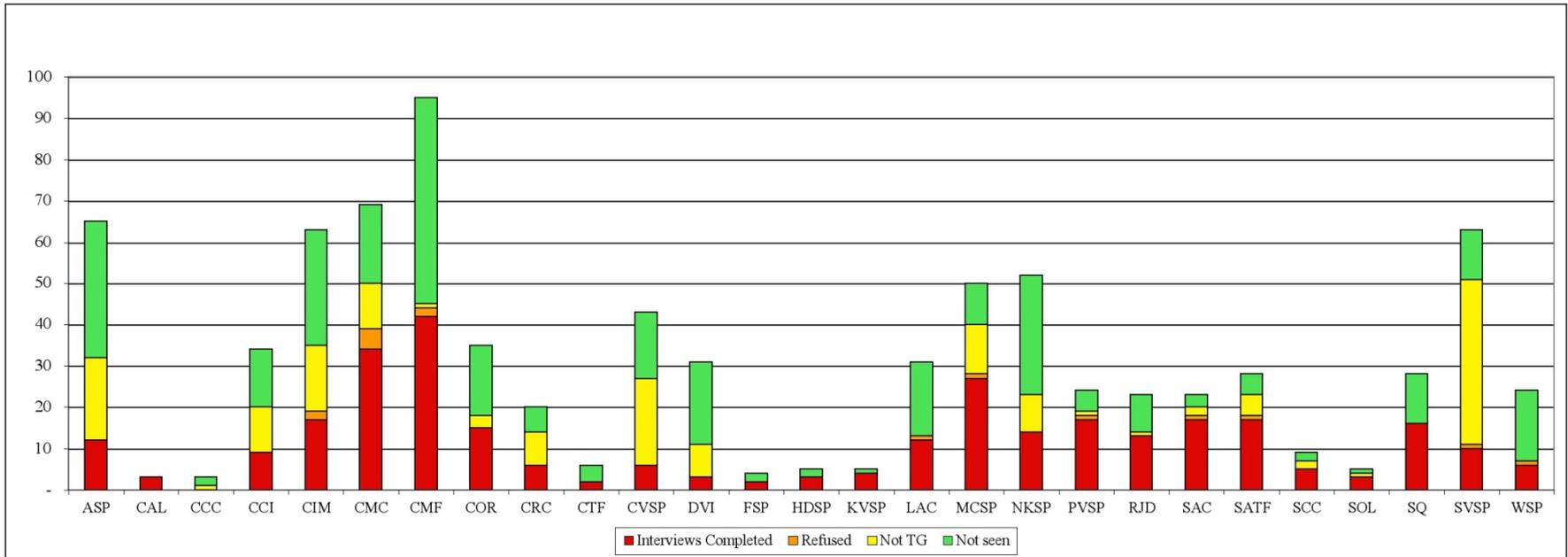
- For this study, we needed a clear, simple operationalization to identify our target population
  - Do you identify as transgender?
  - Are you currently taking female hormones?
  - Do you attend a transgender support group?
- And to establish a common meaning for all respondents
  - “Knowing that different people use different terms for things, I want to clarify that, during this interview, when I talk about transgender inmates, I am referring to those inmates who identify or present as female in men’s prisons.”

# Summary of Data Collection

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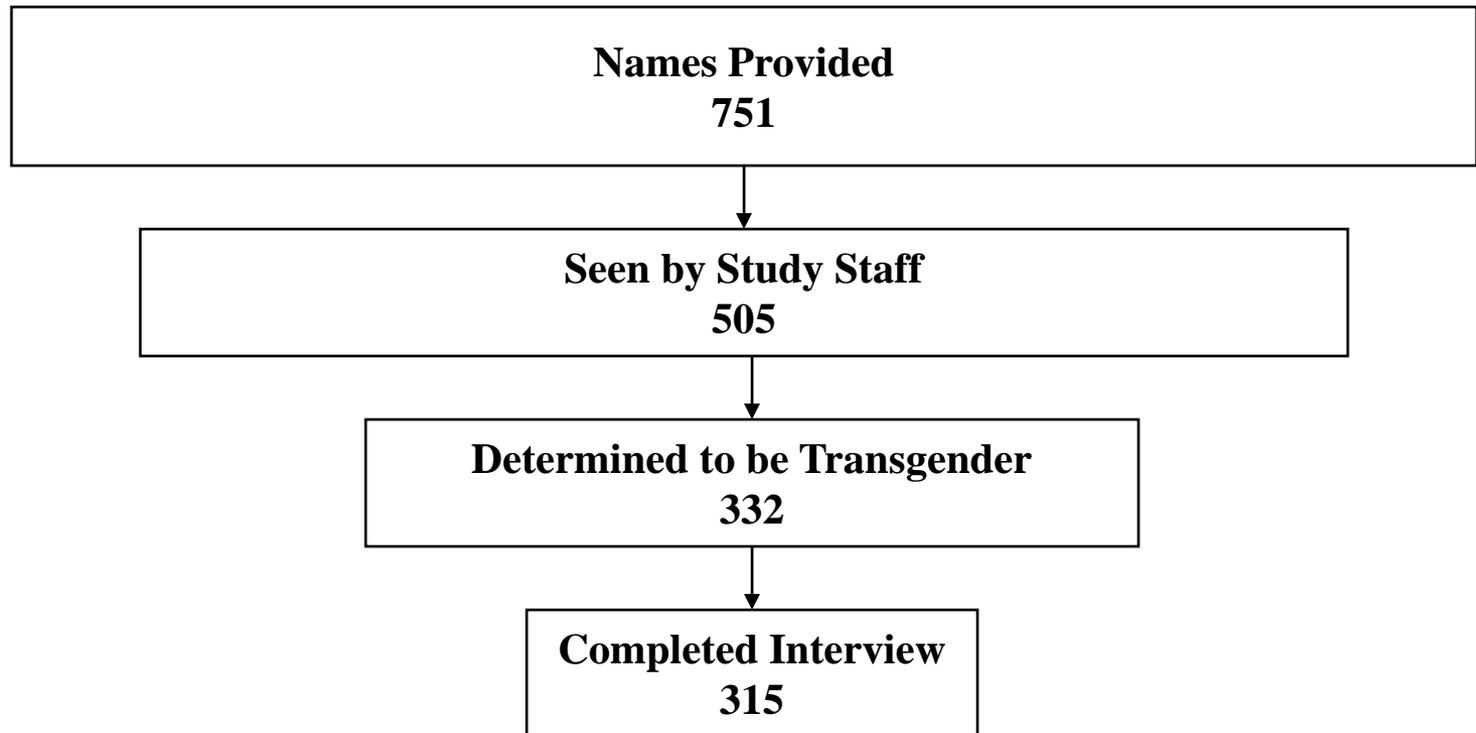
- 9 weeks
- 8 interviewers
- 27 prisons
- 315 face-to-face interviews (95% participation rate)
  - Interviews could consist of as many as 305 questions
  - Interviews averaged 56 minutes

# Variation in Data Collection on Transgender Inmates by Prison



# How Did We (the Research Team and CDCR Personnel) Identify Transgender Inmates?

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# Project Design – Official CDCR Data

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- CDC#, LifeNo
- Name
- Race/Ethnicity
- Sex
- Birthday
- Height
- Weight
- Earliest Parole Release Date
- Projected Release Date
- Sentence
- Primary Institution Location
- Secondary Institution Location
- Offense Category
- Sex Registration
- Mental Health Treatment Need
- Classification Score
- Classification Level
- Sentence Type
- Gang Affiliation
- Gang Verification
- Age at First Arrest
- Age at Admission
- Highest strike count
- Lifer
- Movement Effective Date
- Birthplace
- Admission Date (arrived at CDCR for first conviction under CDCR#)
- Movement Type
- Release Date
- Current Location
- Cell Bed
- Administrative Determinant
- Immigration Hold
- Commitment Type (Felony, Narcotics, etc.)

# Assurance

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All the data were collected in a way that ensured the CDCR did not/does not know which inmates participated in the study.

# Summary of Interviewer Characteristics and Transgender Inmate Participation by Interviewer

	Interviewer Characteristics					Potential and Realized Study Participants		
	Age	Sex	Race/ Ethnicity	Professor/ Graduate Student	Language	Inmates Contacted by Interviewer	Participation Rate (Consent Granted)	Usable Interviews
1	45	F	White	Professor	English	50	100.0%	100.0%
2	24	F	White	Graduate Student	English	58	93.1%	91.4%
3	33	M	White	Graduate Student	English	33	93.9%	93.9%
4	25	M	White	Graduate Student	English	11	100.0%	100.0%
5	31	F	White	Graduate Student	English	93	92.5%	92.5%
6	27	F	Asian	Graduate Student	English	44	97.7%	97.7%
7	28	M	White	Graduate Student	English	5	100.0%	100.0%
8	31	F	Hispanic	Graduate Student	English/ Spanish	38	94.7%	94.7%
<b>TOTAL</b>						332	96.5%	96.3%

# Major Findings

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1. Demographic Profile
2. Aggregate Prevalence Rate
3. Prevalence by Characteristics of Transgender Inmates
4. Prevalence by Characteristics of Prisons
5. Prevalence by Housing Assignments
6. Prevalence by Social-Interactional Factors (i.e., Lived Experiences in Prison)
7. Beyond Prevalence: Further Considerations

# 1. Demographic Profile

# Characteristics of Transgender Inmates

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- Mean age = 38 years old
  - 18-24 (6.3%)
  - 25-34 (28.3%)
  - **35-44 (37.7%)**
  - 45-54 (22.6%)
  - 55+ (5.1%)
- Race/ethnicity
  - Hispanic (28.3%)
  - **White (28.0%)**
  - **Black (34.6%)**
  - Asian/Pacific Islander (.9%)
  - American Indian (2.7%)
  - Other (5.4%)
- Offense
  - **Crimes Against Persons (49.8%)**
  - Property (30.2%)
  - Drug (16.3%)
  - Other (3.7%)
- Custody level
  - I (13.3%)
  - II (25.6%)
  - **III (29.0%)**
  - **IV (32.1%)**
- Life sentence
  - Life with possibility of parole (13.3%)
  - Life Without parole (2.4%)
  - Not a lifer (84.3%)
- **Registered sex offender (20.5%)**
- Verified gang member (5.1%)
- Official mental health designation
  - **CCCMS (54.2%)**
  - **EOP (9.9%)**

# Handout: Transgender Inmates Compared to other Populations

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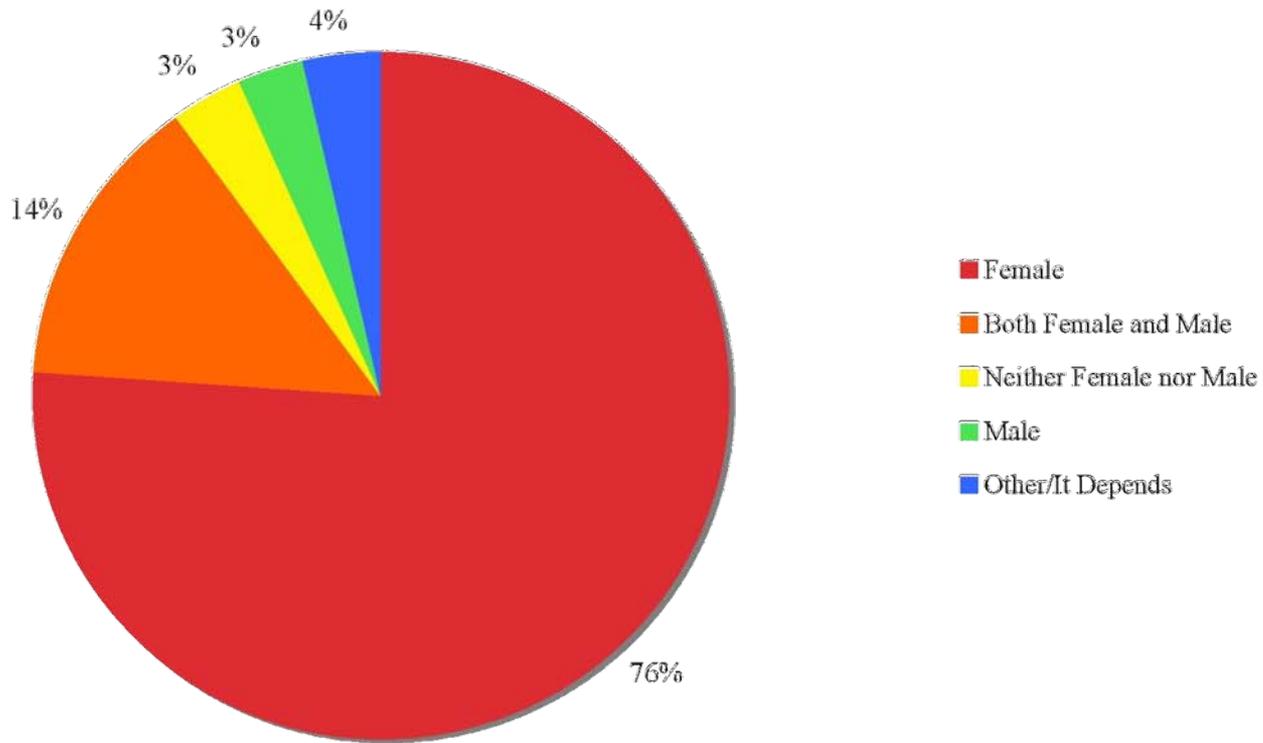
- Transgender Community
- California Prison Population (Men's Prisons Only)
- U.S. Prison Population (Men's Prisons Only)
- California Population
- U.S. Population

# Variation Within the Transgender Inmate Population

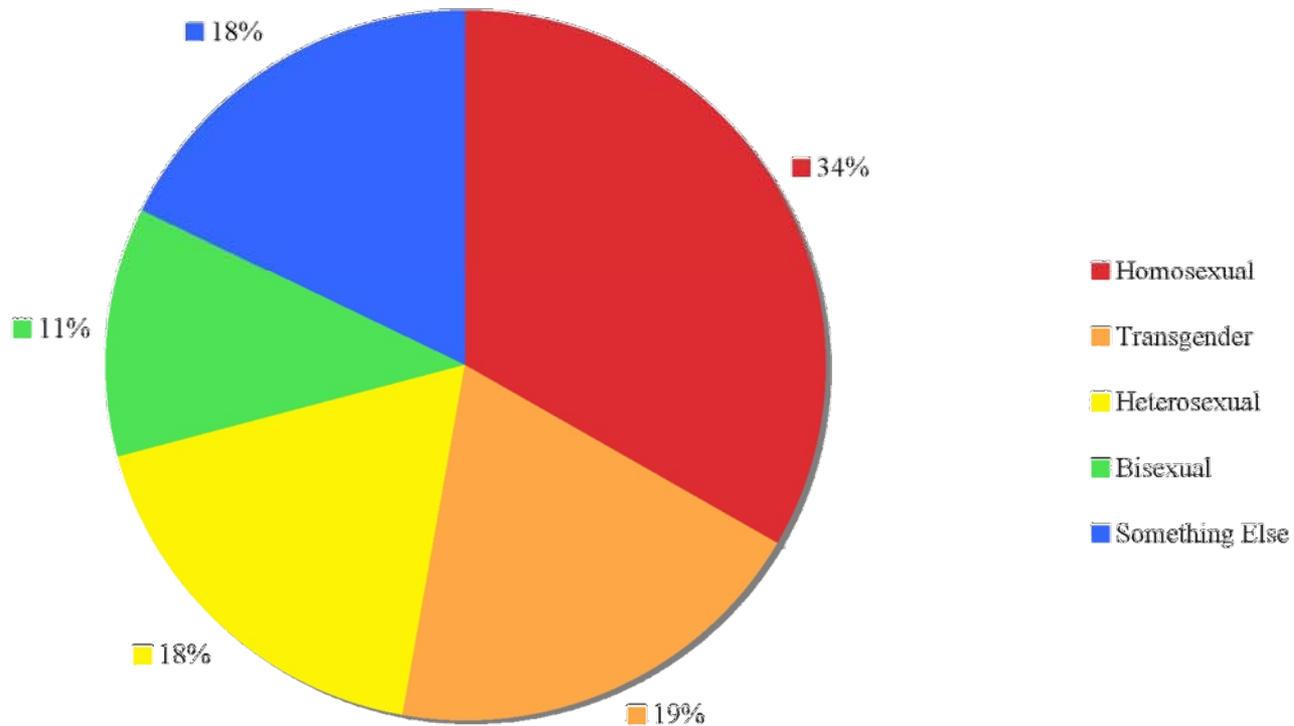
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- While transgender inmates are certainly distinct from other populations, it is essential to acknowledge the diversity within the population itself
- Among other factors, this diversity exists with regard to:
  - Gender identity
    - Preferred gender identity label
  - Sexual Orientation
  - Sexual Attractions
  - Gender presentation
    - Female presentation before incarceration
    - Plans to present as female upon release from prison

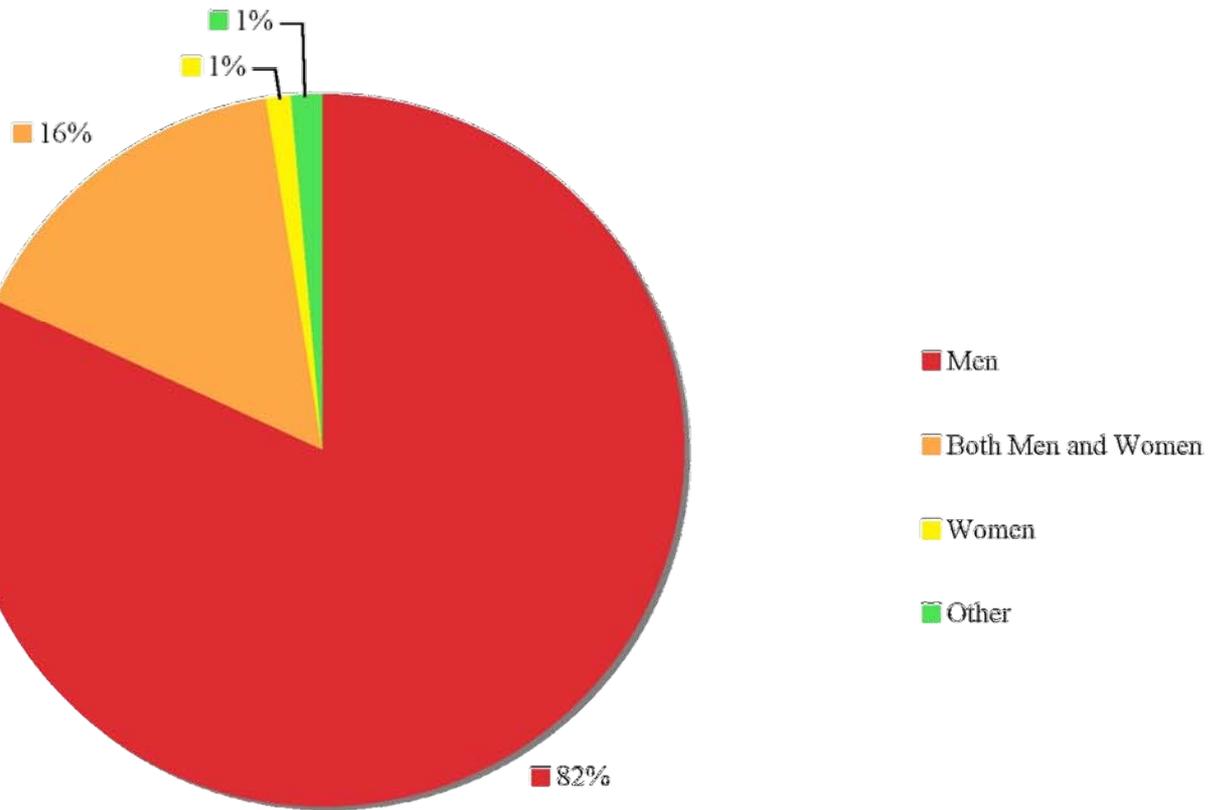
# Distribution of Gender Identities



# Distribution of Sexual Orientations

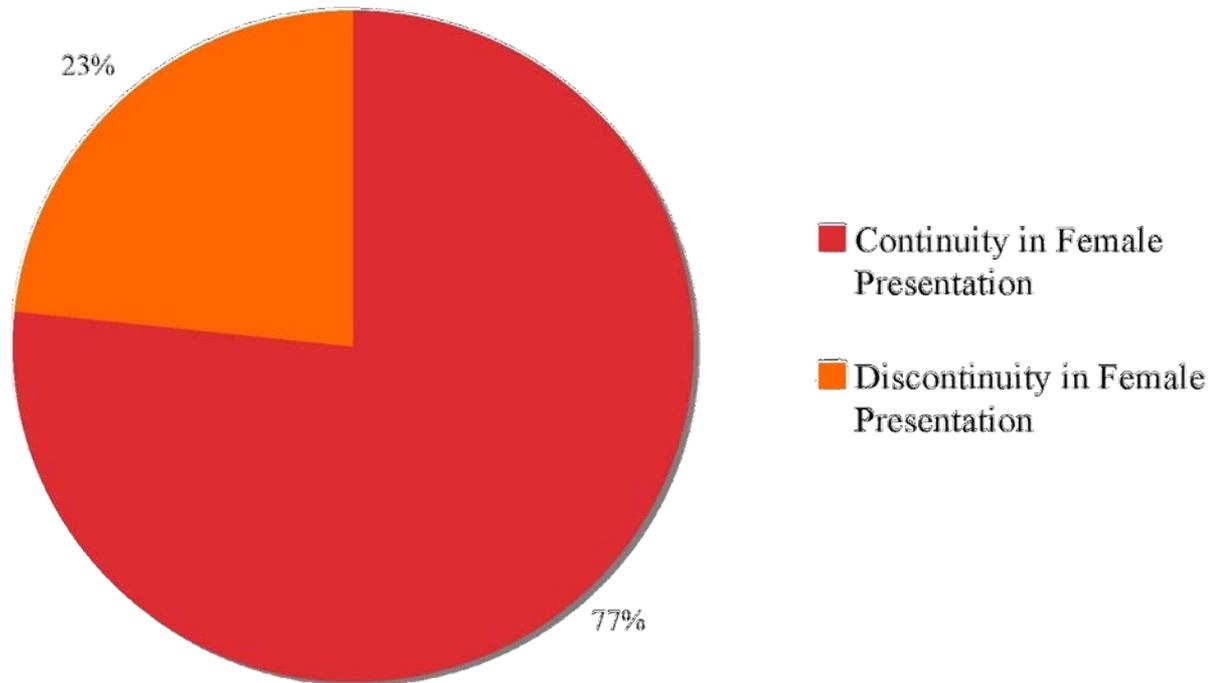


# Distribution of Sexual Attractions



# Continuity of Female Presentation

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# 2. Aggregate Prevalence

# Prevalence of Inmate-on-Inmate Sexual Assault for Transgender Inmates

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- Sexual assault: “Have you ever had to do sexual things against your will with another inmate?”
  - “Just to be sure, have any of the following things ever happened to you: groping or fondling, kissing, genital contact, oral sex or penetration against your will?”
- Prevalence:
  - 23.8% in current housing unit
  - 58.5% during entire incarceration history (while presenting as female)
  - 41.7% prevalence of sexual assault outside of prison (while presenting as female)

# Prevalence of Inmate-on-Inmate Sexual Assault/Misconduct

---

- When you expand assault to include sexual misconduct, the numbers grow
- Sexual misconduct: “What about things that were perhaps not against your will, but that you would rather not have done?”
- Prevalence:
  - 34.6% in current housing unit
  - 69.4% during entire incarceration history (while presenting as female)
  - 62.4% prevalence of sexual assault/misconduct outside of prison (while presenting as female)

# Prevalence of Staff-on-Inmate Sexual Assault and Assault by a Police Officer

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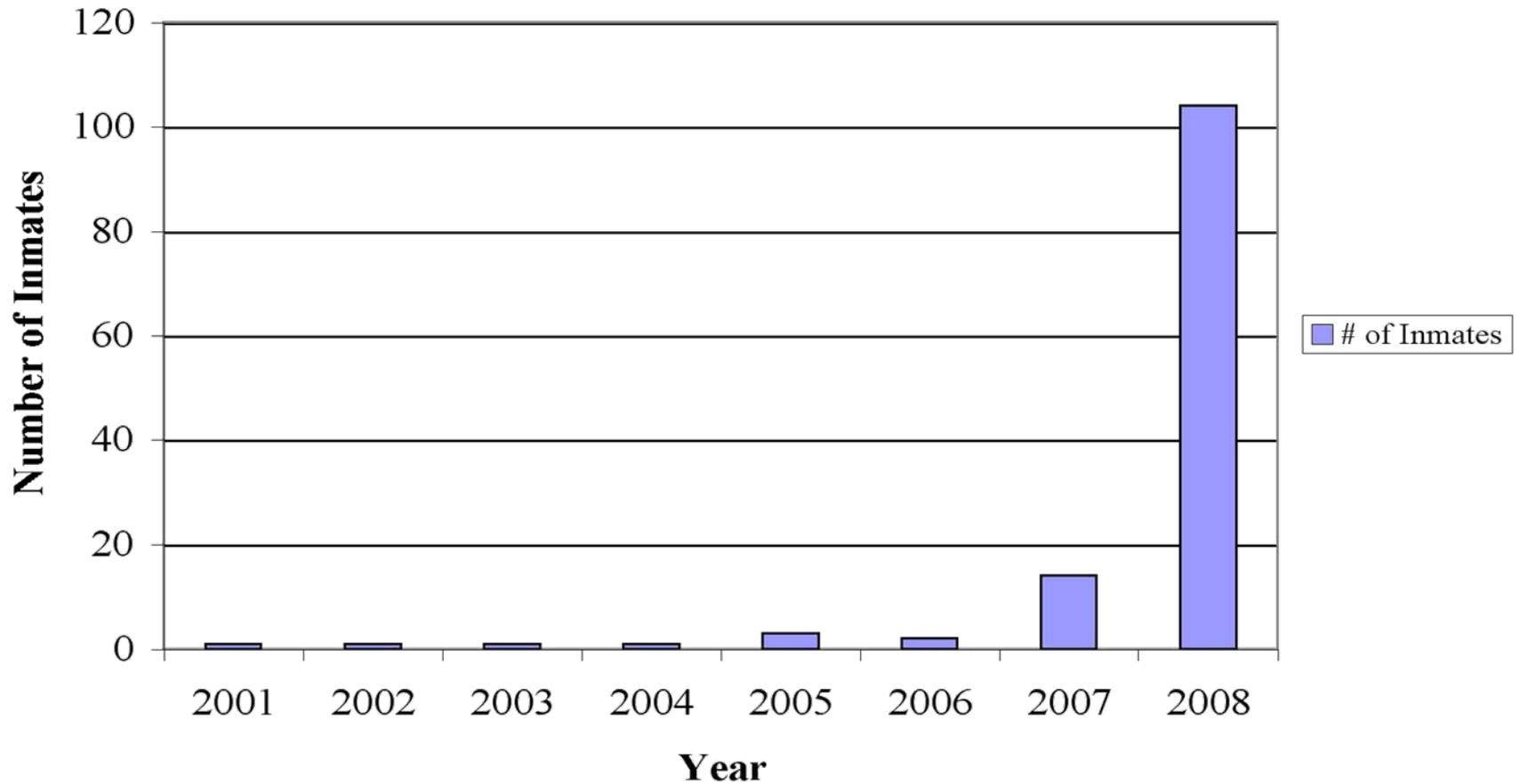
- Correctional staff
  - 0.6% in current housing unit
  - 13.6% during entire incarceration history (while presenting as female)
- Assault by a law enforcement officer outside of prison
  - 15.2%

# Transgender Inmates Experience More Sexual Victimization than Male Inmates

---

	Male Inmates (2007)	Transgender Sample (2007)	Transgender Population (Current)
Prevalence of sexual assault (Entire incarceration history)	4.4%	59%	58.5%
Prevalence of sexual assault/misconduct (Entire incarceration history)	4.7%	71.8%	69.4%

# Year of Most Recent Sexual Assault/Misconduct Incident





# **3. Prevalence by Characteristics of Transgender Inmates**

# Prevalence of Sexual Assault/Misconduct by Characteristics of Transgender Inmates

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- Age
  - 18-25: 35.5%
  - 26-35: 31.4%
  - 36-45: 38.3%
  - 46+: 31.4%
- Race/Ethnicity
  - Hispanic: 35.6%
  - White: 44.3%
  - Black: 25.7%
  - Asian/Pacific Islander: 100.0%
  - Other: 30.8%

# Prevalence of Sexual Assault/Misconduct by Characteristics of Transgender Inmates

---

- Offense
  - Crimes against persons: 42.2%
  - Property: 24.2%
  - Drug: 30.0%
  - Other: 40.0%
- Custody Level
  - Level I: 27.8%
  - Level II: 38.0%
  - Level III: 37.8%
  - Level IV: 30.3%

# Prevalence of Sexual Assault/Misconduct by Characteristics of Transgender Inmates

---

- Mental Health Designation
  - CCCMS: 35.7%
  - **EOP: 40.6%**
  - None: 31.3%
- Registered Sex Offender:
  - Yes: 43.9%
  - No: 32.1%
- Lifer:
  - Yes: 43.8%
  - No: 33.0%

# **4. Prevalence by Characteristics of Prisons**

# Prevalence of Sexual Assault/Misconduct by Characteristics of Prisons

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- Concentrated Population of Transgender Inmates
  - Yes: 38.8%
  - No: 32.5%
- Reception Center Prison
  - Yes: 31.2%
  - No: 36.0%
- Age of Prison
  - Older: 35.3%
  - Newer: 34.1%

# Prevalence of Sexual Assault/Misconduct by Characteristics of Prisons

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- Prison Size
  - Small: 34.0%
  - Medium: 33.3%
  - Large: 37.2%
- Crowding
  - Under 200% capacity: 35.4%
  - Over 200% capacity: 33.8%
- Staffing
  - Understaffed: 29.3%
  - Overstaffed: 37.1%



# **5. Prevalence by Housing Assignments**

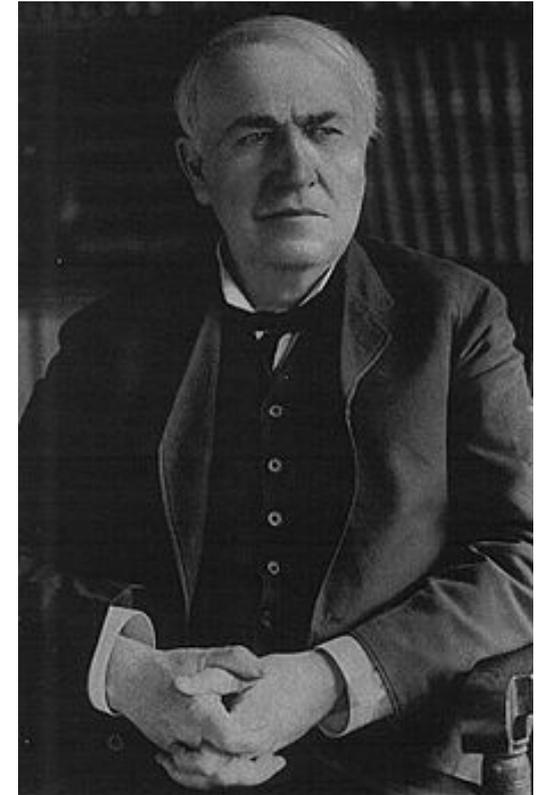
# Prevalence of Sexual Assault/Misconduct by Characteristics of Housing Units

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- Ad-Seg/SHU Unit: 27.8%
- SNY Unit: 40.0%
- General Population Unit: 32.3%
- Mental Health Unit: 30.0%
- Medical Unit: 43.3%
- Other Type of Unit: 8.3%
- Mixed Designation Unit: 36.0%

"Genius is one percent inspiration, ninety-nine percent perspiration."

"I have not failed. I've just found 10,000 ways that don't work."



**Thomas Alva Edison** (February 11, 1847 – October 18, 1931) was an American inventor and businessman who developed many devices that greatly influenced life around the world, including the phonograph and the long-lasting, practical electric light bulb. He is considered one of the most prolific inventors in history, holding 1,093 U.S. patents in his name, as well as many patents in the United Kingdom, France and Germany.

# **6. Prevalence by Social- Interactional Factors**

# Prevalence of Sexual Assault/Misconduct by Characteristics of Social Environment

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- Portion of other inmates in housing unit that are transgender
  - “While living there, what portion of the other inmates have been transgender? Would you say all, most, about half, some, or a few of them?”
- Prevalence of sexual assault/misconduct:
  - A few or less transgender inmates in current housing unit: 35.7%
  - More than a few transgender inmates in current housing unit: 31.1%

# Prevalence of Sexual Assault/Misconduct by Characteristics of Social Environment

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- Sexual relationship with another inmate while in current housing unit
  - “While living in this housing unit, have you been in a sexual relationship with another inmate?”
  - Prevalence of sexual assault/misconduct:
    - In at least one sexual relationship with another inmate: 47.5%
    - Never in sexual relationship with another inmate: 21.1%
- Marriage-like relationship with another inmate while in current housing unit
  - “While living in this housing unit, have you been in a marriage-like relationship with another inmate?”
  - Prevalence of sexual/assault misconduct:
    - In at least one marriage-like relationship with another inmate: 42.0%
    - Never in marriage-like relationship with another inmate: 23.1%

# **7. Beyond Prevalence: Further Considerations**

# Expressed Preference for Living in a Men's Prison v. a Women's Prison

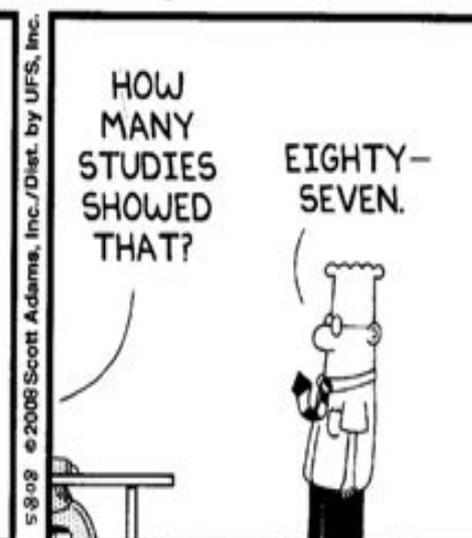
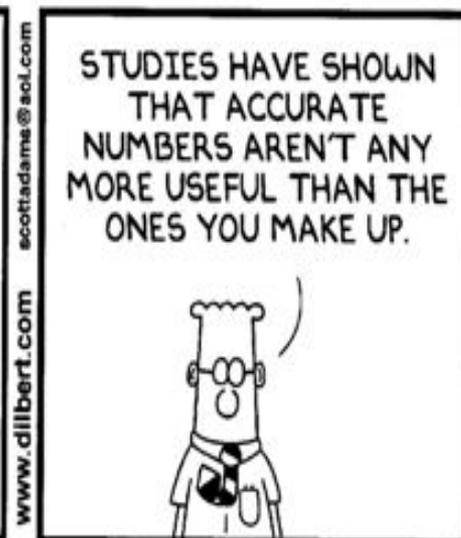
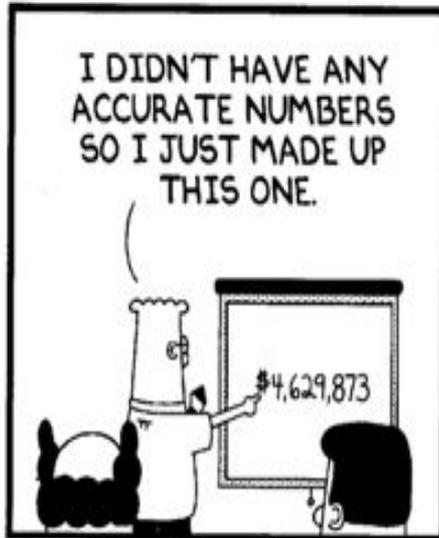
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- The majority of transgender inmates expressed a preference to be housed in a men's prison rather than a women's prison
  - Preference for men's prison: 64.9%
  - Preference for women's prison: 35.1%
- The preference was often expressed with accompanying comments about the advantages of being in a men's prison, especially the access to men

# Humor Break

**Dilbert**

**by Scott Adams**



www.dilbert.com scottadams@aol.com

5/8/08 © 2008 Scott Adams, Inc./Dist. by UFS, Inc.

# The Lived Experience...

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“We’re surrounded by men--real men--with short fuses. It’s not easy. It’s worse than on the street. Here they are... and they don’t have women, even women they can buy. We’re the best they got and they hate that.”

# “Rejects Among Rejects”

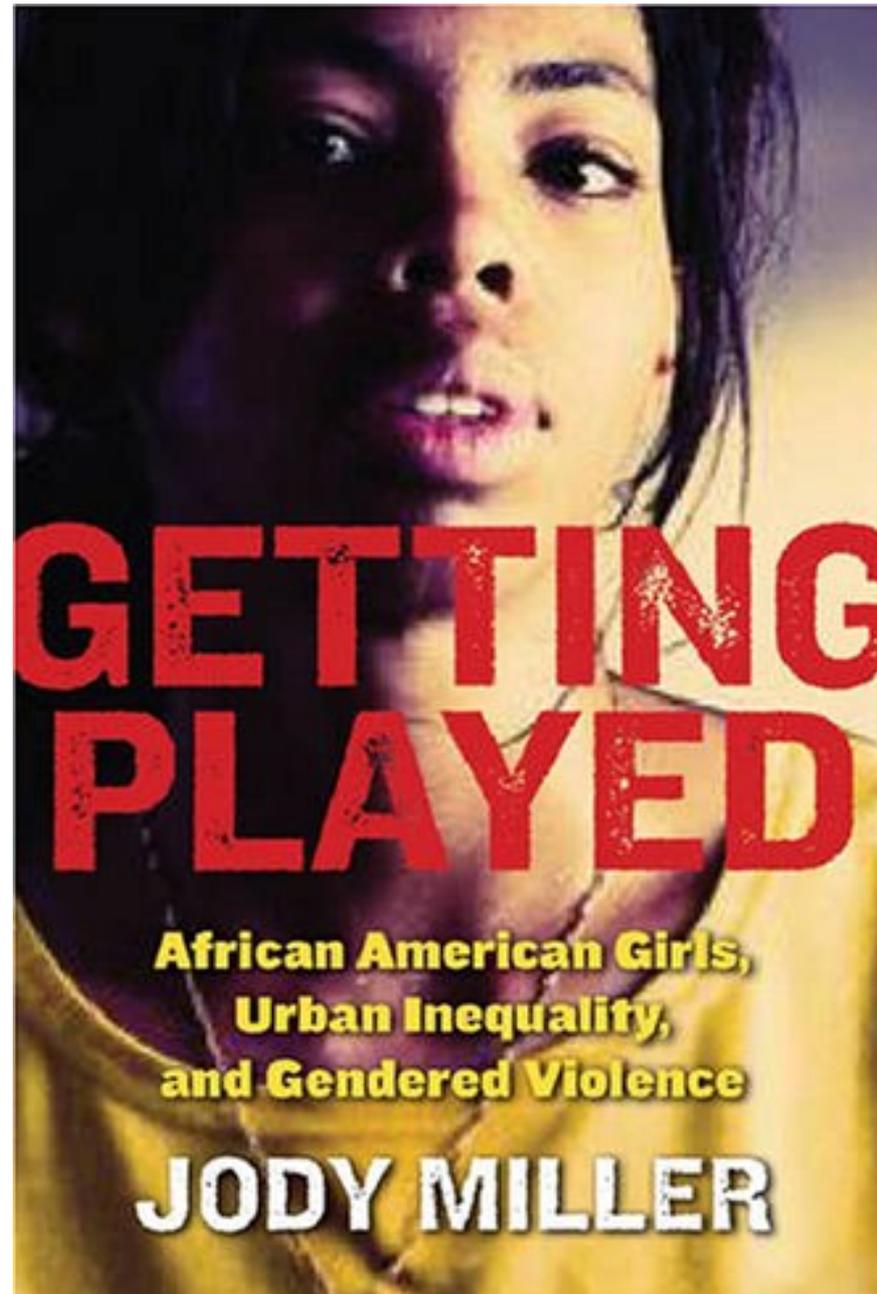
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137. Final comments: “prison is an alpha male community. It’s run by alpha males. So, we’re perceived as punks—just women. No one is going to come up to me and give me the respect they give my old man. They see me as his property. And I guess I am. We’re seen as weak—a lower species. In a sense we are. But, people should not be taken in by the illusion. Don’t forget: we’re men. We’re just trying to get by in an alpha male community. You women—you are a woman—you have it easy. I don’t have it easy, but I have it easier while being in prison.”



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# GETTING PLAYED

**African American Girls,  
Urban Inequality,  
and Gendered Violence**

**JODY MILLER**

# ***Getting out of the Academic Bubble & Hearing Provocative, Tragic, Humorous, and Most Importantly, Illuminating Commentary***

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# Current Status

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1. There are more findings in the report, which is “in progress” and currently over 100 pages. 25 tables, 5 figures, and 5 appendices—and growing.
2. There are more data to be analyzed (that are not addressed in the report).
3. There is much more to be said about the relationship between sexual and non-sexual violence.
4. But.....



## CapitolAlert

THE LATEST ON CALIFORNIA POLITICS AND GOVERNMENT

October 29, 2008

### Schwarzenegger: California faces fiscal 'state of emergency'

Gov. Arnold Schwarzenegger characterized the state's projected multibillion-dollar budget deficit Wednesday as a "state of emergency," reflecting money woes worldwide, and he warned that major public services will be affected.

"Since everyone has to take a haircut here, it's natural that education gets hit, law enforcement gets hit, prisons are going to get hit, and also health care is going to get hit," Schwarzenegger said. "So, it's just the math, it's not me, it's mathematics that tell you that you have to make cuts in those kind of different areas."

Schwarzenegger was responding to reporters' questions at a news conference featuring a handful of former legislators touting passage of Proposition 11, which would alter the state's process of drawing political districts.

Earlier this week, the governor had announced that he will declare a special legislative session to wrestle with state budget and economic issues stemming largely from a faltering U.S. and world economy.

California's revenues have dropped at least \$5 billion more than anticipated – thus about \$8 billion total – and "that number can even be greater," Schwarzenegger told reporters Wednesday.

Asked about potential multibillion-dollar cuts to schools, Schwarzenegger said he informed education leaders this week that "we're going to do everything that we can to protect education."

"Let us be creative and find a way that even though we have to make cuts, how do we keep the most amount of dollars in the classroom so it doesn't affect our children, because we've got to take care of our children," he said.

Asked to comment on reports that he will renew his bid for a sales tax increase, Schwarzenegger did not confirm or deny.

"I have great faith in the legislators that they will see that we are in a state of emergency" in California, nationwide and worldwide, Schwarzenegger said, adding "I think that after the election it will be easier for the legislators to make certain decisions that maybe it was hard for them to make before."

# Notes from the Field

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Toward the end of our conversation, she asked me “why are you interested in all this stuff? You seem like a woman without problems. Why do you care? Do you find us odd? Do you think we’re freaks”? She was not bothered by the thoughts underlying her questions, just more interested in learning my motivations. I think she liked that someone with “no problems” was interested in her life and seemingly didn’t want anything from her in a context where everyone wants something from you.

- But I did want something from her: data, stories, illumination, evidence, and, ultimately, understanding.

# Recommendations

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It is not the *strongest* of the species that survive, nor the most intelligent, but the ones most responsive to change.

--Charles Darwin

# Contact Information

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