

The Incarceration of Trans, Nonbinary, Intersex & Gender Expansive People



“Our young [trans] girls... [are] told very early on that they’re disposable. They lose their ability to believe in their talents, their ability to lead, to be able to enact change... I’d like to say to them, don’t give up, keep fighting, keep that resilience, and keep that brilliance.”

—Shea Diamond, artist & activist



Trans, non-binary and gender expansive people, particularly **Black, Indigenous and People of Color, and especially Black trans women**, are targeted, criminalized, and incarcerated at extremely disproportionate rates¹

Percent of trans & GNC* people who have been incarcerated in prison or jail



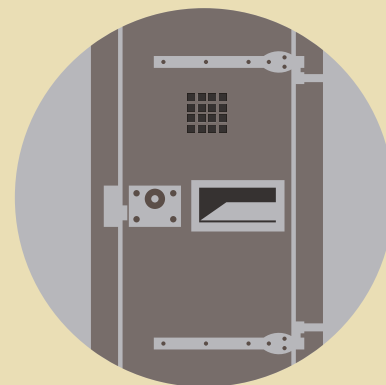
16% all trans & GNC people²

*gender nonconforming

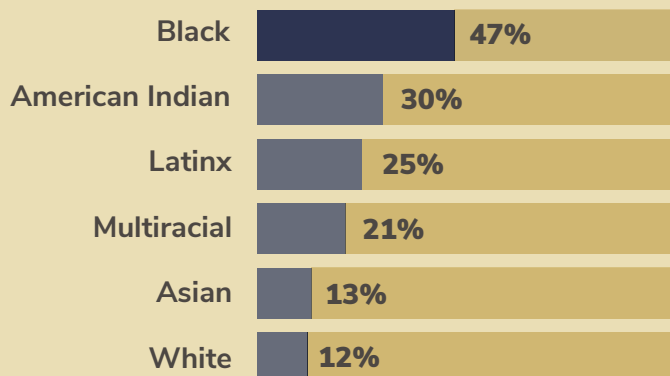


1 out of 2

Black trans & GNC people have been incarcerated during their lifetime³



Trans & GNC people who have experienced incarceration in their lifetime⁴



Trans & gender expansive people are often

- Forced into prisons and jails inconsistent with their gender
- Held in unsafe housing
- Kept in solitary confinement for months or even years solely because of their gender identity⁵

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"...I was in an environment where I wasn't looked at as a woman. I wasn't looked at as a person. I wasn't looked at as a human being. I wasn't looked at as having a right to live or to exist, or to even have a voice."

—Marcie Chase, activist

8 in 10



trans & GNC people report emotional pain due to having to hide their gender identity in prison⁶



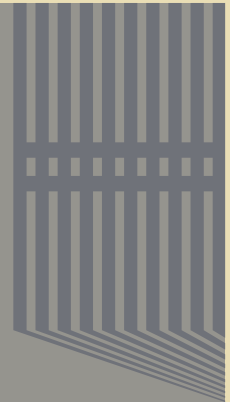
Prison officials frequently subject trans & GNC people to:⁷

Denial of gender affirming personal care items & clothing **shaming** harassment harsh discipline misgendering

Trans people in prison are sexually assaulted at a rate

10X

higher than the general prison population⁸



"[I] break down crying when trying to explain to somebody what it's like to be in a state prison or Rikers Island and to be physically beat half to death and raped, and misgendered and abused so much that you're ready to take your own life."

—Xena Grandichelli, activist & community organizer

44%



of trans people in prison report being **denied hormone therapy**⁹

Countless others are denied gender-affirming **surgery & healthcare**¹⁰

Incarcerated trans, nonbinary & gender expansive people are routinely erased in government studies because gender is reduced to sex assigned at birth

No federal government studies provide data about incarcerated nonbinary, intersex, or gender expansive people

Only 1 federal government study estimates the number of trans people who are incarcerated¹¹

The study's estimate of 4,918 people is likely a vast undercount¹²

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Support organizations doing critical work on these issues, including:

- **Black & Pink**, www.blackandpink.org
- **NYC Anti-Violence Project**, www.avp.org
- **Sylvia Rivera Law Project**, www.srlp.org
- **Transgender Law Center**, www.transgenderlawcenter.org

References

- ¹ According to the National Transgender Discrimination Survey, 16% of TGNC people reported a history of incarceration in prison or jail. There are no current estimates of lifetime incarceration rates for the general U.S. population. However, the latest available estimate from 2001 showed that 2.7% of people in the U.S. spent some time in prison over the course of their life. Although this figure is outdated and does not include people who were incarcerated in jail only, it helps to illustrate how disproportionately TGNC people experience incarceration.
- See: Bonczar, T.P. (2003). *Special Report: Prevalence of Imprisonment in the U.S. Population, 1974-2001*. Washington, D.C.: Bureau of Justice Statistics. Retrieved from: <https://www.bjs.gov/content/pub/pdf/piusp01.pdf>
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- ³ Ibid.
- ⁴ Ibid.
- ⁵ Center for American Progress (CAP) & Movement Advancement Project (MAP). (2016). *Unjust: How the Broken Criminal Justice System Fails Transgender People*. Denver, CO: Movement Advancement Project. Retrieved from: <http://www.lgbtmap.org/file/lgbt-criminal-justice-trans.pdf>
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- ⁶ Lydon, J. (2015). *Coming Out of Concrete Closets: A Report on Black & Pink's National LGBTQ Prisoner Survey*. Dorchester, MA: Black & Pink. Retrieved from: www.blackandpink.org/wp-content/uploads/Coming-Out-of-Concrete-Closets.-Black-and-Pink.-October-21-2015..pdf
- ⁷ Center for American Progress (CAP) & Movement Advancement Project (MAP). (2016). *Unjust: How the Broken Criminal Justice System Fails Transgender People*. Denver, CO: Movement Advancement Project. Retrieved from: <http://www.lgbtmap.org/file/lgbt-criminal-justice-trans.pdf>
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- ⁸ The following data were reported by the Bureau of Justice Statistics, and may be an undercount because of fear of reprisals due to reporting: 40% of trans people in state and federal prisons and 27% of trans people in jails reported being sexually victimized by staff or other incarcerated people during their incarceration. By comparison, 4% of all people in state and federal prisons and 3% of all people in jails reported being sexually assaulted by staff or other incarcerated people during the past year. It is likely that these figures underrepresent the prevalence of sexual victimization in prisons and jails, as sexual assault is nationally underreported, and people in prison may fear retribution.
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- ¹¹ Beck, A.J. (2014). *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12*. Supplemental Tables: Prevalence of Sexual Victimization Among Transgender Adult Inmates. Washington, D.C.: Bureau of Justice Statistics. Retrieved from http://www.bjs.gov/content/pub/pdf/svpjri1112_st.pdf
- This information was gathered as part of the Prison Rape Elimination Act (PREA) requirements. PREA's purpose is to "provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape." See: U.S. Department of Justice. (n.d.). *National Standards to Prevent, Detect, and Respond to Prison Rape*. Final Rule. 28 CFR Part 115. Billing Code 4410-05; 4410-18. Retrieved from: https://ojp.gov/programs/pdfs/prea_final_rule.pdf
- See also National PREA Resource Center, <https://www.prearesourcecenter.org/about/prison-rape-elimination-act>
- ¹² If rates of people who identify as trans were the same among incarcerated people as in the general population (some studies have found that about .6% of U.S. adults identify as trans), we would expect that over 13,000 trans people were incarcerated in prisons and jails in 2018 (.6% of the 2.2 million people in prisons and jails at the end of 2018). However, because trans people report much higher rates of incarceration history than the general population, we can assume that the real numbers are far greater still. Based on information from the following sources:

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