

LOVE CURRICULUM FOR PROVIDERS: SPECIAL TOPICS



Trans and Gender Nonconforming (GNC) People in Prisons and Jails

Although the Prison Rape Elimination Act (PREA) prohibits¹ federal, state, and local prisons and jails from assigning people to places of confinement based on their anatomy or sex assigned at birth, administrators are only required to consider a person's self-identified gender when deciding where a person should be incarcerated. As a result, people throughout the country are incarcerated in prisons and jails that do not align with their gender identity.¹

Not only does this practice negatively affect the emotional wellbeing and mental health of transgender, gender nonconforming, and nonbinary people who are incarcerated, it poses a serious risk to their physical safety:

A study of California state prisons for men found that transgender people are most likely to experience sexual assault and rape while incarcerated.²

Federal data released in 2014 show that 40% of transgender people in state and federal prisons reported experiencing sexual assault while incarcerated. The same data show that transgender people are almost ten times more likely than the general prison population to experience sexual assault.³

Immigration

In 2017, a report from the Inspector General noted serious concerns about the care and treatment of people placed in detention. Just as in prisons and jails, people in immigration detention are subject to strip searches, delayed and inadequate healthcare, and misuse of segregation.⁴

Provisions in the Violence Against Women Act mitigate detention and deportation risk for domestic violence survivors, yet fear may override immigrant women's willingness to report experiences of violence and victimization.

Sex Work

In 2017, 61% of people arrested for sex work were women, according to the Federal Bureau of Investigation (FBI) Uniform Crime Report. Many consider sex work a “crime” of survival that people turn to when other employment opportunities are limited or difficult to access. For formerly incarcerated women, sex work may be the only available source of income, given the difficulty they have securing employment after incarceration, especially formerly incarcerated Black women who have the highest unemployment rate at 47%.⁵

Arrests for sex work can have serious consequences, including impeding access to housing, healthcare, employment, and other services—all of which are vital resources for mitigating the risk of contact with the criminal legal system and preventing rearrest and reincarceration for women returning home.⁶

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