

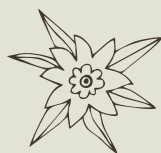
# PUNISHED BY DESIGN

The Criminalization of Trans &  
Queer Incarcerated Survivors

NEDA SAID, DR. SADÉ L. LINDSAY, AND DR. JOANNE TIEN

# TABLE OF CONTENTS

Acknowledgments	3
Definitions	4
Key Takeaways	6
Introduction	9
Methodology	13
Findings	16
Police	
Courts	
Prison	
Parole	
Conclusion	34
Recommendations	36



# Acknowledgments

This work is dedicated to all those who have had the courage to question and resist how they and their communities experience violence from the criminal legal system. We resist alongside you and in your honor. Forward together, until we free them all.

Thank you to everyone who shared their time, insights, and experiences and interviewed with us or completed a survey from inside. Appreciation to Transgender, Gender Variant, and Intersex Justice Project for partnering with us on the surveys used to provide data for this report, and providing review of our findings. Thank you to Alisa Bierria, Hyejin Shim, Colby Lenz, A.D. Sean Lewis, Alex Binsfield, Zy'aire Nassirah, Joseph Bear, and Bethlehem Desta for your invaluable feedback. Special thanks to the cohort of UC Berkeley undergraduates who helped enter and organize the survey data which made this analysis possible: Isaac Fung Chap, Lida Li, Amy Mostacho, Vidhi Jashvant Patel, Matthew Sit, and Taylor Yutan. Appreciation to Lani for transcribing the interviews. Gratitude to Stacy Suh and Aldita Gallardo for your support in bringing this project to fruition. Many thanks to the Center on Democracy and Organizing of UC Berkeley and Survived & Punished for resourcing this work. A heartfelt thank you to everyone who encouraged and reminded us of the importance of this project as we trudged on during a pandemic.

A **note on self-care**: this report contains individual narratives of state and gender-based violence as shared by interviewees to accurately represent their lives and experiences with harm. Our intention is to spread awareness and add to the body of work calling for abolition. However, we also want to prioritize wellness and healing. If there are moments where the contents of this report are too emotionally taxing, we invite you to pause. Feel free to take a break, tap into what grounds you, and come back to this report if you'd like.



# Definitions

To the extent possible, we used the language that people self-identified with. We also used the language that felt most authentic to the people we interviewed, and the norms in queer/trans, abolitionist organizing, and research communities. We acknowledge that terms vary by community and region. Our writing also often alternates among various terms. In sharing the words of interviewees, names have been used with permission, or changed to protect participants' identities, according to each person's preference.

**QUEER AND TRANS:** Queer and trans are umbrella terms that include individuals who are not normatively heterosexual and/or who are not cisgender. Queer and trans are terms that are linked conceptually (because of how they resist normative modes of sexuality and gender) and materially (because queer and trans liberation each require the other).

**CLS:** CLS, an abbreviation for the criminal legal system, is a phrase that includes police, prisons, courts, parole, and related punitive institutions. Similar wording includes the prison industrial complex and carceral state.

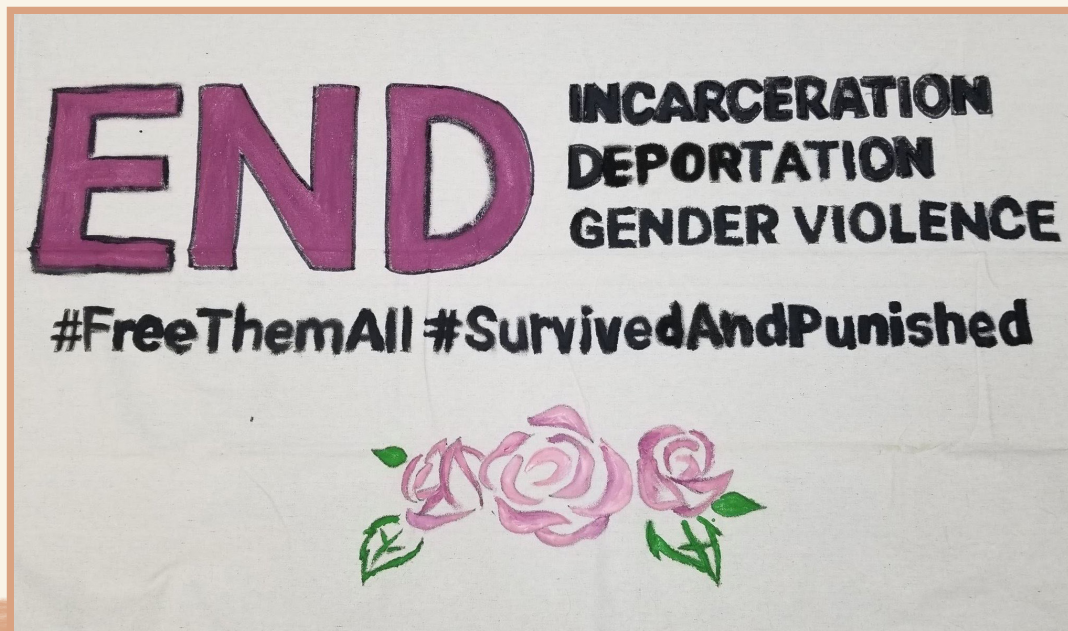
**PROBATION:** In California, probation is part of an individual's sentence, and often reduces or eliminates the time someone spends in custody. Probation conditions can include agreeing to mandatory counseling and programs, paying fines and fees, completing community service, consenting to be searched at any time, submitting to random drug testing, and other discretionary rules.<sup>13</sup>

**PAROLE:** In California, parole is granted after an individual has been incarcerated for a felony conviction. Parole supervision conditions include consenting to be searched at any time, living in specific areas, and possibly agreeing to restrictions on gun ownership, internet, or phone usage, and speaking to certain people.<sup>14</sup>

**SURVIVOR:** Someone who has survived the experience of sexual and/or domestic violence.

**DOMESTIC VIOLENCE:** The strategic use of tactics to gain and maintain power and control, often through emotional, physical, sexual, and/or financial abuse. This includes childhood experiences and intimate partner violence.

**SEXUAL VIOLENCE:** The force or manipulation of someone else into unwanted sexual activity without their consent. This includes sexual harassment, sexual abuse, sexual assault, and rape.



*Photo taken by Neda Said*



# Key Takeaways

Over a period of 3 years, we conducted over a dozen interviews, analyzed quantitative and qualitative data, and surveyed hundreds of individuals. Below, we have captured our key findings, each of which is discussed in additional detail throughout the report.

## *Police Discrimination and Harassment*

- ◆ Queer survivors of domestic and/or sexual violence experienced targeted police harassment and criminalization as a result of their gender and/or sexuality. In the survey, 51.64% of queer respondents believed their gender identities ultimately played a role in their convictions.
- ◆ Queer, trans, and gender nonconforming participants' experiences and interactions with police were often dehumanizing and marked by verbal, physical, and sexual abuse. Such treatment often included intentional misgendering, hypersexualization, sexual harassment, physical violence, and sexual assault. Even when interviewees reported these abuses and mistreatment, they were often disbelieved, disregarded, and not taken seriously.



## *Court Injustice*

- ◆ Many queer incarcerated survivors of domestic and/or sexual violence reported differential treatment in court as a result of their experiences of abuse. Many survivors were convicted as a result of an abuser's actions or being in an abusive situation. This shows that many survivors are criminalized for their abuser's actions or acts of self-defense. For instance, of the 42% of queer survey respondents had codefendants in their cases, 38.89% reported their codefendant abused them.
- ◆ Courts typically view survivors as perpetrators and co-conspirators. Rather than providing support and vital resources to address abuse, courts criminalize survivors due to the actions of abusers.
- ◆ Courts refuse to recognize and accommodate survivors of domestic and/or sexual violence who feel unsafe around their abusers. Instead, many survivors feel they were treated even more poorly and faced additional forms of violence because they were survivors of abuse.
- ◆ Many survivors of domestic and/or sexual violence described situations in which they experienced various forms of bias and negligence that made it more difficult for them to understand the details of their cases. This lack of transparency and clarity often resulted in survivors accepting less favorable plea deals and sentencing conditions.

*Kanoa Harris-Pendang is a transgender survivor who has been incarcerated in California for over 20 years. Art by Azul Quetzalli and Allyssa Johnson*



## *Prison Abuse*

- ◆ Correctional officers and staff routinely single out people they know, or suspect are LGBTQ (or target their partners, or perceived partners), engage in ongoing harassment and abuse tactics toward incarcerated LGBTQ people, and intentionally neglect the medical care and safety of incarcerated LGBTQ people, including when experiencing violence or sexual assault from others.
- ◆ Interviewees described how not submitting to arbitrary demands or mistreatment from correctional officers resulted in retaliation, such as being written up for disciplinary actions. These write-ups resulted in even more restrictive housing conditions, including controlled custody and solitary confinement, which are recognized around the world as forms of torture<sup>9</sup> that deteriorate mental health and social connection<sup>10</sup> and disparately impact LGBTQ survivors.
- ◆ Trans people, particularly trans women, report experiencing daily gender-based physical abuse, sexual harassment, sexual assault, as well as intentional misgendering and medical neglect from correctional officers, staff, and other incarcerated people.
- ◆ Masculine-presenting cisgender women and gender nonconforming people also experience disproportionate violence and abuse. Correctional officers exhibit gender-specific verbal abuse and disproportionate physical abuse towards them. Interviewees described correctional officers as stating that they, as masculine-presenting women and gender nonconforming people, “want to be a man” and, therefore, deserve to experience heightened violence.

## *Parole*

- ◆ Queer incarcerated survivors of domestic and/or sexual violence also reported being treated differently by parole officers because of their gender and sexuality, or having their experiences of abuse discounted when their cases were evaluated for release.
- ◆ Incarcerated survivors, like other survivors, struggle with having their experiences of violence believed. For incarcerated survivors, however, this impacts their ability to be granted parole.





# Introduction

Trans, queer, and gender nonconforming people, particularly survivors of sexual and domestic violence, are systemically criminalized and significantly overrepresented in the criminal legal system (CLS). Yet research and policy focusing on incarceration and surveillance have failed to meaningfully account for the unique experiences of queer, trans, and gender nonconforming people. In recent years, the cases of criminalized survivors such as Rickie Blue-Sky, Ky Peterson, Ashley Diamond, Cece McDonald, the Jersey 4, and countless others demonstrate the hypercriminalization that trans and queer survivors of color experience. One in six trans people have been incarcerated at some point, and nearly half (47%) of Black trans people have been incarcerated.<sup>1</sup> Lesbian, gay, and bisexual people are incarcerated at a rate over three times that of the total adult population, and this disproportionately impacts queer women.<sup>2</sup>

Though there has been significant, impactful scholarship, there is scant empirical research, limited community-driven research, and effectively no policy-relevant research that demonstrates how processes of criminalization result in disproportionate harm for trans, queer, and gender nonconforming people. This omission is concerning given the cumulative ways that marginalized identities intersect to distinctly disadvantage queer and trans people.<sup>3</sup> This means that queer, trans, and gender nonconforming people experience material and concrete adverse impacts, additional barriers, and disproportionate criminalization in each point of interaction with the CLS.

Queer, trans, and gender nonconforming people are both disproportionately impacted by the CLS and significantly more likely to be survivors of domestic and/or sexual violence. In fact, two common pathways to the CLS involve victimization and abuse,<sup>4</sup> which results partially from the criminalization of self-defense and other survival tactics as well as the scrutinization of the character of survivors who report abuse. Survivors typically must fit within a “perfect victim” narrative to be deemed worthy of protection and support. Queer, trans, and gender nonconforming survivors of color also face disparate treatment and outcomes due to their race, sexuality, gender, and class, in addition to any criminalization or sex work histories.

Paradoxically, according to analysis emerging from the grassroots movement to abolish prisons and all carceral systems, particularly the work of Survived & Punished, the same legal system that supposedly protects survivors also abuses, criminalizes, and re-traumatizes them. The book *Captive Genders*, which encapsulates many of the challenges queer and trans people face as a result of the prison industrial complex, reminds us that prisons are dangerous not because of who is locked inside, but because they actually foster racialized, gendered violence as part of their punitive function.<sup>5</sup> Once criminalized and enmeshed in the CLS, queer, trans, and gender nonconforming people are subject to additional forms of control and suffer more abuse at the hands of police, judges, prosecutors, correctional officers, other incarcerated people, and other CLS actors.



*Model conceptualized by Moni Cosby in collaboration with Beth Ritchie, Rachel Caidor, Love & Protect, and Moms United Against Violence and Incarceration (MUAVI). Moni emphasizes that, if it weren't for these collaborators, this model would have not been possible. Art by Sarah Ross.*

Prison policies that isolate and stigmatize incarcerated people, such as solitary confinement, disproportionately affect LGBTQ individuals.<sup>6</sup> Incarcerated LGBTQ people are also more likely to experience assault and violence in prison. For example, nearly 60% of incarcerated trans women in California prisons designated for men reported sexual assault.<sup>7</sup> Incarcerated people, organizers, and researchers share that the actual number is likely much higher than what has been documented and reported.

*I think outside people should know that struggle is real as trans people. To wake up not knowing what the day will bring because of who I am is fearful. It is important that others know there are those of us traumatized by discriminations by our very own keepers. The ones we're suppose to trust! We are degraded, dehumanized...*

**KANOA, CURRENTLY INCARCERATED SURVIVOR**

In this report, we highlight the systemic and disproportionate criminal punishment of queer, trans, and gender nonconforming survivors of domestic and/or sexual violence. We focus on survivors of domestic and/or sexual violence to highlight the pipeline from surviving sexual and domestic violence to being arrested, incarcerated, and/or deported.<sup>8</sup> The focus on survivors, as well as queer and trans people, questions the narrative that we need prisons to help solve the issue of gender-based violence. All thirteen interviewees detailed how their survivorship resulted in further violence within the CLS. One interviewee, Lee, stated succinctly, "incarceration amplifies the factors that already make our lives more precarious." The embodiment of queer and trans identities results in concrete, increased violence and criminalization at each step in the CLS, including with police, courts, jails and prisons, and parole. This facilitates egregious abuses and effectively solidifies the criminalization of queer, trans, and gender nonconforming people, as well as survivors into the infrastructure of the CLS.

*It's just the structure. The structure is built against people like us. It's completely—it's a behemoth. It's a beast. It's something palpable that even just talking about it, I can feel and I can see. That's against like queer people. It's against brown people, and it's against people who are exhibiting their trauma. You know, from the abuse.... And it's not necessarily exclusive . . . because I think a lot of those people in there suffered from some sort of domestic abuse in their childhood. It just seemed like the entire thing was set against us.*

DAVIS

Although our report reflects individuals' experiences in California, the implications of overcriminalization and othering carried out by criminal legal actors permeates the United States—a world that relies on cages to appear to solve societal issues while in fact subsuming those deemed undesirable in a capitalist, ableist, cisheteropatriarchal, white supremacist system. We hope this mixed methods research will foster new and support ongoing conversations about abolishing carceral, anti-survivor systems. We also believe that this report could help to create new approaches that prioritize accountability and community-based responses, understanding that these practices will support people most vulnerable to domestic and sexual violence.



Art by Allyissa Johnson



# Methodology

For this report, we used a multimethod approach to capture the experiences of queer and trans survivors of domestic and/or sexual violence of different backgrounds in the CLS. We considered multiple parts of the CLS, including individuals' experiences with police, courts, jails and prisons, and parole. We rely on two sources of data: survey data and qualitative interviews with queer and trans people. Below we describe the methodology in detail.

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## *Qualitative Interview Data*

We conducted qualitative interviews with 13 queer formerly incarcerated survivors of domestic and sexual violence to understand their experiences at each step of the CLS, including their interactions with police, courts, jails and prisons, and parole. We recruited a diverse group of queer, transgender, and/or gender nonconforming, justice-involved people by working with and disseminating study information through California-based organizations that reflect and work in partnership with these communities.

Interviewees' ages ranged from 24 to 57 years old, average 39 years old. Of our 13 interviewees, six identified as Hispanic or Latine, two as Black or African American, four as multiracial, and one as white. Interviews lasted between 30 and 120 minutes, and were conducted via Zoom or phone. With the permission of interviewees, we audio recorded and transcribed these interviews for data analysis.

Two individuals on the research team conducted the interviews. These team members have extensive experience working with survivors and interviewing individuals from marginalized communities using a trauma-informed and survivor-centered lens. The team developed an interview guide, including questions about histories of abuse and experiences with the CLS. Interviews were semi-structured, meaning we systematically gathered similar information from all interviewees, but we also were very interested in interviewees leading our conversations, too. In many instances, interviewees discussed relevant topics about their experiences in the CLS that were not covered in our original interview guide and provided necessary perspectives into their experiences.

## *Survey Data*

In 2018, *Survived & Punished* in partnership with the Transgender, Gender Variant, and Intersex Justice Project developed and distributed a survey to 208 incarcerated people in California prisons, strategically focusing on queer, trans, and gender non-conforming constituents as an underrepresented group. The survey included questions about respondent demographics, citizenship status, past/current abuse (i.e. childhood and adulthood), disability status, criminal histories, whether respondents went to trial or plea bargained, their relationships with co-defendants, offense type, sentence length, opinions regarding whether their identities and class backgrounds impacted their case outcomes, attorney satisfaction, and use of survivor organizations and resources, among other questions.

Since the focus of this report concerns queer and trans people's experiences in the CLS, we limited our data analysis to queer and trans respondents. Specifically, we analyzed the experiences of respondents who were non-heterosexual or non-cisgender. Out of the original 208 respondents, we were left with 125 respondents. The queer and trans respondents, were, on average, 47 years old. 74% were Black, Indigenous, multiracial, Asian or Pacific Islander. 29% identified as Black or African American, 20% as multiracial, 6% as Native American or Alaska Native, 2.5% as Asian or Pacific Islander, and the remainder identified as another racial group. 26% identified as white.

Regarding their most recent conviction, 53.42% reported that they were currently serving a sentence for murder, 29.73% for burglary or robbery, and the remainder for assault or a sexual offense. On average, the respondents had spent 16.5 years in prison. The oldest conviction year was 1973 and the most recent was 2018. Moreover, 63.11% of respondents were serving a life sentence, and 79% reported they were parole eligible at the time of the survey.

## *Analytic Strategy*

Regarding the qualitative interviews, the team coded interviews for broad and common themes. We paid special attention to experiences at each step in the CLS. Using the qualitative software Dedoose, we took an inductive approach to developing the codebook, starting with an in-depth, close reading of interview transcripts.<sup>11</sup> Based on both the general topics of interest and initial reading of the interview data, we finalized the codebook. To ensure reliability in codes, each researcher coded every interview and then each researcher was responsible for coding portions of interviews related to a stage in the CLS. Within each assigned stage, we coded for the discussion of compounded criminalization based on interviewees' multiple identities (e.g., racialized gendered harassment); experiences of financial, emotional, child, physical, and sexual abuses interpersonally and within the CLS; sources of social and material support; discussions of resistance and proposed solutions and interventions; and other topics.

For the survey data, we focused on questions related to respondents' histories of abuse, perceptions of whether their identities and resources (or lack thereof) shaped their criminal legal outcomes, and experiences with the judicial system. Due to the lack of extensive research on queer and trans people, especially people of color, in the CLS, we provide detailed descriptive analyses that provide context and information about the prevalence and pervasiveness of their experiences. Such descriptive analyses using quantitative data support organizers and academics alike to better understand broader patterns and trends, especially among vulnerable, understudied populations impacted by the CLS.<sup>12</sup>

In the following section, we first ground our results in the extensive history of abuse and trauma reported by respondents and their perceptions of whether these experiences were a factor influencing their criminal legal involvement. Then, we turn to the qualitative analyses organized by the four major points of criminal legal contact and processing. Within these sections, we weave in additional descriptive analyses from the survey when possible. We conclude by discussing the implications of our findings and best ways to address the concerns and issues expressed by queer and trans people and survivors impacted by the CLS.



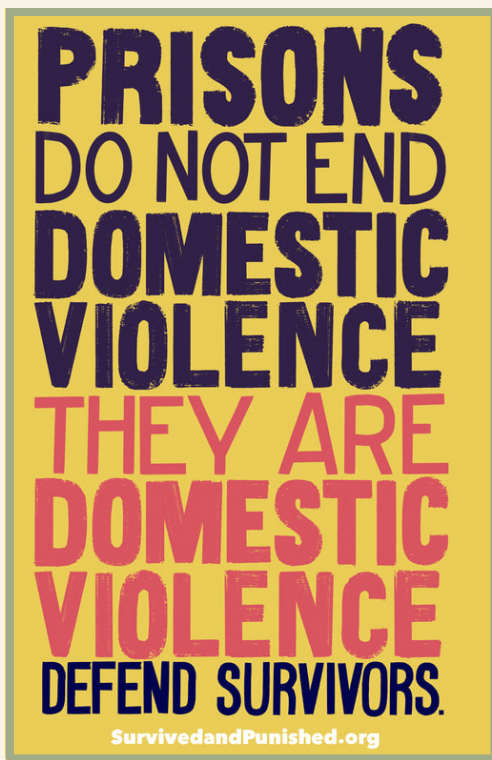
# Findings

Queer, trans, and gender nonconforming people face higher rates of stigma, poverty, and marginalization, which makes them particularly vulnerable to experiencing physical, verbal, and sexual abuse more broadly. According to the Williams Institute<sup>15</sup> and the 2015 Transgender Survey,<sup>16</sup> lesbian, gay, bisexual, and trans people experience a higher lifetime prevalence of abuse than heterosexual cisgender people. For example, one in two bisexual women and men, and two in five gay men experienced sexual violence other than rape in their lifetime compared to one in six heterosexual women and one in five heterosexual men. Regarding intimate partner violence, CDC estimates show that 44% of lesbian women, 61% of bisexual women, and 37% of bisexual men reported rape, physical violence, or stalking, all of which were more prevalent than heterosexual men and women. However, actual incidents of domestic and sexual violence are likely much higher due to the hesitation around reporting violence and engaging with the CLS.

According to our survey data, individuals reported much higher rates of histories of abuse. Queer, trans, and gender nonconforming people impacted by the criminal legal system experienced multiple forms of abuse at strikingly higher rates than many sources of published data reviewed by the Williams Institute. For instance, 93% of respondents in our survey reported experiencing abuse as children, and 70.59% reported abuse as an adult. For those who experienced abuse as children or adults, about half discussed their experiences with family and friends, and only 16.39% contacted and relied on anti-violence and domestic abuse organizations for help. Queer, trans, and gender nonconforming people are often reluctant to report abuse due to complicated familial bonds, lack of familial support, lack of access to anti-violence organizations, and fewer culturally competent anti-violence organizations available to address their unique needs and concerns. In fact, the National Coalition of Anti-Violence Projects surveyed victim advocates and 85% of respondents reported working with an LGBTQ survivor of violence who was denied services based on their sexuality or gender.<sup>17</sup>



Such traumatic experiences and extensive abuse histories contribute to and are exacerbated by the overcriminalization of queer, trans, and gender nonconforming people and survivors. Of our survey respondents who reported child and adult abuse, 65.18% and 61.86%, respectively, felt that these traumatic experiences ultimately played a role in their incarceration. However, as we discuss below, the CLS does very little to protect these vulnerable groups, and often, further perpetuates and enacts harm at each step of the criminal legal process.



*Art by Allyissa Johnson*





# Police

Police officers are often the first point of contact with the CLS and wield an enormous amount of power in determining who enters the CLS. A person's race, gender, gender presentation, and sexual orientation influence methods law enforcement use to surveil and ensnare individuals, who law enforcement direct these activities toward, and how law enforcement treat those they funnel into the CLS.<sup>18</sup>

In our interviews, queer, trans, and gender nonconforming participants' experiences and interactions with police were often violent, unsafe, and dehumanizing. Common experiences included verbal, physical, and sexual abuse. Even when interviewees reported these abuses and mistreatment to law enforcement or oversight agencies, they were often disbelieved, disregarded, and not taken seriously. Interviewees described this as a result of their marginalized status of queer and trans people, especially people of color, in conjunction with the power that police officers possess. The lack of accountability for both the incidents of domestic and/or sexual based violence, and the violent mistreatment from police in these instances, perpetuates the cycle of abuse experienced by vulnerable groups, especially queer, trans, and gender nonconforming survivors of violence. All our interviewees reported numerous instances of police abuse of power and mistreatment.

Interviewees reported that police profiled them based on whether they were perceived as queer or trans, typically using factors related to their gender presentation as a justification to stop, harass, and often arrest interviewees. Lucía, a 31-year-old Filipino and Mexican masculine-presenting lesbian woman, discussed an incident that occurred just after dealing with the loss of her mother. She was stopped and questioned by police officers while simply sitting at a bus stop. When asked why she believed she was stopped, she said, "the way I was dressing like I was a troublemaker — kinda, I don't remember — just shirts and baggy pants. And if I was dressed, you know, kinda girly — pretty, dressed all dolled up, they probably would've kept moving or something. You know what I mean? You know, like giving me a break." Such police harassment in public spaces was commonly experienced by interviewees. Interviewees identified their gender presentation as key causes of these traumatic interactions with police.

Gender-specific verbal abuse characterized queer, trans, and gender nonconforming people's interactions with police. In addition to being profiled based on gender presentation, interviewees reported that police officers purposefully misgendered them, even when they explicitly stated their proper gender pronouns during these interactions. A South Pacific Islander and white trans woman discussed how her encounters with officers often resulted in such misgendering and verbal abuse: "When I explain to [the officer] that I was trans, and that I would prefer him calling me a female and referring to me as 'she,' 'miss,' or 'ma'am,' or 'her,' he totally ignored my requests, and most of them have ended up being very hostile any time that I've corrected them." Similarly, a masculine-presenting lesbian woman described similar mistreatment starting at a young age. She said, "when I was younger... I was pulled over, and as I was pulled over, [the officers] told me, 'you know, you fit the suspect as a man, as this dude.' and I was like, 'Well, that's not me. I'm a woman, you know? Here's my ID...' and they [were] just kind of like, 'Oh, yeah?' and just threw me into the car, like, 'Oh, yeah, you are a man.'" Interviewees described these instances of misgendering as purposeful acts, not merely initial or benign, unintentional mistakes.

In addition to being policed based on gender presentation and being misgendered, trans women, and bisexual and lesbian women, discussed instances of sexual assault and/or hypersexualization and harassment by police. For example, Angelique, a 34-year-old biracial masculine-presenting lesbian woman, constantly told police officers that she identified as a woman, yet police officers often did not believe her or ignored her. In one police interaction, this resulted in officers sexually assaulting and misgendering her. Angelique reported that police stated, "'Oh, you think you're a man?' ... like, literally grabbing my private parts to see if I was really a man. Like grabbing me just — my private areas. 'Oh, yes, he's a bitch,' you know, and that's how they say it. 'Oh, yeah he is a bitch.'" Angelique described another instance in which police officers sexually harassed her and a female friend because of their sexual orientation. She stated:

While I was on the streets, I had been arrested with my best friend. We both had the look of tomboys, and an officer was asking — a street officer was asking questions like, 'What, is that your girlfriend?' and things like that. And to the point where my best friend who was there with me played on it and was like, 'Yeah, that's my girlfriend.' Like basically, are you going to let us free? Or like — and it became sexual harassment because they were like, 'You're going to let me watch' and different things like that.

These verbal, physical, and sexual abuses experienced by interviewees continued throughout their time in police custody. Trans women, masculine-presenting cisgender women, and masculine-presenting gender nonconforming people were dehumanized and traumatized during booking and processing, where they were forced to remove clothing, felt extremely vulnerable, and endured discriminatory abuse.

*After I was arrested and my fingerprints were run the officers added my birth name to the police discovery stating it was my “alias” - like I was using my birth name as an alternate criminal identity, even though there is record of my changing my name and gender in civil court in this same county. When I got to my arraignment the judge started asking me what my “alias” was, as I was being identified by my legal chosen name... They were making it seem like it was something insidious like only a con artist would have had another name.*

LEE

Adriana, a bisexual Hispanic woman, described this booking process as horrific, and she felt completely helpless. Similarly, Sydney Rogers aka Miss Barbie-Q, a trans non-binary person, also had a traumatizing experience while in police custody, where they were physically assaulted after they were unable to remove a piece of jewelry. They said, “[The officer] sat there and leaned on me, pressed on, like, almost in a headlock, taking my earring out of my ear... he got pliers and everything, and then [when] he finally took it out, he looked at me and said, ‘See, I told you I’d take it out.’” They also felt a sense of helplessness and powerlessness at this moment, ultimately concluding that this incident was an act of assault during the interview. These abuses did not stop with police but continued throughout interviewees’ experiences in the CLS.



# Courts

Many queer incarcerated survivors reported differential treatment in court as a result of their experiences of abuse. For instance, 42% of queer survey respondents had codefendants in their cases, and 38.89% of them reported their codefendant abused them. The judicial system does not adequately understand the experiences and meet the needs of survivors. According to one interviewee:

With the judicial system, it was very difficult for me...[When] I was going through court, I had to fight to get separated from my co-defendant. So I had to get a court order, and even because of that court order, they would still have my co-defendant in the elevator so I couldn't even get away from him. They did separate us as far as buses go, but I had a very difficult time with that, feeling like I was safe, because I needed to feel like I was safe, because he was my batterer. So I was just re-victimized through my whole court system of two-and-a-half years, fearing that he would be on the same bus, or his homeboys would be hassling me. So it was very, very difficult going to court.

Additionally, the court system design overwhelms and denigrates the criminalized individuals that are forced to navigate it, leading to traumatic outcomes for survivors of abuse. One survivor, Daniella, described an experience in court where the sheriff "began to be very aggressive, and he began to grab my arm and tell me, 'Don't do this, don't do that' while I'm trying to listen to the judge. And I asked the judge specifically, 'I feel intimidated, and I don't want this man near me, and I feel threatened' and the judge said, 'I can't tell him not to talk to you.'" Daniella felt threatened and intimidated by the sheriff and instead of the judge or other court officials intervening to address the issue to help the survivor feel safer, an officer put her in a holding cell. As the survivor put it, "I didn't deserve to be dehumanized, and I didn't deserve to be manhandled and called a piece of shit. I wasn't disrespectful to the judge. I wasn't disrespectful to the officer, so it just dumbfounded me that he thought it was okay to do that to me."

This experience is particularly concerning, because courts should be sensitive to the needs and past experiences of survivors and recognize how mistreatment by criminal legal actors mirrors and exacerbates the abuse survivors have already experienced.

Some survivors were convicted of murdering their abuser. In these cases, the court often failed to recognize that cycles of abuse often leave survivors with no other choice but to protect themselves. One interviewee mentioned she met a number of people on life without parole who were convicted of murdering their abusers. She said, “[It] didn’t necessarily feel like they had any other way to escape...[Even] those who were told by their abuser to go on a crime spree or whatever are in there for that. Sometimes the courts just don’t recognize that they didn’t have a choice...I mean it’s either die or being forced to do what the abuser wants them to do.” Rather than seeing survivors as victims of abusers, courts typically view survivors as perpetrators and co-conspirators. As a result, rather than receiving support and vital resources to address the abuse they’ve experienced, survivors are criminalized, often due to the actions of abusers.

Survivors also reported differential treatment by the courts as a result of being survivors. According to Angelique, “Instead of looking at me being a survivor...[the courts] looked at me as being a problem. Like problematic... As I was surviving some of the most hardest times of my life, you know, I wasn’t just raped, you know, one time. I was raped three separate times in my life . . . instead of kind of like saying, you know, ‘We understand this as you’ve been through some things, and we want to help you,’ it was kind of like, ‘Oh, yeah, you’re a problem. You just fuck up everywhere you go.’ It’s, like, wow . . . you already know my background, yet however, this is how you come and say I’m a problem?” Another survivor felt that they “just always faced retaliation of some sort by officers and the court.” As Davis, a queer Mexican man, put it,

So when you ask me what do I think could have helped get me out of jail sooner, it’s a sentence that the court gave me. So I have to fill that out. I have to complete that sentence. And so how would I have gotten out earlier? [Maybe] if I was treated like a human being, if I was treated like the other people in there and sentenced to a reasonable sentence . . . [But] there was nothing I could have done ‘Cause this isn’t about what I did — I mean, yeah, it’s my crime, but it’s about what they’re doing. You know, like, the judicial system. The prosecutors, the defense lawyers, just the whole system. It’s especially not built for people like me, who [live at] an intersection of [being] Indigenous, person of color, queer, and I guess domestic abuse survivor. Yeah, no, like everything was so much more sharper. So no. There was nothing that I could’ve done to get out sooner.

Many survivors interviewed not only felt unsupported by the court system, but also felt they faced additional repercussions and retaliation due to being survivors. As Davis noted, the entire court system felt like it was designed against them.

Even the mechanisms the court established to support survivors were ineffective. Yary, a 57-year-old trans Mexican woman, felt that she may have gotten less time if an expert had been able to testify on battered women's syndrome in her case. However, she was unable to find enough evidence or witnesses. She felt that "maybe if I had a good private investigator, they would have found the witnesses...But I feel like just being trans and that I had an arrest for prostitution that was just enough for them." Her experience was not an isolated one: few (23.40%) survey respondents who requested an expert witness reported having one present at their trial. Additionally, Yary said, "my English is bad. My knowledge about any law is very poor." As a result, Yary also accepted a plea bargain which made it more difficult for her to make a case supporting her innocence. Her case exemplifies how courts, in addition to not being designed to understand and respond supportively given the context of their situations, further harm and stigmatize survivors based on their race, gender, sexuality, class, ability, and/or not being able to speak or understand English.

Among interviewees, being multiply marginalized as a result of race stood out as a factor that significantly impacted their experiences in court. According to survey respondents of color, 61.54% believed their racial identities influenced their legal outcome. One survivor, Sydney Rogers aka Miss Barbie-Q, described their experience as such:

It's already nerve-wracking walking in there, you know, because you haven't shaved, you feel gross, you haven't showered, you're in handcuffs. So you're already feeling not your best self, and then you walk in there, and everyone's in suits, and you see all mostly white faces talking to you about stuff really quickly. When I would ask questions, they would be, like, "Ugh," you know, they would get exasperated or be, like, "Yes or no," that kind of thing... It is very systematic, where all the things you did feel like a number. "Number blah blah blah blah, you are charged with blah blah blah. Number—" you know, that kind of — "Next," you know, like, they're trying to squeeze everybody's trials and stuff within like forty-five minutes before they go to lunch. And you're dealing with people's lives.

This survivor described feeling dehumanized by the court system. Her experience was exacerbated by the fact that all the court's representatives were white and they weren't. Sydney Rogers aka Miss Barbie-Q continued to say,

You're already on a shit totem pole because you're incarcerated. Then add in race, and add in something else, and all of a sudden, whatever you say, they think we're all liars, that we'll say whatever to get out, and it becomes this game of, like, are you telling the truth? I say 'I am telling the truth,' and they say, 'Well, you're all liars, so how do I know you're telling the truth?' It becomes this whole aspect of no one's going to believe you anyway, and you walk out thinking, 'The police don't believe me, the judges don't believe me, the lawyers don't believe me,' and you start to question your own sanity.

For survivors like Sydney Rogers aka Miss Barbie-Q, being racialized further added to their negative experiences in court. In addition to being dehumanized and disbelieved as survivors, they were also dehumanized and further discriminated against because of their race.

Queer survivors also experienced additional barriers because of their gender and/or sexuality. In the survey, 51.64% of queer respondents believed their gender identities ultimately played a role in their convictions. Many interviewees were singled out and treated unfairly because of their sexuality or gender presentation. One survivor reported:

I know that I was singled out. And I don't know if it was because of my race or because of my sexual orientation, but I do know that I was singled out. It was my first felony, you know. And I was like 20 years old... And they gave me five years... And other kids, there'd be white kids in there who got six months. For the same crime! Or worse! They get six months, or they get probation and rehab. I didn't get offered rehab, I didn't get offered anything.... I definitely felt attacked, and like, they wanted me to stay further away from society... It's objectively my experience that I got all of it. All the punishment. There was no deal for me.



Another survivor felt that:

Here's bias already, based on the color of your skin. And then when you all come in from the queer section, or whatever, we're automatically, you know, labeled, and so to get a fair shot of whatever is going on...I feel, after going through the whole — from the arrest, all the way through to the court, I feel like you don't have a fair shake already, like, you've been beaten down, and made to just give up anyway. So by the time you go to the court, you're kind of, like, whatever happens, happens. It's an awful feeling. I've never felt that defeated. And it feels like everyone makes sure that you felt defeated.

Queer, trans, and gender nonconforming survivors often face additional scrutiny because of their gender or sexual orientation. According to Susan,

...or your sexual identity, they always ask that question. It comes up every time you change facilities or whatever. I don't feel like it's really a necessary question. I mean, it's not illegal to be gay, bisexual, transgender, why is it illegal in the jail and prison system, in the legal system? It doesn't make sense, it's like a whole other society almost, like going backwards in time to the sixties or something, when you had to hide it.

While queer, trans, and gender nonconforming survivors faced additional mistreatment or abuse as a result of their gender or sexuality, the impact was further compounded for survivors of color.

Thus, survivors described how they experienced the court system as designed to further the violence that many trans and queer incarcerated survivors have already experienced. Instead of recognizing the violence trans and queer incarcerated survivors have endured and supporting them, the court often views survivors as co-conspirators with their abusers. As a result, survivors are criminalized for actions that were not in their control or acts of self-defense. Additionally, the court fails to recognize and protect survivors who largely feel unsafe around their abusers. Instead, many survivors feel they were treated even more poorly and faced additional forms of violence because they were survivors. As one interviewee stated, “the laws that are set in place are unfair, but I always got [to do] what the law says.”

Thus, the interviewee recognizes how the whole court system is designed against survivors’ interests, even when courts follow the law. Many survivors described situations in which they experienced various forms of bias or incompetency that made it more difficult for them to understand what was happening to them; this often resulted in them consenting to worse sentencing deals. Queer and trans incarcerated survivors experienced additional forms of compounded violence as a result of their gender identity or sexuality, and this violence was particularly acute for Black, Indigenous, and people of color queer survivors.



*Pin made by Sarah Ji,  
Art by Monica Trinidad*



# Prison

The United States disproportionately incarcerates Black communities, communities of color, people with disabilities, and other marginalized communities. Queer, trans, and gender nonconforming people are among these groups and experience compounded violence during incarceration. Such forms of violence range from neglect to recurring physical harm, abuse, manipulation, and harassment based on their gender and sexuality. One interviewee, Mario, described it as, “you already feel like you’re caged up, but now I was really treated like an animal”. In another interview, Fabiana stated that, “the state victimized us in a way, and not only [experienced violence] from our abuser, but also the state became our abuser.”

Correctional officers and staff use their power over incarcerated people to abuse people at will, and routinely and disproportionately target queer, trans, and gender nonconforming people. Correctional officers and staff routinely ignore or neglect requests for basic living and medical needs from incarcerated LGBTQ people, pick on people they know, or suspect are LGBTQ, and/or engage in ongoing harassment and abuse tactics toward incarcerated LGBTQ people. In her interview, Taylor stated, “Goddamn I seen them do some stuff. They even did to me what I never thought someone would be able to do legally inside of a prison”.

Due to the nature of constant surveillance inside prisons, correctional officers and staff have complete access and availability to manipulate people and circumstances, and to commit harm. For example, interviewees reported that some correctional officers sat in groups, shared personal information with each other, and then used such vulnerable personal information later to manipulate and blame LGBTQ incarcerated people. Interviewees reported that even prison staff who were supposed to play supportive roles, such as counselors, blamed and shamed them for the circumstances that played a role in their criminalization.

Interviewees described having to hide their identities from prison officials while also having their safety neglected. Survivors described this constant policing and surveillance as traumatizing, especially during long terms of incarceration. As one participant, Fabiana, put it: “You either play along to survive, or say no and experience even more violence. Because I wouldn’t kiss [the correctional officer’s] ass. I didn’t flirt with him, I didn’t kiss his ass, and he couldn’t stand that.” She also noted, “I wish the time where I could be free inside and let people know about me, who I am, my sexual orientation, who I am, but I had to actually bury that, so in a sense that damaged me.” Interviewees consistently reported being continuously watched, feeling helpless, and as though they had to hide their identity and behaviors as much as possible. Further, this neglect extended to ignoring and enabling intimate partner violence inside. Instead of intervening in such violence, correctional officers said “See, that’s what you get” for being LGBTQ.

Interviewees also discussed how refusing to submit to the arbitrary demands or mistreatment of correctional officers and staff could result in them being targeted and receiving disciplinary actions, such as write ups and other types of misconduct reports. These reports result in being housed under more restrictive conditions, in more controlled, surveilled environments. Practically, this means that individuals are faced with greater control of correctional officers through controlled custody, administrative segregation (or ad seg), which increases social isolation and adversely impacts mental health<sup>19</sup> for an already vulnerable group of incarcerated people. This gives correctional officers even more access and ability to harm, leading to situations of horrific violence and abuse. The criminal legal system has suggested that more restrictive housing options, like “protective custody, which is effectively solitary confinement, present “safer options” for LGBTQ incarcerated people. Yet some interviewees shared that due to the isolation and greater risk for violence from correctional officers, such options often subject them to even more harm. Additionally, this kind of disciplinary action can result in time added to their sentence.

Trans people experience targeted, violent gender-specific harassment. All trans women interviewed described gender-specific harassment and abuse. Many cis interviewees also commented on the treatment experienced by their trans peers inside. “I mean, it’s just a constant fight”, Fabiana, a cis lesbian woman, stated. Trans women experience violent gender policing, including being denied medically

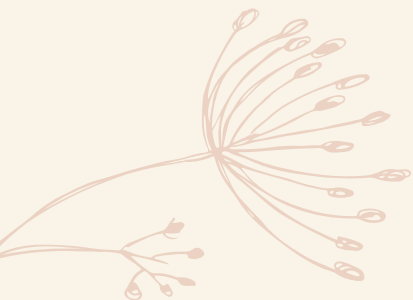
necessary hormones, denied undergarments that align with their gender, and having femme markers such as jewelry forcibly removed. Although California law now makes it possible to house transgender, gender nonconforming, and intersex people in state prison based on their own perception of which gendered facility would be safest<sup>20</sup>, one interviewee, Lee, shared that, “Housing according with one’s gender doesn’t make prison a safe place to be for trans people”. For masculine-presenting cisgender women and gender nonconforming people, correctional officers employ gender-specific verbal abuse, and disproportionate physical abuse towards them, under the guise that “they want to be a man.” Correctional officers implied that men and others who express a more masculine gender identity deserve to experience heightened violence, especially increased physical violence and abuse.

Interviewees shared experiences of sexual harassment and being dehumanized and made fun of because their identity was perceived as a challenge to the power of correctional officers. Correctional officers constantly reminded them that “if they want to be a man, I’ll treat you like a man.” Other correctional officers went out of their way to punish masculine-presenting women and gender nonconforming people by separating them from their romantic partners without cause.

Sexual violence is pervasive in prisons, and queer, trans, and gender nonconforming people experience sexual violence at disparately high rates. In Black and Pink’s 2015 survey of 1,118 LGBTQ incarcerated people, respondents were over 6 times more likely to be sexually assaulted than the general prison population.<sup>21</sup> In our research, interviewees across genders shared the experience of constant verbal and physical sexual harassment from correctional officers and staff, including targeting partners or perceived partners. Sexual violence plays a key role in maintaining order and control within prisons, and it is a tactic that relies on and reinforces oppressive sexual and gender norms.<sup>22</sup> Interviewees reported that harm experienced inside includes sexual harassment, threats of sexual violence, sexual assault and rape, and disproportionate physical violence to “correct” behavior. Correctional officers also intentionally neglected the safety of incarcerated LGBTQ people when they experienced violence or sexual assault from others. One interviewee described themselves and their queer peers as being “sexually assaulted or sexually harassed constantly. And like the correctional officers never did anything about it.”



*Queer, trans, and gender nonconforming people face impossible situations of violence, abuse, and harassment while incarcerated, yet also organize and resist despite these conditions. One prime example is #MeTooBehindBars.<sup>23</sup> On November 9, 2017, a lawsuit was filed against the California Department of Corrections and Rehabilitation by four plaintiffs who are or were incarcerated at Central California Women's Facility. The plaintiffs all identified as transgender, gender non-conforming, or queer. The lawsuit denounced two assaults where correctional officers assaulted, sexually harassed, and used homophobic and transphobic insults against the plaintiffs. Medical treatment was not provided for the injuries they sustained from correctional officers, and they were instead placed in isolation cages where they were subject to further sexual humiliation and denied access to bathrooms. The plaintiffs explained that these assaults are part of a larger pattern of excessive force by correctional officers that impact many other women and/or trans people in prison. Their hope is that the lawsuit will help prevent such incidents in the future.*





# Parole

Parole is the conditional release of a person from prison prior to the end of the maximum sentence imposed. In California, parole only applies in felony cases where a person is sent to California state prison and doesn't take effect until after the person's release from prison. When people are paroled depends on their sentence. People who receive a determinate sentence and are sentenced for a specific amount of time are automatically placed on parole once they are released. People who are sentenced to state prison for potential life sentences are eligible for parole after they serve the determinate part of their sentence, but only after the parole board determines that they are eligible during a California Board of Parole suitability hearing. Even though California parole law is constantly changing, it typically gets applied "prospectively" to "future" people who are incarcerated. This means that when people are convicted can also have a huge impact on incarcerated people's eligible parole date. For example, some laws only apply to people who were convicted before 1983, and others only to people who were convicted after 1977.<sup>24</sup>

People on parole must agree to abide by certain conditions and requirements, including:

- ◆ consenting to be searched at any time with or without a California search warrant and with or without cause
- ◆ agreeing to live within designated county limits
- ◆ agreeing to register with local authorities, and
- ◆ conditions that relate to the specific offense, including, for example, restrictions that prohibit (1) using or being around designated weapons, (2) accessing the Internet, or (3) associating with gang members.<sup>25</sup>

Parole officers are assigned to supervise incarcerated people following their release. Parole conditions can control where parolees live, with whom they can associate, and can even subject them to regular drug tests and electronic monitoring. The parole board can increase, reduce, vary, or enforce parole conditions. The board even has the power to cancel parole and return parolees to prison. Parole officers are also supposed to help with problems concerning employment, residence, finances, or other problems that incarcerated people can experience while adjusting to release from prison. Queer incarcerated survivors' experiences with the parole board and parole officers can have significant impacts on their post-release opportunities. Much of this is shaped by how the parole board and parole officers relate to survivors' experiences of domestic violence.

Incarcerated survivors, like other survivors, struggle with having their experiences of violence believed. For incarcerated survivors, however, this impacts their ability to be granted parole. According to Yary, "all these years that I went to the parole board, they would never acknowledge that I was in a domestic violence situation...I tried to get the battered women's syndrome organizations to back me up and stuff, but they [would tell me] I didn't have enough evidence. [They said] 'well, we have to get witnesses, we have to get witnesses,' and I couldn't get ahold of most of my friends." Yary's experience was exacerbated by changing state laws that made it more difficult for incarcerated people to be granted parole. In 1988, California passed proposition 89, which amended the California constitution to grant the governor the authority to affirm, modify, or reverse decisions of the board of parole hearings with respect to people convicted of murder.<sup>26</sup> This made it particularly difficult for people with a life sentence to win release, even if the crimes with which they were charged stemmed from domestic violence.

Queer incarcerated survivors also reported being treated differently by parole officers because of their gender and sexuality. Adriana described an incident in which a parole officer said, "Wait a minute. You're Adriana?" after seeing them in person. For the interviewee:

It was one of those things where you know they know more about you than you want them to, and the way they proceed is, like, kind of, you know, judgmental, I guess you could say. I mentioned about being a survivor because of seeking counseling out here, and my bad experiences in the past...but I didn't want the judgment, or the bypassing, or them contradicting me."



Another interviewee, Daniella, reported being treated differently and put into unsafe situations because of being trans. She said, "I used to be part of a gang...and I dropped out of that...to come out of the closet and to be identified as a female. Thus, it could be really, really dangerous for me if an active [gang member] saw me at the parole or probation office, and I would express that to them, and they didn't care. They're like, 'Oh, you still need to come in. If you don't come, we're gonna violate you.'" Thus, incarcerated survivors experienced compounded violence at the hands of parole officers and the parole board due to their trans, queer, and survivorship experiences.

Many queer formerly incarcerated interviewees also reported barriers and challenges within the parole system and feeling a constant sense of anxiety as opposed to support and guidance for re-entry. The system was so confusing that some interviewees were never told whether they were still on probation. Sydney Rogers aka Miss Barbie-Q said, "I still don't know to this day, I still don't know if I'm on probation...A part of me is afraid to know. You know, a part of me is afraid I'll walk into the courts and they'll be, like, 'Oh, yeah, you've been on probation, but you haven't checked in, we need to take you back.' That scares the shit out of me." Another survivor, Taylor reported that, "My housing called me and told me, like, 'Oh, we've just been told you got off parole today, so you gotta move out.' And that's how I found out I was on parole." Interviewees also found that parole officers never informed them about, and sometimes withheld, services they qualified for.



*Brandy Scott is a Black transgender woman serving a 22 year sentence. Brandy was criminalized for defending herself against her abusive partner. Art by Azul Quetzalli and Allyissa Johnson*



# Conclusion

This research elucidates the experiences of queer, trans, and gender nonconforming survivors in the criminal legal system. Though more attention has been brought to the issue of mass incarceration in recent years, the experiences of queer, trans, and gender nonconforming people, as well as the experiences of survivors of domestic and/or sexual violence, remain at the margins of such discussions. This is troubling given that queer, trans, and gender nonconforming people are significantly overrepresented in the CLS, and that most incarcerated women, queer, trans, and gender nonconforming people are survivors of physical or sexual abuse prior to incarceration. This report aims to uplift their voices and provide new evidence that demonstrates how the intersection of queer and trans identities, together with experiences of survivorship, impact people's experiences within the CLS. Using a community-based mixed methods approach, including both survey data and qualitative interviews, we found that experiences of survivorship, together with being queer, trans, or gender nonconforming, resulted in compounded violence against survivors, which is further exacerbated for those who were people of color.

Such experiences of compounded violence occur at each step within the criminal legal system. When first encountering police, queer, trans, and gender nonconforming survivors report interactions filled with verbal, physical, and sexual abuse. They then face additional scrutiny and were singled out within the court system due to their gender, race, and sexuality. Queer incarcerated survivors also report differential treatment in court because of their experiences of abuse, and in many cases, were convicted because of an abuser's actions, or being in an abusive situation. When in the prison system, queer, trans, and gender non-conforming survivors again face gender-specific verbal abuse, and disproportionate physical abuse. Correctional officers and staff also ignore requests for basic living and medical needs from incarcerated LGBTQ people and intentionally neglected the safety of incarcerated LGBTQ people when they experienced violence or sexual assault from others. Finally, queer incarcerated survivors also report negative or unfair treatment by parole officers because of their gender and sexuality and having their experiences of abuse discounted when their cases were evaluated for release.

These examples demonstrate how, at each step of the CLS, queer, trans, and gender nonconforming survivors experience violence that compounds the negative effects of the domestic violence and abuse they have already experienced. In fact, criminal legal actors from police to correctional officers and parole officers also perpetrate verbal, physical, and sexual abuse against survivors, demonstrating how such violence by criminal legal actors is systemic, and how the CLS in fact perpetuates and legitimizes sexual and domestic violence. This degree of violence was heightened for our interviewees due to their gender and sexual identities.

Thus, our study provides new evidence to support the need for abolition, by illustrating how abolition is a gender justice and LGBTQ issue. Research has already demonstrated the failure of past policy initiatives that aim to make prison “safer”, as there is no safety in a system designed for the purpose of perpetuating and legitimizing violence, particularly violence that disproportionately impacts trans and queer people of color. Additionally, prison reforms increase the CLS’s power, money, and capacity for racist violence. Abolitionist strategies differ from reformist tactics by working to reduce, rather than strengthen, the power of the prison industrial complex.<sup>27</sup>

***One example of a reform that has not made prison safer, and in fact made it more violent, is the Prison Rape Elimination Act (PREA), which has the stated intent to prevent, detect, and respond to sexual abuse in confinement. In reality, PREA created even more active efforts to cover up the pervasive occurrence of sexual violence within the system, and problematic implementation with issues including inaccurate data collection and placement in involuntary segregated housing,<sup>28</sup> creating an environment where some prison staff have even prohibited platonic touch between friends.<sup>29</sup>***

# Recommendations

Interviewees named several resources that would have supported them in navigating the CLS. Although this is not an exhaustive list of all potential changes that would support incarcerated people, we want to highlight their recommendations. First, several interviewees named the need for more defense attorneys and adequate legal representation that is survivor-centered and demonstrates cultural humility (worth noting was the desire for more LGBTQ attorneys). Adequate legal representation could also offer more clear communication and information, such as explanation of charges, what will happen after sentences, and what services and options are available. Others called for the need for policies allowing relief, such as commutation or clemency, for survivors of domestic violence convicted for survival acts, or acts they were coerced into with life sentences. Additionally, physical shows of support can be an asset during court proceedings.

Interviewees named the need for folks to “advocate for you and help you”, especially for trans women and trans men, gender nonconforming people, and queer folks, as many might not have family support. Numerous interviewees mentioned additional resources such as understanding, patience, and knowledge of supporting survivors, LGBTQ-based programs and self-help groups that focus on LGBTQ needs and LGBTQ experiences, and knowledge and support of trans people, including healthcare and hygiene resources and access. For example, Kanoa noted that “we have no support here although we have a lgbtq psych.....I never met him despite the numerous copays. He is not accessible at all because he has to take care of surgical referrals and CDC won’t hire anyone else.” Additionally, interviewees named the need to reduce stigma around those who exhibit signs of trauma or mental illness.

*Survivors also named the power of interpersonal support from the outside, through physical visits or letting writing/ emails. Kanoa summarized for us by saying, “I feel what would have helped is mere support...just someone to be there and conversate with. Just to provide us with a sense of belonging to an environment greater than ourselves.” Isolation is central to the persistence of domestic violence, sexual violence, and incarceration. Writing letters to criminalized survivors helps to dismantle this isolation, creating pathways for connection, collaboration, and coalition. Currently & formerly incarcerated survivors have stated again and again how important letters of support are to relationship building and their well-being.<sup>30</sup>*

*There are indeed some changes that may support incarcerated people in the short term without causing future harm or entrenchment with the CLS in the long term. This topic, however, was not explored in depth and there is immense benefit in further exploring what incarcerated people would need to help them survive and get free from the CLS.*

This report highlights some of the violence experienced by queer, trans, and gender nonconforming survivors in the criminal legal system. However, it is just a snippet of the full violence of the criminal legal system, which is likely far greater than that described in this report, given that all participants were incarcerated in California, our small sample size relative to the entire population of currently and formerly incarcerated people, and our sample included mostly formerly incarcerated survivors who are among the minority that found a pathway to release. Still, our respondents consistently cited both the long term and deep impacts of criminalization, as well as the need for greater support for survivors both inside prison and post-release. In this snapshot, we posit that the issues cited by our participants are prevalent across the CLS in the United States and may be worse in states where there is less support for LGBTQ populations.

To learn more and to support this work, we encourage you to follow the work of Survived & Punished, Transgender and Intersex Justice Project, California Coalition for Women Prisoners, Love & Protect, Black & Pink, and other trans- and queer-led abolitionist organizing projects and efforts. We hope that through telling and sharing the stories of currently and formerly incarcerated queer, trans, and gender nonconforming survivors, we elucidate injustices within the criminal legal system, better support and free all those who are still incarcerated, and continue the work toward an abolitionist future, including providing safety and healing for survivors.

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