

Transfolks in prison

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As I remember from history class, the Constitution affirmed everyone should be treated equally.

All people are equal no matter their, race, color or creed. However, over the years, Trans* folks who commit crimes are placed in prison by their birth sex. This placement can cause sexual assault and harassment in prisons. This is an epidemic in prisons and has caused a stir over whether Trans* folks should be in prison according to their birth sex or the sex that they're seen as today. Trans* people should be placed in prison according to their perceived sex and should be placed under protective custody which can lower the number of unknown incarcerated Trans* folks, sexual assault, and harassment. The Prison Industrial Complex is an abolition group who supports LGBT and wants an end to Trans* in prison overall.

“ The violence that transgender people- significantly low-income transgender people of color-face in prisons, jails, and detention centers and the cycles of poverty and criminalization that leads so many imprisonment is a key place to work for broad-based social and political transformation. There is no way that transgender people can ever be ‘ safe’ in prisons...” (“ Captive Genders: Trans Embodiment and the Prison Industrial Complex, edited by. Stanley and Smith 35”) In society, Trans* of color or who are poverty-stricken face the challenge of discrimination, especially in prison. The system has this twisted in many ways. Trans* folks should not feel “ safe” in prison if they know what is going to happen to them.

Some record of their arrest should come to mind or maybe an appeal can give them a chance to dodge the bullet of an incorrect prison placement

especially by their birth sex. The count of unknown Trans* folks incarcerated in a prison facility is staggering. It is because of the placement of birth sex. There should be a count to calculate the Trans* folks in prison. But if the idea is not put into the mind, the number will increase rapidly and will remain unknown. " In American prisons today, the exact number of incarcerated trans people remain unknown.

The Prison Industrial Complex of the United States is the last bastion of unforgiving gender segregation-one's natural genitalia determines their prison destination."(" Captive Genders: Trans Embodiment and the Prison Industrial Complex ReviewWexelbaum 1") Everyday when a Trans* person is incarcerated based on birth sex the quantity rises. What should be done is counting; if the correctional officers and other parts of the Prison Industrial system can find Trans* people and get the exact number, then the numbers will wane. And maybe, they can be placed in a prison according to their gender the perceived today. One common crime that trans* people are victim to is sexual assault. This mostly occurs in male prisons.

Trans* should be in a protective facility in prison away from the rest of the prison population. " With fully developed breast, long hair, and feminine features, Kelly McAllister is not the sort of person you'd expect to find sharing a cell with a male prisoner. But that's exactly where the 5-foot, 7-inch, 135 pound prisoner was housed after being arrested in connection with an alleged public disturbance, a lawyer representing McAllister is a ' preoperative transsexual'-anatomically male, but living as a woman and undergoing hormone treatment. The Sacramento Sheriff's Department classified McAllister as a male, however. ' They classified her as him and put <https://assignbuster.com/transfolks-in-prison/>

him in protective custody. Then they put her in a cell with a straight male inmate.

‘ said McAllister’s lawyer, Dean Johansson.’There’s no wonder what happened happened.’ Johansson claims that McAllister was violently sexually assaulted by the other inmate, and received little help after the incident, which allegedly occurred last September.”(“ Prisons Face Dilemma With Transgender Inmates Libaw. 1”) When Kelly McAllister was sexually assaulted by her male cell mate, there was not even a speckle of help for her. The prison system ignores the cries of the trans* population in prison.

They have been scared by this event in their life and had no help from correctional officers, the warden, not even the government for that matter. The Prison System should bring in a law for sexual assault in prison. If one of the inmates partitions the law, he/she should be charged and do extra time for it. And the victim should be placed in protective custody. In prison, there are bodily searches before the inmate will be placed in the prison. But some correctional officers searching trans* inmates, the searches leads to sexual abuse.

There should be a law affirming that inmates (trans*) should be searched by a correctional officer of the same sex. If there’s any sexual contact involved, the officer should be considered fired from his/her job.” One issue of cross-gender searches, the 2010 Standards come down squarely in favor of prisoners’ privacy interest,, by adopting essentially the NPREC position that cross-gender searches should be restricted to extraordinary or unforeseen circumstances. Thus, Standard 23-7. 9 provides that, ‘ except in exigent

situations' pat searches and visual searches of a prisoner's private bodily areas ' should be conducted by correctional staff of the same gender as the prisoner.

Beyond concern of privacy, limitations on cross-gender searches as grounded in their establish linkage to sexual abuse."(" Gender and Sexuality in ABA Standards by Colgate and Shay. 1231") Why are these correctional officers harassing and abusing the trans* inmates? To be honest, no one knows except the officers. They are doing this to the trans* inmates for some reason and its wrong, maybe, it should be illegal to do such a thing. In a realistic perspective, there should be a law saying correctional officers should not put hands in private bodily parts without the consent from another officer if said the inmate is highly dangerous, with the inmate consent, or with another officer in the room.

One issue that is common in trans* communities is inequality. It happens in police brutality and in public places discriminating trans*. But the issue has no light in prison There should be notice of discrimination in prison and have rules enforced in the prisons. " As LGBT activist in Captive Genders: Trans Embodiment and the Industrial Complex, editors Eric A. Stanley and Nat Smith wrote that even though trans people were initiators of Stonewall uprising, forty-two years later they still face police brutality and incarcerated for their existence.

According to Stanley and Smith, '[T]his collection argues that prison abolition must be one of the centers of Trans* and queer liberation struggles.'"(" Captive Genders: Trans Embodiment and the Prison Industrial Complex by

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Wexelbaum 1-2") The whole point Stanley and Smith (the editors) are affirming is that there should be a radical shift in people how trans* people are treated by society, even in prison. There must be a law or petition to stop the discrimination and civil rights law saying so for trans*. Trans* should have the rights to be subjected in a prison of their sex they see themselves as. It is not only for protective custody, but for their sex; to be in an prison with the same genitalia even if there was no surgery or hormone treatment involved. Some would argue that trans*folks that have not made a sex change and still have their natural genitalia or have not taken hormone treatment to shift their anatomy must be in prison with their natural birth sex.

" Transsexual people who have not undergone genital surgery and generally classified according to their birth sex purposes of housing, regardless of how much other medical treatment they may have undergone." (" Transsexual Prisoners [www. transgenderlaw. org](http://www.transgenderlaw.org) . 1") As discussed in the beginning of the essay, the count of unknown trans* folks has increased in prisons and in other people opinion (a very poor reasoning) they are naturally a man/woman and should be placed in prison by their natural sex on their birth certificate. Keeping one's natural genitalia and are trans* can make a transman* (woman who is now a man) still keeping the genitalia of birth sex can cause imprisonment of the same sex at birth.

It is highly impossible to be put in a prions with the trans* they perceive their self as especially if they have their natural private part from birth. But what people in society say on the subject can be illogical and barley have an reasoning. It's just their personal opinion and what society perspective is.

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Some beg to differ on the other side of the argument. Trans* people should still be placed in prison by their perceived sex today also the prison should allow protective custody from any act of violence by other prisoners in the population of the prison.

This is to make Trans*folks who are inmates safe from all harm.” The move to combat sexual violence has brought increased attention to issue lesbian, gay, bisexual, transgender prisoners. The NPREC Report noted research documenting the heightened vulnerability of prisoners with non-heterosexual orientations, and there have been court decisions allowing suits by gay prisoners subjected to prison abuse and all academic scholarship proposing ways to protect LGBT prisoners.” (“ Gender and Sexuality in the ABA Standards on the Treatment of Prisoners by Colgate and Shay. 1234”) The protective custody and court ruling of protecting Trans* people in prison has gone in the right direction.

The protective custody for trans*folks can lower the rate of sexual assault and harassment in prison tremendously. It will show that Trans* with hormone treatment and genitalia removal or Trans*people with no hormone treatment and/or no genitalial removal that this shift of protection and care is working in their hands and is on the right track for their safety. Based on the information in the articles used in the essay, American prisons just put trans*people in prison by birth sex. This can cause sexual assault, sexual harassment, and sexual abuse in these facilities. But the American society can do something about this issue.

People can shine light on these actions in prison and make a petition supporting Trans*folks being placed in prison by their current sex and issue out laws and rules about their protection. The problem shall not sit in the dark for centuries. The abuse, assault, harassment, and segregation towards Trans*people shall stop. They are people too, and have equality rights. It will be shown to the government to see what is happening. These Trans men* and Trans women* are being harmed by correctional officers and the inmates.

And the nightmare will stop by the help of others who support them and the proper protection. Work Cited Oliver Libaw, ABC News. com, January 22, 2003, Web. Rachel Wexelbaum, Lambdliteay. org April 08, 2012, Web.

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