

Joint Effort: Prison Experiences of Trans PULSE Participants and Recommendations for Change



Building our communities through research

Trans PULSE E-Bulletin

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Trans PULSE is a community-based research project investigating the impact of social exclusion and discrimination on the health of trans people in Ontario, Canada. Funded by the Canadian Institutes of Health Research, this project is a partnership between researchers, trans community members, and community organizations committed to improving health outcomes for trans people. We hope that health professionals, policy makers, trans communities and allies will use the results of this research to remove barriers, create positive changes, and to improve the health and well-being of trans people.

Background

Trans Ontarians experience high rates of unemployment, workplace discrimination, and poverty^{1,2} which can make them more vulnerable to incarceration. Approximately one-quarter of trans people in Ontario report being harassed by police because they are trans,³ while about a quarter of racialized, and a third of Aboriginal, trans people report police harassment because of their race or ethnicity.⁴ The limited research conducted on the prison experiences of trans people in Canada suggests that trans people who live in poverty, who are sex workers, and who use drugs frequently report police harassment, and may constitute the majority of trans people who are arrested and imprisoned.^{5,6} We also know that Aboriginal and Black people are over-represented in Canadian prisons.⁷

Trans people are usually assigned to men's or women's prisons based on their birth-assigned sex, unless they have had genital sex reassignment surgery. They are often held in segregation units, ostensibly for their own protection, regardless of whether they feel that is necessary. While this limits harassment from other prisoners, it does not protect them from harassment by correctional staff. Within prisons, trans people may experience harassment and violence (including sexual violence) from both prisoners and staff, limited access to transition-related medical care, and refusal to use their preferred name/pronoun. Trans people in prison are vulnerable to HIV and Hepatitis C¹, as rates are much higher within prisons, where harm reduction services are not consistently offered or accessible. While condoms are available, accessing them can be difficult, and needle exchange and safer tattooing supply programs are currently unavailable.⁸

Our Approach

Trans PULSE used a research method that allowed us to take the most statistically accurate picture possible of trans Ontarians.⁹ Surveys were completed in 2009-2010 by 433 trans people age 16 or older who lived, worked or received health care in Ontario. Participants completed their surveys either online or via paper copy. Participants indicated that they fit under the broad umbrella term of "trans", identified with a range of gender identities, and were not required to have begun a social or medical gender transition.

Of the 407 Trans PULSE participants who answered this question, 23 (6%) reported having spent any time in prison while presenting in their felt gender. This report describes the experiences of these 23 trans Ontarians. Additional participants may have been in prison while not presenting in their felt gender or may not have wished to report prison experiences in the survey; this report does not reflect their experiences. The statistics presented in this report are not weighted to represent the trans population in Ontario because of the small number who had prison experiences. That means that this report describes the experiences of the 23 Trans PULSE participants who had been in prison while presenting in their felt gender, and cannot be generalized to all trans Ontarians. More details about our socio-demographic categories are available elsewhere.²

Key Findings

Of 23 Trans PULSE participants who reported having been in prison while presenting in their felt gender, 18 had been in provincial prison, 2 in federal prison, and 3 in both federal and provincial prisons. Nine of these participants had been in prison in the past year, in provincial prisons only.

Approximately two-thirds reported that they usually did not feel safe while in prison. About two-thirds had experienced hostility or verbal harassment, and about one-third had experienced physical violence, related to being trans. Fourteen of the 23 participants (61%) who had been in prison while presenting in their felt gender were not in the prison appropriate to their felt gender, some or all of the time. Note that some participants who reported being in the prison appropriate to their felt gender were fluid-identified individuals who had not undergone medical transition, and were likely in the prison aligned with their birth-assigned sex. The proportion of individuals who felt unsafe or experienced verbal harassment was similar among those who were in the facility appropriate to their felt gender all the time and those who were not. While most of those who felt they were in the appropriate facility had not experienced physical violence related to being trans, such violence was experienced by individuals in gender-appropriate and inappropriate prisons.

Experiences of Trans People who have Ever Been in Jail or Prison (n=23)

	Yes n (%)
Safety Usually felt safe in jail	8 (35)
Verbal Harassment Experienced hostility or verbal harassment in jail because of trans status or gender expression	15 (65)
Physical Violence Experienced physical harassment or violence in jail because of trans status or gender expression	8 (35)

Aboriginal people, who are estimated to comprise 7% of the Ontario trans population,³ made up about a quarter of Trans PULSE participants who had been in prison.

When they participated in the survey (but not necessarily when they were incarcerated) most of the 23 participants were on the male-to-female gender spectrum, adults over 25 years old, had at least some post-secondary education, were living in poverty, and had personal incomes below \$15,000 a year. Almost half had ever done sex work, and a similar proportion were homeless or unstably housed. One participant reported being HIV-positive and another reported having been diagnosed with Hepatitis C. However, seven participants had never been tested for HIV, four of whom had been in prison in the past year.

Characteristics of Trans People who have Ever Been in Jail or Prison (n=23)	Total n (%)
Age 16-24 25+	2 (9) 20 (87)
Gender Spectrum Female-to-male Male-to-female	7 (30) 16 (70)
Ethnoracial Background Non-Aboriginal white Aboriginal Non-Aboriginal racialized	15 (65) 6 (26) 2 (9)
Education Did not finish high school High school diploma Some post-secondary Graduated from post-secondary school	7 (30) 0 (0) 7 (30) 9 (39)
Household poverty In poverty (below Low Income Cut-off) Not in poverty	15 (65) 4 (17)
Personal annual income Less than \$15,000 \$15,000 to \$29,999 \$30,000 to \$49,000 \$50,000 to \$79,000 \$80,000 or over	15 (65) 4 (17) 1 (4) 0 (0) 1 (4)
Current employment Full-time Part-time Unemployed/EI/Disability/On leave Student	4 (17) 5 (22) 8 (35) 5 (22)
Homeless or unstable housing	10 (43)
Ever done sex work	11 (48)
HIV Status HIV-Positive HIV-Negative Don't know	1 (4) 16 (70) 3 (13)
Ever been tested for HIV Yes, but not in the past year Yes, in the past year Never	6 (26) 9 (39) 7 (30)
Ever diagnosed with Hepatitis C	1 (4)

*Percentages have been rounded and some participants did not respond to all questions; percentages may not add up to 100%.

Limitations

These results describe 23 Trans PULSE participants and cannot be generalized to all trans people who have been in prison in Ontario, or in any other region. In addition, individuals serving sentences longer than 2 years are sent to federal prisons, and survey participation is difficult for individuals in prison (no Trans PULSE participants were incarcerated at the time they completed the survey). Therefore, the fact that no participants reported having been in federal prison in the last year should not be taken to mean that trans people were not represented in federal prisons when these data were collected. We did not ask participants when they were in prison (aside from the last year); reported prison experiences may have occurred in the past few years or decades ago. Socio-demographics represent the status of participants at the time they completed the survey, not when they were in prison.

Finally, we only asked these questions of participants who had been in prison while presenting in their felt gender, to describe the experiences of those who are visibly trans or potentially known to be trans. However, trans people who are in prison while not presenting in their felt gender may still experience harassment or violence based on perceived gender and sexuality.

Implications

That most Trans PULSE participants who had been in prison while presenting in their felt gender were on the MTF spectrum and living in poverty is consistent with what qualitative research has shown and draws attention to the devastating impacts of social exclusion for low-income MTF trans people. Although we did not collect information about the impact of incarceration on participants after they were released, we know that many ex-prisoners experience stigma and discrimination, which may be compounded for trans people already experiencing transphobia. Reflecting the over-representation of Aboriginal people in Ontario's prison population, a quarter of ex-prisoners who participated in Trans PULSE were First Nations, Inuit, or Métis.

That 30% of formerly incarcerated trans participants were FTM-spectrum may be surprising to some, and highlights the need for additional research about and services for this group. In prison and once they are released, FTMs may not be connected to or recognized within the agencies that provide services to prisoners and ex-prisoners.

A majority of Trans PULSE participants who had been in prison were living in poverty, or below the low-income cutoff, as compared to about a third of all trans Ontarians². This is despite the fact that trans Ontarians in general have low personal incomes, suggesting that trans people who have been in prison may have less financial support from household members or other sources. In addition, while seven participants had not completed high school, nine had completed post-secondary education. If this education was obtained before prison, this implies that high levels of education may not protect some trans Ontarians from incarceration. Finally, only four participants were employed full time, and a third were either unemployed, receiving employment insurance or disability benefits, or on leave from work. This demonstrates that the employment discrimination challenges faced by all trans Ontarians¹ may be compounded for trans people who have been in prison.

About two-thirds of our participants reported verbal harassment, while about a third reported physical violence in prison based on their trans status or gender expression. This harassment and violence is experienced in addition to forms of violence that all prisoners may experience. While it is crucial to advocate for prison policies that allow trans individuals to be housed in a facility that is appropriate to their felt gender, our results indicate that such a policy alone is insufficient for addressing the lack of safety, harassment, and violence experienced by trans people in prison. A number of improvements in policy, training, justice system practices, and service provision are necessary to address the burden of discrimination and violence faced by trans people in Ontario's prisons.

What can be done?

Community agencies providing services to trans people at risk of, or with previous experiences of, incarceration should be prepared to support their clients in the event they are in prison. Support from outside individuals is crucial for reducing the isolation and vulnerability that trans people in prison can face. Creating an action plan for support and communication should a client be incarcerated is one way to ensure that they have continuous support as they navigate a difficult system.

Organizations and individuals working with trans people who have been in prison should be aware that they may have been exposed to transphobic and other forms of harassment and violence while incarcerated. They should also be aware of the employment challenges faced by all trans people, and by trans ex-prisoners in particular. In addition, given the limited harm reduction services in prison, and the fact that 30% of participants had never been tested for HIV, AIDS Service Organizations and all agencies serving trans people who have been in prison should support them to access HIV testing. Finally, organizations should learn about, outreach to, and provide services for female-to-male spectrum trans prisoners.

Courts and judges should recognize the potential for trans people in prison to experience a greater burden of violence, and the limited safety for trans prisoners, even when they are placed in the prison appropriate to their felt gender. Strategies for diverting trans people from the prison system should be considered. Gladue courts, which have a high degree of flexibility in creating alternative sentences for Aboriginal people, should also take into account trans status in creating sentences that are both safe and that build community connections for Aboriginal two-spirit and trans people. *Corrections* systems should mandate staff training regarding trans issues, so that discrimination, harassment, and violence from both corrections staff and other prisoners can be reduced, and adequately addressed if they do occur.

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