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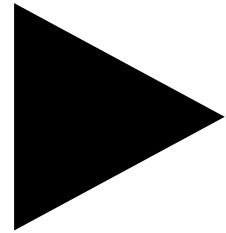
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Criminal Erasure: Interactions
Between Transgender Men and the
American Criminal Justice System

Elias Lawliet

In the modern United States, few groups are as routinely targeted for violence and discrimination as the transgender population. The National Transgender Discrimination Survey (NTDS) reported that 78% of respondents were harassed at school, 90% were harassed on the job, and 63% had experienced a serious act of discrimination (Grant et al., 2011). Though transgender identities are far from being a new phenomenon, they have only recently begun to be studied using rigorous academic methods. These studies have uncovered a deeply persistent, pernicious level of discrimination that becomes even more severe at the intersections of race, class, and sexuality. At this time, only a handful of studies have been done regarding transgender populations and the Law Enforcement/Criminal Justice (LECJ) system in the United States. However, the studies that exist suggest that transgender populations are more likely to interact with police and are incarcerated more frequently than cisgender populations (Stotzer, 2014). Of the studies that have been completed, the majority collapse all categories of trans, non-binary, gender nonconforming, lesbian, gay, and bisexual identities into the monolithic LGBT community. However, the specific issues faced by the transgender population often diverge from those facing LGBT men and women. Furthermore, the experiences of transgender men and transgender women are fundamentally different, especially in medical, legal, and LECJ interactions. This research suggests that transgender men in the LECJ system are at risk for victimization by law enforcement personnel, prison staff, and fellow inmates in very specific ways.

Of the studies that have been conducted on transgender populations and the LECJ system, the majority have centered on the needs and risk factors associated with trans-

gender women. Though current literature supports the idea that transgender women, particularly African American transgender women, are at an extremely high risk of arrest and victimization in the LECJ system, transgender men also face statistically significant risks. The NTDS shows that transgender men are arrested more frequently than cisgender men or women (those whose gender presentation and identity matches the sex they were assigned at birth), and that transgender men are at greater risk for unjustified arrests. This suggests that factors may exist that create a greater risk for transgender men when interacting with LECJ personnel. Additionally, the risk factors that lead to more frequent arrests of transgender women are statistically significant for transgender men (Grant et al., 2011), and the troubles that they face once incarcerated, though different, carry many of the same risks (Stotzer, 2014). The research that has been done on this topic, though sparse, suggests that transgender men interacting with the LECJ system have specific legal, medical, and psychological needs that are currently ignored or misunderstood. In order to better understand the risks faced by transgender men in the criminal justice system and create more comprehensively useful policies, more research must be done on transgender male inmates.

Critique of Available Literature

Terminology

The word transgender refers to a large umbrella category that includes a tremendous variety of identities, expressions, and ways of being in the world (Girshick, 2011). At its absolute broadest definition, it can refer to anyone who transgresses the boundaries of gender with their body, expression,

or identity. Because this is primarily a review of the research done up to this point, for the purposes of this paper, transgender will refer to people whose gender identity and/or gender expression differs from their assigned sex at birth. Transgender men will refer to individuals who were assigned female at birth and now live with a masculine identity and presentation, while transgender woman will refer to individuals who were assigned male at birth and now live with a feminine identity and presentation. Cisgender will refer to those for whom their assigned sex and gender identity are consonant. Gender non-conforming will refer to individuals who dress, speak, or act in ways that differ from the social expectations of their assigned sex but do not self-identify as transgender. Additionally, there are a variety of identities contained beneath the umbrella of the term transgender which fall outside of the bounds of either male or female identities. For the purposes of this paper, these identities will be described as non-binary, except where a participant in a study has self-identified differently. While most sex-based research is neatly divided into discrete, binary categories of male and female, these categories fail to capture the specific experiences of those who pass from one to the other, or live their lives somewhere in between.

Depending on the study, researchers have handled this slippage differently. In *Law Enforcement and Criminal Justice Personnel Interactions with Transgender People in the United States: A Literature Review*, many of the papers reviewed use the term “transgender”, though the sample included only transgender women. Others included transgender men, however, the relative number of transgender men in the sample was so small that no generalizations could be adequately made. Rebecca Stotzer, an associate professor at the University of Hawaii, sought to create a comprehensive

literature review covering the available studies of interactions between transgender persons and the LECJ system. Of the 33 papers in Stotzer's review, only 12 included transgender men at all, and of those, most of the samples were less than 20% of the study. Just one study focused only on transgender men: "Out of Compliance: Masculine-Identified People in Women's Prisons" by Girshick (2011). Additionally, there seemed to be some confusion on the part of the researchers and policy makers as how to accurately describe their subjects. For example, in the 2006 Human Rights Watch report, a quote regarding the horrors of being in a male prison was attributed to a transgender man, specifically described in the study as an "FTM," or female-to-male transsexual. Further research uncovered that this inmate was actually a transgender female who was housed in a male prison due to her physical sex. Additional confusion occurred throughout several studies due to incorrectly used pronouns and apparent misunderstandings of the terms transgender man and transgender woman. For any researcher, correctly labeling research subjects is fundamentally necessary during rigorous research. If a researcher has not understood his or her subject well enough to adequately describe them, then the research cannot be considered reliable.

Paucity of Data Regarding Transgender Inmates

Though no formal epidemiological studies have been done concerning the presence of transgenderism in the United States, Zucker and Lawrence's 2009 epidemiology report suggests that the American transgender population is of statistical significance. According to research done by the Williams Institute of UCLA, transgender people make up .5% of American adults between the ages of 18-64: around

700,000 people nationwide (Gates, 2011). Despite this comparatively small population, the data that we have suggests that the proportion of transgender inmates in the criminal justice system is high. Still, prison administrations seem to underestimate the exact number of transgender inmates. For example, when Dr. Lori Kohler was asked to provide health care for inmates at the California Medical Facility in Vacaville, it was estimated that she would have a patient load of 10-15 transgender patients at any given time. However, In the first six years of her practice, she saw an estimated total of 3,000 transgender patients (Howell, 2009). The need for transgender-specific medical care was therefore underestimated by a few thousand patients. Additionally, data from the NTDS showed that though the general population had an incarceration rate of 2.7%, the survey respondents had an incarceration rate of 16%. Racial factors create an even greater disparity; though African American males had an incarceration rate of 16%, transgender African Americans had an incarceration rate of 47% (Grant et al., 2011). When taken together, these data suggest that the number of transgender inmates is not proportionate to the transgender population. Furthermore, prison administrators seem to underestimate the number of transgender inmates in their prisons, or the level of medical intervention that these inmates require.

Though these data provide a sense of the number of incarcerated transgender Americans, no concrete data exist concerning the exact number of transgender inmates, nor the exact number of arrests, nor the exact number of reported crimes perpetrated against transgender prisoners by staff and fellow inmates. This is due in part to the systems of classification that are used for incoming inmates and the ways in which identity data are gathered during the incarceration process. After arrest, inmates are typically placed in

prisons and classified according to their genital status, regardless of their legal sex, time spent on hormones, or time spent living as a gender other than that which they were assigned at birth (Peek, 2003). Additionally, gender identity is not covered in any federal crime statistics, meaning that all transgender identities and transgender-related crimes are erased by the record itself (Stotzer, 2009).

In addition to these complications, tracking transgender or gender non-conforming populations in prison can be frustrated by the record. For transgender men and gender nonconforming individuals in women's prisons, masculine names were not recorded at all, resulting in erasure from the record (Emmer, Lowe, & Marshall, 2011). Erasure of transgender identities has created a variety of problems, including a lack of solid statistical evidence and epidemiological data, resulting in a diminished capacity to create relevant policy or even to prove that such policy is necessary (Peterson & Panfil, 2014; Simopoulos & Khin, 2014). Though erasure alone is a negative outcome of these practices, they also serve to frustrate researchers who are attempting to access transgender prison populations. If inmates' masculine names and identities are not recorded, then there is no way of knowing how many transgender men reside in a given prison, making it difficult to know what facilities to research.

Valerie Jenness, a professor at University of California - Irvine in the department of Criminology, Law, and Society has been generating a comprehensive body of data regarding transgender inmates in California men's prisons at the behest of the California Department of Corrections and Rehabilitation (CDCR). This study was commissioned following a high-profile lawsuit brought by a transgender female inmate who had been brutally sexually assaulted many times in Folsom. Because of the timing and context of this

court case, the CDCR was willing to fund the study and allow “unfettered access” to their prisons (Jenness, 2014). The body of research generated by this study has been used to publish several articles, and will continue to be utilized for years to come. This research provides a template for future nationwide studies that could be used to generate an accurate, detailed picture of the experiences that transgender inmates are having in both state and federal correctional facilities. However, Jenness’ study pertains only to transgender women in men’s prisons. In order to create a deeper understanding of the issues facing all transgender people in the LECJ system, future studies should cover transgender men in women’s prisons with the same depth and accuracy that Jenness’ study displayed.

Paucity of Data Regarding Transgender Male Inmates

Though there are very little data on the transgender population in general, and even less on transgender inmates, data specifically targeting transgender male inmates are almost non-existent. The NTDS reveals that 10% of its transgender male respondents reported being arrested, as compared to 4.9% in the general population (Grant et al., 2011). The few studies that have examined the arrest rate of both transgender men and transgender women have had mixed results, with some indicating higher arrest rates for transgender women, and others reporting relatively even data for all transgender people (Stotzer, 2014). More data must be gathered at a national level to truly understand the frequency of arrest and incarceration of transgender men.

Most information in the literature pertains to either formerly incarcerated transgender men or those who were arrested but not detained. Girshick’s 2011 study is the only

source available that specifically covers masculine-identified inmates in a women's prison, but the researcher does not specify how she was given access to this population. In addition, though all of the participants identify as masculine, and were all assigned a female sex at birth, the words that they use to define their identities differ. Four of the participants self-identified as transgender, trans (an abbreviation for transgender), or as a man trapped in a woman's body (a common descriptor for the experience of being a transgender male). Though this proliferation of identities can be confusing, Girshick included the language used by the inmates themselves in an effort to respect their self-described identities. The study was qualitative in nature and focused on interviews with the participants, who were all current inmates in California women's prisons. Despite its small sample size, this is the only study of its kind, and it will therefore be referenced quite extensively throughout the rest of the paper.

The remaining data that can be gathered is largely scattered throughout studies on the transgender population in general, and the sample sizes are fairly small (Stotzer, 2014). Though there are some studies that pertain specifically to transgender men, the samples are overwhelmingly white, college-educated, and masculine. This is due to the methodology, which largely relies on convenience samples collected at national conferences, where attendees are most likely to be well-educated, white, and of higher socio-economic status (Forshee, 2008). This sort of sample precludes many of the risk factors present for arrest, including ethnicity, socioeconomic status, and educational attainment (Grant et al., 2011).

The synthesis of the available research leaves many questions and answers few. It suggests that transgender men

face problems in the LECJ system that are both similar and very different from those faced by transgender women, but that more research must be done to decipher exactly what those problems entail and how they can be effectively addressed. Until more research is completed, recommendations for policy change will not be complete. The rest of this paper will be devoted to analyzing the problems that transgender men face when dealing with the LECJ system, the factors that put them at high risk for arrest and incarceration, and ways to approach and address these issues.

Transgender Males and the LECJ System

Pre-contact Risk Factors

In order to understand the specific risks that transgender men face when dealing with LECJ personnel, it is first necessary to understand the factors that precede that contact. Several studies have shown that transgender men outside of the LECJ system are at high risk for both physical and sexual violence. This violence starts early. In Witten and Eyler's 1999 study, *Hate Crimes and Violence Against the Transgendered*, one transgender male respondent said simply, "People have tried to kill me since I was child." This quote is extremely poignant on its own, but it is backed up by data from the NTDS, where 78% of participants reported harassment while in grades K-12, with 35% reporting physical assault, and 12% reporting sexual assault (Grant et al., 2011). While transgender female students reported higher instances of violence, trans male respondents reported higher levels of harassment and bullying. According to Witten and Eyler, transgender children are subjected to abuse at rates higher than their cisgender counterparts (1999). Rape

and other forms of sexual violence are tremendous issues among transgender populations. Some studies have found similar rates of both physical and sexual violence for transgender men and transgender women (Lombardi et al., 2002; Testa et al., 2012), with the perpetrators being strangers, police officers, acquaintances, and immediate family members (Testa et al., 2012). Much of this violence can be attributed to the stigma, bias, and discrimination that transgender people face in modern society, which the NTDS describes in its title as “Injustice at Every Turn” (Grant et al., 2011). While this stigma works throughout many facets of life, it is exacerbated in the prison setting by the absolute power and control of the LECJ system over inmates. Because of the unique position of power that LECJ personnel occupy, the potential for stigma to induce violent treatment is incredibly high.

This violence creates a number of negative life outcomes for transgender people that could ultimately lead to higher levels of incarceration. When subjected to violence due to gender identity or presentation, transgender people are more likely to drop out of school, engage in risky behavior such as smoking or drug/alcohol abuse (Testa et al., 2012), experience homelessness (Lombardi et al., 2002), experience poverty, attempt suicide (Testa et al., 2012), and many other negative outcomes (Grant et al., 2011). Additionally, data in the NTDS suggests that many different factors contribute to negative outcomes for transgender people in something of a domino effect; for example, 26% of the sample reported losing a job due to their gender identity, and 47% reported some sort of adverse job consequence, such as being passed over for promotion (Grant et al., 2011). Loss of employment resulted in extremely negative consequences, such as being forced into the underground economy selling drugs or

participating in sex work. Though transgender women are stereotyped as sex workers, similar percentages of transgender men reported participating in either sex work or selling drugs (Sevelius, 2009). Due to the criminalization of underground economies, those that participate in sex work or sell drugs are more likely to be arrested, and transgender people who do not pass may be more visually conspicuous, which could lead to higher levels of LECJ contact.

Additionally, transgender men of color face greater risks of arrest and incarceration than their white counterparts due to the racial bias and profiling practices of law enforcement. Transgender men have reported increased attention from LECJ personnel after transitioning (Dozier, 2005), and in the single study that focuses on transgender men in women's prison, 20 of the 22 participants identified as an ethnic minority (Girshick, 2011). In the NTDS sample, African American respondents were far more likely to experience police harassment, assault, and bias (Grant et al., 2011). Transgender men of color face a greater risk of LECJ contact simply because of their skin color, and that risk escalates further if they are gender non-conforming, non-passing, or perceivably trans (Grant et al., 2011). Future studies should focus on the unique contours of the experiences that trans men of color have with LECJ personnel, both inside and outside of prison environment.

LECJ Personnel Contact

Transgender people are at a higher risk for contact with LECJ personnel, and when that contact is made, transgender men face specific risks based on misogyny and accepted norms of gender expression (Witten & Eyler, 1999). The NTDS highlights one particular instance involving a

masculine-identified person:

I did not pass as male, but I was obviously presenting as a masculine person at a nightclub. I kissed the cheek of my girlfriend at the time. [...] The security guard picked me up and carried me towards the door, kicked the door open with his foot and launched me out the door of the nightclub. I tumbled to the ground to find three police officers standing over me. One said, 'Do we have trouble here?' The security guard said, 'The trouble is that this fucking lesbian needs to know what it's like to be with a man.' They all started to laugh. 'I could show her,' one police officer said. Just then my friends bolted through the door and instructed me to run. I stumbled to my feet and narrowly escaped the officer's hands. 'Fucking dykes! Don't come back here unless you wanna get fucked!' one of the officers screamed as we ran off.

This incident offers a lens to explore the various intersections that non-passing transgender men face. First, the guard perceived that the respondent was a lesbian female, and reacted to the respondent with homophobia and violence. This is not unlike the reported experiences of transgender men in women's prisons, where gender presentation was heavily policed and female identity was assumed based on physical sex characteristics. The officers (apparently male) proceeded to discuss raping the respondent in order to correct the respondent's perceived homosexuality. How the respondent identified their gender did not have any bear-

ing on how they were treated. The LECJ personnel's actions in this instance reveal a tremendous amount of misogyny coupled with social discipline for what they perceived to be gender non-conformity.

Though the NTDS sample revealed that transgender women are more often arrested or jailed due to bias, it also showed that transgender men reported more disrespectful treatment and harassment from LECJ personnel, and equal amounts of physical assault (Grant et al., 2011). While these statistics are useful in painting a broad picture of transgender men's experiences with LECJ personnel, more research is needed to understand exactly what kinds of harassment and assault are experienced, and how they compare to what transgender women report. The level of comfort that respondents expressed when dealing with the police was surprising as well: only 28% of transgender men were comfortable seeking police assistance, compared to 43% of transgender women (Grant et al., 2011). Studies have suggested that this discrepancy could be due in part to the intersection of institutionalized misogyny and the extreme focus on gender roles implicit in policing (Girshick, 2011; Stotzer, 2014; Wall, 2014).

The racial identities and socio-economic status of participants also seem to be salient in the negative and disrespectful treatment they received from LECJ personnel. The NTDS sample showed that 44% respondents living in extreme poverty (under \$10,000/year) reported disrespectful treatment by the police; 18% of those who made over \$100,000 annually reported disrespectful treatment. Additionally, Asian, Black, Latino/a, and Multiracial respondents reported percentages of disrespectful treatment between 44-47%. Black and Multiracial respondents reported extremely high levels of police harassment and assault, at 38% and 36%

respectively, compared to 18% of the White respondents and 22% of the overall sample (Grant et al., 2014). The NTDS report does not parse out this data by intersections of race and gender for transgender males, but considering the intersectional nature of stigmatized identities, it would be worth investigating the specific experiences of transgender males who can be categorized as Black, HIV Positive, under-educated, impoverished, etc.

Several studies have shown very low rates of crime reporting among transgender people. Stotzer (2014) synthesizes several studies that suggest the same phenomena where transgender people report crime at very low rates ranging from 9% to 51%. Though very few studies have explored the reasons behind this underreporting in detail, some have ascertained the general discomfort of transgender people with LECJ personnel. Witten and Eyler (1999) theorized that underreporting was due to a perception that nothing would be done, such as in the highly-publicized case of Brandon Teena. Teena reported his rape to the police, but they did nothing. A week later, the perpetrators murdered Teena as well as two of his friends. Another reason cited for underreporting was the fear of a second victimization; being harmed or harassed by the very officers who were meant to protect them (Stotzer, 2014). Additionally, the phenomenon known as “walking while trans,” wherein an officer will arrest a transgender person for solicitation regardless of whether or not the person is engaging in any illegal activity, has further eroded the trust that transgender people may have in the system (Shay & Strader, 2012). Mistreatment by LECJ personnel has caused transgender people to mistrust the LECJ system; however, this means that crimes against transgender people often go unreported.

More research is needed to understand the ways in

which contact between transgender men and LECJ personnel transpires. Though misogyny and heterosexism color interactions for non-passing transgender men, these factors may also affect transgender men who pass. Inevitably, such men will be outed through this process, and potentially put into danger from the LECJ personnel themselves, or from others in the jail. One NTDS respondent was quoted as saying, “I was arrested recently and the officer thought it necessary to announce in a loud tone to the entire jail that I was a transgender man” (Grant et al., 2011). Interactions such as these, as well as the events that follow them, must be explored in further depth to be fully understood.

Transgender Men in Prison Settings

Housing. As previously stated, very little research has been done on transgender men in prison settings. Generally, these men are housed in women’s prisons and expected to conform to female gender roles and identities for the duration of their incarceration unless they have obtained surgery (Girshick, 2011). However, genital surgeries for transgender men are difficult to obtain, extremely costly, and often result in negative health outcomes, and are therefore fairly uncommon; in the NTDS sample, only 6% of transgender men had obtained bottom surgery. Considering these factors, those who are most at-risk for incarceration—young, impoverished transgender men of color—would be extremely unlikely to have the means to get such surgeries, even if they desired to. Additionally, transgender men tend to be physically smaller than cisgender men, but more muscular than cisgender women, especially if they have undergone some hormonal therapy treatments (Simopoulos & Khin, 2014). This creates confusion in terms of housing; a transgender man in a men’s prison will often be put into administrative segregation (ad-seg) for what the staff perceives as his

own benefit (Simopoulos & Khin, 2014; Howell, 2009). In a women's prison, the same man could be subjected to ad-seg for the protection of the other inmates, regardless of his behavior (Simopoulos & Khin, 2014).

Transferring an inmate to ad-seg does not differ in any significant way from solitary confinement, which is used to punish inmates and/or separate inmates from the general population when they present a significant danger to others (Mintz, 2013). This sort of isolation can be emotionally and psychologically damaging to inmates, and removes their ability to interact with others and to take advantage of educational, recreational, and occupational opportunities (Mintz, 2013). This form of isolation is so detrimental that many transgender prisoners prefer to be housed in the general population (Peek, 2003). There are a few men's prisons that house special wards for transgender, gender non-conforming, or homosexual inmates, but there is no similar set-up in women's prisons (Peek, 2003). This is likely due to the perception that women are not violent, and therefore gender non-conforming people do not need to be protected from fellow inmates. This assumption ignores both the fact that violence occurs in women's prisons and the fact that the majority of the violence perpetrated against transgender men in women's prisons is perpetrated by the staff, specifically the male staff (Girshick, 2011). Because of this, transferring an inmate to ad-seg can cause them to be at an even greater risk for physical or sexual violence (Howell, 2009). The NTDS data supports this, with a shocking 44% of the transgender male participants reporting harassment by prison staff, and 29% reporting harassment by inmates.

Gender roles and expectations. The problems that transgender men face from prison staff are similar to the pre-contact risk factors and are couched within a complex

web of gender roles, gender expectations, homophobia, heteronormativity, social discipline, and jealousy (Tarzwell, 2006). Because of their complexity, they cannot be understood in a vacuum; women's prisons have a deeply ingrained system of gender expectations that are policed by the staff. Homophobia plays an integral role in the policing, discipline, and harassment of transgender male or masculine inmates. Not only are inmates punished for displaying any semblance of homoromantic behavior (including sitting close to another inmate), but their perceived homosexuality is also against them, even when it has no bearing at all on the situation. For example, Girshick (2011) noted that when two prisoners were fighting, the guard would ask the more femme of the two if the masculine inmate was trying to "make [her] a dyke." This is a similar form of gender policing as was described by the earlier quote; people who are seen as women, regardless of their identities, are treated more harshly because of the ways that they transgress gender boundaries, and this effect is magnified in the prison environment.

For this reason, transgender men are situated strangely in the extremely gendered environment of women's prisons, and alongside lesbians, they are subjected to the brunt of the violence perpetrated by the guards. Additionally, these inmates are often shunned by the others, resulting in limited social support networks which they can rely on. Because women are viewed as subservient, weak, and dependent, women's prisons are set up to reify these perceived gender traits. Transgender men are also expected to conform to the masculine gender role—that is, they are expected to be tough, not to show emotion or weakness, and to display other behaviors considered by the guards to be consistent with their masculine presentation. One masculine inmate revealed that a guard had approached him saying, "Oh, you

think you're a man? I'm going to treat you like a man... the hard way" (Girshick, 2011). Despite these demands, inmates who had facial hair were required to shave it, an action made impossible for some due to a restriction on razors. Additionally, the gender presentation of masculine inmates is policed by the clothing that they are provided. In many prisons, boxers are not allowed, and are considered to be contraband—inmates can be punished for having them in their cells. Masculine inmates are punished from both sides of binary gender expectations: they are transgressing their expected role as people who were assigned female at birth, but they are also expected to be “man enough” to gain a respect that will never be given within the LECJ system (Tarzwell, 2006; Girshick, 2011).

Medical needs. Both within the LECJ system and outside of it, medical care is sorely lacking for transgender people (Howell, 2009; Grant et al., 2011). This profound lack of care is made even more severe in the context of prison, where even common healthcare needs are often ignored and overlooked. Additionally, public apathy to the health and wellness of inmates contributes to the problem by leaving very little funding for prison health care programs (Howell, 2009). For transgender inmates, who often require medical care that goes above and beyond the required care for cisgender inmates, there are a variety of pressing concerns. The administration of hormones is perhaps the most common concern shared by transgender inmates of all genders. Hormone therapy is not a treatment to be taken lightly. Cross-gender hormones are considered a life-saving treatment for transgender people, and being abruptly taken off of these hormones can cause severe emotional, physical, and psychological harm (Human Rights Watch, 2006). Generally, the courts have ruled that taking inmates off of hormones

is cruel and unusual punishment, beginning with *Estelle v. Gamble*. In the subsequent years, this legal precedent has been used to create a body of law dealing directly with the treatment and rights of transgender inmates (Simopoulos & Khin, 2014). Still, 9% of the transgender male NTDS participants reported being denied hormones, and 7% reported being denied healthcare in prison. Race was also a factor in this category: Black respondents were most likely to be denied hormones and other healthcare (Grant et al., 2011).

There exists almost no literature pertinent to transgender male inmates in regards to surgery, whether it is desired or sought, and whether it is made available to inmates who require it. Only 7% of the male NTDS participants reported not having chest surgery and not wanting it, while a full 50% expressed the desire for such a surgery. Additionally, 53% expressed a desire for metoidioplasty (release of the clitoris), and 27% expressed a desire for a phalloplasty (the creation of a phallus using skin grafts from the body; Grant et al., 2011). Much of the case law and research regarding transgender inmates receiving state-sponsored surgery centers on those surgeries necessary for transgender females. Though these procedures can have significant positive effects on the mental, emotional, and physical health of transgender people, they are often viewed as elective (Grant et al., 2011; Simopoulos & Khin, 2014). More research must be conducted regarding transgender male inmates and their management of physical dysphoria, as well as the number who desire transitional surgeries, and how their requests are treated.

Another area where extensive research is desperately needed is in the contraction and management of HIV in transgender males. Generally, transgender males are seen to be at a very low risk for HIV transmission because they are

thought to have intercourse only with others who were assigned female at birth. However, transgender men, just like cisgender men, possess a spectrum of sexualities and engage sexually with a variety of partners. Existing research supports the idea that some transgender men, especially those who have sex with cisgender men, are at a high risk for HIV infections, but have very few resources to manage their exposure and risk. Most literature regarding HIV risk and care in prisons pertains only to transgender women, who are undoubtedly at a very high risk (Sevelius, 2009). However, HIV risk, HIV transmission, and sexual behavior among transgender men should be studied further to enhance and deepen understanding and create better policy.

Identity

Though discussions on violence, healthcare, and housing are sometimes thought to be most pressing and paramount in terms of policy and research, it is the management and discipline of identity that transgender men are forced to endure in a very immediate way, beginning at the moment they first come into contact with the LECJ system. This is no small consideration. As one transgender male inmate said:

You're trying to take my identity from me. You're trying to take my soul from me, you're just trying to take everything from me. You've already taken my freedom, but I had a large part to play in that, so there's not a blame game going on here. But, come on now, you can't, that's all I have left is who I am and they are trying to take that from me. (Girshick, 2011)

Another of the trans men in Girshick's study had been living as a man for twenty years at the time of his incarceration in a women's prison (2011). The negative health outcomes that transgender people face are exacerbated by a lack of acceptance, as well as by the inability to live or express themselves authentically (Grant et al., 2011; Howell, 2009; Simopoulos & Khin, 2014).

The erasure and marginalization of transgender identities begin at the moment they enter into the system, if not sooner (Mintz, 2013). It is vital not to assume that issues of identity and erasure are secondary to any of the other issues covered, especially in the deeply gendered LECJ system. Access to something as simple as clothing can be a serious issue of concern for transgender men, who are sometimes required to be transported in dresses and are not allowed to own appropriate male undergarments. Still, no court rulings have upheld the right of transgender inmates to any sort of gender-appropriate clothing. Even California, which is considered a progressive place for transgender policies, including those in the LECJ system, is not free from institutional bias against transgender people. Transgender care is extremely limited, and certain basic protocols, such as using the preferred name and pronouns of inmates, are ignored entirely (Howell, 2009). By erasing the preferred names and pronouns from the record, it becomes impossible to accurately gauge the number of transgender inmates in the system, and it also becomes impossible for transgender inmates to have their identities respected. If these fundamental aspects of human dignity are ignored, larger issues cannot be adequately addressed.

Conclusion & Call for Research

The paucity of data regarding every aspect of the experience and needs of transgender men in the LECJ system cannot be denied, nor can it continue to be ignored. Though the existing literature is sparse, what exists suggests that: (a) transgender men are at a higher risk than cisgender men or women to have interactions with LECJ personnel, (b) transgender men are more likely to be incarcerated than cisgender men or women, (c) transgender men face discrimination and violence at the hands of LECJ personnel that extends into the prison system, (d) transgender men are interred inappropriately in women's prisons, where they are denied proper treatment and basic dignity, (e) transgender male inmates have specific health needs that are often left unaddressed, and (f) transgender men's experiences in the LECJ system and needs differ significantly from those of transgender women. Until these issues have been fully explored with rigorous academic research, transgender men will continue to be put at great mental, emotional, and physical risks when they come into contact with the LECJ system as victims or assumed perpetrators. It is imperative that a better understanding of the ways in which sex, gender, race, and socioeconomic issues come to play in these interactions is created. First, a comprehensive study on transgender men in women's prisons must be completed, modeled after the study done by Jenness (2014). A study centered on inmates could be combined with studies of formerly incarcerated transgender men as well as those who have simply come into contact with LECJ personnel to cultivate a deep understanding of the various contours of these experiences. This data would allow researchers to analyze the intersec-

tions of race, class, and gender identity with policing and incarceration experiences among transgender males. With this knowledge, interventions, policy changes, and personnel training could be implemented that would minimize the harm done to transgender men by the LECJ system.

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