


## Where do incarcerated trans women prefer to be housed and why? Adding nuanced understandings to a complex debate through the voices of formerly incarcerated trans women in Australia and the United States

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### ABSTRACT

**Background:** Incarcerated trans women experience significant victimization, mistreatment, barriers to gender-affirming care, and human rights violations, conferring high risk for trauma, psychological distress, self-harm, and suicide. Across the globe, most carceral settings are segregated by sex assigned at birth and governed by housing policies that restrict gender expression—elevating ‘safety and security’ above the housing preferences of incarcerated people.

**Aim/methods:** Drawing upon the lived experiences of 24 formerly incarcerated trans women in Australia and the United States and employing Elizabeth Freeman’s notion of *chrononormativity*, Rae Rosenberg’s concept of *heteronormative time*, and Kadji Amin’s use of *queer* temporality, this paper explores trans women’s carceral housing preferences and contextual experiences, including how housing preferences challenge governing chrononormative and reformist carceral housing systems.

**Findings:** Participants freely discussed their perspectives regarding housing options which through thematic analysis generated four options for housing: 1) men’s carceral settings; 2) women’s carceral settings; 3) trans- and gay-specific housing blocks; and 4) being housed in protective custody or other settings. There appeared to be a relationship between the number of times the person had been incarcerated, the duration of their incarceration, and where they preferred to be housed.

**Conclusions:** This analysis contributes to richer understandings regarding trans women’s experiences while incarcerated. This paper also informs the complexities and nuances surrounding housing preferences from the perspectives of trans women themselves and considers possible opportunities to enhance human rights, health and wellbeing when engaging in transformative approaches to incarceration.



### KEYWORDS

Australia; chrononormativity; housing preference; incarceration; queer temporality; trans women; United States

### Introduction

Incarceration settings around the world, including within Australia and the United States (US), generally segregate and place people in male or female facilities according to their sex assigned at birth (i.e. male or female), and more specifically at their genitalia (Brömdal, Clark, et al., 2019;

Dalzell et al., 2023; Etheridge, 2014; Halliwell et al., 2022; Jenness & Fenstermaker, 2014; Lynch & Bartels, 2017; Schweikart, 2018; White Hughto et al., 2018; Wilson et al., 2017; Winter, 2023). Consequently, trans people who have not legally and/or surgically affirmed their gender are typically placed by default in carceral facilities that

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do not align with their gender, which can place them at high risk for verbal, physical, and sexual assault resulting in both short- and long-term physical and psychological harms (Brooke et al., 2022; Etheridge, 2014; Hughto et al., 2022; Hughto & Clark, 2022; Jenness & Fenstermaker, 2014; Kendig et al., 2019; Ledesma & Ford, 2020; Rogers et al., 2023; Van Hout et al., 2020; White Hughto et al., 2018).

Across the globe trans people experience violence, abuse, harassment, and assault in correctional settings (United Nations Development Programme, 2020). Although much of this mistreatment occurs at the hands of fellow incarcerated individuals, mistreatment is also perpetrated directly by correctional staff and healthcare providers (Brömdal et al., 2023; Clark et al., 2017; Daken et al., 2023; du Plessis et al., 2023; Halliwell et al., 2023; Hughto et al., 2022; James et al., 2016; Murphy et al., 2023; Utnage, 2023; Van Hout et al., 2020; White Hughto et al., 2018). Trans women incarcerated in male settings are particularly vulnerable, with many reporting the disclosure of their trans identity significantly increases risk of being raped and/or coerced into sexual activities by other incarcerated people—experiences correctional staff frequently fail to report or prevent (Gorden et al., 2017; Hughto et al., 2022; Lydon et al., 2015; Phillips et al., 2020; Rosenberg & Oswin, 2015; Sanders, Gildersleeve, et al., 2023).

Correctional staff working in men's prisons in Australia and the US often place trans women in "protective custody" (also known as solitary confinement) for extended periods as a measure of so called 'safety' and 'protection' from abuse from other incarcerated people, also known as "administrative segregation" (Brömdal, Mullens, et al., 2019; Kilty, 2021; Lydon et al., 2015; National Center for Transgender Equality, 2018; Smith, 2014). Inter- and non-governmental organizations such as the UN and the Association for the Prevention of Torture, and international courts, including those in the US have considered prolonged periods of solitary confinement synonymous with torture (Association for the Prevention of Torture, 2018; Lobel, 2008; Phillips et al., 2020; United Nations Development Programme, 2020; Van Hout & Crowley, 2021).

There is limited research regarding trans women's preferences for housing in carceral settings, including understanding how these housing preferences may challenge traditional governing carceral housing systems. The majority of reported research commenting, discussing and problematizing housing and placement of trans persons has mainly been conducted in North American and European contexts (Brömdal, Clark, et al., 2019; Brooke et al., 2022; Dolovich, 2011; Etheridge, 2014; Jaffer et al., 2016; Jenness, 2021; Jenness & Fenstermaker, 2014; Ledesma & Ford, 2020; Lynch & Bartels, 2017; Maycock, 2020; Schweikart, 2018; Smith, 2014; United Nations Development Programme, 2020). Within these contexts, research suggests trans women are generally housed in three distinct locations, namely: 1) in the general male population; 2) in solitary confinement; or 3) in separate 'special units' designated for specific populations and groups such as trans persons; LGBT persons; persons diagnosed with a mental illness; persons with a disability; or persons who were charged with sexual offenses within the male prison compound (this final placement is particularly problematic, as it often places trans women at a greater risk of harm) (Brooke et al., 2022; Maycock, 2020; McCauley et al., 2018; Nulty et al., 2019; Smith, 2014). The housing options of solitary confinement and separate 'special units' often result in trans women being cut off from "recreational, educational, and occupational opportunities, and associational rights" (Peek, 2004, p. 1220).

Given the current dominance of binary gender segregation policies and practices, the placement of incarcerated trans women is highly complex (Jenness, 2021). Despite the somewhat progressive direction in the US, where under the Prison Rape Elimination Act (PREA), input is required from incarcerated persons regarding housing preference based on their view of their own safety (National Prison Rape Elimination Commission, 2009), very few US states have enacted the full extent of this act (Malkin & DeJong, 2019). Mounting evidence supports an individualized and personalized approach to housing trans women in carceral settings, with researchers identifying a number of preferences: separate trans sections (Dolovich, 2011; Jaffer et al., 2016); being

housed in women's facilities (Maycock, 2020; Wilson et al., 2017); and being housed in men's settings (Jenness & Fenstermaker, 2014; Maycock, 2020). In a recent study (Maycock, 2020) of 13 trans people in custody in Scotland, participants reported varied opinions and preferences about housing assignment. Most participants were not in favor of a wing designed to specifically house trans people due to its potentially segregating, isolating and marginalizing nature, and because a trans wing would not allow them to gender-affirm socially (Maycock, 2020). A minority of participants believed a separate trans wing could be a "middle ground" where they would be housed while they were transitioning before entering the wing of their affirmed gender (Maycock, 2020, p. 35). Some had an "utopian vision" of the potential of the housing situation, suggesting a non-binary wing to challenge the norms of the current binary and cisnormative prison system (the assumption that people identify as the gender they were assigned at birth) in Scotland (Maycock, 2020, p. 35).

Within the context of housing policies, it is important to highlight that although correctional services are primarily charged with maintaining safety and security of their facilities, these policies are "grounded in a dominantly cisgender prison culture"—a culture in which it is assumed that all incarcerated persons' gender, expression, and anatomy align with their sex assigned at birth (Adorjan et al., 2021, p. 1372). This historized cisgendered and sex-segregated model by which prisons are organized in almost all Western contexts, including Australia and the US, in turn creates a series of problems and issues that correctional officers and the system as a whole are urged to address (Ricciardelli et al., 2020). In seeking to find solutions to these 'problems' some carceral settings and their staff implement a reformist approach. For example, Californian Senate Bill 132 (SB132), *The Transgender Respect, Agency and Dignity Act*, grants incarcerated trans people agency to request to be housed based on their gender identity (California Department of Corrections & Rehabilitation, 2023). Incarceration institutions such as those governed by SB132, including in other US states and in Australia, subsequently provide housing options that are

(somewhat) needs- and safety-based, which have been derived in part from trans persons' preference within a cisnormative carceral framework. Other examples include trans-specific sections within existing carceral settings and mandating single occupancy cells for trans persons—strategies designed to solve the so called 'trans housing and management problem' arising as a result of the dominant neo-liberal, binary and cisnormative prison logic and culture (Allspach, 2010; Lamble, 2015; Maycock, 2020; Oparah, 2015). However, this reformist approach remains based on the vision of strengthening the power, legitimacy, and persistence of the prison system through continued surveillance, punishment, and control (Lamble, 2015).

Alternatively, a transformative approach seeks to curtail the power of the prison system (Lamble, 2015) by critically examining the reasons, methods, and motives behind the disproportionate incarceration of trans women (Clark et al., 2023; Hughto et al., 2022; Oparah, 2015; Reisner et al., 2014). A transformative approach does so by addressing the causes rooted in systemic societal and institutional violence and discrimination toward trans people (Clark et al., 2023; Hughto et al., 2022; Reisner et al., 2014; Stanley & Smith, 2015; White Hughto et al., 2015) that restrict trans women's access to material and financial resources, including education, employment, and housing—translating to some trans women turning to street economies and sex work for economic survival (Garofalo et al., 2006; Hughto et al., 2022; White Hughto et al., 2018). These experiences, coupled with biased policing practices (Grant et al., 2011; Mitchell et al., 2022; Poteat et al., 2023) placing trans women at much higher risk of arrest and incarceration than their cisgender counterparts (Buist & Stone, 2014; Hughto et al., 2022; Mitchell et al., 2022; Poteat et al., 2023; Reisner et al., 2014; Sevelius & Jenness, 2017). As such, the transformative model aims to dismantle the current incarceration institution and system, in a broader attempt at decarceration, and to disrupt the dominant and neo-liberal cisnormative prison logic and culture that cause harm, while also addressing contributing factors placing trans women at higher risk of arrest and

incarceration (Ball, 2021; Clark et al., 2023; Oparah, 2015).

Capitalizing on the notion that the trans incarceration housing discourse is a topic in need of further exploration while recognizing the “significant diversity amongst the transgender people in custody...a group who are often portrayed in homogenous and narrow ways” (Maycock, 2020, p. 37), we are concerned with the ways in which incarceration settings in Australia and the US are governed by strong cisnormative housing policies. Indeed, such policies elevate the ‘safety and security’ of the carceral system above the health and wellbeing of incarcerated trans women and in turn limit the ways trans women are permitted to take up literal and discursive spaces—in and through corporeal bodies, with others, in prison cells, and in the wider carceral setting. As trans rights and health scholars focused on contributing to a credible evidence-base toward alleviating injustices and health inequities, we endeavor to better understand how the housing options that are available and preferred by trans women are situated within the chrononormative carceral system and consider alternative possibilities when engaging in transformative approaches to incarceration. Drawing on Freeman’s notion of *chrononormativity* (2010), Rosenberg’s concept of *heteronormative time* (2017) and what Amin (2014) terms a *queer* concept of temporality that is both “nonchronological and nonnormative” (p. 220) these concepts help to elucidate the nuanced ways in which housing options for incarcerated trans women can be reframed as contingent, based upon the trans person’s sense of safety and survivability in an incarceration setting. Through this framework it is possible to imagine that trans women are a heterogenous group with individual rights, needs and desires, including housing preferences when serving time.

This cross-national trans carceral analysis seeks to critically analyze trans women’s carceral housing preferences based on their contextual experiences. Trans women’s preferences for where to be housed are informed and implicated by the articulation of their selves in time and space as brought about by their individual gendered, socio-political, racial, and cultural histories; and how to best control what their bodies and their

shape, can, must, and wish to do, in order to corporeally and conceptually best survive their sentence. To this end, this critical analysis is framed by the following research questions:

Where do incarcerated trans women in Australia and the United States prefer to be housed, and why?

How do these housing preferences challenge governing chrononormative carceral housing systems?

As such, this cross-national analysis seeks to attend to “the vagaries of transgender [women’s]...experience” (Amin, 2014, p. 220) surrounding carceral housing possibilities, by acknowledging trans women’s heterogeneous needs and desires, informing their housing preferences in innovative and novel ways, including considering possible opportunities when engaging in transformative approaches to incarceration.

### Theoretical framework

Trans women are placed in gendered carceral settings determined by the settings’ policies, staff and systems rather than optioned or selected by the trans women themselves. Freeman (2010, p. 3) suggests the concept of *chrononormativity* describing the mechanisms employed enabling discursive bodies, such as trans women, to be fashioned into a homogeneous entity so that they may be manipulated, controlled, safe guarded, and secured. This chrononormative logic, we argue, is the basis of incarceration placement decisions regarding trans women. Freeman (2010) elaborates,

Naked flesh is bound into socially meaningful embodiment through temporal regulation: binding is what turns mere existence into a form of mastery in a process that I’ll refer to as chrononormativity, or the use of time to organize individual human bodies toward maximum productivity. And I mean that people are bound to one another, engrouped, made to feel coherently collective, through particular orchestrations of time. (p. 3)

Drawing on Freeman’s definition (2010), achieving maximum productivity in a carceral setting means prioritizing the security and safety of incarcerated persons, corrections staff, and other carceral belongings through the coordination of people, places, things and time. Freeman’s

concept of time is echoed in Rosenberg's (2017) concept of "heteronormative time" (p. 74), that which enforces "linear, genealogical and reproductive [life] paths" (p. 75), and insists on a common shared trans history and future, negating trans heterogeneity (DeVun & Tortorici, 2018). Under this logic, incarcerated trans women are *engrouped* into one or more coherent and malleable normative *collective* histories in order that their placement within the prison system be minimally disruptive and enhance prison and "prisoner manageability". The shared history of trans women under a chrononormative logic envisages people are born cisgender men and then undertake gender-affirming hormones and surgeries to become women. Ultimately, this binary orchestration limits the ways that trans women are permitted to take up literal and discursive spaces—in corporeal bodies, in cells, with others in and outside prisons.

Within this binary progression (from man to woman) are primary normative shared temporalities inculcated by the incarceration system. These include the idea that trans women are 'really men' or 'not really women' at all—"fakers", "non-feminine, bizarre, creepy" individuals (Reinl, 2022) inciting fear of deviation and disruption of the carceral system; and/or are fragile, victims and at risk (Ashley, 2018; Serano, 2016). In relation to housing, there are limited avenues to arrange these *engroupments* into the binary carceral setting. Where trans women are perceived to be 'really men' it is intelligible under a chrononormative framework to house these individuals with other 'real men' in a men's prison. The opposing idea of housing trans women who are considered to be 'really men' in a prison for women has been shown to incite fear for the safety of others, including the risk of invoking sexual desire, intercourse and assault; other violence against cisgender women; and the overall loss of control of incarcerated persons (Gov.UK, 2023; Reinl, 2022; Shah, 2010; Smith, 2014). Under a chrononormative logic, where trans women are deemed to be 'really men,' it also makes sense to discontinue access to gender-affirming hormones and surgeries (Rosenberg, 2017). Further, this idea nestles behind the epistemic justification for housing

trans women in protective or administrative custody, isolation, and/or sole occupancy cells (Shah, 2010; Smith, 2014). Under this guise, trans women are threatening and risky, and regardless of binary incarceration locations, need to be removed for the general population to achieve the precursors of maximum productivity. Likewise, trans women are *engrouped* as fragile, vulnerable and at risk due to their 'womanly' appearance and behavior but lack of legal recognition as women. Again, this *engroupment* is located in protective or administrative custody, isolation, and/or sole occupancy cells (Arkles, 2008). As such, the carceral housing options for trans women under a chrononormative system are structured based on their presumed shared embodied and discursive past.

Parallel with "heteronormative time", and using what Amin (2014) terms a *queer* concept of temporality, that which is "nonchronological and nonnormative" (p. 220) and that which attends "to the vagaries of transgender and transsexual experience" (p. 220), trans women are not fixed into a present based on the status of their engagement with gender-affirming hormones and surgeries (Sanders, du Plessis, et al., 2023). Under this guise, trans women are not assumed to have a binary gender, nor are they bound to a cycle of reproduction or a linear transition from man to woman. Instead, and as suggested by Halberstam (2005) "queer temporality disrupts the normative narratives of time that form the base of nearly every definition of the human in almost all of our modes of understanding" (p. 152). Per Amin's (2014) conceptualization, housing options for incarcerated trans persons can be reframed as contingent, based upon the trans person's sense of safety and survivability in a carceral setting. Through this framework it is possible to imagine that trans people, and for the purpose of this paper trans women, are a heterogenic group with individual needs and desires that have adapted to the cisnormative constraints of carceral systems and logics in order to survive.

## Methods

This critical analysis draws on two sets of semi-structured interviews with formerly

incarcerated trans women: 1) an in-depth study with four trans women conducted in Queensland, Australia in 2018 and 2019, funded by the HIV Foundation Queensland; and 2) a study with 20 trans women conducted in the US in 2015, funded by the Yale Fund for Gay and Lesbian Studies.

Both studies recruited participants through multiple purposive sampling strategies, which included posting paper and electronic recruitment flyers at community organizations and trans-specific websites and list-servs. Eligible participants were aged 18 years and older; self-identified as a woman, trans woman, or on the trans-feminine or male-to-female spectrum; were assigned a male sex at birth; had been incarcerated at least once in a men's watch house, jail, or prison (henceforth incarceration/carceral setting) in Queensland (Australia) or in a US state in New England (Massachusetts, Rhode Island, Connecticut or Maine), typically in a single/double occupancy cell or protected areas such administrative segregation or solitary confinement (Federal Bureau of Prisons, 2018, 2022; Queensland Corrective Services, 2021, 2023). Further, at the point in time of the interview, they had been incarcerated during the previous five years for three days or more.

After providing written informed consent, informants participated in interviews exploring their housing preferences, and contextual experiences while serving their time in a men's correctional setting. The one-on-one, in-depth semi-structured interviews ranged from 45–120 min and were conducted by AB and TP in Australia and by JWH in the US. Interviews were audio-recorded and transcribed verbatim. To protect anonymity, participant names were anonymized with pseudonyms, and participants received a gift card as compensation for their time. Both research projects were approved by their respective university ethics boards—University of Southern Queensland's Human Research Ethics Committee (H17REA147) and by the Fenway Health (Institutional Review Board of record) and the Yale University Institutional Review Board (Project ID 734437-1).

To make meaning of the 24 trans women's contextual experiences informing their housing preferences while incarcerated in Australia and the US, the data were analyzed as one combined dataset. A number of factors contributed to the

consolidation of data including similar aim of both nation's research projects seeking to explore and understand trans women's housing preferences while serving time in men's custodial settings and why; comparable interview questions<sup>1</sup>; and similar sexual abstinence-enforcing and chrononormative carceral policies used in both geographical settings when housing trans women who have not legally and/or surgically gender-affirmed. This paper uses thematic analysis in “generating” and “defining” themes (Braun & Clarke, 2019, p. 593). More specifically, Braun and Clarke (2019) encourage scholars making use of thematic analysis to do so with the help of their revised six-step guide<sup>2</sup>. While, the six phases were “applied flexibly” and informed by our theoretical frameworks, the steps were chronologically applied with the end goal of capturing the “uniting idea” of a theme (Braun & Clarke, 2019, p. 593). Three major themes were ultimately generated by AB, MS and TS and confirmed by the rest of the authors: (1) Binary housing preferences—men's or women's carceral settings; (2) Trans and gay-specific housing for the sake of community and safety; and (3) Protective custody, shared space, and individual choices. Collectively these themes respond to where incarcerated trans women in Australia and the US would like to be housed, and why, including the ways in which these housing preferences challenge governing chrononormative carceral housing systems, and queer the current carceral system.

## Findings

All participants were housed in a men's carceral setting. Participants freely discussed their perspectives regarding housing options which through the thematic analysis generated four options for housing: a men's carceral setting, a women's carceral setting, a trans- and gay-specific housing block, and being housed in protective custody or other settings.

For the participants there appeared to be a relationship between the number of times the person had been incarcerated, the duration of their incarceration and where they preferred to be housed. Two participants who had one carceral experience stated they preferred to be housed in

trans only accommodation, whereas the remaining four participants who had one prior carceral experience said they preferred to be housed in a carceral setting for women. None of the participants with only one prior carceral experience said they preferred to be in a prison for men. Of these six participants only one had spent multiple (three) years in prison, with the remaining five participants having been incarcerated for six months or less. Comparatively, of the 18 participants who had been incarcerated multiple times, seven participants stated they preferred to be housed in a men's prison. Of these, four had been incarcerated for multiple years (one to thirty years), and three had been incarcerated for one or eleven months. A further seven participants stated they preferred to be in a prison for women, with two having been incarcerated for approximately two years, two having been incarcerated for six months, and the remaining three having been incarcerated for under two months. The remaining four participants with multiple carceral experiences stated they preferred to be housed in trans only settings, with two of the four having spent multiple years (two and a half and five years respectively), and the other two having been incarcerated for under three months. The reasons behind differential length of incarceration and housing preference will be explored further in the discussion section of this paper. We now delve deeper into exploring the participants' housing preferences when serving their time, identified by each participant's pseudonym name, geographical location, and if this was their first carceral experience, or not (referred to as "first time" or "multiple" as per Table 1 below).

**Table 1.** Participant characteristics.

Variable	Range	n, [M]	%, [SD]
Age, years	20 – 53	37.5	10.1
Total length of incarceration, days/years	3 days – 30 years	2.6 years	6.0 years
Incarceration stays			
First time		6	25.0
Multiple		18	75.0
Ethnicity			
Black		7	29.2
White (European Australian/European American)		8	33.3
First Nations		3	12.5
Latina		4	16.7
Multiracial		2	8.3

## **Binary housing preferences – men's or women's carceral settings**

Participant preferences regarding binary housing reflected complex consideration of social and personal dynamics and were influenced by the incarceration background of the participant and their knowledge of the prison economy, such as navigating the currency of femininity, safety and risk, and social dynamics. These concepts and dynamics are further explored below.

### **Men's prisons**

Participant perspectives about being housed in a men's prison revolved around the currency of femininity and considerations of access to sexual and material resources.

#### **The currency of femininity**

Some participants described their identity as trans women as generating currency that only had value in a men's incarceration environment and helped them to get through their time: "I wanted to be with men, right... And it really didn't have much to do with sexual preference, either. What it had to do with simply was I know I'd get over better. And you're better... being a big fish in a small pond, right-right... [in a men's prison] you're not gonna have any... competition. It really is, you know, for cigarettes, for drinks, for makeup..." (Brittany, US, multiple).

For some participants the currency of femininity enabled increased participation in the prison economy for some participants, through providing sex in exchange for goods: "So I was just... like selling myself for canteen.... Because you don't get money in there. And canteen is your money... So I was, um, well, yeah selling myself. You know [a] prostitute in jail" (Sierra, US, multiple).

The currency of femininity could also provide leverage albeit at the cost of being controlled, through providing sexual intimacies in exchange for safety or protection:

... they would communicate that they were gonna choose you as their girl, and you would be protected or whatever, but they would expect certain needs fulfilled. But, they would make sure that you had food,

or whatever, so, they would like, you know, like kinda auction you off, like they'd try to like buy you with canteen. And then, if you know, you decided to do that, to be protected, because usually like you these are units that are like, pretty tough, you know? Like, really big units, so if you decided that you were gonna let this guy protect you, you had to you know, sit with him, you couldn't sit with anybody else. You couldn't talk with anybody else, um, and like whenever that they were, whenever it was rec time, you had to sit wherever they were. You... weren't really allowed to talk to other people except for their little group of people, per se. But it was like this-it was the only the way you knew you were safe. (Ebony, US, multiple)

In contrast to Ebony's experience above, other participants described the currency of femininity as generating unwanted attention. For example, Brandy expressed: "I think if you have breast implants, I think they should put you somewhere else... That was made it so much more attention on us [sic]" (Brandy, US, first time). This unwanted attention also posed a risk of harassment or assault at times: "Yeah, 'cause people tried to rape me. And it was just, um, brutal... So I really had to really fight-fight the boys off and let them know that, yes, ... I am this way, but don't let me fool you. You know what I'm saying?" (Sierra, US, multiple).

Parallel to this, some participants described concealing their trans identity to fit in or reduce risk of unwanted attention. Methods of concealment ranged from wishing to detransition: "I prayed that hair would grow on my face. I wanted to look as unattractive as possible" (Nadia, US, multiple), to "... reverting a little bit just to kind of fit in a little bit" (Brandy, US, first time), to fully detransitioning during incarceration: "I went that whole ten-year block of my life without doing transgender..." (Tina, US, multiple).

### **Considerations of access to sexual and material resources**

Being housed in a men's prison also provided access to sex with men: "I would want to go to general population where... I might have the chance of messing around with someone... I'm attracted to biological men. And I feel like if I can flirt with you or be around like a biological man while I'm doing my bid... you're

helping my time go by faster" (Alicia, US, multiple).

Being housed in a men's prison, however, prevented access to items available in the women's prison, such as "... the bras and they don't want to give you certain things that they would give a woman" (Cassandra, US, multiple); "... basically female products, like hygiene products and everything, razors to trim my legs and everything, makeup. They weren't allowed to give me that" (Abby, US, multiple).

### **Women's prisons**

Some participants indicated that they believed trans women should automatically be housed in a women's carceral setting: "I just think that [trans women] should definitely go straight to a women's prison and there should be already policies in place that allow... that to happen" (Luna, AUS, multiple). Participant perceptions of being housed in a women's prison were complex, however, with key concepts relating to interpersonal issues regarding safety and social tensions.

### **Safety**

Participants expressed mixed feelings about safety. Many participants from both regions perceived that being housed in a women's prison would provide a greater level of safety from physical violence by correctional officers: "I feel as though, you know trans women should be housed with women... But in a male prison... They're [correctional officers] a lot more aggressive with those men because they know that a lot of those guys work out, they're really big; you know what I mean? So I think that their natural instinct is to be just a little bit more aggressive with men" (Ebony, US, multiple). Several participants also reported sexual assault or harassment from correctional officers in men's prisons: "An officer tried... came into my room at night and wanted me to take my clothes off in the male prison, that's why they transferred me to a female prison" (Luna, AUS, multiple).

The women's carceral setting was also perceived to provide more safety from harassment and assault from other incarcerated persons:



“Well I reckon we should’ve went to the women’s gaol [jail], us transgender people, and we should have went to a gaol who actually accept who we are and what we are, and we shouldn’t be getting raped and everything like that. So, I reckon... they put me in the wrong gaol at first” (Elsa, AUS, first time), with many participants sharing stories of being assaulted and raped “... because you’re a woman in a male prison... I’ve been raped in maximum security and minimum security” (Luna, AUS, multiple).

In contrast, some participants expressed concerns about risk of pre-operative trans women being harassed or assaulted for sex within women’s carceral settings: “I think it would go... all haywire. You know because... some of the women in there are horny, or whatever like that. And then the... transgender woman is not into that, or whatever like that. So... the biggest brutey girl would be trying to take what, um, you know. I think it would just go all wrong” (Sierra, US, multiple).

Others anticipated hostility and potential for false accusations: “... because then there’s the enviousness, the jealousy, the rage, and ‘You’re a man.’ Fights start there too. And then, there’ll be some sort of false accusation like, ‘She tried to rape me, she still has a penis,’ ... And I prefer not to just deal with any of that type of stuff” (Jasmine, US, multiple) or pregnancy: “If you put them together whoever’s in there for years, oh there’ gonna be a few babies made in there, and then it’s gonna be a problem” (Cali, US, multiple).

One participant thought that it would be unfair to house trans women in women’s carceral settings because of the potential for psychological harm where trans women are perceived as a threat to the safety of cisgender women: “Actually, it’s going to be the same age-old thing where, women don’t trust men when it comes to sexual urges, and that we’re profiled as men, not just because of our genitalia, um. I should think, on the same side, we can’t just—just continue to psychologically torture trans women. Because that is not fair” (Chrissy, US, first time).

### **Social tensions**

Social tensions around the meaning of being a woman were also described by some participants.

While some participants proposed certain qualifiers for incarceration of trans women in a women’s prison, such as gender-affirming surgery, a small number of participants described tensions related to being housed with women assigned female at birth.

Some participants described a women’s prison as the most logical place to house them because of their identity as a woman: “I was thinking to myself, why have they put me in a man’s gaol [jail], why don’t you put us women in women’s gaols” (Elsa, AUS, first time), because “... that’s where females belong and I’m a female... they do female things” (Jemma, AUS, multiple). One participant referred to women’s shelters housing trans women, and the need for connection to other women: “... it’s the same kind of thing with like the women’s shelter thing you know? It’s like I go down to go to [shelter name] to get my mail um, it seems to me that transgendered women pine for the opportunity to relate to other women and so that’s better” (Tina, US, multiple). Some participants stated that genitalia-centered gender-affirming surgery, should qualify someone for housing in a women’s prison: “... once you have the lower surgery, you can’t remain in [a male] prison, you would have to go to a female prison, ‘cause legally then you would be a female” (Sandra, US, multiple).

In contrast, a small number of participants were concerned about mutual discomfort that would result from being housed with women assigned female at birth. One participant perceived that she would be unwelcome amongst cisgender women, but also reminded that she was unable to bear children: “I think trans people should have a place away from women because I always felt uncomfortable around biological females for many different reasons, all right... I don’t wanna be accused of invading space... I don’t wanna be reminded that I’m not biological and I can’t give birth... Most women don’t even wanna have children today anyways” (Brittany, US, multiple). Another expressed an aversion to menstruation: “I mean, growing up as a kid I... thing that I always found disgusting was when females were on their period and like seeing like their tampons or their pads in the,

um, trash and it just being all bloody. And it's like, ew, disgusting" (Alicia, US, multiple).

### ***Trans and gay-specific housing for the sake of community and safety***

Participant perceptions about being engrouped within a trans- or gay-specific block were mixed, with both normative and queer temporality reflected within key concepts regarding safety and community, and risk of further marginalization.

#### ***Safety and community***

Many participants across both regions perceived being housed in trans- and gay-specific housing as a desirable option: "I think if they had a section for like gay or trans, I think that would just change the whole thing" (Brandy, US, first time). Some participants referred to safety and social connection: "Well the whole entire point of segregation isn't because straight guys are so weird about having us around, it's because they want to beat our asses all the time... I mean, that's kind of why we need our own thing, I feel like that would be insanely helpful not only to keep us safe but to help us socialize, because, when I was in that cell alone, I was just slowly losing my mind (Chrissy, US, first time). Others commented on shared understanding promoting safety: "... I think it would be a lot more safer because everybody understands each other. Nobody's gonna be, you know, out singling one person. You know what I mean? And at the end of the day, I think that's the safest thing" (Cali, US, multiple).

While some participants believed that gender identity should determine access to housing in a trans and gay-specific block, other participants suggested that evidence of gender-affirming procedures should be required to access trans and gay-specific housing to mitigate the risk of being perceived as a threat to cisgender women: "... it's the same reason that cis women are afraid for it to be legal for trans women to go into coed bathrooms. Anyone can just say that they're gay or trans. Go in there, and just start tearing up... people's lives and stuff. I mean, they have to find

some source of verification. You can do stuff like that with trans people" (Chrissy, US, first time).

Different perspectives emerged regarding community, with maliciousness raised as a concern about trans- and gay-specific housing: "I feel like a lot of trans girls can be very catty... I personally feel that being in a unit with a whole bunch of trans girls is going to be hell" (Alicia, US, multiple); and not desirable because: "I prefer not to have all the cattiness and all that extra shit like that comes with that" (Jasmine, US, multiple). Other participants perceived that they would be more comfortable in trans- and gay-specific housing because although "... we're kind of catty and shady at the same time... if it was a choice, I'd rather be... around people that... can relate" (Elle, US, multiple).

Tensions within gender and sexual diversity were also raised by one participant: "Yeah, I'd feel a lot safer [in transgender-specific housing], ... but you can't confuse drag queen with transgendered... Because those out of all the gay men that are out there drag queens hate women more than anybody... And so that would be the worst possible option is housing a trans woman with a drag queen because it's, they have a sexuality [issue]. Sexuality occupies front and center of everything they do in their lives and transgender have a gender issue and that's what occupies the center of our lives" (Tina, US, multiple).

#### ***Risk of marginalization***

Several participants were concerned that a trans and gay-specific block may result in further marginalization: "I don't want to be marginalized, I don't want to be walked, freaked, stared at and... pointed at. It was good enough for me to come here... Now that I'm here now you want to segregate me? No, I don't want to be segregated" (Nadia, US, multiple).

Other participants were in favor of trans-specific housing, but emphasized the importance being treated the same way that they would be treated in a heteronormative unit:

I really feel as though there should be a separate unit where trans women should be housed where they're offered more time than one hour of rec.... And they should be allowed to go to school if – if you know, if

that's offered to them, they should be allowed to order whatever they're gonna need from canteen... it shouldn't be limited. And, um, they should be offered the same health care, books that any other inmate's allowed... should be the same you know. (Ebony, US, multiple).

Appropriate training for the correctional officers was also highlighted as being especially important for trans- or gay-specific units: "... they have to have sensitivity training for-for the correction officers who run the block" (Taylor, US, multiple).

Different opinions were shared about whether trans-specific accommodation should be placed in a women's or men's prison, with some participants preferring the block to be placed in a women's carceral setting due to access to women's canteen items: "I mean, I don't think there should be a trans unit in a male facility. You know, if anything, I would... probably wanna see a trans unit in a female facility. At least that way you're still able to receive, you know, um, female products" (Ebony, US, multiple).

### ***Protective custody, shared space, and individual choices***

Additional housing options discussed by participants included protective custody and sole/shared cell occupancy, with many participants expressing a belief that trans women should be given choices about where they would prefer to be housed.

Participants described diverse perceptions of protective custody (PC). While some described positive experiences—"PC was better than being in population, I think... I had my own room. It just felt more comfortable, I guess, with myself" (Sabrina, US, first time)—others mentioned loss of freedoms: "... you're stuck in the cell all the time. You know, uh, you don't really have the liberty to-to earn good time. To get out early. You don't have, you know, like the visiting hours or outdoor time..." (Taylor, US, multiple). Many participants expressed discomfort about being engrouped with "...arsonists, murderers, rapists, child molesters, you know they got a whole bunch of people in there who belong in there" (Tina, US, multiple).

While mixed views were described regarding sharing a cell, most participants discussing this option emphasized the importance of being given a choice either to be housed in a cell on their own, or to choose with whom to share a cell: "The ideal housing if... you have a-someone that you like in prison, you should be able to be... in the room with that person... it'd be less headaches" (Sierra, US, multiple), and to be able to do their time peacefully: "Oh, the ideal is to have a two man-cell and, uh, have a cute guy and—and, um, not feel threatened with him, not feel threatened with the CO and just allow me just do my time" (Cassandra, US, multiple).

Several participants emphasized the importance of giving trans women the right to choose where to be housed: "... for trans women, I feel like they should have the option of being placed wherever they want to be placed" (Alicia, US, multiple).

## **Discussion**

The purpose of this paper was to explore the ways in which the housing preferences among previously incarcerated trans women are formed, which vary greatly and are both shaped by and challenge the chrononormative and reformist logic employed in carceral settings across Australia and the US. Despite being undertaken in two different geographical locations, the trans women participating in this cross-national study had similar views regarding housing preferences, and no regional differences were identified. More specifically, based on the experiences of previously incarcerated trans women in this study, we found that chrononormative binary incarceration offerings were provided to incarcerated trans women. Even contemporary institutions, such as those governed by SB132 legislation in California and the Transgender Prisoners Custodial Operations Practice Directive (COPD) in Queensland, Australia (Queensland Corrective Services, 2023), accommodate only those individuals that meet the collective criteria designated for trans women, such as identify as trans, as well as appear and/or have a history of living as the "acquired gender" (Queensland Corrective Services, 2023, p. 3). Regardless of the efforts by some institutions and

legislation to enact more gender-affirming housing, maintaining the safety and manageability of all incarcerated persons and corrections staff working with them is their primary objective and foremost concern (Federal Bureau of Prisons, 2018, 2022; Queensland Corrective Services, 2021, 2023). Subsequently, by using a chrononormative framework, the carceral system fashions trans women into a homogeneous entity precisely so that they can be manipulated, controlled, safe guarded, and secured (Freeman, 2010). By doing so, counter to the premise of seeking to make and maintain carceral safety and manageability, trans women, due to the denial of their unique and divergent needs for safety, are placed at greater risk of emotional and physical harm (Lamble, 2015). If we regard safety as the antithesis of experiences of discrimination, harassment, and violence, including sexual and other physical assaults and verbal abuses, then housing preferences, as demonstrated by the trans women of this study, are directly linked to enacting survivability within the chrononormative carceral system.

Importantly, the 24 previously incarcerated trans women organically described their housing preference which we, through thematic analysis, generated four key housing options available within a chrononormative system. First, regarding being housed in a men's incarceration setting, trans women explained that being able to have physical and emotional intimacies, regardless of sexual preference, led to feeling protected and connected; and could lead to increased access to goods such as cigarettes, drinks, and makeup. Under a chrononormative incarceration system where ways to enact physical and emotional safety are limited (Edney, 2004), the trans women in this study who had been incarcerated multiple times and for a relatively longer overall duration than their counterparts, indicated a preference to be housed in a prison for men. Jenness and Fenstermaker (2014) found a "particular type of participation in a male-dominated system... can, under the right conditions, dole out a modicum of perceived privilege" (p. 27). Similarly, we surmise that for trans women with comparatively longer incarceration experiences, knowledge of and familiarity with how incarceration settings for men operate and how to make them work to

one's advantage, including being known by and familiar with others, contribute to an elevated sense of safety and survivability. Collectively these experiences in men's carceral settings can also translate into trans women being agentic forces who are able to make the best of a challenging situation and inform it in ways that belie and undermine the victimhood narrative (Brömdal et al., 2023; du Plessis et al., 2023; Halliwell et al., 2022; Halliwell et al., 2023).

Responding to the harms affected by chrononormative carceral policies and prison settings, individual carceral institutions implement reforms that aim to maintain manageability of the whole population and carceral system, and may seek affirming solutions that reduce the risk of violence experienced by trans women. The SB132 legislation in California and the Transgender Prisoners Custodial Operations Practice Directive in Queensland, Australia are examples of such reform policies. Solutions such as housing trans women in a women's settings, sole occupation cells, cells shared with other trans women, protective custody/isolation arrangements, or specific trans only units are examples of reform-based work that "attempts to improve the conditions inside of prisons or the people within them, but not to implement structural changes" (Lawston & Meiners, 2014, p. 13). The merits and deficiencies of each solution are discussed below.

In contrast to the trans women who had been incarcerated multiple times and lengthy periods, the trans women who had been incarcerated one time only preferred to be housed elsewhere than a prison for men. Considering that trans women have been found to be at extremely high risk of experiencing sexual violence while incarcerated (Jenness, 2021), we conclude that for those with relatively low levels of carceral experience the fear of actual and/or perceived physical, sexual, and emotional harm and violence in a men's setting are contributing factors for preferred placement outside men's settings. Some of these participants preferred to be housed in a women's carceral setting. While the reasons for this preference were diverse, issues related to reducing sexual violence and harassment were predominant. Under a chrononormative system where trans women are considered to be men and are likely

to be incarcerated in a men's setting, being housed in a women's setting offers both a possible reduction of sexual harms as well as an increase in emotional wellbeing and therefore safety due to being able to access 'feminine' commissary goods such as clothing and makeup, and not being misgendered (Jenness, 2021). Conversely, some participants explained how being perceived as a man when housed in a prison for women could invoke sexual assault, hostility, and harassment. For these trans women, survivability appeared to be less achievable within a women's setting. In addition, anti-trans/transphobic rhetoric, such as a very real fear of cis women experiencing sexual violence and pregnancies due to trans women perpetrators, are also used by carceral institutions to argue against trans women being located in women's settings (Ledesma & Ford, 2020; Reinl, 2022; Ricciardelli et al., 2020), including the real fear that cis women may file lawsuits against carceral settings who have been sexually traumatized by trans women (who may or may not have a history of sexual offenses against cis women) while serving their time (Brooks, 2023; Gov.UK, 2023; Masterson, 2020; Parveen, 2018; Reinl, 2022).

Although housing in protective custody and/or isolation is often used in the current carceral system to address the safety of trans women, none of the trans women in our sample indicated that this was their preferred form of housing. However, many participants did indicate preference for a form of housing outside of simply being included in the general population of either a men's or a women's prison. While trans only or trans- or gay-specific housing units within existing prisons provided a sense of community and safety for some trans women, being located in trans-specific units subjected other trans women to untenable emotional harm because of increased marginalization and being denied the possibility of intimacies with others, leading to a reduction of access to goods made available through these connections. Thus, implementing gender-affirming housing policies are further complicated by the fact that some trans women do not want to be housed in trans-specific settings. This finding echoes previous findings by Maycock (2020) in their study of Scottish incarcerated trans persons.

Crucially, many of the previously incarcerated trans women identified that being given a choice of where to be housed was as, if not more, important than being offered suitably safe options. Having agency regarding housing location is not only about empowering trans women but directly links with physical and emotional survivability based on an individual's own understanding of what constitutes a safe environment for them (Jenness, 2021; United Nations Development Programme, 2020; Wilson et al., 2017). Under a chrononormative system that engroups trans women into one or more manageable collective identities, an individual's psychological state, past experience of incarceration, cultural background, ethnicity, socio-economic status, individual experience and expression of gender, and sense of safety are disregarded (Clark et al., 2023; Freeman, 2010; Reisner et al., 2014). By doing so, trans women are arguably placed at additional emotional and often physical harm when compared to their incarcerated cisgender counterparts. Considering the totality of options available within a hypermasculine and violent carceral setting/system (Rosenberg & Oswin, 2015); it is not surprising that trans women prefer the least distressing housing location available, and this means different things for each person.

One might ask what the human and other costs are involved with housing individuals in settings that affect varying degrees of harm. What are the costs to incarcerated trans women whose overall survival literally depends on where they are housed? What are the costs to staff who look after incarcerated trans individuals knowing they are exposed to harms? What are the costs to society knowingly placing trans women in situations that denigrate them and are physically and emotionally violent? Finally, what are the costs to a society that knowingly places trans women in prison when some of the key reasons for trans women undertaking illegal activities are rooted in not being readily offered employment, housing and support opportunities, including being subjected to a range of violence due to transphobic discrimination (Lawston & Meiners, 2014). The current reformist approach seeks to address issues of safety and manageability through the various methods discussed above: gathering trans women

and their safety needs into a manageable chrononormative unit and housing them in single or cells with another trans person; in protective custody/isolation; and in trans-specific units. But it would appear these solutions are not sustainable given the overall incarceration rates, limited prison spaces, and economic costs associated with building new prisons and even structures within existing prisons let alone the human and societal costs (Lamble, 2015; Lawston & Meiners, 2014).

Using a queer temporal lens, it is possible to envisage a transformative approach, outside of housing locations formulated by a reformist justice system and its settings, that affirms the diversity of trans women and their needs (Amin, 2014). This approach would provide an opportunity to reflect on and address the pervasive systemic discrimination and violence faced by trans women that hinders access to and excludes them from employment, housing, education, health, and family, and that aims to reduce the very need to undertake activities deemed illegal in order to survive (Stanley, 2015). To this end, eliminating chrononormative transphobia through education and building cultures and institutions that embrace queer forms of gendered embodiment (Franks et al., 2023) would also contribute to not only reducing the overrepresentation of trans people in the prison system (Clark et al., 2023; Hughto et al., 2022; Reisner et al., 2014) but also make possible alternate methods of accountability for those who do harms (Lamble, 2015). Given that a transformative approach may not be immediately implemented, in the near-term housing placement based on individualized need is warranted (Maycock, 2020). Notwithstanding the urgency of the need for affirmative incarceration housing solutions, we must acknowledge the real-world complexities of implementing this solution, including the inadvertent 'policing of gender' required by administrators due to the potential of cis men claiming they are trans women; and minimally resourced correctional environments meaning that trans units may have few inhabitants leading to increased isolation, marginalization, and reduction of access to services, as also expressed by some of the participants in Maycock's study (2020). While not ideal, it is possible to imagine that identifying the trans

person's housing preference and providing needs-based accommodation, may go some way toward addressing incarcerated trans women's safety and survivability in the short-term.

### **Limitations**

This study has a number of limitations. First, it is important to highlight that this study only explored adult trans women's housing preferences and why, in Australia and the US, as no trans men or non-binary persons volunteered to take part in the study. Similar to Jenness's call for more research on modalities for housing regarding trans persons (Jenness, 2021), the lack of research and data regarding the lived experiences of trans men and non-binary persons in carceral settings (Jacobsen et al., 2023) and more specifically their housing preferences, call for more research about their views on these matters. Similarly, majority of trans women sharing their housing preferences and why, had served their time in a male facility in the US; only four of the 24 participants were from Australia suggesting this is an area in need of further research to appreciate the nuances of this debate in Australia. Parallel to this, it is important to highlight that the interviews with the US cohort of trans women were conducted eight years ago where language and language to express identities have rapidly changed since then. Also, this study privileges trans women who have past experiences of incarceration and does not report on trans women currently serving time, highlighting both the need to better understand this complex discourse while trans persons are in prison, but equally puts the spotlight on the challenges of conducting research within correctional settings. More precisely, it is widely known that pursuing research in carceral settings is hindered by multiple obstacles (Adams et al., 2017; Apa et al., 2012; Brömdal, Clark, et al., 2019; Watson & van der Meulen, 2019). For example, researchers may experience challenges in gaining approval to pursue research into the current lived and experiences and housing preferences of trans and non-binary persons by correctional research review boards and/or university ethics committees. This may in part be due to the contentious nature of pursuing research

related to trans and non-binary persons in carceral settings; a vulnerable prison population (Adams et al., 2017; Apa et al., 2012; Brömdal, Clark, et al., 2019; Dalzell et al., 2023), including the carceral systems' lack of acquaintance with the research team, and differing perspectives regarding research aims and/or lack of preparedness to develop a collaborative research agenda (Apa et al., 2012; Watson & van der Meulen, 2019). These obstacles may collectively hinder researchers to study this under-explored area, however if overcome they equally present themselves as opportunities to access trans and non-binary persons in custody and point to an important research gap that warrants further exploration.

## Conclusion

Trans women are customarily not given a choice of where to be housed when serving their time; rather this choice is governed by chrononormative and reformist approaches and, in the main, trans women are placed in carceral facilities that do not align with their gender (Brömdal, Clark, et al., 2019; United Nations Development Programme, 2020). However, through a lens of queer temporality, this analysis has shown how the preferences of where past incarcerated trans women in Australia and the US wish to be housed and the reasons for these preferences, challenge governing chrononormative carceral housing systems, and queer the current system. Within the cross-national and reformist incarceration settings, the trans women informing this study voiced housing preferences based upon the current cisgenderist model offerings, translating into the least distressing housing option available within a homogenized chrononormative placement system. Using a lens of queer temporality, these findings also highlight the heterogeneity of trans women and their needs, and how the current reformist housing approach fails to address the individuals' safety across various domains, and instead further exacerbates the harms done. Taken a step further, a queer temporality framework exemplifies opportunities for a transformative approach, where society and carceral systems, at large, are offered the opportunity to reflect on

and address the pervasive systemic discrimination and violence trans women face that contribute to their overrepresentation in the prison systems (Clark et al., 2023; Hughto et al., 2022; Reisner et al., 2014).

In light of these findings, it is important to highlight that much of the literature on gender diversity and carceral experiences focus on trans women, where further research is needed to better understand the challenges trans youth, trans men and non-binary persons experience of incarceration within and outside English speaking countries (Jacobsen et al., 2023; Watson et al., 2023), including what transformative visions they may have to those who do harm (Lamble, 2015). To end, considering the overrepresentation of incarcerated trans women within and outside Australia and the US, especially Black, indigenous, and people of color, (Clark et al., 2023; Lynch & Bartels, 2017; Reisner et al., 2014), investigating the relationships between trans and non-binary identity, age, ethnicity/race, level of education, employment status, housing situation, and geographic setting with carceral housing preferences and transformist visions, would further contribute to understanding the needs of incarcerated trans and non-binary persons and address any concerns regarding their overrepresentation in carceral settings.

## Notes

1. A sample of interview questions posed to the informants were: Can you describe your typical day whilst incarcerated? Can you describe what it was like?; Where were you housed/celled? Did you share a cell with someone?; What are your thoughts on serving your sentence in an all-male prison?; What are your thoughts on serving your sentence in an all-female prison?; If you had the choice, where would you have preferred to serve your sentence?
2. This six-phased guide of thematic analysis consists of (1) familiarizing your-self with your data; (2) generating initial codes; (3) generating (initial) themes; (4) reviewing themes; (5) defining and naming themes; and (6) producing the report (Braun and Clarke 2019, 593).

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## Disclosure statement

The authors report there are no competing interests to declare.

## Ethics approval

Both research projects were approved by their respective university ethics boards—University of Southern Queensland's Human Research Ethics Committee (H17REA147) and by the Fenway Health (Institutional Review Board of record) and the Yale University Institutional Review Board (Project ID 734437-1).

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