

ARTICLE

Sexual victimization against transgender women in prison: Consent and coercion in context*

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Abstract

In this article, we conjoin two long-standing lines of inquiry in criminology—the study of prison life and the study of sexual assault—by using original qualitative and quantitative data from 315 transgender women incarcerated in 27 California men’s prisons. In so doing, we advance an analysis of the factors and processes that shape their experience of sexual victimization in prison. The results of qualitative analysis of 198 reported incidents of sexual victimization exhibit a range of types of sexual victimization experienced by transgender women in prison and reveal the centrality of relationships to their experiences of victimization. Findings from logistic regression models buttress the qualitative results, highlighting a factor that consistently and powerfully indicates vulnerability to sexual victimization is involvement in consensual sexual relationships with male prisoners. Together, the data demonstrate the prominence of intimate partner violence in prison, complicate the distinction between consent and unwanted sexual experiences in the lives of transgender women in prisons for men, and shine a light on the workings of gender in a total institution that privileges heteronormativity at the expense of the safety of transgender women in prisons for men. We discuss the implications of our findings in light of timely policy concerns.

KEYWORDS

domestic violence, intimate partner violence, prison, prisoners, rape, sexual assault, sexual victimization, transgender, violence against women

Prison rape allegations are on the rise in the United States (Rantala, 2018), and it is beyond dispute that transgender women incarcerated in men's prisons are at heightened risk for sexual assault and other forms of sexual victimization. Data from the Bureau of Justice Statistics (BJS) reveal that more than one third of transgender prisoners were sexually assaulted in the past year, whereas approximately 4 percent of all prisoners experienced sexual victimization (Beck, Berzofsky, Caspar, & Krebs, 2013). In California, Jenness and her colleagues found that sexual assault was 13 times more prevalent among transgender women in prisons for men than for men in the same facilities (Jenness, Maxson, Matsuda, & Sumner, 2007; see also Jenness, Maxson, Sumner, & Matsuda, 2010).

As a unique population in a total institution (Goffman, 1961), transgender women behind bars endure many "pains of imprisonment" similar to those experienced by their male counterparts: loss of liberty, the deprivation of goods and services of choice, the imposition of a rule-bound regime, and other universal characteristics of carceral environments (Sykes, 1958). At the same time, the findings reported in a growing body of literature reveal that transgender women in prisons for men also face unique challenges born of three institutionalized cultural logics and attendant socially recognizable binaries: 1) a gender binary in which two (and only two) sex categories (i.e., male and female) and two (and only two) genders (i.e., men and women) exist and in which transgender women are not generally recognized *as women* (Sumner & Sexton, 2016); 2) a carceral state in which sex-segregation is heavily relied on in the form of men's prisons and women's prisons (Britton, 2003; Rafter, 2004), and in which a genital-based assignment to each type of facility is privileged (Sumner & Jenness, 2014); and 3) relevant to sexual assault, that there is a neat binary between consensual, wanted sex and forced, unwanted sex (Muehlenhard, Humphreys, Jozkowski, & Peterson, 2016; Weinberg, 2016).

Taking the nexus between these interrelated institutionalized binaries seriously, in this article, we draw on original qualitative and quantitative data to examine sexual victimization in the lives of transgender women incarcerated in prisons for men. We focus empirical attention on three central questions: 1) What kinds of sexual victimization do transgender women in prisons for men experience? 2) What shapes the occurrence and manifestation of their sexual victimization by other prisoners? 3) How do transgender women in prisons for men understand and explain the sexual victimization they experience at the hands of the men with whom they are incarcerated? In response to these questions, we find that transgender women housed in prisons for men become targets for sexual assault and other forms of sexual victimization by the men with whom they serve time and, in many cases, with whom they form both wanted and unwanted sexual, romantic, and marriage-like relationships.¹ We argue that the sexual victimization of transgender women in prisons for men can be understood as a form of gendered violence: violence against women in the context of sex-segregated prisons that assume and organize around a gender binary. Related, the results of our analysis of the incidents of sexual victimization reported to us by transgender women in California prisons for men reveal that the presumed bright line between consensual sex and nonconsensual sex is often blurry; likewise, the distinction between wanted and unwanted sex is often difficult to discern. By advancing these and other findings from our analyses into broader criminological conversations on prison life, sexual victimization, intimate partner violence, and the gendering of violence, we respond to recent calls for criminologists to focus empirical attention on lesbian, gay, bisexual, and transgender (LGBT) populations as they interact with the criminal justice system (Buist & Lenning, 2016; Mogul, Ritchie, & Whitlock, 2011; Panfil & Miller, 2014; Peterson & Panfil, 2014;

¹Although not married in a legal sense, the women we interviewed commonly referred to their romantic and sexual partners in prison as their "husband" and/or "old man."

Woods, 2014).² Doing so is especially timely insofar as recent encyclopedic work on LGBTQ violence has not been focused on those behind bars (Messinger, 2017) and recent comprehensive work on the prevention of intimate partner violence has not been focused on transgender women (Renzetti, Follingstad, & Coker, 2017).

The remainder of this article proceeds in four parts. In the next section, we provide a review of the findings reported in the relevant literature that we use to inform our analysis, including a subsection on a small but growing body of research on transgender women in prisons for men, a subsection on a larger body of work on gendered violence in general and intimate partner violence in particular, and a subsection on empirically grounded work on how consent, desire, and “wantedness” relate to sexual victimization both inside and outside a prison context. Then, we turn to an overview of our data and methods of analysis. Next, we present the results of a mixed-methods empirical analysis that reveal the range of types of sexual victimization experienced by transgender women in prison, the centrality for these women of their consensual relationships with incarcerated men, and the roles that consent, desire, and wantedness play in the lives of these women. We conclude with a summary of our findings and their implications in light of a larger literature on the gendered nature of sexual victimization and timely policy concerns related to the incarceration of transgender women in prisons for men.

1 | LITERATURE REVIEW

1.1 | The intersection of increasing visibility and vulnerability

In 1989, Dee Farmer, a transgender woman, was repeatedly beaten and raped and acquired HIV when she was incarcerated in a prison for men in Terre Haute, Indiana (*Farmer v. Brennan*, 1994). After reporting the assault, Farmer filed a complaint against the prison for exposing her to an elevated risk of violence as a transgender woman with “feminine characteristics” in the men’s general population (*Farmer v. Brennan*, 1994). Decided by the U.S. Supreme Court, the case set the country’s precedent that “deliberate indifference” to a substantial risk of sexual assault or other harm violates U.S. constitutional law against cruel and unusual punishment when prisons do not provide reasonable protection against these harms (*Farmer v. Brennan*, 1994, p. 828). This decision marked the first time the U.S. Supreme Court directly addressed prison rape, and it was telling that the case involved an African American transgender woman in a prison for men.

The *Farmer* (1994) case was decided at a historical moment in which discussions of gender-nonconforming people behind bars were increasingly visible in journalistic, academic, and legal writings and during the incipient stage of a proliferation of writing disseminated at the turn of the century in which it is revealed that transgender women prisoners are particularly vulnerable. In a path-breaking report by the Sylvia Rivera Law Project (2007), *It’s War in Here: A Report on the Treatment of Transgender and Intersex People in New York State Men’s Prisons*, the authors drew on interviews with prisoners in New York State to conclude that, “Verbal harassment, physical abuse, and sexual assault and coercion create an exceptionally dangerous climate for transgender, gender nonconforming, and intersex people in prison” (p. 26). Glaysa, a transgender woman incarcerated in a maximum security men’s prison in New York, reported:

²As Woods (2014, p. 15) recently observed, “there is very little data on LGBTQ people’s experiences of crime, both in terms of victimization and offending,” and consequently, “there is a need for theoretical and empirical advancements to bring the experience of LGBTQ people out of the shadows and into the field of criminology” (Woods, 2014, p. 29).

I have faced violence where I have been beaten and raped because of my being a transgender with female breasts and feminine (sic). I have been burned out of a cell block & dorm because I wouldn't give an inmate sex. I have been slapped, punched, and even threatened because of my being a transgender that told another inmate "No" when they told me they wanted sex from me or my commissary buy. I have been harassed verbally and have had others grab my female breasts and ass because they knew I was transgender and figured they can get away with such actions—which they do most of the time due to the fact no one cares what happens to us transgenders inside. I've been subjected to all kinds of verbal harassment from "look at that inmate scumbag transgender" all the way to threats and sexual harassment physically as well as verbally (Sylvia Rivera Law Project, 2007, p. 25).

Likewise, the National Center for Transgender Equality (2012) observed that, "Sexual abuse is rampant in prison and detention facilities today, and lesbian, gay, bisexual, transgender and gender non-conforming people are among the most at risk." A few years later, another advocacy group, Black & Pink, released a report in which the authors drew on data from a survey of 1,118 prisoners across the United States to reveal an increasingly uncontested fact: "[A] higher percentage of transgender women prisoners experience sexual violence" (Lydon, Carrington, Low, Miller, & Yazdy, 2015, p. 44).

Scholars have used official and unofficial data alike to confirm these assessments. Findings from Bureau of Justice Statistics (BJS) data (i.e., Inmate Survey for 2011–2012) reveal that approximately one third of transgender prisoners reported sexual victimization by another prisoner within the past year—a figure that far exceeds the 4 percent general prevalence rate for incarcerated populations (Beck, 2014). In a study done in California prisons, researchers found that the prevalence rate for sexual assault of transgender prisoners was 58.5 percent during their incarceration history in California correctional facilities (Jenness, Sexton, & Sumner, 2011). Shortly after the release of these findings, in another study, *The Women of San Quentin: Soul Murder of Transgender Women in Male Prisons* (Lyseggen, 2015), the author presented reports from transgender women in the California prison system in which the challenges they face as they navigate their safety in the harsh environment of one of California's most well-known prisons for men are revealed.

The dangers associated with being a transgender woman in a prison, jail, or other type of detention facility built for men are borne of a complicated nexus between social space, social relations, and the gendered nature of both. In an article tellingly titled "The Hundred Years' War: The Etiology and Status of Assaults on Transgender Women in Men's Prisons," Stohr (2015, p. 127) concluded:

The incarceration of transgender prisoners, particularly transgender women in men's prisons, has been fraught with difficulties, missteps, ignorance, and abuse. Because of the historical rigidity around gender issues and a basic lack of concern for those on the societal margins because of their gender identity, transgender women and men have existed in what must at times seem like a war zone in which they are the perpetual target of scorn, harassment, and assault.

Furthermore, in an increasingly visible body of work, scholars have examined the harsh conditions of confinement for transgender women behind bars as well as how these women navigate such conditions.

1.2 | Sexual victimization as gendered violence

The findings reported in a voluminous literature on sexual victimization reveal two general themes that are relevant to the empirical analyses presented in this article. First, sexual victimization is

overwhelmingly, but not exclusively, visited upon women and girls by men, and members of the LGBT community are particularly vulnerable to this kind of harm. Second, across diverse institutional contexts, sexual victimization is recognizable as a gendered phenomenon that often unfolds in the context of otherwise consensual interpersonal relationships and takes the form of intimate partner violence.

Although estimates of lifetime prevalence of sexual assault vary, they coalesce around a remarkable figure: Approximately one in five women have experienced sexual assault in their lifetimes (Elliott, Mok, & Briere, 2004). In a nationally representative survey conducted by the Centers for Disease Control and Prevention (2012), 18.3 percent of women reported experiencing rape in their lifetime, as compared with 1.4 percent of men. Another recent nationally representative survey yielded similar estimates, with 19.3 percent of women and 1.7 percent of men reporting having been raped during their lifetimes (Breiding et al., 2015). These numbers rise precipitously when moving beyond rape to consider sexual assault more broadly; in the same survey it was found that 43.9 percent of women and 23.4 percent of men had experienced other forms of sexual violence during their lifetimes (Breiding et al., 2015). Not surprisingly given these disparate rates of sexual victimization, gender is the strongest predictor of sexual assault. Figures consistently indicate that women are more vulnerable to sexual assault than men; according to Basile and colleagues, this gender gap is approximately 14 to 1 (Basile et al., 2011).

Also relevant to our work here, the findings from a growing body of research reveal that LGBT people are at a greater risk of sexual assault than are their heterosexual and cisgender counterparts. The results of a recent study indicated that transgender respondents were twice as likely to experience sexual assault as those who are cisgender, with 33.6 percent of transgender respondents reporting sexual assault in their lifetimes (Langenderfer-Magruder, Walls, Kattari, Whitfield, & Ramos, 2016). In a study of sexual violence among a national sample of the LGB population, the scholars reported a similarly heightened risk of sexual assault faced by cisgender individuals who complicate gender binaries through sexual identity; specifically, 46 percent of lesbians, 40 percent of gay men, 75 percent of bisexual women, and 47 percent of bisexual men reported sexual assault (Walters, Chen, & Breiding, 2013; see also Rothman, Exner, & Baughman, 2011). Taken together, the findings from these studies reveal that individuals who transgress gender binaries and heteronormative expectations—whether through gender identity, gender expression, or sexual orientation—are at increased risk for sexual violence compared with the general population.

To understand divergent rates of sexual victimization as well as the ways in which such violence manifests requires understanding gender as an organizing and consequential force (for detailed recent statements along these lines, see Heberle, 2014; Martin, 2016; Smyth & Jenness, 2014). For example, Armstrong, Hamilton, and Sweeney (2006), in their work on the sexual victimization of young women on college campuses, reported on the interactional dynamics that systematically produce the sexual victimization of women and others deemed the embodiment of “the feminine” (cf. Jenness & Fenstermaker, 2016). Miller (2008), in an empirical examination of the many forms of victimization that young African American women experience in their communities, schools, and relationships, noted that the “cultural adaptations and social contexts” intimately intertwined with gendered violence in urban communities. Messerschmidt (2012), in his analysis of youth violence, situated violence as structured action that unfolds at the intersection of the lived experience of sex, gender, and sexuality among working-class adolescent boys and girls. Finally, Martin (2016), in work on the sexual exploitation of young women on college campuses, emphasized how sex-segregated organizations contribute to a campus culture in which heteronormative masculinity is valorized. This scholarship, as well as other work, shares an emphasis on the organizational context in which victimization occurs, the ways in which a gendered hierarchy is the key to understanding violence, and an assessment of what it means to be masculine and feminine in particular social-interactional contexts and moments. The findings from

these studies also reveal, to quote Armstrong and her colleagues (2006, p. 484), that “sexual assault is a predictable outcome of a synergistic intersection of both gendered and seemingly gender neutral processes operating at individual, organizational, and interactional levels.”

The interactions most proximate to gendered violence can—and do—occur in the context of relationships. Whether these relationships are casual and short-lived (as is often the case within a high-school or party scene) or committed and longer term (as in a co-habiting relationship), the violence has increasingly been oriented to by scholars as a distinct type of victimization: intimate partner violence (IPV). IPV is a comprehensive term that includes all forms of sexual victimization (as well as myriad forms of nonsexual victimization) that take place within a current or former intimate relationship. Rather than occurring as a single discrete incident, IPV generally manifests empirically as an ongoing pattern of interaction that includes—and sometimes culminates in—abusive or assaultive behavior (Tjaden & Thoennes, 2000). Miller and Knudsen (2007) conceptualized this kind of violence as an “episode” (i.e., an incident) that emerges at an intersection of social structural, cultural, and social-psychological factors that include gender scripts and normative expectations that are foundational to heteronormativity.

Weitzman (2018, p. 575) recently explained that, “Many scholars view IPV as a form of gender-based violence in which men, more than women, use violence to maintain power in their relationships.” Indeed, the findings from decades of research reveal that, in relationships characterized by IPV, the victimized partner is disempowered within the context of the history, status, and demise of the relationship and constrained emotionally, legally, financially, and societally (Jewkes, 2002; Renzetti et al., 2017; Tjaden & Thoennes, 2000).

With the literature reviewed earlier in mind, we orient to men’s prisons as sex-segregated, rigidly gendered environments in which the threat of violence results in daily life being organized in ways that are consequential for relationships among prisoners (Fleisher & Krienert, 2009; Skarbek, 2014). These relationships include asymmetrical interpersonal relationships that unfold in a context of deprivation and well-entrenched ideas about gender. As Donaldson (2001) observed, sex in prison is organized according to a “dominance-enforcement” model in which power and control are paramount (see, also, Kunzel, 2008). This, in turn, is consequential for sexual assault and victimization more generally.

The results of recent examinations of sexual victimization in prison have demonstrated strong convergence across studies, with prevalence rates in men’s facilities hovering between 4 and 6 percent (Beck & Harrison, 2008; Beck et al., 2013; Jenness et al., 2010; Warren, Jackson, Loper, & Burnette, 2010; Wolff, Blitz, Shi, Siegel, & Bachman, 2007; Wolff & Shi, 2011). In 2011 and 2012, 4 percent of state and federal prisoners reported having been sexually abused in their current men’s facility during the preceding year (Kaiser & Stannow, 2013). The amount of literature on sexual victimization in women’s prisons is scant by comparison, and its findings reveal a broad range of estimates, with prevalence ranging from 0.35 to 27 percent (Hensley, Tewksbury, & Castle, 2003; Struckman-Johnson & Struckman-Johnson, 2002, 2006). One explanation for this wide range is that the research results on sexual activity in women’s prisons reveals more about “subtle coercion and cooptation, the gray area between consensual and coerced sex inside of prison” (Gaes & Goldberg, 2004, p. 27) than they do about comparatively straightforward sexual assault per se—an observation that becomes pivotal to our findings on transgender women in men’s prisons.

The findings reported in the literature on the social organization of gender and sexuality in prison are crucial to understanding such divergent rates of sexual victimization. Britton (2003, p. 3) explained that:

Ideas about gender have shaped prisons, literally and figuratively, from their very first appearance as institutions of social control. Nineteenth-century reformers made women’s

presumed inherent difference from men the primary basis of their case for separate institutions for women, run exclusively by female staff. In a similar way, ideas about masculinity played a role in the architecture and styles of discipline advocated in early men's prisons.

Beyond being sex-segregated—and historically, presumably gender-segregated (Kunzel, 2008; Sumner & Jenness, 2014)—men's prisons are identifiable as hypermasculine environments in which displays of heteronormative masculinity, including physical aggression, are situated at the top of a gendered hierarchy.

Within this hypermasculine context, penal institutions are recognizable as “locations of magnified policing and punishment of sexual and gender non-conformity” (Mogul et al., 2011, p. 97; see also Kunzel, 2008; Oparah, 2012). Prisoners who transgress gender and sexuality norms are situated lower in the social status hierarchy, afforded less respect among prisoners, and rendered extremely vulnerable to violence (Coggeshall, 1988; Donaldson, 2001; Fleisher & Krienert, 2009; Hensley, Wright, Tewksbury, & Castle, 2003; Mogul et al., 2011). As Jenness and Fenstermaker (2014) reported, under the harsh conditions of prisons for men, transgender women engage in a set of interactional activities that constitute a pursuit of gender authenticity or what prisoners call “the real deal.” Their pursuits include “acting like a lady,” interacting with and forming relationships with the “real men” in prison *as women*, and otherwise engaging in situated gendered practices in which male dominance, heteronormativity, and a daily acceptance of inequality and attendant vulnerability are evident (Jenness & Fenstermaker, 2014). In a subsequent article, Jenness and Fenstermaker (2016) identified these gendered interactional dynamics as proximate to what they call “the rape of the feminine” in prisons for men. As they explained, “[A]s in the world outside the prison, and depending on the situation, sexual assault and sexual coercion [in prison] can be made intelligible to all concerned by reaffirming the feminine as weak, vulnerable, and deserving of being demeaned and overpowered” (Jenness & Fenstermaker, 2016, p. 6).

1.3 | Complicating consent: Wantedness and ambivalence

The study of sexual victimization, including that which occurs in specific institutional contexts like prisons and involves transgender women, is informed by theoretical debates around the nature of consent and, more recently, the experience of unwanted and wanted consensual and nonconsensual sex. In the introduction to their book, *Making Sense of Sexual Consent*, Cowling and Reynolds (2004, p. 1) observed that, “[B]efore the 1990s, students and researchers interested in reading about sexual consent would have struggled to find an academic literature.” Enduring debates about sexual consent and sexual victimization were kick-started in the latter part of the twentieth century by feminist scholars, most notably, Catherine MacKinnon and Andrea Dworkin, who problematized the nature of women's consent in a patriarchal, heteronormative culture. They argued that the structural foundations of society subvert women's ability to give true consent, by which they mean the ability to engage in a sexual contract as an autonomous—and thus free—person who can say yes or no through actions, utterances, and other forms of communication. To MacKinnon and Dworkin, sexual consent is contextualized by male power and threats of violence against women to such a degree that women's exercise of consent is precluded by the context of male privilege and power. As MacKinnon (1990, p. 4) famously put it, “[W]hen force is a normalized part of sex, when no is taken to mean yes, when fear and despair produce acquiescence and acquiescence is taken to mean consent, consent is not a meaningful concept.”

In contrast, other feminists have focused on women as free and autonomous individuals who can, and indeed do, engage in consensual exchanges, sexual and otherwise, albeit on an uneven playing field (Walby, 1990; cf. Weinberg, 2016). They have posited that women have the capacity to consent,

and by exercising this capacity, they can, in some circumstances, resist patriarchal structures. Brown-miller (2005/1975), for example, identified a clear distinction between consensual and nonconsensual heterosexual sex when she defined rape as a man continuing to have sexual intercourse with a woman against her wishes. For her and others, there is a qualitative difference between consensual sex and nonconsensual sex. That distinction is defined by women's agency, including their power and ability to deny and grant consent. Roiphe (1993) extended this argument—that women are agents capable of exercising free choice—to situations in which coercion is evident. She argued that even in coercive conditions and under all sorts of pressures (e.g., a situation in which a woman is pressured to engage in unwanted sex), women have free choice.

These kinds of debates are central to any discussion of sexual victimization insofar as what distinguishes sexual victimization, including rape, from other forms of sexual exchange is consent (for a recent work along these lines, see Weinberg, 2016, p. 119, on “a new kind of sociology of consent”). This is reflected in the law and in larger cultural understandings of sexual victimization, including the BJS's approach to collecting official data (Rantala, 2018) and the *National Standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (PREA)* (Department of Justice, 2012). Simply put, definitions of sexual victimization are predicated on the capacity to consent. This idea applies to children, people who are impaired (permanently or temporarily), and those who are in environments that are deemed sufficiently coercive that by their nature they preclude consent (or, minimally, make it “difficult to establish genuine consent”; Miller, 2008, p. 128). For instance, Rumney and Morgan-Taylor (2004) advanced the argument that relations between male prisoners are frequently so coercive that consent to sex in prison is highly problematic. More recently, in a book aptly titled *Prison Rape: An American Institution*, Singer (2013, p. 7) argued that it is “often extremely difficult to conclude that a sexual interaction between inmates is truly consensual.” In the context of prison, at least some apparently voluntary relationships—sexual exchanges and otherwise—occur as a result of coercion and exploitation (see Oparah, 2012, for a discussion along these lines). Thus, it makes sense to complicate our binary thinking about consent to attend to degrees of physical or emotional coercion, just as other scholars have considered “degrees of autonomy and freedom” and “degrees of subject agency and autonomy with structural and cultural shaping or determination” (Reynolds, 2004, p. 94).

Another important set of considerations for the purposes of our analysis involves the concepts of “wantedness,” “ambivalence,” and “compliance” as they relate to sexual exchanges and sexual victimization in a particular moment, as well as over the course of interpersonal exchanges. Peterson and Muehlenhard (2007, p. 72) rightly observed that, “[S]ex is often conceptualized as either wanted and consensual or as unwanted and nonconsensual” even as “consent and non-consent, like wanting and not wanting, are not clear-cut or easily defined” (p. 83). Moving away from this binary formulation, they empirically demonstrated a more complicated model in which “wanting” is not necessarily equated with “consenting” and “consenting” is not necessarily equated with “wanting.” As they described it:

In our conceptualization, to want something is to desire it, to wish for it, to feel inclined toward it, or to regard it or aspects of it as positively valenced; in contrast, to consent is to be willing or agree to do something. Wanting may influence individuals' decisions about whether to consent, but wanting and consenting need not correspond (Peterson & Muehlenhard, 2007, p. 73).

In other words, people might not consent to things they want to do sexually, and more relevant to our operationalization of sexual victimization, they may consent to things they do not want to do. The latter can occur for a host of reasons, including because it is expected, because it gets a person something else

that they desire in return, or because a person engages in the behavior to avoid (further) harm. Indeed, Peterson and Muehlenhard (2007) made an important distinction between not wanting to engage in a sexual act and not wanting the consequences of foregoing doing so.

The concept of ambivalence also blurs the boundaries between consent and wantedness. As Muehlenhard and Peterson (2005) found, sexual desires are complex, and people may experience contradictory desires that leave them simultaneously wanting to engage in sexual activity for certain reasons and wanting to abstain from it for others. Muehlenhard and colleagues identified numerous factors that influence wantedness and potentially lay the groundwork for ambivalence about sexual encounters, including both dyadic elements (e.g., qualities of the interpersonal relationship itself) and “sources of pressure and coercion” external to the relationship (e.g., cultural forces such as heteronormativity and traditional notions of female passivity; Muehlenhard et al., 2016, p. 466). As we describe in the next section, these factors, as well as a nuanced conceptualization of consent, wantedness, and ambivalence, are relevant for our analysis, in that there are sexual acts people report that are perhaps not “against their will” but that they “would rather not do.” This important distinction indicates a lack of wantedness or, as our data reveal, an ambivalence about wantedness that is demonstrably distinct from a lack of consent.

In an effort to delineate further a range of possibilities in the realm of sexual victimization, Katz and Tirone (2010, p. 730) explained that, “[S]exual compliance” involves willing consent to unwanted sex despite a lack of desire. In their work on women with sexually coercive partners, aptly titled “Going Along with It,” they found that reports of a partner’s coercive behavior at time 1 predict women’s willingness to consent to unwanted sex at time 2. They explained this finding with reference to Basile’s (1999) work on sexual compliance, which she termed “rape by acquiescence.” In light of this, they called for more research designed to understand what seems to be willing consent to unwanted sex, including sex that is designed to endure victimization to avoid victimization.

2 | DATA AND METHOD OF ANALYSIS

2.1 | Research site

We collected data in California prisons, described by comparativists as “one of the worst examples of ‘warehouse prisons’” from the 1980s onward (Goodman, Page, & Phelps, 2015, p. 6). The state of California has one of the largest correctional populations in the country, and it has often been deemed “dysfunctional” by academics and politicians alike (Little Hoover Commission, 2007; Petersilia, 2008; The Pew Center on the States, 2008). At about the time this research was being conducted, a report by the Little Hoover Commission, an independent bipartisan state oversight agency charged with investigating state government operations, declared: “The bare facts have earned California’s Department of Corrections and Rehabilitation an ignoble distinction for systemic failure” (Little Hoover Commission, 2007, np). Indeed, in 2006, U.S. District Court Judge Thelton Henderson put the California prison health-care system under federal receivership, having found that its conditions violated the Eighth Amendment’s prohibition of cruel and unusual punishment.

When data collection began in 2008, approximately 160,000 adult prisoners were incarcerated in California’s 33 prisons, all of which were overcrowded. Greater than 90 percent of prisoners in California were housed in 30 prisons for adult men, including all but one transgender woman in the prison system. Almost without exception, the California Department of Corrections and Rehabilitation (CDCR), like other state corrections systems, assigns people to men’s or women’s prisons on the basis of their genitalia (Sumner & Jenness, 2014).

2.2 | Data collection

Identifying transgender prisoners in men's prisons is not an easy task. Varying definitions found in the activist, policy, and research communities, coupled with a lack of consensus with regard to what transgender means in a prison setting and by what criteria a prisoner is and should be classified as transgender, made this task especially challenging. Likewise, at the time of data collection, the CDCR did not employ an agreed-to definition of transgender to identify or classify prisoners. Also, contemporaneous research findings on prison sexual culture, in which "punks" and "queens" in prison culture are described, do not highlight a clear direction for how best to delineate transgender prisoners (Fleisher & Krienert, 2009).

In light of this lack of clear direction from the literature, we identified study participants using a four-pronged set of criteria that would maximize inclusion without diluting the target population beyond recognition (for more details along these lines, see Sexton, Jenness, & Sumner, 2010; Jenness, 2010). From this perspective, we orient to transgender as an umbrella term that encompasses a broad range of related self-identity labels.³ For the purposes of this study, a transgender prisoner is someone who is incarcerated in a men's prison and who 1) self-identifies as transgender; 2) presents as female, transgender, or feminine in prison or outside of prison; 3) receives any kind of medical treatment (physical or psychological) for something related to how she presents herself or thinks about herself in terms of gender, including taking hormones to initiate and sustain the development of secondary sex characteristics to enhance femininity; or 4) participates in groups for transgender prisoners. Any one of these elements would qualify a prisoner for inclusion in this study even as participants vary in terms of how they characterize themselves according to their gender identity and expression. We worked collaboratively with CDCR officials to identify and make face-to-face contact with all transgender prisoners in California prisons for men to obtain data on the population of transgender women housed in men's prisons. We requested that all prisoners on our lists be called so that we could invite each person we thought might qualify for inclusion in the study to conduct a confidential interview. In this way, we sought to invite the total population of transgender prisoners rather than to draw a sample.⁴

During data collection, eight interviewers traveled to 27 prisons for adult men in California and completed interviews with 315 transgender prisoners. The shortest interview was 19 minutes, whereas the longest extended to slightly less than 3 hours (2 hours and 55 minutes). The mean duration for interviews was slightly less than 1 hour (56 minutes). The total amount of live interview time approached 300 hours (294 hours and 6 minutes). The overall response rate was 95 percent (i.e., among those who fit the study criteria and were invited to be interviewed). The final step in data collection involved concatenating official data retrieved from the CDCR's official database to the self-report data described as follows.

The original data were collected using an interview schedule that included closed- and open-ended questions designed to capture information on transgender women's lives both inside and outside of

³Consistent with other contemporary research (Brown, 2014; Messinger, 2017), we use the term "transgender" as an umbrella category to refer to myriad gender identities. This term was the most consistent with scholarly, advocacy, and legal scholarship at the time data were collected. The people we interviewed used language meaningful to their lives and their context—language that did not necessarily map on to the discourse of nonincarcerated communities regarding gender identity and presentation at the time or today.

⁴This procedure cannot account for potential "missed" cases—transgender prisoners whom we were unable to invite to participate for a variety of reasons, including that they moved prisons (we did not return to prisons a second time after completing a trip), paroled, or died prior to our arrival; were unwilling to leave their cells to meet with us in person; were unable to make the appointment because of another (often medical) appointment in the prison; or were "lost" in the prison and could not be found (see also Sexton et al., 2010).

prison. With regard to life in prison, data collection was focused on their prison housing environments, the social networks in which they are embedded, their personal relationships in prison, their identities and conduct as transgender women prisoners, and their experiences with harassment and victimization in prison.⁵ During the interviews, we collected detailed reports on 198 incidents of sexual and nonsexual violence perpetrated by other prisoners on the interviewees, including 128 reports of sexual incidents. These incident reports include data on the context in which the incident unfolded, the way violence manifests in the lives of transgender women, and how the interviewees make sense of these events in their lives. Interviewers also asked respondents about their lives outside of prison, including questions that capture dimensions of their identities and their exposure to violence. The interviews were not audio recorded; therefore, interviewers took copious notes and tried, as best they could, to document responses to open-ended questions verbatim. After the interview, the interviewer went back and filled in gaps as needed as soon as possible.

Our conceptualization of sexual victimization is commensurate with recent work that considered both narrow and broad ways of defining sexual victimization and recognized that “there are not absolute guidelines” for operationalizing sexual victimization and “any approach has advantages and disadvantages” (Muehlenhard, Peterson, Humphreys, & Jozkowski, 2017, p. 550; see also Armstrong, Gleckman-Krut, & Johnson, 2018). With this in mind, two questions that focus on the interviewee’s experience of sexual victimization by other prisoners are central to the analysis presented here. Focusing on both of these measures, as described as follows, allows for us to capture a range of incidents of interest.

First, interviewers asked the following question: “Have you ever had to do sexual things against your will with another inmate while living in here?” Consistent with common-sense understandings of sexual assault as well as with formulations commonly found in the research literature⁶ and the law, this is our most delimited measure of sexual victimization. It is understood to be sex that is against one’s will and is easily recognizable as sexual assault. Second, participants were asked the following: “Have you ever had to do sexual things with other inmates that were perhaps not against your will, but that you would have rather not done?” Use of this question is intended to recognize that consent in prison is a problematic concept (Jones & Pratt, 2008; Rumney & Morgan-Taylor, 2004), and thus, as Reynolds (2004) advised, it is necessary to look at the context and attendant quality of consent rather than just at its mere presence or absence. In addition, as our data reveal, degrees of wantedness and unwantedness are recognized, as well as the presence of coercion and compliance in the context of prison.

Taken together, these questions capture a broad range of sexual experiences in prison that arguably together constitute sexual victimization. Both of these measures of sexual victimization—sexual things that are “against one’s will” and those that one would “rather not do”—are recognized in social science⁷ and policy arenas,⁸ and by our study participants, as unwanted experiences that are the result of

⁵Although we did also ask respondents if they have “ever had to do sexual things against [their] will with staff”, in this article, we focus on victimization by prisoners because of the salience of intimate relationships with other prisoners among incarcerated transgender women. In addition, far fewer respondents reported sexual victimization by staff while living in their current housing unit (0.6 percent) and throughout their incarceration history in California (13.6 percent).

⁶For example, in their book on *The Myth of Prison Rape*, Fleisher and Krienert (2009, p. xiii) defined “prison sexual violence” as “forced nonconsensual sex under the threat of armed or unarmed violence.”

⁷In the academic literature, the term is used to capture a wide range of behaviors that include various forms of sexual touching, feeling, and grabbing in a way that is forceful or threatening (Wolff et al., 2007).

⁸In the policy arena, the PREA-mandated Survey of Sexual Victimization operationalizes the term through a constellation of behaviors, including “nonconsensual sexual acts” that involve contact with the genitals, “however slight”; and “abusive sexual contact,” which is defined as “intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks” (Office of Justice Programs, Bureau of Justice Statistics, 2016, p. 2).

coercion in the context of prison. The qualitative analysis that follows is crucial to understanding the culture and contexts in which sexual coercion unfolds. With those insights front and center, the quantitative analysis comprises both a specific conceptualization of sexual assault and a decidedly broader conceptualization of sexual victimization. In the first, sexual acts that are explicitly “against one’s will” are considered sexual assault, and in the second conceptualization, the analytic lens is broadened by combining acts that one would “rather not do” and acts that are “against one’s will” into the broader category of sexual victimization.

As our data reveal, there is considerable interplay between consent and coercion in the prison context; indeed, as we detail in the analysis that follows, sexual exchanges that one would “rather not do” are experienced as victimization in the context of transgender women’s lives in prisons for men. Attending to this reality in our conceptualization of sexual victimization enables us to address an important concern raised by Armstrong et al. (2018) in their recent review of the literature on sexual violence: Researchers have produced problematic research to the degree they only narrowly define sexual violence.

2.3 | Study participants

Most of our respondents are women of color, primarily Black (35 percent) and Hispanic (28 percent) women. In terms of how they label their sexual orientation, their responses at times indicate slippage between sexual orientation and gender identity: Approximately one third (33.3 percent) identify as “homosexual,” whereas 19.4 percent identify their sexual orientation as “transgender,”⁹ 18.1 percent identify as “heterosexual,” 11.3 percent identify as “bisexual,” and the remaining 17.8 percent identify as something else when asked about their sexual orientation. Diverse ways of signifying their sexual orientation aside, most report that they identify as “female” (76.1 percent), with far fewer identifying as both “male and female” (14 percent), “other” or “it depends” (3.5 percent), “neither female nor male” (3.2 percent), and “male” (3.2 percent). An even larger majority report being sexually attracted to men while in prison (81.9 percent) and a minority indicate being attracted to both men and women in prison (15.6 percent). A majority (75.8 percent) report being attracted to men both outside of prison and inside of prison.¹⁰

2.4 | Analytic strategy

We used a mixed-methods analytic strategy in which we relied on both quantitative and qualitative data to engage in analytic abduction (Kreager et al., 2017; Timmermans & Tavory, 2012). Unlike grounded theory in the traditional sense (Glaser & Strauss, 1967; but see also Charmaz, 2006), analytic abduction is purposely informed by existing theory and findings (Timmermans & Tavory, 2012). In this case, our analysis is informed by decades of research on sexual victimization, prison life, and sexual and gender minorities in prison. Consistent with systematic assessments of mixed-methods approaches (Small, 2011), our qualitative and quantitative data are used in tandem.

⁹There is value in understanding the “misuse” of the term “transgender” to refer to sexual orientation, as well as other types of systematic error when it comes to measuring gender (Valcore & Pfeffer, 2018; but see also Schilt & Bratter, 2015). In that context, it is perhaps surprising that, in contrast to how academics and activists often conceptualize transgender, almost 20 percent of these prisoners considered transgender to be a sexual orientation (even though it was not presented as a response category).

¹⁰For more demographic details on this population, including a systematic comparison with the larger population of prisoners in prisons for adult men, see Sexton et al. (2010) and Sexton and Jenness (2016).

Two sources of qualitative data were used in our analysis. First, we draw on responses to the open-ended questions asked during the interview that reveal the details of specific incidents of sexual victimization reported to us by transgender women in prison. Second, when asking closed-ended questions during the interview, respondents often provided unsolicited comments that reveal the details of their experience and shed insight into the context and dynamics that help explain the occurrence of sexual victimization.

To code the qualitative data, we proceeded in several iterative stages. First, we read through the entire interview to form initial impressions about transgender women's experiences in prison and the context in which sexual victimization occurs. Second, we focused analytic attention on how transgender women who reported incidents of sexual victimization responded when the interviewer asked "Can you tell me what happened?" If the respondent did not mention key details in her narrative of the incident—such as when it occurred, where it occurred, who was involved, what her relationship was to the assailant, whether a weapon was involved, whether she needed/received medical attention, and whether a report was taken—the interviewer specifically asked about these details. Interviewers also asked "What do you believe this [the reported incident] was most about?" and "What else can you tell me about this incident that would help me understand it?" Third, members of the research team coded the open-ended questions along key dimensions: the nature of the incident, the context in which it occurred, the relationships between the parties involved, and how the respondent made sense of the incident, including what it was "most" about (i.e., why, from the respondent's point of view, it happened). This process included regular debriefings among the research team. Fourth, throughout this coding process, the research team conducted "constant comparative" analyses (Glaser & Strauss, 1967) both across incidents reported by the same interviewee as well as across interviewees and closely examined negative cases for a deeper understanding of the themes identified and to reach agreement on the identified themes. This multiple step approach worked well despite the fact that some incident data included more details to be coded than others. For purposes of presentation, we illustrate our findings with incidents for which we have more detail.

Our quantitative data were used to assess factors that shape the occurrence of sexual victimization experienced by transgender women in prison for men. As summarized in table 1, the dependent variables include our two measures of sexual victimization: sexual assault in particular and sexual victimization more broadly construed, as described earlier. Also summarized in table 1, the independent and control variables are thematically clustered around features of the self (e.g., race/ethnicity, education level, time in current housing unit, sex offender status, self-reported mental health issues before and after being imprisoned, official mental health diagnoses, and self-reported drug issues before coming to prison); prison characteristics (e.g., type of living unit and staffing levels); and interactional experiences (e.g., sexual relationship with another prisoner and marriage-like relationship with another prisoner). We treat features of the self and features of the prison as necessary controls to focus analytic attention on the salience of interpersonal relationships between transgender women and the men with whom they serve time. Table 1 presents our operationalization, measurement, and descriptive statistics for the outcome variables, as well as the independent and control variables, used in the modeling presented in this article.

The selection of these variables is informed by the literature, analysis of our qualitative data, preliminary quantitative analyses in which statistically significant effects are revealed, and a recognition that sample size constrains the number of variables that can be included in the full models. With 315 cases in the data set, the number of variables that could be included in any given model is limited. Because of this constraint, we ran partial models to inform model specification in the full models presented in this article. To inform the model specification in the models presented in our analysis, numerous other variables in each cluster of independent and control variables were included in a series of partial

TABLE 1 Descriptive statistics for variables in the analysis

Variable	Description	Mean ^a (SD)
Victimization in Current Housing Unit		
Sexual assault	1 = Experienced sexual assault; 0 = Did not	.24
Sexual victimization	1 = Experienced sexual assault and/or sexual contact they would have rather not done; 0 = Did not	.35
Victimization in any CA Correctional Facility		
Sexual assault	1 = Experienced sexual assault; 0 = Did not	.58
Sexual victimization	1 = Experienced sexual assault and/or sexual contact they would have rather not done; 0 = Did not	.69
Individual Characteristics		
Racial/Ethnic minority	1 = Black or Hispanic ^b ; 0 = Not Black or Hispanic	.63
High-school graduate	1 = Graduated high school or received GED; 0 = Did not	.62
Time in current housing	Length of time in months	12.64 (22.66)
Sex offender status	1 = Registered sex offender; 0 = Not	.21
Mental health issues before incarceration	1 = Self-reported mental health issues before being incarcerated; 0 = Did not	.49
Mental health issues after incarceration	1 = Self-reported mental health issues since being incarcerated; 0 = Did not	.67
CCCMS or EOP	1 = Official designation as Correctional Clinical Case Management System (CCCMS) or Enhanced Outpatient Program (EOP) ^c ; 0 = No designation	.63
Drug issues before incarceration	1 = Self-reported drug issues before being incarcerated; 0 = Did not	.58
Prison Characteristics		
Staff capacity	Total difference between staffed capacity and prisoner population where a negative number indicates more prisoners than the facility is staffed for	102.92 (267.07)
Group unit	1 = Housed in group unit (i.e., dorm or gym); 0 = Not	.20
Interactional Characteristics		
Sex with other prisoners	1 = Sexual relationship with another prisoner; 0 = None	.51
Marriage-like relationship	1 = Marriage-like relationship with another prisoner as defined by the participant; 0 = None	.61

Abbreviation: SD = standard deviation.

^aMeans of dichotomous variables are equal to the percentage coded 1.

^bRacial/ethnic minority includes only Black and Hispanic prisoners because official classifications for Asian, Pacific Islander, and American Indian are not consistently used across CDCR facilities.

^cMental health codes from Distributed Data Processing System (DDPS).

models specified to predict sexual assault and sexual victimization. Many of these variables were not statistically significant in the partial models and, therefore, not included in the final models. The correlation matrix for the variables presented in these models reveals that these variables are not highly correlated in ways that make multicollinearity a problem. All statistical analyses were performed in Stata[®] version 12.

The findings are presented in multiple stages. To begin, we present qualitative and quantitative data that reveal the extent and range of sexual victimization experienced by transgender women in California prisons. Thereafter, we present rich qualitative data that reveal the interpersonal dynamics most proximate to sexual victimization against a backdrop of institutionalized sex category and gender binaries. Next, we present findings from logistic regression models in which a key factor is identified that shapes the occurrence and manifestation of sexual assault narrowly defined and sexual victimization more broadly construed: involvement in interpersonal relationships of the type that came to the fore in the qualitative data.

3 | FINDINGS

3.1 | Range of sexual victimization

The transgender women in this study reported experiencing considerable harassment and violence both outside of and inside of prison. The findings from a series of chi-square tests reveal a consistent, statistically significant association between their experience of victimization in many forms both in and out of prison, including verbal harassment by both peers ($\chi^2(1) = 13.43, p < .001$) and law enforcement ($\chi^2(1) = 9.27, p < .01$), nonsexual physical assault ($\chi^2(1) = 31.71, p < .001$), pressure to have sex ($\chi^2(1) = 13.84, p < .001$), sex against their will with both peers ($\chi^2(1) = 6.92, p < .01$) and law enforcement ($\chi^2(1) = 4.24, p < .05$), and rape ($\chi^2(1) = 12.90, p < .001$). Tellingly, for all of these types of victimization except sexual assault (sex against one's will) and rape, most respondents reported experiencing victimization both inside and outside of prison. Combined, these findings indicate a strong relationship between victimization outside of prison and victimization inside of carceral environments, as well as a high prevalence of both.

By their account, transgender women in prison are targeted for both verbal harassment and physical assault. With regard to the former, for example, they report routinely being called a “faggot,” “punk,” and “bitch.” They also report being regularly misgendered, including by being called “mister” and told to “act like a man.” In one extreme example, a transgender woman reported that, “Most transgenders on this yard, well they get called cum-buckets.” In addition to rude comments, one woman reported experiencing other kinds of bullying such as having the door slammed in her face and being tripped when she walked by.

In terms of physical assault in prison, most (80.3 percent) transgender women in this study reported nonsexual physical victimization during their incarceration history and almost a quarter (22.5 percent) reported nonsexual physical victimization while living in their current housing unit. As for sexual victimization, 58.5 percent reported having to do sexual things against their will while incarcerated, and 23.8 percent reported the same while living in their current housing unit. When we shift focus from sexual assault per se to sexual victimization more broadly (including things they would “rather not do,” as described earlier and illustrated later), the rate increases to 69.4 percent during their incarceration history and 34.6 percent while living in their current housing unit.

The qualitative incident data reveal a range of types of sexual victimization, some of which easily map onto legal definitions of sexual assault and some of which occupy the gray area between consensual

and nonconsensual sexual acts. Transgender women experience a steady barrage of verbal harassment and a wide range of what they describe as routine unwelcome “grabbing,” “groping,” and “fondling” by other prisoners. A transgender woman who has served decades in California prisons explained that she is groped “weekly, if not daily.” When asked about her most recent experience, she described it in the following way: “I was coming down the stairway and an inmate grabbed my breast and said ‘nice titties, momma.’” An Asian American prisoner described the most recent time she was grabbed in the following sexual way:

I was cutting his hair and he reached around and grabbed my crotch. He took my kindness as weakness or desire. I was nice to him and he thought I was interested in him. They always think I'm interested in them because I'm a tranny. It's constant harassment every day.

Later in the interview, she added, “It’s weekly. They like to smack your chest, too. It hurts because of the hormones. It’s sensitive. It’s like being kicked in the nuts. It really is. They think it’s funny.” Another transgender woman, who has served 19 years of a life sentence in more than half a dozen California prisons, described her most recent experience: “I was out in a public area. He reached over and flipped my nipple in front of others. I said ‘don’t do that—that’s rude.’ We moved on.” In the following example, a different transgender woman described the last time she was groped:

I was having a seizure and my cellmate, who is also transgender, is holding me up. Another inmate grabs my right breast. I pushed his hand away and said “what the fuck?” Later, in the shower, he offered me \$100 for sex. I said no.

An older transgender woman who had served decades in prison at the time she was interviewed described the most recent incident she experienced: “I was going into chow and a couple of other inmates grabbed my ass and told me how sweet it was.” When asked why this occurred, she explained that, “They are males who are here and want sex. It’s like the guy who goes to the strip club. I’m the entertainment and the meat.” As a final example, a transgender woman explained how groping can turn into a more severe assault:

Yeah, I had this cellmate who was constantly grabbing my breasts and grabbing my butt. One night he was really pushing against me. I was backed up and resisted and he head-butted me. I yelled for an officer and then it stopped. Later I told the officer I was suicidal. I knew that was the way to get moved.

These and other incident reports of transgender women being groped and fondled in ways that are unwanted and against their will were frequently narrated by our participants as part and parcel of being transgender in prison. One woman referred to it matter-of-factly as “just shit that happens in here.”

Our respondents also shared many experiences that, from their point of view, went beyond the routine stream of derision and harassment to which they are subjected. For instance, an African American woman in her early 40s described, to use her terms, “a brutal rape” that she experienced:

I was raped in [name of prison] in [year]. It was brutal. He beat me. He knocked me out. When I came to, he was on top of me. He beat me again. He broke my jaw. I found the underwear he used to wipe himself off and reported him. They told me to take a shower

and I gave the Lieutenant the underwear. The underwear disappeared. They didn't do anything.

She then paused and added, "I told my family, but I had to deal with it myself. That's the most depressing thing."

A few transgender women described the pain and suffering associated with being "pimped out," to use their language. A transgender prisoner who had served more than 15 years in a Level 4 prison described being sexually assaulted hundreds of times:

I have no idea how many times. Hundreds. I was pimped out to about 50. At [name of prison], I was pimped out to survive. I was in a fish row and a shot caller said I had to live with him. He showed me a knife and said "you're going to live with me or this is going to be part of your body." And so I lived with him and he pimped me out to Mexican gangs. No one did anything. I told the Captain, the Lieutenant, the Sergeant. So, I had to take care of myself. I told them my life was in danger to get in ad-seg. The same thing happened in [another prison]. I was forced to do it again by a different cellie. Then again in [another prison].

After describing being forced to perform oral sex through an opening in the door for trays and being anally penetrated against her will by the shot caller, she said, "I was giving them blow jobs while he did my backside. It was unbelievable."

Likewise, a Latina prisoner, who was being held in a one-person cell often referred to as a "cage" in prison (Brodheim, 2015) when we came to interview her, and who remained in it for the duration of the lengthy interview, reported being sexually assaulted "many, many times." When asked about the most recent time, she explained that, "On SNYs [Sensitive Needs Yards] there's lots of gangs. Gangs made me do it with persons—oral sex that person. They would pimp me out." She then went on to describe how gang members effectively threatened her with a choice: sexually service their gang members or face being harmed in more immediately life-threatening ways. Unprompted, she explained that she had become inured to sexual assault, to which she had been subjected for years, and simply could not remember the details of the many times she was sodomized and forced to perform oral sex on gang members rather than, from her point of view, be harmed more severely by the same gang members.

Another White transgender woman who described a similar situation showed the interviewer her teeth by smiling in a forced and exaggerated fashion to reveal that she is missing four of her front teeth. After doing so, she commented that gang members "knocked them out so I wouldn't bite them" when being forced to perform oral sex on them.

These kinds of reports of multiple, repeated assaults by many assailants are rare and distinguishable from other types of sexual victimization and reveal the range of violence reported by the people we interviewed. Nonetheless, what the incidents within this range of experiences share is that the people we interviewed reported them as unwanted, the product of coercion, and either explicitly against their will or something they would rather not do.

3.2 | Sexual victimization in the context of intimate relationships

Within the wide range of victimization experiences presented earlier, our incident data reveal that transgender women's modal experience of sexual victimization by another prisoner involves a single perpetrator and occurs in the context of a previous or ongoing sexual relationship with the perpetrator. Most of these women (88 percent) report having been in a marriage-like relationship with another

prisoner while incarcerated. When limiting the window of opportunity to time spent in their current housing unit, 61.5 percent report being in a marriage-like relationship and 51.3 percent report engaging in a sexual relationship with another prisoner. These relationships become pivotal to understanding the contours and context of transgender women's victimization in prison.

We repeatedly heard about sexual victimization that, from the point of view of the person reporting it, began as a consensual relationship and evolved over time or in an instant to become recognizable as sexual assault—a common theme in the literature on intimate partner violence. For example, a transgender woman who has served almost two decades in more than half a dozen prisons reported being sexually assaulted in prison, including most recently by her current prison husband: “I had an argument with my old man in the house in the evening. It was tense and it could have been worse. So, I did oral sex in a way that I didn't want to do. He wanted to ejaculate on his belly and have me lick it up.” When asked “what was this about,” she explained that:

It's because of the roles we play—how it's set up. The Tarzan-Jane thing. When we first started living together, we defined our roles—he was Tarzan, me Jane. He was master of the home and I was his bitch. He thought I wasn't entitled to disagree with him. He got physically hostile. I needed to calm him down. This is how you calm men down. At least this man, but most men, I think. I didn't want to have sex with him, but he got what he wanted. That's sexual assault, right?

She went on to make it clear that she was describing what she saw as the basic, if not natural, parameters of a heteronormative intimate relationship—a model replete with sexual ambivalence, compliance, and ever-shifting contours of consent and wantedness. Later in the same interview, she observed the role that transgender women like her play in prisons for men: “Straight guys like my husband want to see a woman, not a man. So, I do all I can to look and behave like a woman. It does get me a man and it does get me hurt.” A White transgender woman serving a life sentence reported a similar dynamic in which her husband (also her cellmate) demanded sex regularly. She laid bare the transactional nature of her relationship by explaining simply that, “I was obligated to have oral sex with him so he would take care of me.”

The possessive and controlling nature of these relationships also manifested as jealousy—a common trigger for incidents of sexual and nonsexual violence alike. A Black transgender woman serving a life sentence recounted an incident in which a physical fight erupted after a month of “bickering” with her husband. This particular fight was about a letter her husband received from a transgender woman who lived outside of prison, but she explained that the relationship was marked by violence until she and her husband learned to communicate differently, “talk[ing] until dawn to work [their] problems out.” A Black transgender woman in her 50s explained that her boyfriend—a relationship that began with a “pairing of housing that led to love”—thought she was purposely enticing other men in prison to be attracted to her, and as a result, he smacked her and instructed her not to go to bed with anyone else. A Hispanic transgender woman in her late 30s described an incident in which she was fondled by another prisoner who “was lonely and wanted to feel wanted.” She explained that he “scared me. It is scary for someone to do this. [He] is very possessive of me. [He] gets mad when sees me with other people. [He] threatens me.” Likewise, a Hispanic transgender woman serving a life sentence described a similar incident characterized by jealousy: “My partner/lover and I got into a quarrel. He put his hand on me and we ended up fighting. He was jealous because... I don't like to go with someone who's married—he met someone else and [I] wanted to call it off and he wouldn't take ‘no’ for an answer.”

In a final example, an African American transgender woman in her 50s reported being in a marriage-like relationship with her cellmate for 5 or 6 years and that during that time he sexually assaulted her more than once. She explained that in one incident her husband saw her having a good time as she engaged with other prisoners on the yard in a way that he deemed flirtatious. According to her, this, in turn, prompted him to “remind me that I’m his” by sexually assaulting her in their cell later in the evening. In this and other reports of sexual assault, actual or purported interactions with other prisoners, especially those that incite jealousy, become a catalyst for sexual assault within the confines of an ongoing or recently discontinued marriage-like relationship.

By their own account, transgender women are subjected to the various forms of sexual victimization described earlier for three primary reasons, all related to sexual compliance. First, participation in what they describe as unwanted sex can serve as an appeasement strategy in the context of escalating tension with their boyfriend or husband, especially related to jealousy and attendant distrust. A Hispanic transgender woman in a Level 3 prison explained that when she is living with a boyfriend and jealousy rears its ugly head, “it gets out of hand.” She recounts that, “Last week [she] gave oral sex because he was being insecure.” She is not alone; others reported relying on the provision of sex that they would rather not do, to avoid, or at least forestall, their boyfriend or husband’s wrath and, in some cases, his commitment to reclaim her as his wife or girlfriend by sexually assaulting her. It is within this context that transgender women in men’s prisons explain a choice they face in a way that is recognizable as a common refrain: “fight or fuck.” This refrain reveals both the parameters and the stakes of their relationships in prison.

Second, transgender women engage in unwanted sex as a way of bargaining in the “survival economy” in prison—another factor propelling their sexual compliance. Although transgender women in prison do not necessarily *want* to engage in such acts, they do want to survive in prison and at times use the commodity that the prison economy recognizes: their bodies. To quote Mogul et al. (2011: 102), “prisoners must often submit to nonconsensual sex acts with guards or with other inmates for safety, to be free from disciplinary punishment or further harassment, or in return for drugs, commissary items, or other survival needs” (see, also, Oparah, 2012). In this economy, sex is recognized as worthy of exchange, especially with boyfriends and husbands who are expected to provide valued commodities to their girlfriends and wives. Often transgender women told us that they engage in sexual activities that they would rather not do—and, indeed, would like to avoid—but those acts enable them to procure material items and meet their daily needs. A transgender woman described her situation in the following way: “Yeah, there’s a guy who was in love with me. He buys me things like water, CDs, shower shoes, and lotion. Then he just grabs my boobs. I tell him ‘get away from me,’ but I take stuff from him and I don’t want him to touch me.” Another transgender prisoner, a woman in her late 30s who described herself as “the Wild Child,” explained it as follows: “I perform oral sex on other inmates for money, something my cellmate [husband] and family cannot provide. A lot of guys watch me, want me, and pay me for oral sex.” She went on to explain that this is her way of:

Getting money to get things from the canteen. I’m transgender, so I’m not going to use regular soap. I like things that pamper my skin. I want a razor that doesn’t cut my legs. I need double-edged blades; they only give you single-edge blades. I wish they allowed us the basics so we don’t have to blow guys. We don’t want to suck dick all the time.

Later in the interview, unprompted, she reiterated this point:

I do it when I’m running out of what I need—shampoo, lotion, hygiene stuff. I do one whack [blow job]. It has to be worthwhile. My other half [her cellmate and husband] has

to understand that I needed it in the household [cell]. He can't provide it for me, so I have to provide it for myself. Ideally, he should provide it. But, he can't. And, I need it, ya know?

In this and other narratives, the importance of securing gender-affirming commodities is revealed to be far from trivial from the point of view of these women, in large part because their gender identities are consistently denied by state officials and fellow prisoners alike. Many others report allowing themselves to be touched in unwanted ways and inevitably being subjected to sexual assault and other forms of sexual victimization for similar reasons. Tellingly, their boyfriends or husbands are often easily identifiable as key players in the incidents of sexual victimization reported by transgender women.

The third type of exchange involves a different kind of survival: the promise of protection from other—presumably more threatening—prisoners.¹¹ A White transgender woman who had been doing time “off and on since the late 1980s” and who reported considerable mental health problems both inside and outside of prison explained how she does her time:

Have you heard of protective pairing? It's preferable. I wouldn't stay in a relationship to avoid that [sexual assault] happening. It's more of a benefit. I don't feel like I need a partner to be safe. Safety is just a side-benefit, ya know? I prefer to be in a relationship. It makes my time easier. It's way better than being alone. The majority of the time I've been locked up, I've found a relationship to keep me safe. People will stay away from you if they respect your partner.

Across all of the reasons for sexual compliance described here, the men with whom these women partner are central to the dynamics surrounding reports of unwanted sex in a context in which transgender women are identifiable as objects of both desire and derision. In other examples, transgender women reported being sexually assaulted—and, in some cases, by their own account, raped—not by other prisoners, but by their “husband” or “old man.” A young Black prisoner who was housed in a reception center when we interviewed her reported being in a marriage-like relationship with her cellmate, who sexually assaulted her: “I was drinking with my cellmate [husband] and we were kind of drunk. One thing led to another and he did anal sex on me. I was disappointed because it was forced.” As another example, a White transgender woman who identified as a member of a White supremacist gang in prison explained the complicated connection between her relationship to her husband and sexual assault. In response to being asked whether she would prefer to be housed in a prison for men or in a prison for women, she responded without hesitation: “men.”¹² She explained her rationale, as follows:

Women are more vicious. They scare me. Around men, I know I have my fan base. I'm more pretty than most of the girls in here. Plus, I have my boyfriend—my husband—and he will take care of things. I can handle myself, but if I can't, he will take care of things. Mostly, people don't bother me because of him.

¹¹Oparah (2012, p. 263) explained that “the lack of protection by guards forces some transgender women to trade sexual services with prison gangs or other prisoners in return for protection.”

¹²She is not alone in expressing a preference to be housed in a prison for men rather than in a prison for women. Most of the transgender women in men's prisons also expressed this preference (64.9 percent compared with 35.1 percent).

Complicating these assertions of protection by her partner, later in the interview, she reported being raped by men whom she described as her former boyfriend and husband as well as by four men to whom her current husband owes debt.

The often transactional nature of these relationships does not negate their emotional component—but it does complicate things. Our qualitative data reveal that transgender women orient to their experiences with sexual victimization in complicated ways precisely because they so often occur in a context in which the pursuit of male companionship looms large and the incidents often involve the men with whom they desire to have consensual intimate, romantic, and monogamous relationships. A transgender woman who indicated that she engaged in unwanted sex for both material gain and physical protection referred to these kinds of experiences as “kissing a bunch of toads to find a prince”—a process she found “crude,” “disgusting,” and “degrading” but ultimately worth the effort. A transgender woman who reported engaging in unwanted sex explained the type of sexual activity that she resorts to as a way of supporting herself as simultaneously consensual and coerced: “A lot of times it’s forced, but it’s consensual forced.” In another example, a Latina prisoner who was, by her account, raped while locked up, explained the situation in the following way: “At first it was oral and I thought it would be okay. He told me to bend over and hold my ankles, and I did. He violated me.” When asked whether she was penetrated anally, she said:

Yes. It was scary. He was attractive so it wasn't deep rape. I liked it to a degree, but the violation was there. I eventually enjoyed it and he knew it. I am a sexual person and he was very handsome. But, still, he violated me. I would have done it willingly if he would have given me a few more minutes. It was quicker than I wanted. Because of that, I have a tendency to get involved without getting to know them. That's why I'm promiscuous. I'm whorish, I guess you could say. I don't mind.

This equivocation, or even apparent contradiction, reveals the complicated nature of consent in a prison setting as well as the structural and interactional arrangements that predictably produce sexual victimization in many forms. This and many other incidents reported by the transgender women in this study highlight the prison dynamics that set the stage for the most glaring statistic revealed in the quantitative modeling to which we turn next: A consistently powerful predictor of sexual victimization is whether transgender women report having been in a consensual sexual relationship with another prisoner.

3.3 | Modeling sexual assault and sexual victimization

Dovetailing with the findings revealed in the qualitative incident data, table 2 presents findings from two logistic regression models that allow for us to make comparisons across two forms of victimization: 1) sexual assault specifically, which includes acts that are designated as “against my will” (model 1), and 2) sexual victimization more generally, which includes acts that are designated as “against my will” as well as acts that respondents would “rather not do” (model 2).

Considering models 1 and 2 separately and comparatively is revealing. Model 1 shows that when controlling for features of the self and features of the prison that often predict prison violence, the types of interactions transgender women have in prison increase the probability of sexual assault (i.e., “sex against my will”). More specifically, reporting a sexual relationship with another prisoner more than triples the odds of being sexually assaulted in prison ($b = 1.20$, odds ratio [OR] = 3.33, $p < .01$), when controlling for other factors. Likewise, as reported in model 2, when controlling for individual characteristics and features of the prisons that often predict violence, having a sexual relationship

TABLE 2 Logistic regression models predicting sexual victimization in current correctional facility

Predictors	Sexual Assault ^a			Sexual Victimization ^b		
	<i>b</i>	SE	OR	<i>b</i>	SE	OR
Interactional Characteristics						
Sexual relationship with inmate	1.20	(.40)	3.33**	1.10	(.33)	3.02**
Marriage-like relationship	-.21	(.42)	.81	.16	(.36)	1.18
Individual Characteristics						
Racial/ethnic minority ^c	-.34	(.32)	.71	-.11	(.29)	.90
High-school graduate	1.02	(.36)	2.77**	.61	(.30)	1.84*
Time in current housing	.01	(.01)	1.01	.01	(.01)	1.01
Sex offender status	.12	(.37)	1.13	.51	(.33)	1.66
Mental health issues before incarceration	.40	(.37)	1.50	.76	(.33)	2.14*
Mental health issues after incarceration	1.01	(.43)	2.74*	.73	(.37)	2.07*
CCCMS or EOP	-.30	(.37)	.74	-.27	(.33)	.77
Drug issues before incarceration	.60	(.33)	1.82	.49	(.29)	1.63
Prison Characteristics						
Group unit	1.64	(.39)	5.17***	1.06	(.36)	2.88**
Staffing levels	.00	(.00)	1.00	.00	(.00)	1.00
Constant	-3.76	(.66)***		-3.25	(.56)***	
<i>N</i>	306			306		
Pseudo- <i>R</i> ²	.19			.16		

Abbreviations: *b* = coefficient; OR = odds ratio; SE = robust standard error.

^aIncludes sexual contact that was “against one’s will.”

^bIncludes both sexual contact “against one’s will (sexual assault) and sexual contact that respondent would “rather not have done.”

^cRacial/ethnic minority includes Black and Hispanic prisoners.

p* < .05; *p* < .01; ****p* < .001 (two-tailed).

with another prisoner more than triples the odds of sexual victimization broadly construed ($b = 1.10$, OR = 3.02, $p < .01$). Comparing models 1 and 2 reveals that, in the main, the same variables that are used to predict sexual assault specifically also are used to predict sexual victimization more broadly construed, which indicates that our models are telling regardless of whether we focus on a comparatively limited operationalization of sexual victimization that foregrounds consent (model 1) or a more expansive operationalization of sexual victimization that captures the messiness inherent in issues of consent and wantedness, particularly as faced by transgender women in prisons for men (model 2).

Combined, the models in table 2 demonstrate clear patterns across types of victimization, and these patterns are consistent with our qualitative data, as presented earlier. First, controlling for features of the prisoners and features of the prisons, a consistently powerful predictor is an interactional variable: whether transgender women report having been in a sexual relationship with another prisoner (and most do). This feature of prison life approximately triples the odds of victimization both narrowly and broadly construed (i.e., sexual assault and sexual victimization).

The finding that a consistently powerful predictor of both outcome variables is whether transgender women report having been in a sexual relationship with another prisoner is accompanied by another central finding: The relational distance between transgender women who report sexual victimization in prison and their assailants skews toward familiarity. Tellingly, three quarters of the transgender women who reported sexual victimization also reported that the perpetrators were either “all or mostly

known well” (33 percent) or “all or mostly acquaintances” (42 percent). The findings of a chi-square test reveal a statistically significant relationship between our two types of sexual victimization and relational distance ($\chi^2(1) = 16.0, p \leq .001$). More specifically, sexual assault, as defined here, tends to be committed by acquaintances, whereas the residual category of sexual victimization (“rather not do”) tends to implicate those who are well known. Across both conceptualizations of sexual victimization, the relational distance is easily described as familiar and intimate.¹³

4 | DISCUSSION AND CONCLUSION

Together, our qualitative and quantitative data reveal a story that is both familiar and unexpected: a familiar story of gendered sexual violence, amplified in particular ways by a context that is uncommonly coercive. Incarcerated transgender women, much like other women, are subject to a multitude of types of victimization that range from verbal harassment to life-threatening sexual assault at the hands of the men with whom they share a carceral environment and interact on a daily basis. And just as it is outside of prison, much of their victimization unfolds within the context of male-dominant, heteronormative relationships; this context provides a venue for a complicated and ever-shifting interplay of consent and wantedness, on the one hand, and coercion and victimization, on the other.

The results of our analysis reveal the dynamics that shape the occurrence of sexual victimization and the extremes of masculinities and femininities that fuel a heteronormative and coercive context that predictably results in a gendering of violence against women. The victimization of incarcerated transgender women is, in the first instance, violence perpetrated by men and experienced by women in an institutional environment in which masculinity is valorized and femininity is regularly subordinated (Jenness & Fenstermaker, 2016). Moreover, their relationships represent social arrangements in which transgender women’s femininity is shored up and reaffirmed by the violence they experience (Jenness, 2015). Thus, even as it renders them additionally vulnerable to the (sometimes violent) desires of the men with whom they engage and partner, it reinstatiates the gendered norms and expectations for what it is to be a woman in prisons for men. Ultimately, the complicated nexus of consent and wantedness, and the sexual compliance strategies demanded of transgender women, are conditioned by the larger cultural forces of patriarchy, including a well-institutionalized embrace of sex category and gender binaries, as much as the sex-segregated, masculinist, and deprivation-laden nature of the prison setting itself. In other words, culture and context co-produce the empirical realities reported in this article.

The key to the context of the prison is institutional arrangements that compel corrections officials to house transgender women in prisons for men. Housing placement is a primary domain focused on by policy makers and practitioners,¹⁴ who interpret the question of how to protect transgender women best from victimization as a matter of where to house them—in the general population, protective custody, or in segregated units. Historically, transgender women have been housed almost exclusively in prisons for men (Sumner & Jenness, 2014). More recently, state officials at all levels of governance—county, state,

¹³As reported in another study, the relational distance between assailants and victims among those reporting sexual assault in a random sample of prisoners in California prisons is more evenly distributed (Jenness et al., 2007; Sumner, Sexton, Jenness, & Maxson, 2014).

¹⁴Advocates, policy makers, and corrections officials are also focused on the needs and risks of LGBTI prisoners; the attitudes and practices of correctional staff; intake and screening tools, including medical and mental health assessment tools; and the provision of medical and mental health care (for a brief summary along these lines, see www.nicic.gov/LGBTI, last visited April 28, 2019; see also Sevelius & Jenness, 2017).

and federal—have increasingly considered the viability of housing transgender women in facilities for women.¹⁵ This is not a small consideration insofar as prisons rely heavily on housing assignments as a means of pursuing correctional missions of safety and security (Sumner & Jenness, 2014). Housing not only dictates prisoners' daily schedules and their access to resources, but it also determines with whom they can (and cannot) interact; this, in turn, has consequences for their exposure to those who can victimize them. Not surprisingly, empirical findings and attendant debates about housing options are central to policy concerns even as the question of which specific type of housing environment within a carceral space produces lower rates of victimization, controlling for other factors, has yet to be empirically discerned (compare, for example, Dolovich [2011] and Robinson [2011]; see also the finding reported in table 2 of this article on group unit).

But housing is no more the solution to transgender women's sexual victimization in prison than it is a panacea for intimate partner violence outside of prison. The conceptualization of housing as a unidimensional aspect of prison life—orienting to housing units as spaces in which prisoners may or may not be safe as determined by physical space and proximity to different "types" of prisoners—severely limits our understanding of the contours of victimization for this vulnerable population. And this subsequently limits the potential for effective policy that can play a significant role in keeping transgender women safe (or at least safer). Prison administrators and staff, as well as courtroom officials who produce judicial rulings, can benefit from more fully acknowledging the powerful role of gendered cultural and interpersonal dynamics in the victimization of transgender women in prison. This requires not only a focus on physical space and individual characteristics but also understanding institutional housing units as not unlike those in the rest of the world: these are interactional spaces in which complex social dynamics promote the further victimization of an already vulnerable population. Whether in prison, at the gym, or on the subway, women are to some degree vulnerable to coercion and violence and they struggle with power imbalances, dependence, fear, and barriers to seeking help. In a prison, however, they cannot, by design, exit the institutional context as one strategy for enhancing their own safety (but see Messinger [2017] on the "trapped victim").

It also requires an open acknowledgment that sex does occur in prison despite institutional prohibitions against it. As Jacobs (2009, p. x) succinctly explained in his foreword to *The Myth of Prison Rape*: "There is a lot of sex in prison. Like sex outside of prison it ranges along a number of continua, from wholly voluntary to wholly involuntary, from mutually fulfilling to asymmetrically manipulative and exploitative." Our data reveal support for this assertion, which runs directly counter to the correctional logic that sex in prison is nonexistent by virtue of being forbidden and that if and when sex does occur in prison, we can clearly discern consensual and nonconsensual sex (cf. Borchert, 2016).

Our findings reveal a range of sexual activity among transgender women and the men with whom they partner in prison in the context of relationships characterized by consent, compliance, ambivalence, and appeasement. These findings do not indicate that most men in prison are violent or sexual predators; the scope of this research is limited to the experiences of transgender women and makes no claims about the men with whom they share carceral space and from whom they experience victimization. Perhaps remarkably, given the extreme context of deprivation and circumscribed freedoms of prison, most prisoners, most of the time, refrain from violence or sexual aggression of any kind. This makes it all the more critical to understand the dynamics surrounding victimization when it does occur,

¹⁵At the federal level, both the Federal Bureau of Prisons (BOP) and the Immigration and Customs Enforcement (ICE) adopted guidelines on the treatment and care of transgender prisoners and detainees that include housing according to gender identity as one option to consider for placement (McLemore, 2018; U.S. Immigration and Customs Enforcement, 2015). Notably, in 2018, however, the BOP revised its manual reverting back to biological sex as the primary consideration for placement instead of gender identity.

and the ways in which it is patterned by larger social forces in the context of women's lives. Doing so invites us to ask about much more than housing.

It invites us to look beyond correctional logics to ask questions about prison cultures in general, the role of prisoner violence as social control, the degree to which punishment extends far beyond putting someone behind bars, and how consent is constructed within institutional spaces and then experienced by the very people who inhabit those spaces and, in the case of prisoners, do their best to navigate a harsh environment. Answers to those questions require understanding the social organization of gender and victimization in a markedly male-dominant environment in which consent is questionable and coercion is guaranteed.

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