



'We do not exist anymore': New prison rules ban female clothing for trans women

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A sign for the Department of Justice Federal Bureau of Prisons is displayed in the Brooklyn borough of New York, July 6, 2020.

Mark Lennihan/AP

Transgender women in federal prisons are being told to hand over any female-identifying clothing and other commissary items, like women's razors and hair care, according to a new Bureau of Prisons policy obtained by NPR.

The new rules are being implemented after an executive order from President Trump called on the bureau to move trans women out of women's federal prisons and end gender affirming care. That order is facing at [least two challenges](#) in federal court and late Tuesday, a judge in Washington, D.C., in one of the cases temporarily blocked the removal of three transgender women from a women's prison.

NPR obtained a copy of the new clothing policy, dated Feb. 3, that was shared with inmates of FCI Seagoville, a low-security men's institution in a Dallas suburb. It's unclear how this policy is impacted by Tuesday's order.



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Trans community fears Trump's actions will upend legal precedent on prison protections

The rules pose a significant change for the incarcerated trans community.

"In here, we do not exist anymore," said one trans inmate at Seagoville prison in a voice note shared with NPR. "We are dodos." She spoke to NPR on condition of anonymity because she feared for her safety.

She said tearfully that as of Tuesday morning trans women were instructed to hand over their female clothing and were to be given male clothing. Providing gender-affirming clothing for individuals suffering from gender dysphoria (the deep discomfort caused by a mismatch between a person's assigned sex at birth and their gender identity) is [considered a critical component](#) to treating the condition.

An employee at Seagoville confirmed to NPR that this was a policy change passed down to all federal prisons with trans inmates. The person spoke on condition of anonymity because they were not authorized to talk to the media and feared retaliation. It was not a policy crafted by Seagoville staff or officials, this person said.

The Bureau of Prisons didn't respond to NPR's questions.

■ [Trump says U.S. policy will only recognize two genders](#)

The new policy also cancels trainings that "inculcate or promote gender ideology or have done so in the past," and disbands any group programs that "promote gender ideology," including group therapy sessions.

It also ends the "transgender visual and pat search exception" that had allowed trans inmates to request a guard who aligns with their gender identity.

The White House has defended its changes as an effort to protect women and to "safeguard women's spaces from biological men."

Some cisgender female prisoners have opposed allowing trans women into female prisons, saying they worried about their safety, and they have challenged the policy in federal court.

But lawyer Kara Janssen, whose law firm represented the three transgender women challenging the executive order, says this effort has only sowed chaos and fear.

NPR shared with Janssen the latest rule changes. She called it, not only a violation of various federal statutes including the [Prison Rape Elimination Act \(PREA\)](#), but "mean and spiteful."

"It's stripping away their identities," she said adding, "It's going to create less safe environments for everybody."

Tuesday's order included criticism from the judge, who said it was hard to conceive of how it served the public interest.

Janssen applauded the judge's order, saying "Trump's Executive Order is motivated by hate and fear, not by logic or actual need, and we are thrilled the Court saw it for what it is."

BOP causing fear and chaos, Janssen says

Janssen says she and her legal team have been trying to get answers on new guidance and policies being introduced at BOP as their legal cases proceed.

"The information that we've been getting [from BOP] is that no guidance is issued when obviously guidance is being issued. And the impact on our clients and on all transgender individuals in BOP is really horrific," she said. "People that we've spoken to who are transgender and who are in custody are terrified. They're terrified that they're going to lose things that they had to fight years for."

Other lawyers representing incarcerated trans people [say they have heard](#) from their clients that people have been moved to isolated housing units in some facilities as they await removal to a facility that aligns with their sex at birth.

[The Guardian also reported](#) that trans women in Carswell, a women's federal prison in Fort Worth, Texas, were recently roughly removed from their cells and placed in isolation. The report also said that they have been warned their gender affirming care, like hormone treatments, will end all as part of Trump's executive order.

The Seagoville employee said their prison has yet to receive any guidance from BOP on bigger plans to stop gender affirming medical treatment or to prepare to move any prisoner to isolation or elsewhere.

The employee said officials at Seagoville have tried to be compassionate and communicate with the prison's 60 or so trans inmates as much as possible about more proposed changes.

"There's definitely understanding of the impact, psychologically, on these offenders and there's utmost care to try to make it as smooth of a transition as can be," the employee said.

transgender



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