

Transgender and Non-binary Prisoners' Experiences in England and Wales

With sensitivity and intelligence, Olga Suhomlinova and Saoirse O’Shea skillfully present first-person accounts provided by transgender and non-binary people, historical and policy analyses, and insightful assessments of conditions of confinement for transgender and non-binary people incarcerated in estates in England and Wales. This book works on multiple levels: it honors diverse voices of the transgender and non-binary people who shared their biographies and experiences of imprisonment through lengthy correspondence with the authors, demystifies prison life as lived by transgender and non-binary people, and interrogates how gender infuses prison regimes and how prison policy and practice encode gender. It recognizes the humanity of transgender and non-binary people who are incarcerated by leading with their candid accounts and putting them in the context of correctional policy and practice. For these reasons, this book should be read by researchers, teachers, politicians and other policymakers, activists and advocates, and others interested in learning important lessons about the nexus between gender diversity and the carceral state in England and Wales – and beyond.

—**Valerie Jenness**, *Distinguished Professor, University of California, Irvine, and President of the American Society of Criminology (2024)*

My expectations have been exceeded, this is an outstanding book, rich, complex and engaging ... [I]t is beautifully written, and a joy to read ... Some of the letters and analysis are some of the best I have read relating to experiences of prison, trans or otherwise ... [A] chapter relating to non-binary experiences is of great significance given the lack of literature in this area ...

I read a lot of work in this area, and [the] book is outstanding in this field, I suspect that this is going to set the tone for many years to come ... I hope this important book gets the reception it deserves, it is going on all of my reading lists for sure.

—**Matt Maycock**, *Senior Lecturer in Criminology, Monash University*

Project participants’ reactions to the book

A very accessible piece of work ... [T]he participants’ words shine out, giving a very clear picture of reality not matching what’s supposed to happen. [As for the chapter on non-binary prisoners] I could not have wished for a better write-up of all the issues. The conclusions ... are very well considered ... The Recommendations ... suggest what should be achievable in the short to medium term, rather than looking to some sort of utopian vision ... Very wise.

—**Wildgoose (a non-binary prisoner)**

‘Wow’, what a read, as the old saying goes, ‘You didn’t miss and hit the wall’. I found it powerful and impactful ... Thank you for quoting us word for word. I for one believe it has given, not just myself and the other participants a voice, but a voice to all trans prisoners in the male estate ... Reading the stories from the other trans participants was bitter sweet as their experiences nearly mirrored mine

and I felt solidarity at not being alone ... but I also felt sorrow that they are having to undergo the same treatment. My hope would be for your/our book to be read in every prison and by the powers that be so that positive change can come about sooner rather than later.

—**Jess**

Thank you for highlighting the plight of transgenders in prison. I found the manuscript very informative and well put together. I believe it will change perspective of those people who have formed a judgement based on what they've read in the newspapers and open the eyes of those people oblivious to the goings on in prisons. I actually learnt a bit myself from reading it which is no mean feat considering the length of time I've been on the transgender pathway in prison ... So once again THANK YOU.

—**Jerika**

I feel you have done justice to our experiences and the subject matter, you have tackled the issues really well, compassionately, with care and sensitivity. I hope you feel pride ... it's a great piece of work.

—**Hotaru**

Wow! What can I say about the manuscript you sent me other than Wow. Anyone who reads it will realise how detailed the research is that went into [it]. You haven't relied on just the responses that we gave but have found similar fact evidence and support for the responses ... I've already stated to both the Head of Psychology and my Prison Probation Officer that if they really want to truly understand transgender prisoners ... they should invest in buying the book ... I've read a lot of books on being transgender, and while most say more or less the same thing, your [book] goes a lot further in that it tackles the raw realities of everyday life for transgender prisoners. HMPPS should really take a hard look at what your research has revealed and take on board the real message of what's needed to change things for the better

—**Poppy**

My initial impression is that you've managed something magical. I predict that you'll (& we'll) be quoted for decades because you have captured more than most – both more broadly & more accurately. Thank you and well done [...]

You've managed to balance so much:

- You've given prisoners a voice whilst protecting victims through a novel system for Anonymity that keeps our personalities
- You've explained the realities that challenge staff & the establishment with underfunding, etc., without excusing it
- You've avoided appearing to target certain prisons, people & remained neutral – this shouldn't anger any group – a difficult balance

- You’ve given a “prison primer” that easily lays out realities like PSIs & Ordering processes that even specialist prison books struggle to lay out - by coming from outside “the system” you’ve not overlooked things (like post delays) that most authors consider too obvious to mention
- You’ve not captured a prison - you’ve documented the bizarre diaspora of the estate with all its inexplicable variances
- ... and you’ve done all the above, for all prisoners, before targeting into gender identity - this book will help more than just the Ts & LGBs - you’ve set a framework for future study
- You already know you’ve done well with the gender stuff [...]

Lastly – just thank you again. If I only helped with this, my time inside is not an entire waste.

—Fayth (a non-binary prisoner)

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BY

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INVESTOR IN PEOPLE

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List of Abbreviations

ACCT	Assessment, Care in Custody and Teamwork
CM	Custodial Manager
DIY	Do It Yourself
DTC	Democratic Therapeutic Community
EAT	Employment Appeal Tribunal
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EHRC	Equality and Human Rights Commission
GAS	gender-affirming surgery
GDPR	General Data Protection Regulation
GIC	Gender Identity Clinic
GP	General Practitioner
GRA	Gender Recognition Act
GRC	Gender Recognition Certificate
HMP	Her/His Majesty's Prison
HMPS	Her/His Majesty's Prison Service
HMPPS	Her/His Majesty's Prison and Probation Service
HMIP	Her/His Majesty's Inspectorate of Prisons
HRT	hormone replacement therapy/treatment
IEP	Incentives and Earned Privileges
IPP	Imprisonment for Public Protection
MOJ/MoJ	Ministry of Justice
NHS	National Health Service
NOMIS	National Offender Management Information System (also known as prison-NOMIS and p-NOMIS)
NOMS	National Offender Management Service
OHCHR	Office of the United Nations High Commissioner for Human Rights
OASys	Offender Assessment System

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PAS	Prisoners' Advice Service
PAVA	pelargonic acid vanillylamide
PPO	Prison and Probation Ombudsman
PRT	Prison Reform Trust
PSI	Prison Service Instruction
PSO	Prison Service Order
PF	Policy Framework
SO	Supervising Officer
SOTP	Sex Offender Treatment Programme
SPOC	Single Point of Contact
VPU	Vulnerable Prisoner Unit
WEC	Women and Equalities Committee
WPATH	World Professional Association for Transgender Health

About the Authors

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Suhomlinova, O., Ayres, T. C., Tonkin, M. J., O'Reilly, M., Wertans, E., & O'Shea, S. C. (2022). Locked up while locked down: Prisoners' experiences of the COVID-19 pandemic. *The British Journal of Criminology*, 62, 279–298.

Suhomlinova, O., O'Reilly, M., Ayres, T. C., Wertans, E., Tonkin, M. J., & O'Shea, S. C. (2023). "Gripping onto the last threads of sanity": Transgender and non-binary prisoners' mental health challenges during the Covid-19 pandemic. *International Journal of Mental Health*, 52, 218–238.

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Chapter 1

Introduction

This book is about two minuscule minorities in men's prisons: one highly visible, the openly transgender women prisoners, and another – semi-visible, non-binary prisoners.

It is based on a project we conducted with transgender prisoners in England and Wales through correspondence – exchanging letters with those who volunteered to take part. With some, the correspondence lasted a few months; with others – over 3 years, as we postponed, again and again, completing the study. We started in the summer of 2019 and planned to finish in early 2020. We finally drew the line in late 2022 ... or was it 2023 already?

This book is as much a product of transgender women and non-binary persons who participated in our 3-year-long project as it is our own. We have laboured together at developing an understanding of trans experiences in the English prison system. As neither of us, authors, has a background in penology or ever set foot in prison, we did read up on transgender prisoners and prisons generally prior to embarking on the project. Yet, we were acutely aware that this bookish knowledge would not get us far and confessed as much to our correspondents, asking their forgiveness in advance for our naiveté, potential blunders and incessant questions that followed. We also invited them to contribute their own questions for the project – and many did, some offering new themes and others producing veritable questionnaires for us on topics ranging from sexual relations to hair and beauty.

This book is as much about prisons as it is about transgender prisoners. It reflects the reality that transgender and non-binary prisoners share with the rest of the prison population – the daily routine, prison regulations, food, 'shopping' through the canteen and catalogues of approved suppliers of clothing, cell design and furnishings, toilet and showering arrangements, and so on. We tried to convey the atmosphere of prisons through various details. We tried to present as much as possible using the participants' own words – not just to make it 'authentic', but because the tales of experiences we reproduce here are best heard in the voice of their authors. We are not 'giving voice' – we are just helping the voices to be heard. Yet, we know that we only speak of the experiences of those who have 'come out' – to the prison, to us – and there may be others.

The Context

We were writing this book at the time of a mounting anti-trans hysteria in the British media. *The Times*, a barometer (or dictator) of centrist attitudes, was publishing at least one transphobic article a day.

In November 2021, when we started writing this introduction, a representative sample of its online edition's headlines for one week was as follows:

On Monday, 'Trans-row professor Kathleen Stock [was] backed by [the equalities] minister Kemi Badenoch', who spoke against transgender self-identification (1 November 2021). (Oddly, she was also quoted saying that 'there should be a process to get a gender recognition certificate, and the process does mean involving medical professionals as well'. There is a process, instituted in 2004, and the equalities minister should be aware of that, and the problems that plague it.)

On Tuesday, 'BBC reject[ed] complaints over article on trans women pressuring lesbians into sex' (2 November 2021).

On Wednesday, the readers were told that Prof Stock "'fled university hyper-ventilating" amid transphobia row' and that Stonewall, the organisation providing diversity training on LGBT matters, was 'dropped by health department' (3 November 2021).

On Thursday, a primary school in Scotland was lambasted for introducing a 'Wear a Skirt to School' day ('Primary school encourages boys to wear skirts', 4 November 2021), as the story of 'trans row professor' continued to run.

Friday saw another anti-Stonewall article, questioning the value of its programmes advising 'employees how to be positive allies for transgender colleagues' ('Education ministry spent £600,000 on Stonewall schemes', 5 November 2021).

On Saturday, the Ministry of Defence came under criticism for asking its staff to state their preferred pronouns in meetings and email signatures ('MoD tells staff to state name, rank and gender pronoun', 6 November 2021). Even Athena Swan, an accreditation scheme that promotes gender equality in higher education and is renowned for its efforts to close the gender pay gap and improve representation and promotion of women, was branded a 'totalitarian and unlawful' course, allegedly espousing 'a controversial view of sex and gender' ('University gender course offered by Advance HE is unlawful, barrister says', 6 November 2021).

Only one piece ('Young BBC staffers angered by trans story claiming harassment of lesbians', 5 November 2021) was trying for a balanced view, describing the negative reaction towards the article on the BBC website alleging that lesbian women were 'pressured into accepting a trans woman as a sexual partner' – the article that provoked an open letter to BBC management accusing it of transphobia signed by over 20,000 people.

As deeply upsetting as this prejudiced and poorly researched reporting was, it was also puzzling why a group amounting to one percent of population (and not the most rich and powerful, but the most deprived and marginalised one per cent) could be seen as such an immense threat, demanding a non-stop concerted attack of malicious scrutiny and vilification in the media. What hope for a fair representation would a compassionate account of transgender prisoners have amidst this frenzy?

Ironically, other news of the day carried new revelations of sexism in the police, in the wake of abduction, rape, and murder of a woman by a police officer ('Sir Tom Winsor [the chief inspector of constabulary]: Trawl police phones "to weed out the misogynists"', 'Sexist officers disciplined after complaints from staff and public', 6 November 2021), and in the military, following the suicide of a female Sandhurst cadet ('Sandhurst [the military academy] is in the dark ages ... At every military dinner I was groped', 6 November 2021). A fallacy of trying to combat sexism/genderism in one area, while promoting it in another was apparently lost on the journalists and the 'general public'.

The project took a long time to complete, and the book – even longer to write. The only 'good' thing about it was that we could then look at the trend, to see whether things improved over time. They did not.

Here are the selected *Times* headlines from 2024 – and we will not provide a commentary on any of these:

3 April: Maya Forstater accuses trans judge of misrepresenting law.

4 April: Rape crisis centre run by trans woman 'hid sex of its counsellors'.

7 April: Why do schools let children choose pronouns at four, ask parents.

9 April: Rishi Sunak: Allowing children to change gender is 'not a neutral act'.

9 April: Sex-change surgery and surrogacy threaten human dignity, Vatican says.

10 April: Nine key findings from the Cass review into gender transition.

11 April: How charities and web fuelled ten-year rise of gender transition.

We hope this work will help to stem the tide of transmisia.

Caveats

Several caveats follow.

We do not include a separate 'literature review' chapter, as various literatures germane to our exploration are evoked in the relevant chapters.

We do not define – or engage in the debates on – who is a transgender woman, transgender man, non-binary person, etc.

We do not have a grand 'theoretical framework' into which we force-fit our observations and the writings of our correspondents. This might emerge later. For the time-being, we are content with minor conceptual comments on the margins of the letters we received.

4 *Transgender and Non-binary Prisoners' Experiences*

For the most part, we limit our discussion to England and Wales and drift into other countries only when it is unavoidable, or for a quick comparison/contrast. As one of our correspondents queried, rhetorically:

Do you really need to go into detail about research conducted in other countries and prison systems when the plain fact is that they are too different to the UK to be of any practical use for comparison or solutions?

Notes on the Nomenclature

We use the term 'trans' broadly to include both transgender women and non-binary individuals who participated in the project.

On a Personal Note

This project emerged from our – Saoirse and Olga, the co-authors – long-standing friendship and desire to do something for the trans community, of which Saoirse is a card-carrying member, and Olga – nearly. Saoirse is non-binary, and Olga has raised a daughter with a father who is transgender woman. When we put our heads together and thought of 'studying' the problems that transgender people experience, we realised that it would be difficult for us to do a usual 'business school' (our home in our respective universities) thing and study 'people in organisations' by, say, surveying or interviewing them, because finding them and engaging them would be hard. So, we chose an easy way – we went for a 'total institution' (prison) where we would find, ahem, a captive audience.

The project took much, much longer than we anticipated, and the writing of the book – much longer than we originally promised our publishers. The project exploded from within. There was much more that we did not know we did not know, and we had to find out, either by reading the literature or talking to our correspondents.

The whole book was originally supposed to be circa 50,000 words. Towards the end of the adventure, before we took an axe to it, some individual chapters were longer than that.

Day-job commitments (we never had a study leave whilst doing this mammoth work) and life interfered. During this time, our daughters, nearly the same age, started and finished their undergraduate studies, and the global pandemic came and went. Our correspondents got sick and tired of us promising that they would see the manuscript soon, very soon, well, perhaps, not before Christmas, Easter, another Christmas, and so on.

Finally, we just had to finish. First the project and then the book.

In the book, Saoirse is responsible for some of the relationships 'stuff' and non-binary prisoners; Olga – for other things. We share this not only to satisfy the university administrators who would undoubtedly demand to know who did

what, but to explain to the reader the differences in authorial voices and angles in different parts of the book.

Thank You

We are deeply grateful to our correspondents for their generosity, kindness, patience, and passion. They are co-authors of this volume.

Olga and Saoirse

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Chapter 2

The Project (‘Transcending the Bars’)

Introducing the Project

‘We collected the data using the correspondence (letter writing) method’ – a sentence that would be customary, as part of a brief paragraph in the Data and Methods section of an academic journal article – in our case, opens a Pandora’s box.

Getting Data From / Through the Letters

Letters written for non-research purposes (‘naturally occurring’ letters) have been extensively used as data sources in historical, sociological, and literary scholarship for centuries. One of the founding classics of sociology, W. I. Thomas and Florian Znaniecki’s *The Polish Peasant in Europe and America* (first published in 1918–1920), was based on the analysis of 750 letters (Stanley, 2010, p. 140). In contemporary sociology, letters feature in auto/biographical sociology, narrative sociology, sociology of ‘documents of life’, and interdisciplinary epistolary theory (Stanley, 2018). In penology, Rubin (2014, 2017a, 2017b) used the archived prisoner correspondence to reconstruct inmate life in the 19th-century Eastern State Penitentiary; McLennan (2008) drew on letters to the prisoners newspaper *The Star of Hope*, published in New York State since 1899, in her history of the US prison system; and Brown (2014) studied letters to *Transgender in Prison* journal to analyse trans prisoners’ self-harm. Adjacent to this, Maybin (2000) surveyed the US prisoners on death row and their British penfriends to explore the impact of letter writing on their lives and identities.

In contrast, corresponding with a research participant to collect data about them is a more recent (starting with Letherby & Zdrodowski (1995)) and rarely used method, at least in its paper-based form – the few notable (only?) examples being Harris (2002), Kralik et al. (2000), and Rautio (2009). (Email correspondence and ‘in-depth email interviewing’ have been more extensively used and theorised; see, for instance, Brewis (2011, 2014), Dahlin (2021), Fritz & Vandermouse (2018), and O’Connor & Madge (2016).) With one notable exception: carceral context, where the use of letter-writing has been positively plentiful. Note, in chronological order, Alarid’s (2000) harrowing account of sexual coercion in women’s prisons (based on her 5-year correspondence with a jail inmate);

Wilson's (2000, p. 179) analysis of prisoner literacies (based on 300 letters she received in her 8-year correspondence with men imprisoned in England and Scotland); Vannier's (2020) portrait of 'lifers' in California (based on 327 letters; though these were one-off, not quite 'correspondence'), Stamper's (2021) study of ex-convicts' employment prospects (based on 6-month correspondence with 10 prisoners in England and Wales) (also see his chapter on letter writing as a method of qualitative inquiry (Stamper, 2020)); and Maycock's (2021) study of the COVID-19 pandemic in Scottish prisons. Remarkably, two works employed correspondence with transgender prisoners: Harris's (2019) thesis 'Queer in Prison?' (also covering LGB prisoners) and Schreiber Lyssegen's (2015) (non-academic) book 'The Women of San Quentin: Soul Murder of Transgender Women in Male Prison'.

Prisoners and Letters

Letteracy (the word coined by Bannett (2006, p. xvii) to designate various skills, values, and knowledge involved in 'achieving competency in the writing, reading, and interpreting of letters') has been forced on prisoners since antiquity. Despite the dramatic changes in communication technology, letters have been and remain the main (and occasionally the only) way for prisoners to get a word out. Unsurprisingly, therefore, prisoners' letters constitute a large epistolary corpus (or several corpora) of their own. One of the first surviving examples is the four of St Paul's epistles (Ephesians, Colossians, Philippians, and Philemon) written during imprisonment in Rome ca. 61–63. The early modern era in England saw the revival of the prison letter as a major form of prison writing, as well as the publication of the first anthology of prisoner letters in the English language, Henry Bull's (1564) *Certain Most Godly, Fruitful, and Comfortable Letters of Such True Saintes and Holy Martyrs of God*, composed by Protestants imprisoned in Mary I's reign (Freeman, 2009, p. 135).

Many individual missives and letter collections have been published as historical documents and/or literary, political, philosophical, or religious works. Some may have been intended for print: from single letters, such as Oscar Wilde's 50-thousand-word *Epistola: In Carcere et Vinculis* (better known under the editor's title *De Profundis*) to his lover Lord Alfred Douglas (the letter Wilde was not permitted to post, but only to take with him out of Reading Gaol after release), and Martin Luther King Jr.'s open *Letter from Birmingham Jail*, to the book-length compendiums, such as Jawaharlal Nehru's 'rambling account of history for young people' in 194 letters written (but not sent) to his daughter Indira and published as *Glimpses of World History*, and Raymond Suttner's account of the decade he spent *Inside Apartheid's Prison*. Others – such as those by Marquis de Sade, Antoni Gramsci, and Dietrich Bonhoeffer – were collected and published due to the fame of their authors. An epistolary memoir of George Jackson *Soledad Brother* bridges the ordinary and the literary correspondence. The most recent addition to this corpus is the book of correspondence between Nadya Tolokonnikova, an imprisoned founding member of the Russian punk group Pussy Riot, and a Slovenian philosopher Slavoj Žižek (Tolokonnikova & Žižek, 2014) – a rare example of both sides of prison correspondence being presented.