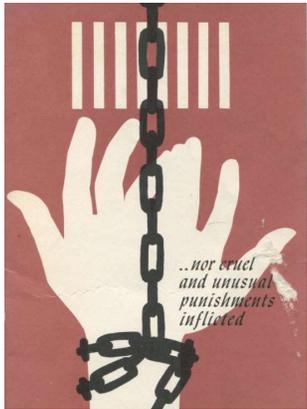


## Legal Implications

### For Prison Staff

Permitting biological males to request, and be granted, the right to be searched by female staff is a violation of women's right to be free of a discriminatory hostile work environment on the basis of sex.

### Harms to Female Prisoners



Already women inmates have been sexually harassed & assaulted by males claiming female identity

housed with them.

**TEXAS:** In 2017, four women prisoners in FMC Carswell (Ft Worth) filed multiple complaints about male prisoners identifying as women housed with them.

One complaint reported:

*These men openly express their sexual desire for the women inmates... in the showers, and bathrooms, while women are partially clothed.*

*[They] expose themselves, intentionally, for their own sexual gratification...*

**ILLINOIS:** In 2019, soon after a male claiming female identity was moved into the Logan Correctional Center, a female inmate alleged she was raped by him, reported the incident, and was pressured by prison officials to deny that it had happened. She subsequently filed a federal lawsuit against prison officials at Logan.

**WASHINGTON:** In 2021, an anonymous employee from the Washington Correctional Center for Women reported to a local radio show that a male claiming female identity with "fully functional male genitalia" and who has "a history of violence and sexual predation" raped a female prisoner.

### Equality Act

The Equality Act is intended to extend civil rights protections on the basis of sexual orientation and gender identity. But rather than creating new protected categories, it conflates these categories with "sex." What that means is that a male who identifies as a woman will be treated as if his biological sex were female.



## Women in Prisons & the Equality Act

### Gender identity and Women

The Equality Act passed in the House on February 25<sup>th</sup> 2021 and is likely to be voted on soon in the Senate.

Both the Equality Act and President Biden's Executive Order 13988 treat biological sex and "gender identity" as equivalent.

The Equality Act will enshrine into federal law the emerging practice of housing males who identify as female in women's prisons.



**Contact your Senator today!**



[USequalityact-women.com](https://usequalityact-women.com)  
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## Male vs Female Offenders

There are significant differences between male and female prison populations and these have remained stable over time. Most incarcerated individuals are male (93% in 2019) and men commit most of the violent and sex crime.

Bureau of Justice statistics report that in 2019 100% of those held in federal prisons for sexual abuse crimes, and 98% of those convicted of such crimes in state prisons, were male. Of those in state and federal prison for murder and homicide, 94% and 93% respectively were male.

In contrast, a majority of women in prison (59%) were convicted of drug trafficking offenses. A 2012 study found that 86% experienced sexual violence prior to incarceration.

*For links to sources for all statistics and studies in this brochure, see our website:*  
<https://usequalityact-women.com/prisons/>

## Male Offenders Claiming Female Identity

Among men claiming female identity, research indicates that better than 85% retain their male genitalia. The 2015 US Transgender Survey reports that a majority retain their sexual interest in women.



Studies of criminality among males identifying as female indicate patterns of offending similar to other males. Ex:

- **Sweden** – males identifying as female who had gender reassignment surgery “retained male pattern criminality.”
- **UK** - Male prisoners identifying as women were found to have committed significantly more violent crimes and sex offenses than females, just like other males.

## Legal Implications

### For Women Prisoners

Housing biological males with female prisoners potentially violates:

- **Eighth Amendment** rights of women prisoners due to:
  - >excessive risk to women prisoners’ health and/or safety which prison officials have a duty to reasonably protect;
  - >invasion of bodily privacy (shared showers & bathrooms; intimate searches by male staff identifying as women);
  - >degradation of women’s dignity (voyeurism & sexual harassment);
  - >arbitrarily inflicting a severe punishment (potential sexual harassment or assault).
- **United Nations Standard Minimum Rules** -
  - >Rule 11 – calls for separating prisoners by sex.
  - >Rule 52 – intrusive searches to be conducted by same sex staff.
- **Geneva Conventions** – mandates same sex supervision & sex-segregated housing and sanitary conveniences for prisoners.