

July 17, 2023

Governor Gavin Newsom
1021 O Street, Suite 9000
Sacramento, CA 95814

Dear Governor Newsom,

We write to seek your leadership in addressing the current and historical harms perpetrated against people who are 2SLGBTQ+, particularly those who are transgender and nonbinary, including Indigenous Two-Spirit people, and are currently in the custody of the California Department of Corrections and Rehabilitation (“CDCR”), in prisons across the state occupying land dispossessed from Native people. The signatories to this letter are a coalition of organizations and individuals who advocate for and represent transgender people, inclusive of nonbinary people, inside California state prisons. We have experienced or borne witness to the mistreatment and discrimination transgender people endure in California state prisons, as well as the disparate laws, policies and practices that create nearly insurmountable barriers to release for transgender people in State custody. Given the historic discrimination transgender people have faced in the criminal legal and carceral systems, we are asking you to use your authority to create equitable pathways for release.

I. Lifelong discrimination against transgender and gender nonconforming people leads to disproportionate involvement with the criminal legal system.

Incarcerated transgender people’s experiences of discrimination and societal exclusion lead them to engage in acts of survival which thrust them into the system of mass incarceration. The term “discrimination-to-incarceration pipeline” aptly describes the experiences of so many transgender people currently incarcerated across the country.ⁱ The consequences of the discrimination-to-incarceration pipeline are deadly serious, with the burdens falling most heavily on transgender women of color.ⁱⁱ

Family Rejection, Child “Welfare” Involvement, and Homelessness:

Societal contempt for transgender people and the ways transgender people disrupt the gender binary are at the root of the discrimination-to-incarceration pipeline. An estimated fifty-seven percent of trans people have experienced rejection from their families of origin.ⁱⁱⁱ Trans youth enter the family regulation system^{iv} at disproportionate rates due to challenges they encounter with family acceptance; once there, they go on to experience shocking amounts of gender-based harassment, discrimination, and abuse.^v Taken together, family rejection and family regulation system participation leads to staggering rates of trans homelessness.^{vi} After family rejection, trans youth from the American South

and rural communities across the country often migrate to large urban centers like Los Angeles and San Francisco in search of safety; yet once there they often face even more perilous conditions.^{vii} Foster youth are twice as likely to indicate that they have engaged in sex work in the past five years than nonfoster youth.^{viii} Unsurprisingly, trans people of color experience all of these harms at the highest rates.

School-to-Prison Pipeline:

Trans people also enter the discrimination-to-incarceration pipeline through schools, with approximately three-quarters of trans people of color experiencing some form of gender-based harassment or bullying.^{ix} These experiences include verbal harassment (fifty-four percent), physical assault (twenty-four percent), and being prohibited from wearing gender-affirming clothing (fifty-two percent).^x Rates of discrimination and harassment in schools are highest among trans people of color.^{xi} Instead of providing support, school staff often turn to disciplinary measures to address trans people's responses to the harassment and bullying. In a survey of approximately 1800 LGBTQ+ people who had school security in their schools, approximately one in three (31.0%) reported they had been verbally harassed, 14.1% reported they had been physically assaulted, and nearly one in ten (9.2%) reported they had been sexually assaulted by school security.^{xii} Research also confirms that trans youth of color are substantially more likely to experience school discipline than their white peers in ways that thrust them into the school-to-prison pipeline oft-discussed in social science literature.^{xiii} Trans youth are three times more likely to drop out of school without obtaining a high school diploma because of the extent to which schools are inhospitable. These rates are also highest among trans people of color.^{xiv} Anti-trans bullying leads trans students to experience high rates of depression, substance abuse, and, in some instances, suicide.^{xv} These trends are likely to worsen as states across the country introduce and pass bills targeting trans children.^{xvi}

Discrimination in Employment, Housing and Healthcare:

Transgender people are also disproportionately subjected to unconscionable discrimination in employment, housing and healthcare. In 2020, the Supreme Court clarified discrimination against trans people in the workplace is a prohibited form of sex discrimination under federal law, and California law has explicitly barred employment discrimination based on gender identity and gender expression since 2012.^{xvii} However, employment discrimination against trans people remains rampant today, especially among trans people of color.^{xviii} The challenges that trans people of color face finding adequate work have led to unemployment rates that vastly exceed the national average and have fueled participation in criminalized economies (i.e., economic activities like sex work that are subject to criminal penalty) as a means of survival.^{xix}

Housing discrimination against trans people also resembles employment discrimination insofar as it is often blatant, and frequently occurs when individuals are outed as trans by their identity documents or during the background check process.^{xx} Like most forms of anti-trans discrimination, rates of housing discrimination and instability are even more pronounced among trans people of color, with nearly half (forty-nine percent) of Black trans women reporting incidents of housing discrimination, followed by just under forty percent of trans women who are Indigenous, multiracial, or Latine.^{xxi}

As scientific research confirms, gender-affirming healthcare is a survival necessity for people in the trans community. The high cost of gender-affirming healthcare coupled with the absence of consistent coverage drives some trans people to participate in criminalized economies in order to pay for their healthcare needs.^{xxii} Others may resort to seeking gender-affirming healthcare from unlicensed providers (who are, at times, community members themselves), even though doing so can endanger their lives.^{xxiii} State and federal legislative proposals seeking to restrict or even criminalize trans healthcare access are poised to contribute to these worrisome trends by making gender-affirming healthcare even less accessible in other states, leading those in need to seek care in places where it is more accessible, like California.^{xxiv}

Hate-Based Violence:

Discrimination against trans people often takes lethal forms.^{xxv} The Federal Bureau of Investigation's 2018 Hate Crime Statistics indicated that 85.6 percent of hate crimes committed on the basis of gender identity were motivated by an "antitransgender bias."^{xxvi} Trans people face disproportionate rates of assault, intimate partner violence, and even murder, with trans women of color—particularly Black trans women—invariably the most at risk.^{xxvii} The United States has experienced an uptick in violence against trans people in recent years.^{xxviii} The year 2021 was the deadliest year on record for trans people in the United States, with more than fifty homicides reported, and the victims were primarily women of color.^{xxix} In March 2023, the Lemkin Institute for Genocide Prevention issued a Red Flag Alert for Genocide against transgender people in the United States.^{xxx}

Policing:

Trans people are also policed and criminalized at disproportionate rates, increasing their contacts with the criminal legal system and their likelihood of ending up in prison. According to the 2023 California Racial and Identity Profiling Advisory Board Report, people perceived to be transgender were stopped by law enforcement officers for loitering violations at a rate of four times higher than the overall proportion of stops for loitering.^{xxxi} Stopped individuals perceived to be transgender were also significantly more likely to have had actions taken towards them during their stops.^{xxxii} For example, people

perceived to be trans men/boys had the highest rate of being searched and detained curbside or in a patrol car, and individuals perceived as transgender women/girls had the highest rates of being handcuffed and being removed from their vehicle by order.^{xxxiii}

Furthermore, LGBTQ+, particularly LGBTQ people of color, are targeted and treated extremely poorly by the police.^{xxxiv} In a survey of over 2500 LGBTQ+ and/or people living with HIV, nearly half (45.2%) who encountered the police face-to-face indicated they experienced misconduct, such as being accused of an offense they did not commit (31.2%), being verbally assaulted (25.1%), or being sexually harassed (13.4%).^{xxxv} Unsurprisingly, people of color (57.6% vs. 37.0%, OR=2.31), particularly those who were Black (71.3% vs. 40.2%, OR=3.68) and those who were transgender, gender nonconforming or nonbinary (55.7% vs. 40.0%, OR=1.89) were more likely to indicate that they experienced police misconduct.^{xxxvi} In addition to these forms of misconduct, 34.0% of participants who had face-to-face contact with police were searched by them. Of those who experienced misconduct, one-third (33.3%) reported the misconduct to another police or law enforcement officer, official, or monitoring board. Of those, less than half (46.6%) had their complaint fully addressed. Just 12.2% who knew the status of their claim had seen the officer's actions found to be improper and disciplinary action taken against the officer, while 13.3% had withdrawn their complaint, 31.7% had their claim dismissed, and 13.3% indicated that the officers had been cleared.^{xxxvii}

Courts:

For many transgender people, the courts are simply another place where they are mistreated, face discrimination and have their privacy violated. Studies have found a high prevalence of discrimination and harassment directed at LGB people in courts.^{xxxviii} In 2015, the largest national survey of transgender and nonbinary people, with over 27,000 respondents, conducted by the National Center for Transgender Equality, found that 13% of respondents who visited courthouses over the previous year experienced discrimination or harassment by court staff based on knowledge or belief that they were transgender.^{xxxix}

In addition, studies have shown that bias and prejudice can influence jurors' decisions in all types of cases involving LGBTQ+ people.^{xl} Those who had been to court described many instances of judges or lawyers encouraging them to keep parts of their identities hidden. In several cases, it was unclear if lawyers were trying to protect their clients from the potential bias they might have experienced if their HIV status, trans status, sexual orientation, or other details were made public, while at other times, participants were told to keep that information to themselves out of disgust from the court staff.^{xli}

Incarceration Rates:

All of these factors lead to disproportionate rates of incarceration for LGBTQ+ people, especially Black transgender people and transgender women. Nearly one in six transgender people (16%) (including 21% of transgender women) have been incarcerated at some point in their lives—far higher than the rate for the general population. Among Black transgender people, a shocking 47% have been incarcerated at some point in their lives.^{xlii} According to CDCR, of the roughly 94,800 people currently incarcerated in California prisons, 1,755 identify as transgender, non-binary and intersex.^{xliii}

II. Transgender people are subjected to discrimination and poor conditions once they are incarcerated resulting in insurmountable obstacles to release for many.

The disparate and violent treatment of transgender people in the community that leads to incarceration is further amplified once they enter the penal system. Prison systems across the United States do immeasurable harm to all who are forced to interact with them, but trans people suffer especially acutely due to high rates of physical and sexual violence, discrimination, retaliation, and frequent denial of gender-affirming mental and physical health care.^{xliiv} Despite efforts at reform in California, trans people in state prisons continue to experience severe neglect, isolation, and abuse.

Seeking Safety in Housing While Incarcerated:

Once incarcerated, most transgender people continue to endure placement in facilities congruent with their sex assigned at birth but not with their gender identity, despite Senate Bill 132 of 2020, which was intended to stop this practice.^{xliiv}

The experiences of transgender people in custody are almost uniformly more difficult than other people in custody. Their “otherness” is used as a weapon against them by fellow people in custody through intimidation and violence (including sexual) and by prison staff through neglect, ignorance, bias and retaliation.^{xlivi} Transgender women are particularly vulnerable to extreme violence in men’s prisons. They are 13 times more likely to be sexually assaulted than other people incarcerated in men’s facilities.^{xlii} Trans people in prisons and jails are over five times more likely than the general population to be sexually assaulted by facility staff and over nine times more likely to be assaulted by other prisoners.^{xliiii} Almost 1 in 4 respondents to a national survey reported being physically assaulted by staff or other prisoners; 1 in 5 reported being sexually assaulted.^{xliix} When transgender and nonbinary people report fears for their safety or actual physical and sexual assaults, even those perpetrated by others in custody, they often face relentless retaliation from custody staff.^l Incarcerated individuals are subjected to coercion, retaliation, and intimidation from officers in the form of false rules violations, excessive and humiliating searches, and

unjustified seizures of personal property.^{li} Even the small number of transgender people who have successfully secured transfer in recent years from men's to women's prisons in California continue to report to us that they are enduring severe and pervasive staff misconduct of this kind.

Transgender women are vulnerable to becoming commodities in underground economies on men's prison mainlines, forcing them to seek alternative housing in segregation or on Sensitive Needs Yards ("SNY").^{lii} Recently, under former Secretary Diaz's leadership, people previously classified to SNY have been reintegrated back into the general population, increasing the likelihood transgender women will face violence from other incarcerated people.^{liii} As a result, "safe" housing for many transgender people often means isolation. Amidst pressure from other people in custody and to escape the abuses they experience on the mainline, transgender people often commit rules violations with the express purpose to be housed in isolation as a means of safety. However, transgender people are not actually safe in isolated and segregated housing.

The United Nations condemns long-term solitary confinement as torture, yet it is common for U.S. prisons to use punitive solitary confinement cells to isolate transgender women.^{liv} Research shows that deprived of a sufficient level of social stimulation, individuals soon become incapable of maintaining an adequate state of alertness and attention to their environment. Indeed, even a few days of solitary confinement will shift an individual's brain activity towards an abnormal pattern characteristic of stupor and delirium.^{lv} When reviewing transgender people's custody records, we often find they spend months, even years in solitary confinement for alleged "security and management concerns" or because they "are a danger to the safety and security of the institution." Many transgender people also end up in acute psychiatric units, psychiatric segregation units and mental health crisis beds due to mental health symptoms associated with gender dysphoria and long-term solitary confinement. In these units designated for psychiatric care, people are stripped of their clothes and property, often in response to reports of suicidal ideation or attempts. These environments prohibit the use of razors and access to property, including gender affirming items, which often leads transgender women to suffer increased distress and decompensation. Supportive mental health practitioners are also retaliated against by custody staff and constrained by CDCR rules and regulations, unable to provide the affirming care and resources transgender people need.^{lvi}

Black and Pink National's Coming Out of Concrete Closets report found that detained LGBTQ+ people and people living with HIV experienced additional harms. For example, "78% of transgender, nonbinary gender, and Two-Spirit respondents experienced emotional pain of hiding their gender identity during

incarceration throughout their interactions with the criminal legal system^{lvii} Additionally, the pervasive use of solitary confinement has harmed many detained LGBTQ+ people. The report found that “85% of respondents have been in solitary confinement at some point during their sentence; approximately half had spent 2 or more years there. Altogether, respondents had spent a total of 5,110 years in solitary confinement”.^{lviii}

Disparate Access to Work, Education and Programming in Prison:

The constant struggle to seek safe housing prevents transgender people from maintaining work, education and other programming while incarcerated. Transgender people in prison also experience significant discrimination in prison jobs and education. Most jobs and educational opportunities require transgender people to pass through boundaries that require them to be searched in front of multiple officers and other people in custody. Officers use these opportunities to humiliate and shame transgender people, as well as deter them from participating in prison rehabilitation opportunities.^{lix} Transgender people often report that other people in custody won't allow them to serve them food or work in the kitchen, which are often some of the highest-paying jobs in prisons.

Disparate Impact of Carceral and Transgender Experiences in Access to Parole and Clemency:

The parole process is also particularly challenging for transgender people, in part because of explicit and implicit bias from Board of Parole Hearings Commissioner and attorneys, as well as other factors that significantly diminish transgender people's opportunities for release.^{lx} Commissioners often inquire of the transgender person whether their identity and the struggles they face because of it makes them a poor candidate for parole.^{lxi} Finding appropriate transitional housing is extraordinarily challenging for transgender individuals, yet parole commissioners rely heavily on this factor in their parole determinations. Researchers have urged commissioners to de-emphasize the factor of having secured housing and, instead, work with transgender parole seekers to identify proper placement in the community after parole has been granted.^{lxii} Furthermore, forensic risk assessments often justify ascribing characteristics such as “deceitful” and “manipulative” to people solely based on a person's transgender identity. These purported characteristics increase a person's scores on measures that incorrectly predict risk of violence and recidivism.

Rehabilitative efforts are heavily weighted in parole, resentencing and clemency decisions. Yet, transgender people are precluded from accessing the same opportunities as others in prison because they face nearly insurmountable obstacles to maintain positive prison records and access rehabilitative services, many of which are not available to people held in isolated “protective” settings. As noted above, transgender people also disproportionately incur rules

violations in prison, often due to their own efforts to seek safety in the face of harassment and violence and because of staff bias. Due to all the reasons explained above, transgender, nonbinary and intersex people have a much more difficult time meeting the discretionary thresholds for release due to the disproportionate targeting and violence they experience prior to, and during incarceration. As a result, transgender people in our networks are serving much longer and harsher sentences than other people in custody. Moreover, although your office announced an initiative to pardon LGBTQ Californians in February 2020, only one living person has benefited.^{lxiii}

Failure to Properly Implement SB 132:

Many of the undersigned were also cosponsors or official supporters of SB 132 of 2020, the Transgender Respect, Agency, and Dignity Act. Through SB 132, we intended to enable transgender, nonbinary and intersex (“TNI”) people in prisons the agency to equitably access rehabilitative opportunities (e.g., programming, education, work, mental health services) and housing so they could have the same opportunities to pursue release as their cisgender peers. Sadly, what we have learned since SB 132 became law is that CDCR officials have misused the law to perpetrate more harm toward TNI people in their custody. Implementation failures, and specifically failure to meaningfully hold CDCR staff accountable for their abuse of TNI people, has served to expand the gross injustices and disparities TNI people experience in prison. Since SB 132 took effect, TNI people’s avenues toward release have been further hindered and many have suffered additional physical and psychological harm.

Since SB 132 went into effect on January 1, 2021, CDCR has failed to transfer hundreds of TNI people who have requested transfer from facilities designated for men to facilities designated for women. According to CDCR’s Senate Bill 132 FAQs (“SB 132 FAQ”)^{lxiv}, as of May 29, 2023, 353 TNI people had requested to be transferred to facilities designated for women from facilities designated for men. Of these, 51 had been approved, 24 had been denied and 39 allegedly changed their minds, leaving approximately 239 people still waiting for their requests to be processed by CDCR.^{lxv} CDCR has only received 9 additional requests for transfer since June 2022 and they have only processed 21 requests resulting in only 9 more approvals and 12 more denials since then. As of May 29, 2023, there had been 16 requests by TNI people who are living in institutions designated for women. All those requests are still under review by CDCR and nearly all of them have been awaiting review for over a year.

Recent data shared through a California Public Records Act (“CPRA”) request reveals significant racial disparities in how requests for transfer are being processed and granted, illustrating the intersectional impact on historically marginalized people. (See Attachment A). The data CDCR provided indicates that approximately 72% of transfer requests have been made by Black,

Indigenous, People of Color (BIPOC) while 24% have been made by white people. From February 2021 to August 2022, approximately 6% of BIPOC and 20% of white people who requested transfer were granted a transfer under SB 132. From June 2021 to August 2022, the disparity between BIPOC and white people who requested and were granted transfers dramatically increased with 10% of white people's transfer requests granted while just .1% of BIPOC transfer requests were granted.

CDCR has also issued 19 denials. Most were denials of requests by BIPOC people. As of December 2022, CDCR was only reviewing 3 requests for transfer, all of which were from people identified as white. Further, approximately two-thirds of the white people who have transferred under SB 132 were transferred to the Correctional Institute for Women (CIW) or Folsom State prison, lower security facilities, while more than two-thirds of BIPOC remain at CCWF, the highest security facility designated for women.

TNI people who were not among the first ten or so transferred to women's institutions in early 2021 have been required to take a class entitled "Right Person, Right Prison." Those who have attended the classes contend that class facilitators are ignorant of transgender people and their experiences, and that some act outright threatening and harassing toward transgender people^{lxvi}. Furthermore, there is no credit for attending or completing the course that would go to support a person's bid for parole, earlier release or resentencing. Despite this course being required to transfer and despite hundreds of TNI people in custody having completed the course, very few people have transferred since the class requirement was implemented two-years ago.

Among those who did transfer to facilities designated for women when the law initially went into effect in early 2021, multiple Black transgender women have spent nearly the entire last two years in isolation. The targeted attempts to force them back to facilities designated for men are well documented, as are the severe and deleterious effects on their mental health due to prolonged isolation. It is also well documented that nearly all their placements in isolation were at least partially due to alleged violations of an existing law similar to those on the books in California 50 years ago and for which your office is currently granting clemency for LGBTQ+ people: Cal. Code Regs. tit. 15 § 3007: Sexual Behavior.^{lxvii} As a result of prolonged isolation, transgender, nonbinary and intersex people in gender congruent facilities are being further prevented from accessing any avenues toward potential early release.

III. The Governor's Office is uniquely able to offer equitable solutions.

As you know, incarceration does not make us safer, and subjecting TNI people to further trauma hurts their ability to establish healthy lives and break the cycle of incarceration when they return to their communities.^{lxviii} We now seek your leadership to mitigate and repair the harms perpetrated against the TNI community through the following equitable solutions:

- 1. Cease indefinite isolation without access to rehabilitative programming.** We do not condone the use of indefinite isolation under any circumstances and urge you to end the practice immediately. Until the practice ceases, we ask that you provide programming opportunities or equitable credits to individuals in isolation for reasons related to their gender identity.
- 2. Increase access to credit earning opportunities.** We commend and appreciate your office's efforts to increase credit earning opportunities for all incarcerated people. However, specific intervention is needed to ensure TNI people have equal access to rehabilitative opportunities. Transgender people need access to programming that is culturally competent, specific to their needs, and congruent with their gender no matter where they live. They should be provided credit for participating in all programming, including programming required of them to transfer to gender congruent institutions. There should be a zero-tolerance policy for discrimination against transgender people in employment and education while incarcerated. Currently, these protections are not being applied to transgender people in jails and prisons.
- 3. Properly implement SB 132.** The State must implement SB 132 according to the letter and spirit of the law, affording respect, agency, and dignity to transgender people in its custody. The deeply harmful rhetoric of conservative lawmakers and anti-trans activists in other parts of the country has unfortunately reared its ugly head in California. It is therefore even more critical that the State remain steadfast in its efforts to carry out the goals of SB 132 and protect the people for which it is intended to provide equitable relief.
- 4. Grant clemency to TNI people.** Last, but by no means least, we strongly encourage you to expand your 2020 LGBTQ+ clemency initiative to consider the consequential laws, policies and practices perpetrated against TNI people in state custody and their very real impact on TNI people's ability to obtain relief from sources such as the Board of Parole Hearings, resentencing laws, and your office's current clemency program.

TNI people in prison are significantly inhibited or outright denied the opportunities to demonstrate they have been rehabilitated and are living an “upright life” due to laws, policies and practices that disparately impact them. It is vital that your office acknowledge these realities when reviewing TNI people’s petitions for clemency and consider granting clemency as a means of equitable relief from the severe and harmful prison conditions and unequal access to rehabilitative opportunities transgender people consistently endure. To address the epidemic of violence against TNI people in California prisons, we urge you to expand your LGBTQ+ clemency initiative. Helping to protect trans people from the harms of prison by prioritizing clemency review and granting clemency to transgender, non-binary, and intersex people is an investment in true public safety.

Thank you for your consideration of our concerns and our suggested solutions to remedy the harms perpetrated against incarcerated TNI people. We would be more than happy to engage in further dialogue with your office around these issues in the pursuit of equitable remedies.

Sincerely,

Transgender, Gender Variant, Intersex Justice Project
TransLatin@ Coalition
American Civil Liberties Union California Action
Transgender Law Center
Medina Orthwein LLP
California Coalition for Women Prisoners
Survived & Punished
Flying Over Walls
Just Detention International
Starting Over, Inc.
Beyond Binary Legal
Prison Law Office
Trans Lifeline
Equality California
Red Roses Trans Movement
Lambda Legal
Ella Baker Center for Human Rights
California TGI Policy Alliance
InterACT
Parivar Bay Area

cc:

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Vicky Waters, Office of Governor Gavin Newsom
Eliza Hersh, Office of Governor Gavin Newsom
Senate pro Tempore Toni Atkins and staff
Assembly Speaker Robert Rivas and staff
CDCR Secretary Jeff Macomber and staff

ⁱ Chinyere Ezie, *Dismantling the Discrimination-to-Incarceration Pipeline for Trans People of Color*, 19 *University of St. Thomas Law Journal* 276 (2023), <chrome-extension://efaidnbmninnibpcapjpcglclefindmkaj/https://ir.stthomas.edu/cgi/viewcontent.cgi?article=1564&context=ustlj>.

ⁱⁱ *Id.* at 278.

ⁱⁱⁱ Fran Watson, *Protecting the Vulnerable: Transwomen of Color and the Legal System*, 59(4) *The Houston Lawyer* 26, 26 (2022) (discussing familial rejection rates); Samuel Ritholtz, *Is Queer-And Trans Youth Homelessness a Form of Displacement? A Queer Epistemological Review of Refugee Studies' Theoretical Borders*, 46(9) *Ethnic & Racial Studies* 1854 (2022) (noting correlation between family rejection and LGBTQ+ youth homelessness); Jonah P. DeChants, Jama Shelton, Yolanda Anyon & Kimberly Bender, "I Just Want to Move Forward": *Themes of Resilience Among LGBTQ Young Adults Experiencing Family Rejection and Housing Insecurity*, 139 *Child & Youth Services Review* 1, 1, 8 (2022) (same).

^{iv} This term more accurately describes the current function of agencies tasked with protecting child welfare, which often "affirmatively harm... children and their families while failing to address the structural causes for their hardships" and which disproportionately surveil, separate, and harm Black families and other families of color. Dorothy Roberts, *Abolishing Policing Also Means Abolishing Family Regulation*, *The Imprint* (June 16, 2020), <https://imprintnews.org/child-welfare-2/abolishing-policing-also-means-abolishing-family-regulation/44480>; see also Ava Cilia, *The Family Regulation System: Why Those Committed to Racial Justice Must Interrogate It*, *Harvard Civil Rights-Civil Liberties Law Review* (Feb. 17, 2021), <https://harvardcrcl.org/the-family-regulation-system-why-those-committed-to-racial-justice-must-interrogate-it/>.

^v See Benjamin Long, *LGBT+ Teens in US, Rejected by Families, Struggling in Foster Care*, *Reuters* (Feb. 12, 2019), <https://www.reuters.com/article/usa-lgbt-teens/lgbt-teens-in-us-rejected-by-families-struggling-in-foster-care-research-idUSL1N20716L>; Laura Baams, Bianca D.M. Wilson & Stephen T. Russell, *LGBTQ Youth in Unstable Housing and Foster Care*, 143(3) *Pediatrics* 1, 1, 4 (2019), <https://doi.org/10.1542/peds.2017-4211> (noting that five percent of youth surveyed in foster care identified as trans, despite being just one percent of the U.S. population); Roxanna Asgarian, *America's Foster Care System Is a*

Dangerous Place for Trans Teens. Now They're Fighting for Change, TIME (Dec. 7, 2021), <https://time.com/6124930/oregon-foster-care-trans-youth-lawsuit/> (discussing the problems of discrimination and harassment that trans youth in foster care face); Julia Alberth, *LGBTQ Youth Homelessness and Discrimination in the Foster Care System* (2020) (MPH/MD Degree 785 Public Health Course Paper, University of Wisconsin-Madison), <https://patientpartnerships.wisc.edu/wp-content/uploads/sites/1237/2021/02/AlberthFinal.pdf> (same).

^{vi} Sandy E. James et al., Nat'l Ctr. for Transgender Equality, *The Report of the 2015 Transgender Survey* 73 (2016), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf> (reporting on findings of the 2015 nationwide survey).

^{vii} Samuel Ritholtz, *Is Queer-And Trans Youth Homelessness a Form of Displacement? A Queer Epistemological Review of Refugee Studies' Theoretical Borders*, *Ethnic & Racial Studies* 1, 1–23 (2022) (documenting trend and advocating that it be viewed as a form of forced migration); Ezie, *supra* note i (noting trans youth who experience homelessness in large cities often are forced to navigate the additional burden of biased policing and anti-trans violence that are all too commonplace in large urban environments).

^{viii} Somjen Frazer, Richard Saenz, Andrew Aleman, & Laura Laderman, *Protected and Served?* (2023), <http://protectedandserved.org/2022-report-full-report>.

^{ix} James et al., *supra* note vi, at 131–38. See also Patti Neighmond, *Home But Not Safe, Some LGBTQ Young People Face Rejection from Families in Lockdown*, NPR (May 17, 2020), <https://www.npr.org/sections/health-shots/2020/05/17/856090474/home-but-not-safe-some-lgbtqyoung-people-face-rejection-from-families-in-lockdo> (providing anecdotal corroboration of report findings).

^x James et al., *supra* note vi, at 131-138.

^{xi} James et al., *supra* note vi, at 132-133. Other research studies corroborate these trends: in a 2018 study analyzing the experiences of approximately 840,000 youth attending middle school or high school in California, trans youth reported three times the rates of bullying and harassment as their cisgender peers. Jack K. Day, Amaya Perez-Brumer & Stephen T. Russell, *Safe Schools? Transgender Youth's School Experiences and Perceptions of School Climate*, 47 *Journal of Youth and Adolescence* 1731, 1731–42 (2018) (collecting data). Likewise, in a nationwide survey of LGBTQ+ students conducted by GLSEN in 2013, 59.2% of trans students reported being forced to use restrooms or locker rooms that were inconsistent with their gender, while 31.6% reported facing restrictions on their clothing and gender expression and 42.2% reported being deadnamed, which is a term used to refer to or address trans people by a name or surname they ceased to use following transition. See Neal A. Palmer, Emily A. Greytak & Joseph G. Kosciw, GLSEN, *Educational Exclusion: Drop Out, Push Out, and School-to-Prison Pipeline Among LGBTQ Youth*, 14 (2016); *Why Deadnaming Is Harmful*, Cleveland Clinic (Nov. 18, 2021), <https://health.clevelandclinic.org/deadnaming/>.

^{xii} Somjen Frazer, *supra* note viii, at 46.

^{xiii} Shannon D. Snapp, Jack K. Day & Stephen T. Russell, *School Pushout: The Role of Supportive Strategies Versus Punitive Practices for LGBT Youth of Color*, 32(4) *Journal of Research on Adolescence* 1470 (2022), <https://doi.org/10.1111/jora.12720>; Palmer et. al., *supra* note xi, at 22, 25–28; See Judith A.M. Scully, *Examining and Dismantling the School-to-Prison Pipeline: Strategies for a Better Future*, 68 *Arkansas Law Review* 959, 960 (2016) (describing the pipeline generally). While most of the existing literature on the school-to-prison pipeline focuses on the experiences of cisgender students of color, one exception to that is Deanna J. Glickman, *Fashioning Children: Gender Restrictive Dress Codes as an Entry Point for the Trans* School to Prison Pipeline*, 24 *American University Journal of Gender, Social Policy & the Law* 263, 275–276 (2015) (urging that the experiences of trans students be analyzed in a similar frame).

^{xiv} Palmer et. al., *supra* note xi, at 18, 27 (finding that 7.6% of trans students also indicated that they may not complete high school, compared to approximately 2.2% of cisgender students); James et. al., *supra* note vi, at 131–32, 135 (noting that students who faced harassment at school were also the most at risk of abandoning their studies).

^{xv} See, e.g., Day et al., *supra*, note xi; Jo Yurcaba, *Sexual Assault, Harassment, Bullying: Trans Students Say They're Targeted at School*, NBC NEWS (Dec. 14, 2021, 10:55 AM), <https://www.nbcnews.com/nbc-out/out-news/sexual-assault-harassment-bullying-trans-students-saytargeted-school-rcna7803>; Karina Bolster, *Nottoway Mom Claims Son Committed Suicide Due to Bullying*, NBC NEWS 12 (May 5, 2022, 5:11 PM), <https://www.nbc12.com/2022/05/05/nottowaymom-claims-son-committed-suicide-due-bullying-superintendent-speaks-following-claims/>.

^{xvi} American Civil Liberties Union, *Mapping Attacks on LGBTQ Rights in U.S. State Legislatures*, available at <https://www.aclu.org/legislative-attacks-on-lgbtq-rights> (retrieved on May 3, 2023).

^{xvii} *Bostock v. Clayton County*, 140 S. Ct. 1731, 1754 (2020).

^{xviii} Brad Sears, Christy Mallory, Andrew R. Flores & Kerith J. Conron, UCLA School of Law Williams Institute., *LGBT Peoples Experiences of Workplace Discrimination & Harassment* 1–2, 12–13, 26 (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Workplace-Discrimination-Sep-2021.pdf> (reporting that employment discrimination against LGBTQ+ people remains “persistent and widespread” post *Bostock*).

^{xix} See Sears et al., *supra* note xviii. Compare Caroline Medina, Thee Santos, Lindsey Mahowald & Sharita Gruberg, *Protecting & Advancing Health Care for Transgender Adult Communities*, Center for American Progress, 11 (2021), <https://www.americanprogress.org/wp-content/uploads/2021/08/Advancing-Health-Care-For-Transgender-Adults.pdf> (reporting 27% trans unemployment rate in 2020), with Sean M. Smith, Roxanna Edwards & Hao C.

Duong, *Unemployment Rises in 2020, as the Country Battles the COVID-19 Pandemic*, Bureau of Labor Statistics (June 2021),

<https://doi.org/10.21916/mlr.2021.12> (reporting a 3.6% overall unemployment rate prior to the Covid-19 pandemic and a 13% unemployment rate during the peak of the pandemic—the highest rate recorded since 1940).

^{xx} See Justin Stabley, *For Transgender People, Finding Housing Has Become Even Harder During the Pandemic*, PBS (Mar. 12, 2021, 5:08 PM), <https://www.pbs.org/newshour/economy/for-transgender-people-finding-housing-has-become-even-harder-during-the-pandemic>.

^{xxi} James et al., *supra* note vi, at 180 (noting that thirty-nine percent of trans women who were Indigenous or multiracial, and thirty-seven percent of trans Latina women reported discrimination). While not a focus of this letter, trans people also have relatively low rates of homeownership, with only sixteen percent of the trans people surveyed indicating that they owned their own homes, compared to sixty-three percent of the overall U.S. population (not adjusted for race) in the same year. Compare James et. al., *supra* note vi, at 177, with Peter J. Mateyka & Christopher R. Mazur, U.S. Census Bureau, *Homeownership in the United States: 2005 to 2019*, 2 (2021), <https://www.census.gov/content/dam/Census/library/publications/2021/acs/ac-sbr-010.pdf>.

^{xxii} See, e.g., Alex Waterfield & Melia Patria, *Transgender Teen Turns to Prostitution to Raise Cash for Surgery*, ABC News (Aug. 26, 2011, 4:16 PM), <https://abcnews.go.com/Health/transgender-teen-turns-prostitution-raise-cash-surgery-female/story?id=14390170>. From 2013 to 2019, the hit Netflix program *Orange Is the New Black* depicted one such story. Trans actress Laverne Cox portrayed Sophia Burset, a trans woman who was imprisoned after she began engaging in petty theft to finance gender-affirming surgery. While Cox's character was fictional, her story shone a light on the impossible choices that trans people of color regularly face while trying to survive. Mey, *Real-Life Sophia Bursets: Transgender Women Face a Nightmare in Men's Prisons*, Autostraddle (July 25, 2013), <https://www.autostraddle.com/real-life-sophia-bursets-transgender-women-face-a-nightmare-in-mens-prisons-186876/>.

^{xxiii} See, e.g., Anemona Hartocollis & Christina Davidson, *A Cheap, Fast and Possibly Deadly Route to Beauty*, N.Y. Times (Apr. 16, 2009), <https://www.nytimes.com/2009/04/17/nyregion/17silicone.html>; Vikki Vargas, *Transgender Woman Charged in Silicone Injection Death of Another Transgender Woman*, NBC NEWS L.A. (Feb. 10, 2015, 6:21 AM), <https://www.nbclosangeles.com/news/local/transgender-woman-charged-silicone-injection-death/1998460/>.

^{xxiv} Kelly Rissman, *"Disgusting And Appalling": Rep. Marjorie Taylor Greene Introduced a Bill That Criminalizes Performing Transgender Medical Care*, Vanity Fair (Aug. 20, 2022), <https://www.vanityfair.com/news/2022/08/rep-marjorie-taylor-greene-wants-to-criminalizes-transgender-medical-care>. Though partially beyond the scope of this letter, trans people who are able to obtain optimal

health insurance coverage still suffer from anti-trans bias in the healthcare profession. Nearly 1 in 2 trans people surveyed by the Center for American Progress in 2020, including sixty-eight percent of trans people of color, reported being mistreated by a healthcare provider in the prior year. Medina et al., *supra* note xix, at 17. The U.S. Transgender Survey reported equally stark findings, including that more than one in three trans people report instances of being refused care or subjected to harassing conduct. James et. al., *supra* note vi, at 10, 93, 96–99. As a result, nearly one in three trans people report they have delayed or forgone medical appointments and procedures simply to shield themselves from discrimination on the part of their healthcare providers—trends which decrease trans people’s receipt of preventative care and worsen their overall health outcomes. Kim D. Jaffee, Deirdre A. Shires & Daphna Stroumsa, *Discrimination and Delayed Health Care Among Transgender Women and Men: Implications for Improving Medical Education and Health Care Delivery*, 54(11) *Medical Care* 1010, 1010, 1012–16 (2016); Ariel Gans, *California Set to Become a Refuge for Transgender Care*, *Cal Matters*, (Aug. 30, 2022), <https://calmatters.org/politics/california-legislature/2022/08/california-transgender-health-care-refuge/>; Leslie McClurg, *California Becomes First Sanctuary State for Transgender Youth Seeking Medical Care*, *KQED*, (Oct. 18, 2022), <https://www.kqed.org/news/11929233/california-becomes-first-sanctuary-state-for-transgender-youth-seeking-medical-care>.

^{xxv} Cynthia Lee, *The Trans Panic Defense Revisited*, 57 *American Criminal Law Review* 1411, 1418–25 (2020) (discussing how trans women are often killed by cisgender men who are embarrassed by their own attraction); Leigh Goodmark, *Transgender People, Intimate Partner Abuse, and the Legal System*, 48 *Harvard Civil Rights-Civil Liberties Review* 51, 56–59 (2013) (discussing the incidence of often lethal intimate partner violence).

^{xxvi} U.S. Department of Justice, Federal Bureau of Investigation: *Hate Crime Statistics (2018)*, <https://ucr.fbi.gov/hate-crime/2018/topic-pages/victims>.

^{xxvii} See Lee, *supra* note xxv, at 1419; Goodmark, *supra* note xxv, at 56-59.

^{xxviii} See Madeleine Carlisle, *Anti-Trans Violence and Rhetoric Reached Record Highs Across America in 2021*, *TIME* (Dec. 30, 2021, 7:06 AM), <https://time.com/6131444/2021-anti-transviolence/>; Lee, *supra* note xxv, at 1414 n.18 (noting a 187% uptick in hate crimes targeting the trans community).

^{xxix} *Id.*, see also Nico Lang, *2021 Was the Deadliest Year on Record for Anti-Trans Murders*, *Them* (Jan. 4, 2022, 4:45 PM),

<https://xtramagazine.com/power/deadliestyear-anti-trans-murders-215625>. These numbers also likely reflect an undercount of the true number of trans fatalities.

^{xxx} Lemkin Institute for Genocide Prevention, *Red Flag Alert for Genocide – USA* (Mar. 17, 2023), <https://www.lemkininstitute.com/red-flag-alerts-1/red-flag-alert-for-genocide---usa>.

^{xxxi} Racial and Identity Profiling Advisory Board, *Annual Report 2023*, 12 (Jan. 1, 2023).

xxxii *Id.* at 43.

xxxiii *Id.* at 44.

xxxiv Somjen Frazer et al., *supra* note viii.

xxxv *Id.* at 20.

xxxvi *Id.* at 19-20.

xxxvii *Id.* at 20-21.

xxxviii Judicial Council of California, *Sexual orientation fairness in the California courts: Final report of the Sexual Orientation Fairness Subcommittee of the Judicial Council's Access and Fairness Advisory Committee*, 19 (2011); G. Thomas Bowen, & Elizabeth Zuckerman, *Final report of the Task Force on Sexual Orientation Issues* (Supreme Court of New Jersey, Task Force on Sexual Orientation Issues 2001).

xxxix James et al., *supra* note vi, at 16.

xi Jennifer M. Hill, *The effects of sexual orientation in the courtroom: A double standard*, 39 *Journal of Homosexuality*, 93–111 (2000), https://doi.org/10.1300/J082v39n02_05; Shane W. Kraus & Laurie L. Ragatz, *Gender, jury instructions, and homophobia: What influence do these factors have on legal decision making in a homicide case where the defendant utilized the homosexual panic defense?*, 47 *Criminal Law Bulletin*, 237–56 (2011).; Bradley H. White, & Sharon E. Robinson Kurpius, *Effects of victim sex and sexual orientation on perceptions of rape*, 46 *Sex Roles: A Journal of Research*, 191–200 (2002).

xii *Id.*

xiii Jaime M. Grant et al., *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, Washington: National Center for Transgender Equality, 163 (2011).

xiiii California Department of Corrections and Rehabilitation, *Weekly Report of Population: Total CDCR Population By Gender Identity* (June 14, 2023), https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2023/06/Tpop4_d230614.pdf; California Department of Corrections, *Senate Bill 132 FAQs*, <https://www.cdcr.ca.gov/prea/sb-132-faqs/> (retrieved June 20, 2023).

xlv U.S. Department of Justice, *Sexual Victimization in Prisons and Jails Reported by Inmates 2011-2012* (2013), chrome-extension://efaidnbnmnnibpcajpcgicfindmkaj/https://bjs.ojp.gov/content/pub/pdf/svpjri1112_st.pdf; Jaclyn Diaz, *Trans Inmates Need Access to Gender-Affirming Care. Often They Have to Sue to Get it*, NPR (Oct. 25. 2022).

xlv *Id.* (As of Apr. 27, 2023, out of 353 people housed in CDCR institutions designated for men who had requested to be housed in a facility designated for women, only 51 transfers had been granted, as further discussed *infra*); Dustin Gardiner, *California has Moved Few Transgender Women out of Men's Prisons, Despite the New Law*, S.F. Chronicle (Dec. 20, 2021), <https://www.sfchronicle.com/politics/article/California-has-moved-few-transgender-women-out-of-16711437.php>. Note also that although CDCR's

policies indicate transgender individuals can access gender-affirming surgery when medically necessary, in practice we have worked with many individuals whose efforts to access needed surgeries were either rejected outright or deferred for years.

^{xlvi} Annette Brömdel, Amy B. Mullens, Tania M. Phillips & Jeff Gow, *Experiences of transgender prisoners and their knowledge, attitudes, and practices regarding sexual behaviors and HIV, STIs: A systemic review*, 20 *International Journal of Transgenderism*, 4-20 (2019),

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6830990/>; Office of the Inspector General, *Special Report: The California Department of Corrections and Rehabilitation Has Taken Thoughtful and Important Steps to Address the Difficult Conditions of Confinement for Incarcerated Transgender, Nonbinary, and Intersex Individuals*, 1-75 (2020); Office of the Inspector General, State of California. *Steps Toward Addressing Prison Conditions for Incarcerated Transgender, Nonbinary, and Intersex Individuals* (Sept. 2020), <https://www.oig.ca.gov/wp-content/uploads/2020/09/Special-Review-Incarcerated-Transgender-Nonbinary-Intersex-Individuals.pdf>.

^{xlvii} Lori Sexton, Valerie Jenness & Jennifer Macy Sumner, *Where the Margins Meet: A Demographic Assessment of Transgender Inmates in Men's Prisons*, 27(6) *Justice Quarterly* 835 (2009), <chrome-extension://efaidnbnmnibpcajpcglclefindmkaj/https://ucicorrections.seweb.ucl.edu/files/2013/06/A-Demographic-Assessment-of-Transgender-Inmates-in--Mens-Prisons.pdf>.

^{xlviii} James et al., *supra* note vi, at 192-193.

^{xlix} James et al., *supra* note vi, at 191.

ⁱ See e.g. *Crowder v. Diaz et al.* (E.D. Cal. Aug. 19, 2019, No. 2:17-cv-1657-tln-dmc) (Plaintiff sustained claims of retaliation in the form of rules violations after she filed grievances and a civil suit for failure to protect following a brutal attack by a former boyfriend); *Smith v. Diaz et al.* (N.D. Cal. June 29, 2020, 4:20-cv-04335-HSG) (Plaintiff reported a sexual assault and was retaliated against by custody staff who stacked false rules violations against her and placed her in solitary confinement); *Harmon v. Lewandowski et al.* (C.D. Cal. Oct. 14, 2020, No. 2:20-cv-09437) (Plaintiff, a nonbinary person, alleged retaliation after filing a grievance when custody staff refused to remove them from a cell with a person who had written a note indicating they intended to rape them).

ⁱⁱ Office of the Inspector General, *supra* note xlvi, at 31.

ⁱⁱⁱ Sharon Dolovich, *Strategic Segregation in the Modern Prison*, 48 *American Criminal Law Review* 1 (2011) <http://ssrn.com/abstract=1894819>.

ⁱⁱⁱⁱ CBS Sacramento, *Dismantling California At-Risk Inmate Housing Brings Hurdles* (July 1, 2018) <https://www.cbsnews.com/sacramento/news/dismantling-california-at-risk-inmate-housing-brings-hurdles/>.

^{liv} Juan Mendez, U.N. Commission on Human Rights, Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Interim Report of the Special Rapporteur of the Human Rights Council on Torture*

and Other Cruel, Inhuman or Degrading Treatment or Punishment, U.N. Doc. A/66/268 (Aug. 5, 2011) <https://ccrjustice.org/sites/default/files/assets/UN-Special-Rapporteur-Report-on-Solitary.pdf>; Erica Bryant, *Violence, Torture, and Isolation, What's it's Like to Be Trans in Prison*, Vera (Nov. 17, 2022), <https://www.vera.org/news/violence-torture-and-isolation-what-its-like-to-be-trans-in-prison>.

^{lv} Stuart Grassian, *Psychiatric Effects of Solitary Confinement*, 22 *Journal of Law and Policy* 327, 331 (2006).

^{lvi} See *Jespersen v. CDCR* (E.D. Cal. Feb. 12, 2018, No. 2:18-cv-00246).

^{lvii} Jason Lydon,, Kamaria Carrington, Hana Low, Reed Miller & Mahsa Yazdy, *Coming out of concrete closets: A report on Black & Pink's National LGBTQ Survey* (Black & Pink National ed., 2015), <https://www.blackandpink.org/wp-content/uploads/2020/03/Coming-Out-of-Concrete-Closets-incorporated-Executive-summary102115.pdf>.

^{lviii} *Id.* at 5.

^{lix} *Mancilla v. Orth et al.*, (Sup. Court of Cal., Kings County, Sept. 23, 2020, No. 20C-0264).

^{lx} Claire Simonich, Will Tentindo, Vanessa Domenichelli & Ilan H. Meyer, *The California Parole Board's Treatment of Transgender Individuals*, (The Williams Institute ed., 2023), <chrome-extension://efaidnbnmnnibpcajpcgclclefindmkaj/https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Parole-Apr-2023.pdf>.

^{lxi} *Id.* at 7.

^{lxii} *Id.* at 8.

^{lxiii} Mackenzie Mays, *Newsom Vowed to Pardon LGBTQ Californians. Only One living Person has Benefited*, *Los Angeles Times* (Mar. 17, 2023),

<https://www.latimes.com/california/story/2023-03-17/gavin-newsom-lgbtq-pardon-california-crimes#:~:text=Only%20one%20living%20person%20has%20benefited&text=Three%20years%20after%20Gov.,has%20benefited%20from%20the%20program>.

^{lxiv} California Department of Corrections and Rehabilitation, *Senate Bill 132 FAQs*, <https://www.cdcr.ca.gov/prea/sb-132-faqs/> (retrieved on June 20, 2023).

^{lxv} Data provided on the same website almost a year ago reported that as of June 19, 2022, 344 TNI people in facilities designated for men had requested transfer under SB 132, 41 had been approved, and 7 previously approved were being reevaluated, 12 had been denied and 28 had changed their minds.

^{lxvi} The Moss Group analysis of SB 132 implementation, commissioned by CDCR last year and published in March 2023, recommended that CDCR "Consider revising the *Right Person Right Prison* course to include input from those who have previously attended the course, a structure that ensures it is consistently delivered, includes [sic] medical or mental health staff as facilitators to address a wider range of transition concerns, and updates on the transfer request process, housing layouts, and preparation for transfer." Moss Group, Inc., *SB 132 The Transgender Respect, Agency, and Dignity Act: Implementation Review*

Report (2022), https://www.cdcr.ca.gov/prea/wp-content/uploads/sites/186/2023/03/Final-SB132-CDCR-Assessment-Report_ADA.pdf. Although the Moss Group's assessment process and accordingly its report failed to adequately or accurately incorporate the perspectives of TNI incarcerated people and thus were deeply misleading as to the nature and scope of problems with SB 132 implementation, this is one of several recommendations in the report with which we agree.

^{lxvii} “Inmates may not participate in illegal sexual acts. Inmates are specifically excluded in laws which remove legal restraints from acts between consenting adults. Inmates must avoid deliberately placing themselves in situations and behaving in a manner which is designed to encourage illegal sexual acts.” Cal. Code Regs. tit. 15 § 3007: Sexual Behavior.

^{lxviii} U.S. Department of Justice, *supra* note xlv; Diaz, *supra* note xlv.

ATTACHMENT A

Table 1B
Number of Senate Bill (SB) 132 Transfer Requests, by Race

Race	Count
American Indian/Alaskan Native	6
Asian or Pacific Islander	5
Black	181
Hispanic	41
Mexican	29
Other	12
White	85
Total	359

Table 2B
Number of Senate Bill (SB) 132 Transfer Requests That Have Been Denied, by Race

Race	Count
Black	6
Hispanic	1
Mexican	3
Other	2
White	7
Total	19

Table 3B
Number of Senate Bill (SB) 132 Transfer Requests That Have Been Granted, by Race

Race	Count
American Indian/Alaskan Native	2
Black	11
Hispanic	1
Mexican	2
Other	2
White	16
Total	34

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Table 4B
Number of Senate Bill (SB) 132 Transfer Requests Under Review, by Race

Race	Count
White	3
Total	3

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Data Source: Strategic Offender Management System. SB 132 cohort, as of December 11, 2022. Inmate Demographics, as of January 31, 2023.

Table 5B
Number of Offenders Transferred Under Senate Bill (SB) 132, by Month and Race

Month / Year	Race						Total
	American Indian/Alaskan Native	Black	Hispanic	Mexican	Other	White	
FEB2021	1	3	0	0	0	0	4
APR2021	0	2	1	0	0	1	4
MAY2021	1	1	0	1	1	4	8
JUN2021	0	4	0	0	0	3	7
JUL2021	0	0	0	0	0	1	1
AUG2021	0	1	0	0	0	0	1
DEC2021	0	0	0	0	0	2	2
FEB2022	0	0	0	1	0	0	1
MAR2022	0	0	0	0	0	1	1
APR2022	0	0	0	0	0	2	2
MAY2022	0	0	0	0	0	1	1
JUL2022	0	0	0	0	1	0	1
AUG2022	0	0	0	0	0	1	1
Total	2	11	1	2	2	16	34

Table 6B
Number of Offenders Transferred Under Senate Bill (SB) 132 to Central California Women’s Facility, by Month and Race

Month / Year	Race						Total
	American Indian/Alaskan Native	Black	Hispanic	Mexican	Other	White	
FEB2021	1	3	0	0	0	0	4
APR2021	0	2	1	0	0	1	4
MAY2021	1	1	0	1	1	4	8
JUN2021	0	4	0	0	0	3	7
JUL2021	0	0	0	0	0	1	1
AUG2021	0	1	0	0	0	0	1
DEC2021	0	0	0	0	0	2	2
FEB2022	0	0	0	1	0	0	1
MAR2022	0	0	0	0	0	1	1
APR2022	0	0	0	0	0	2	2
MAY2022	0	0	0	0	0	1	1
JUL2022	0	0	0	0	1	0	1
AUG2022	0	0	0	0	0	1	1
Total	2	11	1	2	2	16	34

Table 7B
Number of Senate Bill (SB) 132 Transfers who moved from Central California Women's Facility
To California Institution for Women or Folsom Women's Facility, by Race

Race	Count
American Indian/Alaskan Native	1
Black	1
Mexican	2
Other	1
White	10
Total	15