TRANSFORMING CARCERAL LOGICS:

10 Reasons to Dismantle the Prison Industrial Complex Through Queer/Trans Analysis and Action

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> It's hard for us to believe what we're hearing these days. Thousands are losing their homes, and gays want a day named after Harvey Milk. The US military is continuing its path of destruction, and gays want to be allowed to fight. Cops are still killing unarmed black men and bashing queers, and gays want more policing. More and more Americans are suffering and dying because they can't get decent health care, and gays want weddings. What happened to us?
>
> —Queer Kids of Queer Parents Against Gay Marriage[1]

This article arose from an ongoing need to make stronger connections between struggles for gender and sexual justice, and the growing crisis of mass incarceration, over-policing, and cultures of control. Too often, these

issues are considered in isolation from each other. On the one hand, prisoner justice activists have not always paid sufficient attention to the gender and sexual dimensions of prisons,[2] especially for queer, trans, and gender-non-conforming people.[3] On the other hand, queer and trans organizers have often excluded prisoners from our communities and not prioritized prisoner justice issues within broader movement struggles. Within antiviolence movement politics, some feminist, queer, and trans activists have also been too quick to equate justice with imprisonment—by embracing hate crimes laws, advocating for longer prison sentences for those who commit sexual violence, and calling for increased "community" policing.[4]

But struggles against abuse, assault, poverty, racism, and social control require clearer connections between the violence of gender/sexual oppression and the violence of the prison system. Indeed, many of us who are involved in antiviolence work through rape crisis centers, homeless shelters, and queer/trans safe spaces are also committed to struggles against imprisonment. For some, our anti-prison politics grew out of that antiviolence work. After years of repeatedly responding to the same forms of violence, and after dealing with the ongoing failures and injustices of the criminal system, it has become clear that prisons not only fail to protect our communities from violence, but actually enable, perpetuate, and foster *more* violence.

Engaging in struggles against imprisonment is particularly urgent now, as the so-called "war on terror" intensifies, as attacks on migrants and people of color increase, as violence against women, queers, and trans people show few signs of abating, and as the global prison population expands dramatically. These trends are closely related to changes in the global political economy; as governments continue to slash welfare, education, housing, and health budgets on the one hand, they increase spending on prisons, police, military, and border controls on the other.

Never before has the prison industrial complex[5] been so powerful, particularly in the Global North. While the United States takes the global lead in locking up its people (with 1 in every 100 adults currently behind bars and more than 7.3 million people in prison, on probation, or on parole[6]), other countries, such as Britain, Canada, and Australia are rapidly following suit. England and Wales, for example, has nearly doubled its prison population since 1992 and is currently embarking on a £3.2–4.7 billion ($5–7 billion USD) prison-building spree to create space for more than 10,500 new prisoners by 2014.[7] Canada has recently passed tougher sentencing laws, and prison expansion proposals are looming.[8]

Examining these overall trends, however, does not provide an accurate picture of who is most affected by the growth in the prison industrial complex. Prison expansion disproportionately targets particular groups of people, especially communities of color, poor and working class people, youth, immigrants, women, people with learning disabilities and mental health issues, as well as queer, trans, and gender-non-conforming people, who are increasingly forced into greater cycles of poverty, criminalization, incarceration, and violence.

As the more privileged members of lesbian, gay, bisexual, and trans (LGBT) communities are ushered into new forms of neoliberal citizenship—where buying power, respectability, assimilation, and nationalism are the price of welcome—and as some LGBT groups are developing closer ties with police and military forces through recruitment campaigns, advisory boards, and liaison committees, we need to question who is bearing the costs of so-called "inclusion." If such inclusion means complicity with the violence and racism of the prison industrial complex, we must rethink those strategies. It is more important than ever to reject strategies that allow queer, trans, and feminist politics to be used for war, imprisonment, state violence, and racism. We must put antiviolence, anti-racism, and anti-prison struggles at the center of queer, trans, and feminist organizing efforts.

This article makes the case for a queer/trans politics of prison abolition. When using the term "queer/trans politics," I'm referring less to "queer" and "trans" as umbrella identity terms and more to a political approach that questions, disrupts, and transforms dominant ideas about what is normal. Questioning the normalcy of the prison, a queer/trans politics not only helps identify the role of imprisonment in perpetuating gender, racial, and sexual violence, but also provides tools for developing alternative community responses that better address problems of harm. Drawing from my experiences as a non-imprisoned person engaging in prisoner support and activist work in Canada and Britain, I outline ten reasons why we should dismantle the prison industrial complex using a queer/trans analysis. In making these arguments, I hope to highlight relationships between gender, sexuality, policing, and imprisonment and provide some analytic starting points that might prompt further community organizing around these issues.

This article is written with a diverse audience and multiple purposes in mind—it is for queer and trans communities who have not prioritized prison and policing issues; it is for prison activists who have not

considered the gender/sexuality dimensions of the prison industrial complex; it is for folks who recognize that prisons are harmful but are skeptical of abolitionist ideas; it is for communities who are broadly committed to social, economic, and racial justice. Most of all, it is written as a tool for discussion. It is a contribution to ongoing debates about what kind of world we want to live in. For a growing number of people, that world must be one without prisons.

Before setting out the arguments for a queer/trans politics of prison abolition, I want to offer three important caveats:

First, the following arguments are not new, nor is queer and trans prison activism a novel phenomenon. Because prisons, police, immigration officials, and psychiatric institutions have long punished people for transgressing sexual and gender norms, queer and trans people have a long tradition of resistance to institutions of punishment.[9] Building on previous organizing histories as well as contemporary struggles, this article argues for a renewed queer/trans anti-prison politics.

Second, in writing on prison issues, particularly those of us who have not directly spent time behind bars, it is important not to fetishize or sensationalize the experiences of prisoners. Much of the general public's ideas about prison come from corporate media, which not only provides distorted and misleading information, but usually treats prisoners as objects of fascination, fuel for fear-mongering, or targets of pity.[10] To counter the media's sensationalist pull, it is important to critically reflect on how and why we approach prison issues. For some, we may have been imprisoned ourselves or people we love are imprisoned. For others, we may be tacitly driven by fantasies about saving oppressed "others," desires to claim a place of belonging within "radical" political communities, or a commitment to prison reform. However well-intentioned we might be, it is important to critically challenge our motivations and assumptions, particularly those that perpetuate rather than undo patterns of oppression. More importantly, there remains an ongoing need to prioritize the voices, perspectives, and experiences of prisoners, ex-prisoners, and those most directly affected by criminalization and imprisonment.

Third, although I draw from academic research to support my arguments, I want to emphasize that these studies generally confirm what many prisoners already know from their own experiences of the prison system. The danger of using academic research is that it perpetuates the assumption that prisoners' knowledge is less valid or legitimate than institutional knowledge. As such, I want to emphasize that much

of my own analysis would be impossible without the knowledge, experiences, and analyses that prisoners have shared with me over the years.[11]

Ten Reasons to Fight the Prison Industrial Complex Using a Queer/Trans Analysis

1. Queer, trans, and gender-non-conforming people have been historically subject to oppressive laws, gender policing, and criminal punishment—a legacy that continues today despite ongoing legal reforms.

Law enforcement officials (including police, courts, immigration officers, prison guards, and other state agents) have a long history of targeting, punishing, and criminalizing sexual dissidents and gender-non-conforming people.[12] While many overtly homophobic and transphobic laws have been recently overturned in Canada, the United States, and Britain, the criminalization and punishment of queer and trans people extends well beyond formal legislation.[13] State officials enable or participate in violence against queer, trans, and gender-non-conforming communities by (a) ignoring everyday violence against queer and trans people; (b) selectively enforcing laws and policies in transphobic and homophobic ways; (c) using discretion to over-police and enact harsher penalties against queer and trans people; and (d) engaging in acts of violence, harassment, sexual assault, and discrimination against queer and trans people.[14] While some police departments are increasingly putting on a "gay-positive" public face, the problem of state violence against queer and trans people nonetheless persists and has been well documented by numerous police- and prison-monitoring groups.[15]

This ongoing legacy of violence should make queer and trans people both cautious of the state's power to criminalize our lives and wary of the state's claim to protect us from harm. Although some people believe that we can train transphobia out of law enforcement agents or eliminate homophobic discrimination by hiring more LGBT prison guards, police, and immigration officials, such perspectives wrongly assume that discrimination is a "flaw" in the system, rather than intrinsic to the system itself. Efforts to make prison and police institutions more "gay-friendly" perpetuate the myth that such systems are in place to protect us. But as the uneven history of criminalization trends in Canada, the United States, and Britain so clearly demonstrate (that is, the way that the system targets some people and not others), the prison industrial complex is less about protecting the public from violence and more about controlling, labeling, disciplining,

and in some cases killing particular groups of people—especially those who potentially disrupt the social, economic, and political status quo.[16]

While the state might stop harassing, assaulting, and criminalizing some people within queer and trans communities (namely those upwardly mobile, racially privileged, and property-owning folks), the criminal system will continue to target those within our communities who are deemed economically unproductive, politically threatening, or socially undesirable. As people who have historically been (and continue to be) targeted by this unjust system, queer, trans, and gender-non-conforming communities must move away from efforts to make the prison industrial complex more "LGBT-friendly" and instead fight the underlying logic of the system itself.

2. Queer, trans, and gender-non-conforming people, particularly those from low-income backgrounds and communities of color, are directly targeted by criminalization, punishment, and imprisonment.

We do not know exactly how many queer, trans, and gender-non-conforming people are currently incarcerated. This is partly because most governments do not collect information on the sexual and gender identity of prisoners and partly because prisoners are not always safe to disclose their gender or sexual identities. However, we know that queer, trans, and gender-non-conforming people in Canada, the United States, and Britain are frequently over-policed, over-criminalized, and over-represented in the prison system.[17] Levels of harassment, targeting, and arrest are high, particularly for young queer and trans people, those from low-income communities, people with learning disabilities and mental health issues, and people of color. Trans community organizers in the San Francisco Bay Area, for example, report that nearly half of the 20,000 transgender people in the region have been in prison or jail.[18]

Queer, trans, and gender-non-conforming people are funneled into the criminal system for many reasons but primarily due to systemic oppression. Because trans, queer, and gender-variant people experience widespread discrimination, harassment, and violence, we are at greater risk of social and economic marginalization. This translates into higher risks of imprisonment. We know that queer and trans youth, for example, are more likely to be homeless, unemployed, bullied at school, harassed on the street, estranged from family, and targeted by sexual violence—factors that greatly increase the risks of criminalization and imprisonment

especially for queer and trans people of color.[19] Trans people in particular, and those who are visibly gender-non-conforming, are routinely harassed by law enforcement and security officials for undertaking basic daily activities like using the toilet, accessing public services, or walking down the street.[20]

Groups like FIERCE! have shown how the "school-to-prison-pipeline" disproportionately affects queer and trans youth.[21] Whether dropping out of school because of severe harassment and discrimination, feeling alienated from education curriculum, experiencing suicidal thoughts, or turning to criminalized coping mechanisms like drug and alcohol use, queer and trans youth often have less chances for success in school.[22] "Zero tolerance" policies, heightened surveillance, and increased police presence in schools further contribute to criminalization and dropout rates, particularly for queer and trans youth of color. "Quality of life" ordinances, such as "anti-social behavior orders" and "safe streets acts," are also routinely used to remove queer and trans youth from public spaces and criminalize their social activities.[23] Coupled with problems at home, many queer and trans youth find themselves homeless and unemployed.[24] Once on the street, queer and trans youth have trouble accessing services and supports to get their basic needs met. Many homeless shelters and social services, for example, are not safe places for trans people (sometimes banning trans people outright), and problems with gender categories on identity documents can restrict welfare access.[25] Without income, housing, family, or community support, survival often means working in criminalized economies like drug and sex trade.

Queer, trans, and gender-non-conforming youth who are bullied, harassed, and assaulted—particularly those who don't fit the stereotype of the passive, innocent, white victim—are blamed and punished when they defend themselves. The recent case of the New Jersey 7, in which seven young African American lesbians were criminalized for defending themselves against sexist and homophobic harassment, provides a case in point.[26] Given that criminalization and imprisonment both arise from, and further exacerbate, experiences of social marginalization and oppression, efforts to address queer and trans homelessness, unemployment, suicide, school dropout rates, harassment, and abuse cannot stop short of prison issues.

3. Prisons reinforce oppressive gender and sexual norms.

Prisons reinforce gender and sexual norms in three key ways: First, sex-segregated prisons restrict people's right to determine and express their

own gender identity and sexuality. Because most prisons divide people according to their perceived genitals rather than their self-expressed gender identity, prisoners who don't identify as "male" or "female" or who are gender-non-conforming are often sent to segregation or forced to share a cell with prisoners of a different gender, often with little regard for their safety. In Britain, even trans people who have obtained a Gender Recognition Certificate (a state document that legally recognizes a person's self-defined gender) have been held in prisons with people of a different gender.[27] By segregating institutions along sex/gender lines, prisons work to make invisible, isolate, and stigmatize those bodies and gender identity expressions that defy imposed gender binaries.[28]

Second, gender segregation in prisons plays a key role in "correctional" efforts to modify prisoner behavior in accordance with gender norms. Historically, women's prisons were designed to transform "fallen" women into better wives, mothers, homemakers, and domestic servants, whereas men's prisons were designed to transform males into disciplined individuals, productive workers, and masculine citizens.[29] These gendered goals persist today, particularly in the division of prison labor. For example, when a new mixed-gender prison was built in Peterborough, England in 2005, all parts of the institution were duplicated to provide separate male and female areas, except for the single kitchen, where women were expected to do all the cooking.[30] The current trend toward so-called "gender responsive" prisons is likewise framed as a measure to address the specific needs of female prisoners, but usually works to discipline, enforce, and regulate gender norms.[31] Moreover, gender-responsive prison reforms are increasingly used to justify building new prisons (without closing existing ones), thereby furthering prison expansion.[32]

Third, sexual violence plays a key role in maintaining order and control within prisons, a tactic that relies on oppressive sexual and gender norms.[33] Sexual violence in prison, including harassment, rape, and assault, is shockingly widespread and often institutionally condoned. According to Stop Prisoner Rape, 1 in 5 males and 1 in 4 females face sexual assault in US prisons.[34] To call attention to the enforcement of gender/sexual norms in prison is not to suggest that prison culture is uniform across or within institutions, or that prisoners are more sexist, homophobic, or transphobic than non-prisoners. Rather, prisons as institutions tend to reinforce, perpetuate, and entrench gender/sex hierarchies and create environments in which sexual violence flourishes.

4. Prisons are harmful, violent, and damaging places, especially for queer, trans, and gender-non-conforming folks.

Prisons are violent institutions. People in prison and detention experience brutal human rights abuses, including physical assault, psychological abuse, rape, harassment, and medical neglect. Aside from these violations, the act of putting people in cages is a form of violence in itself. Such violence leads to extremely high rates of self-harm and suicide, both in prison and following release.[35] These problems are neither exceptional nor occasional; violence is endemic to prisons.

It is important to bear in mind that prison violence stems largely from the institutional structure of incarceration rather than from something supposedly inherent to prisoners themselves. Against the popular myth that prisons are filled with violent and dangerous people, the vast majority of people are held in prison for non-violent crimes, especially drug offenses and crimes of poverty.[36] For the small number of people who pose a genuine risk to themselves or others, prisons often make those risks worse. In other words, prisons are dangerous not because of who is locked inside, but instead prisons both require and foster violence as part of their punitive function. For this reason, reform efforts may reduce, but cannot ultimately eliminate, prison violence.

The high number of deaths in state custody speaks to the devastating consequences of imprisonment. Between 1995 and 2007, the British prison-monitoring group Inquest documented more than 2,500 deaths in police and prison custody.[37] Homicide and suicide rates in Canadian prisons are nearly eight times the rate found in non-institutional settings.[38] In the United States between 2001 and 2006, there were 18,550 adult deaths in state prisons,[39] and between 2003 and 2005, there were an additional 2,002 arrest-related deaths.[40] It is extremely rare for state officials to be held accountable for these deaths. For example, among the deaths that Inquest has documented in Britain, not one police or prison officer to date has been held criminally responsible.[41]

Deaths in custody are symptomatic of the daily violence and harm that prisoners endure. Queer, trans, and gender-non-conforming people are subject to these harms in specific ways:

- *High risk of assault and abuse:* Queer, trans, and gender-non-conforming people are subject to widespread sexual assault, abuse, and other gross human rights violations, not only from other prisoners, but from prison staff as well.[42]

- *Denial of healthcare*: Many prisoners must fight to even see a doctor, let alone get adequate medical care. Trans people in particular are regularly denied basic medical needs, especially surgery and hormones. Many prisons have no guidelines for the care of trans and gender-variant persons, and even where guidelines exist, they are insufficient or not followed.[43] Inadequate policy and practice on HIV/AIDS and Hep C prevention is another major health problem in prison, where transmission rates are exceptionally high.[44] These risks increase dramatically for trans people, who already experience high rates of HIV/AIDS.[45] This combination of high transmission risks, poor healthcare provision, inadequate sexual health policies, and long-term health effects of imprisonment (including shorter life expectancies), mean that prison is a serious health hazard for queer and trans people.
- *Subject to solitary confinement and strip-searching:* Trans and gender-non-conforming prisoners are regularly placed in solitary confinement as a "solution" to the problem of sex-segregated prisons. Even when used for safety purposes, "protective custody" constitutes a form of punishment, as it usually means reduced access to recreational and educational programs, and increased psychological stress as a result of isolation. Trans and gender-non-conforming people are also frequently subject to humiliating, degrading, abusive, and overtly transphobic strip-searches.[46]
- *High risk of self-harm and suicide:* Queer and trans people, especially youth, have higher rates of suicide attempts and self-harm. Such risks increase in prison and are heightened in segregation, particularly when prisoners are isolated from queer and trans supports.[47] These risks are not limited to incarceration but continue after release. A study in Britain for example, found that men who leave prison were eight times more likely to commit suicide than the general population, and women released from prison were thirty-six times more likely to commit suicide.[48]

The prison system is literally killing, damaging, and harming people from our communities. Whether we consider physical death caused by self-harm, medical neglect, and state violence; social death caused by subsequent unemployment, homelessness, and stigmatization; or civil death experienced through political disenfranchisement and exclusion from citizenship rights, the violence of imprisonment is undeniable.

5. Ending violence against queer, trans, and gender-non-conforming people requires a focus on the prison industrial complex.

The pervasiveness of state violence against queer and transgender people is reason enough to fight the prison industrial complex. But it is important to include anti-prison work as part of antiviolence struggles more broadly. Too often mainstream antiviolence work around hate crimes, sexual violence, child, and partner abuse excludes or remains disconnected from struggles against state violence.

Incorporating anti-prison work within broader antiviolence struggles is vital because prisons perpetuate—rather than break—cycles of violence. People are less likely to cause harm to others when they feel part of a community, because social inclusion brings both supports and responsibilities. Yet prisons have the opposite effect: Prisons remove people from their communities, isolate them from social support, and disconnect them from frameworks of accountability. During their sentences, many prisoners become estranged from their families and separated from partners. Many lose their personal possessions and most lose their jobs. Imprisonment also exacerbates mental health issues.[49] As a result, people often come out of prison in a much worse position than when they went in, putting them at increased risk of the situations that landed them in prison in the first place. These effects can be devastating not only for prisoners but also for friends and family members. The British Social Exclusion Unit, for example, found that 65 percent of boys with a convicted parent are subsequently convicted themselves.[50] These cycles of social exclusion, poverty, and imprisonment pave the way for more harm and violence.

The criminal system also reduces community capacity to hold people to account for their actions. Though prison is often framed as a means of serving "justice" and "accountability," this is rarely the case. At most, prisons demand accountability to the state rather than to the people who were actually affected by the original harm. Locking people away does not require that people respond to those they harmed or take responsibility for their actions. By removing from the community people who have committed harm, the state actually prevents communities from holding that person accountable. More importantly, imprisonment does not assist with collective healing processes nor does it work to prevent harms from recurring in future. Effective antiviolence work means developing alternative, community-based processes that prioritize the needs of those who were harmed, address underlying issues that lead to harm, and work to prevent future violence.

6. Prisons reinforce dominant relations of power, especially racism, classism, ableism, and colonial oppression.

The modern prison grew out of, and continues to be deeply embedded within, the European colonial project and the legacy of slavery.[51] This history, which includes medical experimentation, forced psychiatric treatment, sterilization, and eugenics, continues to shape the contemporary prison system today. Whether we consider who is most targeted by prisons or the socio-economic power relations that sustain imprisonment, the prison industrial complex remains a fundamentally racist, classist, and ableist institution.[52] The statistics on who is in prison make these realities painfully clear. In Britain, for example, although people of color made up less than 9 percent of the general population, they comprised 27 percent of prisoners in 2008.[53] Blacks in particular are seven times more likely than whites to be stopped and searched by police, and are far more likely to receive a custodial sentence if convicted of a crime.[54] In 2002, there were more African Caribbean entrants to prison (over 11,500) than there were to U.K. universities (around 8,000).[55] In Canada, Aboriginal women make up less than 2 percent of the general population but comprise 32 percent of women held in federal prison and are more likely to be classified as dangerous offenders than non-Aboriginals.[56] In the United States, 1 in every 9 African American men between the ages of 20 and 34 is now behind bars.[57] The vast majority of prisoners come from poor economic backgrounds, and people with mental health issues and learning disabilities are locked up at disproportionate rates.[58]

While corporate media attempt to justify these differential rates with claims that some people are more criminal, the reality is that some people are more *criminalized*. For example, though blacks use drugs at similar (if not lower) rates than whites, they are up to ten times more likely to be admitted to prison for drug offenses than whites.[59] Governments, politicians, and corporate media continually reinvent images of prisoners as violent, pathological, and morally depraved people, but the vast majority are imprisoned for crimes related to poverty, social exclusion, and systemic oppression. Indeed, communities that are most criminalized tend also to be most victimized.[60] For example, in 2003, the Canadian Human Rights Commission found that 80 percent of all federally sentenced women were survivors of physical and/or sexual violence—and for Aboriginal women the rate increased to 90 percent.[61] Drawing attention to these underlying factors is not to deny the harms that people in prison may have committed, but rather to put those acts in their social, economic, political, and

colonial contexts. When we recognize "crime" as symptomatic of broader social injustices rather than as individual "bad choices," we are better able to devise strategies that address root causes and actually reduce harm and violence.

Queer and transgender communities are not immune from the oppressive logic of imprisonment. Not only do many of us internalize the racist, classist, ableist, and punitive norms of the prison system, but we also create our own kinds of oppressive cages when we uphold social barriers that exclude, marginalize, and stigmatize people in our communities. For this reason, it is important to prioritize, support, and take action in struggles against institutions such as prison, where such oppression is most rampant.[62] Just as struggles against gender and sexuality-based oppression are distorted and incomplete without race, class, and disability analysis, struggles for social justice are incomplete without attention to the violence of cages.

7. Prisons and policing take vital resources away from much-needed community programs, services, and self-empowerment projects.

The economic costs of imprisonment are staggering. In 2008, for example, it cost an average of £45,000 per year (more than £120 per day) to keep a person in prison in England and Wales.[63] In Canada, the average cost per year to keep a person in a maximum security federal prison is $110,223 (CAD) for men and $150,867 for women. Medium and minimum security costs average $70,000 per year.[64] In the United States, the average operational costs per prisoner in 2005 was $23,876 (USD), and capital costs were estimated at $65,000 per bed.[65]

Contrary to mainstream media claims of lavish prisons, the high costs of prison do not reflect the living conditions that prisoners endure. In Britain, for example, public-sector prisons spend less than £2 per day on food for each prisoner, and official inspectorate reports reveal that prison conditions regularly breach minimum standards of hygiene and safety.[66] Moreover, many prison costs are also absorbed by the prisoners themselves who provide unpaid or cheap labor (£4 per week in England and Wales) to maintain prison operations.[67]

Global expansion in the prison industrial complex, alongside growth in private industries that make profits from imprisonment, means that police and prison spending continue to rise. Over the past ten years, for example, US federal and state governments have increased police department budgets by 77 percent.[68] In 2007, total corrections spending in the United

States topped $49 billion, up from $12 billion in 1978.[69] Prison expenditure in Britain has increased from £2.84 billion in 1995 to £4.33 billion in 2006. The U.K. now spends more per capita on prisons than the US.[70]

Increases in law enforcement budgets are directly related to cuts in welfare, housing, medical care, and community programming. Massive amounts of public money are being channeled into military, policing, and imprisonment regimes, while queer and trans-specific services, such as HIV prevention, drop-in centers, education supports, peer mentoring programs, employment training, and violence-prevention programs are chronically underfunded. Not surprisingly, there is an inverse relationship between the amount of money a country invests in social welfare and the amount of crime it experiences: States with better welfare systems and more equal distribution of wealth tend to have lower incarceration rates.[71] When we consider what might be accomplished if even a fraction of prison and policing budgets were redirected into community-based violence prevention projects, the fiscal injustice of the prison system is even more striking.

8. Prison growth is reaching a global crisis, and LGBTQ people are becoming increasingly complicit in its expansion.

Using prisons, policing, and militarization as a response to social, political, and economic problems is a phenomenon that has grown dramatically in the past thirty years. Though the modern prison is a relatively new invention that only dates back to the 1800s, its most dramatic expansion in the United States, Canada, and Britain has occurred in the past thirty years.

Consider the following:

- Between 1994 and 2004, the number of children sentenced to penal custody in England and Wales increased by 90 percent, despite declining rates of recorded crime by children.[72]
- As of April 2010, there were 12,918 people serving indefinite sentences in Britain, compared to fewer than 3,000 in 1992.[73]
- The racial demographics of the US prison population underwent a complete reversal in a mere four decades, shifting from a population that was 70 percent white at mid-century to 70 percent black and Latino by the 1990s—even though racial patterns of "criminal activity" did not change significantly during that period.[74]

- Between 1970 and 2001, the incarceration rate of women in the United States rose by a staggering 2,800 percent (5,600 women prisoners in 1970 and 161,200 in 2001).[75]
- The number of people in the United States serving life sentences without parole increased by 22 percent between 2003 and 2008 (from 33,633 to 41,095).[76]

Contrary to popular assumptions, prison populations are growing not because more people are committing crime, more people are being caught, or more people are being found guilty. Rather, sentences are getting longer, custodial sentences are given out with increasing frequency, and governments are widening the criminalization net by creating new criminal offenses.[77] Between 2000 to 2007, for example, the US Congress added 454 new offenses to the federal criminal code, which coincided with a 32 percent increase in the number of federal prisoners.[78] While in power from 1997 to 2010, the British Labour government created more than 3,600 new criminal offenses—almost one for every day it was in office.[79]

Although many people assume that prison expansion is a response to increased crime, the main causes of prison expansion have less to do with so-called crime waves and more to do with political and economic policy: the "war on drugs," the criminalization of homelessness and poverty, the lack of community support for people with mental health issues, the increased detention of undocumented workers, the expanding use of secret prisons, and the so-called war on terror.

Unfortunately, many LGBT organizations in Canada, Britain, and the United States—particularly white-dominated and class-privileged ones—are increasingly complicit in the forces of prison expansion: calling for increased penalties under hate crimes laws; participating in police, military, and prison officer recruitment campaigns; endorsing "law and order" politicians, contributing to gentrification of poor, working-class and immigrant neighborhoods; and supporting "quality of life" ordinances that drive queer and trans street youth from public spaces. To give a particularly chilling example, LGBT groups lobbying for the Local Law Enforcement Hate Crime Prevention Act in the United States (also known as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act), recently found themselves in the unsavory position of supporting legislation that, thanks to a Republican amendment, included the death penalty among its available sanctions.[80] While several LGBT groups released statements

opposing the death penalty amendment, few acknowledged that hate crimes laws (which function primarily by applying harsher sentences to crimes deemed as hate-motivated) grow out of, and feed, the same punitive logics that sustain the death penalty. Ironically, most of the arguments used by LGBT groups to oppose the death penalty (for example, its racist application, lack of deterrent effect, and perpetuation of violence) also apply to the criminal justice system more broadly.[81] Although the death penalty amendment was subsequently removed from the final legislation, by advocating for punishment-based hate crimes laws, LGBT groups nonetheless helped to legitimize imprisonment and channel further resources into locking people up—despite a lack of evidence that such measures reduce hate-motivated violence.[82] It is also no coincidence that the act was passed as part the National Defense Authorization Bill, a package of reforms that provides $680 billion to the US military "defense" budget, including $130 billion (USD) for ongoing military operations in Afghanistan and Iraq.[83] Given the devastating effects of the prison industrial complex and its broader connections with militarism and empire, queer and trans people must end their complicity with such projects.[84]

9. Prisons and police do not make queer, trans, and gender-non-conforming communities safer.

The biggest myth of prison industrial complex is that prisons and cops keep us safe. Yet when we examine state track records, prisons have failed to protect communities from violence. Just as criminal justice remedies for domestic violence have not kept women safe from harm, so too have prisons failed to protect queer, trans, and gender-non-conforming people.[85]

Although queer, trans, and gender-variant people are disproportionately subject to harassment, bullying, sexual assault, and violence, many do not feel safe going to the police for help. A recent U.K. study found that 1 in 5 lesbian and gay people had been a victim of homophobic hate crime in the last three years, yet 75 percent did not report it to the police. The incidents ranged from insults on the street to physical and sexual assaults. Of those incidents reported, half resulted in no action being taken, and two thirds of those who reported were offered no advice or support services.[86] Trans people are particularly vulnerable when reporting incidents to police, not only because of ID issues, but also because police routinely assume that trans people are suspects rather than witnesses or victims of crime.[87]

Some argue that the answer to this problem is to encourage people to report violence to police and to advocate for criminal punishment against those who commit such acts of violence. But the introduction of hate crimes laws has not reduced violence against queer, trans, and gender-non-conforming people. In fact, when we examine the overall impact of the criminal system, imprisonment has never worked effectively to protect communities from harm. Here's why:

Re-offending: Prisons have a terrible track record when it comes to re-offending. In Britain, approximately 65 percent of prisoners are re-convicted within two years of being released. For young men aged 18 to 20, reconviction rates tend to hover around 75 percent.[88] Though recidivism rates vary among particular groups and offenses (most people convicted of murder, for example, do not re-offend), Canada and the United States have similarly high re-offense rates overall.[89] A growing body of evidence also suggests that prison expansion tends to increase re-offense rates.[90]

Deterrence: Prisons and punishment are poor mechanisms for deterring crime. Considerable evidence indicates, for example, that harsher sentences do not reduce crime, particularly with respect to youth. In some cases, harsher punishments may actually increase re-offense rates.[91] Indeed, US states with the lowest incarceration rates also have the lowest crime rates.[92] The logic that punishment will deter harm wrongly assumes that violence is the result of individual, rational decisions made in contexts of "free choice." While some violent acts are indeed premeditated (especially white-collar crime), most harms arise from a more complex set of social, political, and economic factors. Because prisons do not address but rather exacerbate these factors, the deterrent effects of imprisonment are limited. As former Senior Home Office researcher Carol Hedderman notes, "Prison will never be an effective crime-control tool because the evidence clearly demonstrates that it actively creates or compounds the factors that contribute to offending."[93]

Rehabilitation: Rehabilitation programs have limited success and in some cases can actually cause more harm than good.[94] This is partly because most rehabilitation programs assume that the main problem lies in the individual rather than in broader social, economic, and po-

> litical circumstances. Moreover, prison-based rehabilitation programs operate within coercive and disciplinary contexts and rarely coincide with adequate economic and social supports following release. By contrast, voluntary harm-reduction programs that take place within supportive community settings are generally more successful—and much less expensive.[95]

The systematic failure of imprisonment is not only noted by anti-prison activists, but also widely recognized among criminologists, legal professionals, and even government officials. As the Daubney Commission (appointed by a Conservative Government) in Canada reported,

> It is now generally recognized that imprisonment has not been effective in rehabilitating or reforming offenders, has not be shown to be strong deterrent, and has achieved only temporary public protection and uneven retribution.... The use of imprisonment as a main response to a wide variety of offences against the law is not a tenable approach in practical terms.[96]

Addressing violence within and against our communities is a far too serious, urgent, and widespread an issue to be left to a system that has proven to be an utter failure when it comes to community safety.

10. Alternatives to prisons will better prevent violence, strengthen queer and trans communities, and foster social, economic, and racial justice.

Prison abolition is not a call to suddenly fling open the prison doors without enacting alternatives. Nor is it an appeal to a utopian ideal. Abolition is a broad-based, practical vision for building models today that practice how we want to live in the future. Practicing alternatives requires different starting points, questions, and assumptions than those underlying the current system. The existing criminal justice model poses two main questions in the face of social harm: Who did it? How can we punish them? (And increasingly, how can we make money from it?). Creating safe and healthy communities requires a different set of questions: Who was harmed? How can we facilitate healing? How can we prevent such harm in the future?[97] Developing alternatives with these latter goals in mind prioritizes the needs of people who have been harmed and emphasizes more holistic, prevention-oriented responses to violence. Such frameworks not only reduce the need for prisons, but also work to strengthen communities by reducing oppression and building community capacity more broadly.

Abolitionist strategies differ from reformist tactics by working to reduce, rather than strengthen, the power of the prison industrial complex.[98] Prison reforms, however well-intentioned, have tended to extend the life and scope of prisons. So-called "gender-responsive" prisons are a prime example; reforms intended to address the needs of women have led to increased punishment and imprisonment of women, not less. By contrast, abolitionist strategies embrace tactics that undermine the prison system rather than feed it.

There are many different approaches to abolition, some of which are outlined in the classic "Instead of Prisons Handbook."[99] To highlight a few:

- *Starve the system.* Abolition means starving the prison industrial complex to death—depriving it of financial resources, human resources, access to fear-mongering, and other sustaining rhetoric.[100] Enacting a moratorium on prison expansion is one key strategy; this means preventing governments and private companies from building any new prisons, jails, or immigration detention spaces; prohibiting increases in police and prison budgets; and boycotting companies that make a profit from imprisonment. Starving the prison system means fighting new laws that increase prison time or create new criminal offenses (for example, hate crimes laws and mandatory minimum sentences), and redirecting money and resources into community-based alternatives.
- *Stop using cages.* Prisons are just one of the many cages that harm our communities. Racism, colonialism, capitalism, and ableism are other kinds of cages, which both sustain the prison system and give it force. Dismantling the prison industrial complex means working to eliminate all cages that foster violence and oppression. Taking this broad approach is especially important when developing alternatives, since some strategies (like electronic tagging or surveillance cameras) simply replace old cages with new ones. Getting people out of cages and preventing people from being put in those cages—even one person at a time—is a key abolitionist strategy.
- *Develop effective alternatives.* Dismantling the prison industrial complex is impossible without developing alternative community

protocols for addressing violence and harm. Creating abolitionist alternatives means encouraging non-punitive responses to harm, enacting community-based mechanisms of social accountability, and prioritizing prevention. Such alternatives include restorative/transformative justice initiatives, community-based restitution projects, social and economic support networks, affordable housing, community education projects, youth-led recreational programs, free accessible healthcare services, empowerment-based mental health, addiction and harm reduction programs, quality employment opportunities, anti-poverty measures, and support for self-determination struggles.[101]

- *Practice everyday abolition.* Prison abolition is not simply an end goal but also an everyday practice. Being abolitionist is about changing the ways we interact with others on an ongoing basis and changing harmful patterns in our daily lives. Abolitionist practice mean questioning punitive impulses in our intimate relationships, rethinking the ways that we deal with personal conflicts, and reducing harms that occur in our homes, workplaces, neighborhoods, and schools. In this way, "living abolition" is part of the daily practice of creating a world without cages.

Conclusion

Among the many strengths of queer and trans communities is an acute ability to challenge social norms that discipline dissident bodies. As an institution whose violent effects cause massive damage to bodies both inside and beyond its walls, the prison should be a key target for queer/trans analysis and action. At the same time, abolishing the prison industrial complex is not only about getting rid of prisons; it is about integrating abolitionist analysis and practice into broader social, economic, and racial justice struggles. Whether fighting for trans access to housing and welfare, demanding the decriminalization of sex work, engaging in antiviolence work, or campaigning for free accessible healthcare, all our politics must be infused with an abolitionist analysis. Likewise, prison activism that does not consider the gender/sexuality dimensions of imprisonment will be unable to undo the roots of our cage-obsessed cultures. The task then is to engage in social change using strategies that bring a queer/trans analysis to the prison industrial complex and bring a prison abolition analysis to queer/trans struggles. Without integrating both, we'll neglect the very cages that prevent us from working toward broader social justice goals.

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NOTES

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3. Recognizing the inability of a single term to encapsulate the fluidity and specificity of people's gender and sexual identities, and noting both the overlapping and distinct dimensions of these identities, I use gender and sexual identity terms in the following ways: By *queer*, I refer to people whose sexual desires, identities, and practices do not conform to heterosexual norms (including, but also going beyond, lesbian, gay, bisexual, transgender, transsexual, intersex, two-spirit, and queer people). By *trans*, I refer to people who identify or express gender differently than what is traditionally associated with the sex they were assigned at birth (e.g. transgender, transsexual, two-spirit, male-to-female, female-to-male). By *gender-non-conforming*, I refer to people whose gender presentation or identity does not conform to gender norms or expectations (e.g. women who present in a masculine way but nonetheless identify as women, as well as androgynous, gender-fluid, and gender ambiguous people).
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98. Taking an abolitionist stance does not mean refusing to engage in incremental change, nor does it mean abandoning efforts to improve conditions inside prisons. Rather, abolitionists engage in "abolitionist reforms" or "non-reformist reforms." These are reforms that either directly undermine the prison industrial complex or provide support to prisoners through strategies weaken, rather than strengthen, the prison system itself. For example, rather than lobbying for bigger prison health budgets to care for elderly prisoners, an abolitionist reform strategy would aim to get elderly prisoners out on compassionate release to obtain healthcare in the community. See Critical Resistance, *A World without Walls*.
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