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*Sociological Perspectives* 2014 57: 6

DOI: 10.1177/0731121413516609

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# Pesticides, Prisoners, and Policy: Complexity and Praxis in Research on Transgender Prisoners and Beyond

Sociological Perspectives  
2014, Vol. 57(1) 6–26  
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DOI: 10.1177/0731121413516609  
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Valerie Jenness<sup>1</sup>

## Abstract

Over the last few decades, a steady stream of books decry the decline of the public intellectual in modern life, while academics continue to express the desire to “make a difference” by producing research that contributes to the amelioration of social problems. In this context, this article draws on basic and applied research on transgender prisoners in California as a case study to address larger questions about the pursuit of knowledge, the creation of policy, the prompting of praxis, and the promise of justice. The empirical research on transgender prisoners in prisons for men presented in this article begins with a decidedly specific policy question (how to keep transgender prisoners safe from sexual assault in prison) and ends with basic research that interrogates the social organization and workings of gender (how is gender accomplished among transgender prisoners in prisons for men). Reviewing this research and presenting a few instructive digressions referred to as “sidebars” leads to two conclusions: (1) The line between basic and policy work cannot be effectively erased (nor should it be), and (2) basic and applied research can be treated as productively interdependent (i.e., take us to new research paths and generate new insights). By operating side-by-side, basic *and* policy research can provide us with general and particularistic understandings of social processes and structures that ultimately help us make a difference in the lives of those who suffer the most from systems of inequality, in this case transgender women subject to state authority.

## Keywords

research, praxis, policy, justice, transgender prisoners

## Introduction

During my year as President of the Pacific Sociological Association—on April 12, 2012, to be exact—I had a “moment” that informs this address. You might say it inspired this address and my ongoing thoughts about the theme of this year’s conference: “Research and Teaching Matters: Creating Knowledge, Policy, and Justice.” I want to begin by telling you about that day last April.

As a member of the University of California, Irvine (UCI) faculty, I am privileged to have routine access to the Arnold and Mabel Beckman Center of the National Academies of Sciences and Engineering, what we at UCI often call “the West Coast National Academies.” On April 12,

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Figure 1. Eco cartoons by Geoff Olson.

2012, I was there in my capacity as Dean to give opening remarks at a conference on pesticides (of all things). Standing at the podium to address natural scientists, social scientists, students, administrators, and members of the public in the audience, I said the following:

Today's program "Pesticides: Domestic and International Perspectives from Science Law, and Governance" is part and parcel of our ongoing series devoted to thinking about moving "Toward a Sustainable 21st Century." No small task, and one that includes thinking about pesticides from a multidisciplinary view. When I think about pesticides, I think about apples. I grew up with my mother telling me "an apple a day keeps the doctor away." I always believed my mom. More recently, I came across a book by Michelle Cook called *The Brain Wash: A Powerful, All-Natural Program to Protect Your Brain Against Alzheimer's, Chronic Fatigue Syndrome, Depression, Parkinson's, and other Diseases*. Cook (2007) wrote, "An apple a day might have kept the doctor away prior to the industrialization of food growing and preparation. But, according to research compiled by the United States Drug Administration (USDA) today's apple contains residue of eleven different neurotoxins—azinphos, methyl chlorpyrifos, diazinon, dimethoate, ethion, omthoate, parathion, parathion methyl, phosalone, and phosmet—and the USDA was testing for only one category of chemicals known as organophosphate insecticides. That doesn't sound too appetizing does it? The average apple is sprayed with pesticides seventeen times before it is harvested." Dare I say it: THAT is "food for thought!"

This was an important conference and, after thanking the sponsors,<sup>1</sup> organizers, participants, and attendees, I was happy to sit and listen to the first speaker.

Now, here is where the plot thickens and relates to the theme of *our* conference. The first speaker, Professor Bruce Blumberg, spoke about "Current Challenges and Controversies in Defining Pesticides," during which time, he showed lots of wonderful slides reporting on the science of pesticide exposure. It was multidisciplinary, and the technical aspects of it were a bit daunting—at least for me—as he talked about such things as "endocrine disrupting chemicals." It also served as a reminder of how much distance there is between "my side of campus" and "the other side of campus." Toward the end of his talk, he showed a slide of a man who appears to be transforming into a woman, presumably as a result of exposure to pesticides (see Figure 1).<sup>2</sup> When he did, I was struck by our "common ground." As the audience laughed at this

slide, I thought of the study of sexual assault of transgender prisoners in men's prisons that I had recently completed, which was certainly no laughing matter.

After Professor Blumberg's talk, I got in my car and drove to downtown Los Angeles—about 45 miles from campus, which is one to six hours depending on traffic—to attend a Lesbian, Gay, Bisexual, Transgender Forum at which the Los Angeles Police Department (LAPD) rolled out to the community new guidelines governing police interactions with transgender individuals, with Chief Charlie Beck there to help usher in a new era in community relations. I was gratified to help write this historic policy, watch LA's "top cop" affirm its importance, and celebrate the adoption of this policy with the very community that stands to benefit from it. This was an important community event at which I told the *Associated Press* and other media outlets:

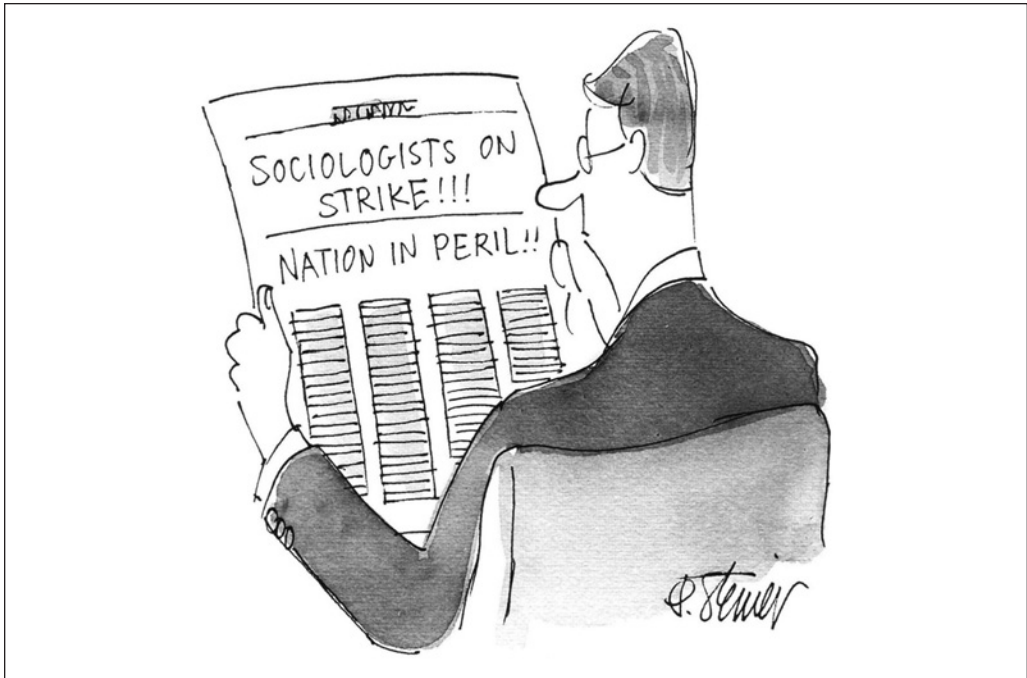
Policies like this codify an organization's values and express them to the community. The LAPD is trying to commit to respecting the transgender community with its policies. I wish policies like this had been in place a long time ago. (The Associated Press 2012)

So that was my April 12, 2012: In the course of a day, I had gone from observing the workings of what one of my academic colleagues likes to call "serious academic science" to attending a public celebration that marked the adoption of an historic public policy. My insight came when I also understood that it affirmed the importance of social science research and the value of researchers working collaboratively with law enforcement and marginalized members of our community to address some of the harshest realities of our urban areas.

That day raised questions for me—once again—about the pursuit of knowledge, the creation of policy, the prompting of praxis, and the promise of justice. And today, I would like to share with you some of my experiences and thoughts about each. I do so in a context with a set of related considerations: a steady stream of books published over the last few decades that decry the decline of the public intellectual in modern life, the expressed desire of many colleagues and students who sincerely want to "make a difference" by contributing to the amelioration of social problems, discussions among scholars about public sociology and engaged sociology, my appreciation for the fact that about half of the PSA membership is composed of students who are learning the skill and craft of what sociologists do (inside and outside the academy), and my ongoing appreciation for three previous PSA Presidential Addresses: Peter Nardi's Presidential Address (2006) on seeking truth through praxis on advocacy research,<sup>3</sup> Jodi O'Brien's PSA Presidential Address (2009) on "Sociology as an Epistemology of Contradiction,"<sup>4</sup> and Beth Schneider's Presidential Address (2012) on the power we have in community and university settings and how we should use it (Schneider, 2012). It is an honor to follow in the tradition set by these close colleagues and friends.

In *that* context, I continue to be both amused and haunted a *New Yorker* cartoon (see Figure 2), which I suspect many of you have seen before. I think the message conveyed in this cartoon is clear: Sociologists are not relevant in the so-called "real" world, as much as we would like to be.

That said, in the remainder of my time here today, I want to bring my own experience into view, use it as an informal case study, and engage in a few instructive digressions or what I call "sidebars," which perhaps capture some generalizable or larger lessons. I want to do so as a way of making a plea for the importance of basic research when situating myself as a "policy person" (or what some would call an "action-oriented researcher") and, in so doing, complicate this commonly cited binary. The research project I want to tell you about today begins with a decidedly specific policy question and ends with a stark reminder of the importance of building empirically grounded bodies of knowledge. It is this sort of knowledge that provides us with general and particularistic understandings of social processes and structures that, I argue, ultimately help us make a difference in the so-called "real world" (and maybe makes *The New Yorker* cartoon a little



**Figure 2.** Source. © 2007 Peter Steiner from cartoonbank.com. All rights reserved.

less humorous). The journey I am going to tell you about is one I would not have envisioned three years ago, but it is one taken with an eye toward relevance and “making a difference.”

### Act I: The Policy Question as Catalyst

In 2007, my colleagues and I completed a study of sexual assault in California prisons<sup>5</sup> for men and submitted a report to the California Department of Corrections and Rehabilitation (CDCR) that revealed, among other things, that transgender prisoners were about 13 times more likely to be sexually assaulted in prison than their nontransgender counterparts (Jenness 2008; Jenness et al., 2007; Jenness et al. 2010). After presenting a report on this research to the CDCR and briefing the Secretary of the CDCR and his executive staff on the main findings, I made the case that this finding alone warranted funding for a second study, one that focused exclusively on the transgender population in California prisons for men. They agreed, funded a study of transgender prisoners, and gave me, and by extension my team of researchers, unfettered access to their 33 prisons (30 of which are prisons for men)—something unheard of these days.

**SIDEBAR:** In the world of policy work, timing is everything. This report and request for funding and continued access to prisons occurred in a context in which a high profile civil suit that involved a transgender parolee who alleged serial sexual assault while in Folsom State Prison was making national news and bringing newfound attention to the plight of transgender prisoners in California and elsewhere (*Giraldo v. California Department of Corrections and Rehabilitation* 2008). In other words, questions about the well-being of transgender prisoners in the care of the CDCR were, for a variety of reasons, defined as “pressing” by an array of stakeholders both within and outside of the CDCR and more research was called for. California is not alone in grappling with where to house transgender women in men’s prisons.

In this context, the CDCR funded a study of transgender prisoners in their prisons for men in order to help them address two very specific policy questions with which they were grappling: First, where is it best to house transgender inmates—in general populations, segregated populations, or sensitive needs populations, for example—to minimize sexual assault and other forms of victimization? Second, with whom is it best to house transgender inmates in prisons—in housing units with other transgender inmates or in housing units among nontransgender inmates—to keep them safe from sexual assault? In other words, safety was the policy concern and the original inspiration for this publicly funded research.

With these policy questions front and center, my colleagues and I conducted the first systematic empirical study of transgender inmates in men's prisons. We did so with the stated goal of providing evidence so the CDCR could make good on its promise to engage in evidence-based corrections as it confronted how to best keep this vulnerable prison population safe—or at least safer. When I say “my colleagues and I,” I really do mean a team of folks who came together to pursue this goal, including project managers, research assistants, research consultants, advocates, corrections officials, and interviewers. In particular, I want to acknowledge Lori Sexton and Jennifer Sumner as Project Managers who went well beyond the call of duty and became full-fledged collaborators (Jenness, Sexton, and Sumner 2011; Jenness, Sumner, Sexton, Alamillo-Luchese 2014; Sexton and Jenness 2013; Sexton, Jenness, and Sumner 2010; Sumner and Jenness, 2014). With lots of help from lots of people, we designed a project to collect quantifiable self-report data from transgender prisoners, official demographic data on transgender prisoners, and official data on the housing environments in which transgender prisoners reside in state prisons for men. We did so to discern where best to house transgender prisoners and who best to house them within California's extremely overcrowded prisons.<sup>6</sup>

When field data collection began in April 2008, there were approximately 160,000 adult prisoners incarcerated in 33 prisons in California. This was our sprawling research site. At this point, and via YouTube, I would like to introduce you to a transgender prisoner in California prisons (see [http://www.youtube.com/watch?v=\\_I93IM1gO8s](http://www.youtube.com/watch?v=_I93IM1gO8s)).

The transgender population housed across this research site is paradoxically visible and invisible. Transgender inmates like these are a highly visible population because their gender displays—for example, the shape of their eyebrows—often mark them as a distinct type of prisoner in an alpha male environment. As a transgender prisoner I interviewed in a maximum security prison said to me:

Prison is an alpha male community. It's run by alpha males. So, we're perceived as punks—just women. No one is going to come up to me and give me the respect they give my old man. They see me as his property. And I guess I am. We're seen as weak—a lower species. In a sense, we are. But, people should not be taken in by the illusion. Don't forget: We're men. We're just trying to get by in an alpha male community. You women—you are a woman—you have it easy. I don't have it easy . . .

From the point of view of those charged with managing prisons, transgender prisoners are often thought to be the source of in-prison disorder and attendant management problems precisely because they do not conform to the dictates of an extremely heteronormative and masculinist environment. As those who contest the treatment of transgender prisoners in men's prison are often pointing out, transgender prisoners are a visible population targeted by others—prisoners and corrections officials alike—for victimization and rights violations.

However, from the point of view of systematic, empirical social science data, they are—or more accurately, *were*—what Tewksbury and Potter (2005) dubbed “a forgotten group” of prisoners. When we began this study, there were no data available on transgender inmates in

California prisons for men, even though the CDCR collects systematic data on almost every other type of prisoner<sup>7</sup> and is arguably home to approximately half the transgender prisoners in the United States.<sup>8</sup>

To collect original data on this population, we faced a series of challenges, including reaching agreement on how to operationalize the term “transgender prisoner” in an era in which there is very little agreement on what is meant by “transgender” and the term is used as an umbrella term (Girshick 2008; Valentine 2007)<sup>9</sup>; securing approval from three regulatory entities to conduct this research (the University of California Institutional Review Board, the CDCR’s Research Office, and the California Department of Mental Health’s Institutional Review Board); identifying an unknown number of needles (transgender prisoners) in a known number of haystacks (30 prisons for men); inviting each and every one of them to participate in the study<sup>10</sup>; and securing their participation in confidential interviews in prison that entailed answering questions about their current housing situation and their incarceration experiences more generally, including questions about sex, violence, and gang affiliation (for more details on the methodological challenges, see Jenness 2010, 2011).

Meeting these challenges was as daunting when we began as it was satisfying when we concluded data collection in June 2008. After we traveled to 27 prisons to interview over 300 transgender inmates and achieved a 95 percent participation rate, spent hundreds of hours with prison officials in prisons, and worked doggedly to protect the confidentiality of everyone involved, we turned to analyzing the data and answering the policy questions (for more details, see Jenness 2010; Jenness, Sexton, and Sumner 2011; Sexton et al. 2010).

## **Act II: Producing Findings, Having a Forum, and Failing to Answer the Policy Question**

While in the midst of analyzing our unique data set, I was invited to give expert testimony at a public Informational Hearing on “Issues Facing Lesbian, Gay, Bisexual and Transgender Inmates in California Prisons.” I agreed to do so because I welcomed the opportunity to bring systematically collected data to bear on controversial proposed legislation related to the incarceration of LGBT inmates and wards in California.<sup>11</sup>

On December 11, 2008, I reported the following to the California Senate Committee on Public Safety, then chaired by Senator Gloria Romero (D-Los Angeles), who was the first woman to hold the position of democratic majority leader in the State Senate: “The short story is this: We have a unique data set from which to understand transgender inmates in California prisons, including their unique vulnerability to violence” (Jenness 2008:7). Based on these data, I shared a slew of empirical findings with Senator Romero, her colleagues, the press, and hundreds of observers in the room. Submitted in advance as written testimony (Jenness 2008), I told those in the room that day: “We have written the first 60 plus pages of the report and, at this point, we can offer a handful of *preliminary* findings (and I emphasize preliminary!)” (Jenness 2008:8). I went on to tell them that:

- Demographically speaking, transgender inmates are distinguishable from the larger population of inmates in prisons for adult men in terms of age, race/ethnicity, commitment offense, custody level, sex-offender status, gang status, and mental-health status; however, transgender inmates and the larger population of inmates in prisons for men are roughly equivalent when it comes to serving a life sentence or not.
- In addition, a consideration of a host of variables related to health and welfare—including education and employment, marital status, health status (mental health, substance abuse,

and HIV status), participation in sex work, homelessness, and experiences with victimization (sexual and nonsexual)—reveals that the transgender population in men’s prisons in California is marginalized in multiple ways.

- It is important to recognize that transgender inmates in California prisons are a diverse group in terms of gender identities, sexual orientations, and attractions to others.
- The prevalence rate of inmate-on-inmate sexual assault for transgender inmates is 23.8 percent in their current housing unit (while presenting as female), and 58.5 percent in their incarceration history in California (while presenting as female).
- And when you include “sexual misconduct,” the numbers grow to 34.6 percent in their current housing unit, 69.4 percent in their incarceration history in California (while presenting as female), and 62.4 percent outside of prison (while presenting as female).
- The prevalence rate for staff-on-inmate sexual assault for transgender inmates is comparatively low: 0.6 percent in their current housing unit and 13.6 percent in their incarceration history in California (while presenting as female).

In light of these numbers, my testimony included sharing another finding that, I said, might be relevant when considering where to house transgender inmates in prison, namely, the majority of transgender inmates expressed a preference to be in a men’s prison rather than a women’s prison. This expressed preference was often accompanied by comments on the disadvantages of being in a women’s prison and the advantages of being in a men’s prison as, simply put, the avoidance of women and presence of men. With regard to the former, transgender inmates in California prisons for men reported a preference for men’s prisons because, to quote them, “It’s easier. Women are more complicated. They like to fight and prove themselves. Too much drama”; “It’d be too much with too many women—too much drama/gossip”; and “When girls get together, there is too much bickering—too much drama.” In contrast, the advantages of being in a men’s prison include the pursuit of sex and the possibility of securing a male partner (Jenness 2008). This becomes important later.

To quote my own testimony (at the time), transgender prisoners’ expressed concern about safety is not a main factor in predicting their preferences for housing arrangements. I went on to explain,

This, then, raises the following question: quite apart from expressed preferences, are transgender inmates safer when housed with each other in concentrated populations or when housed in a deconcentrated fashion? We have not completed analyses that speak to the relationship between variability in housing environments and vulnerability to violence,<sup>12</sup> but our first set of numbers suggests that there are modest differences between the prevalence rates of sexual assault between those prisons that house concentrated populations of transgender inmates and those that do not. These modest differences are not, however, statistically significant. I don’t want to say much more about that here because the data are not fully analyzed. *If this preliminary finding holds as we complete our analyses and subject it to a host of statistical tests, it would negate the notion that transgender inmates are safer when housed in clusters in a single prison or a small set of prisons.* (Jenness 2008:9–10)

I concluded my testimony with this:

The question of how to classify transgender inmates and where to house them is as complicated as all classification and housing decisions, and arguably even more so. The diversity within this population of inmates makes the algorithm for classification and housing all the more difficult. My hope is that by offering an empirical analysis of the relationship between various types of housing arrangements and violence—sexual and otherwise—we can utilize research to accomplish what I believe all of us here today want: to keep transgender inmates safe while in detention facilities of all sorts, including



state prisons. As someone who has worked closely with the CDCR, consulted with advocates for transgender inmates, and maintained the confidentiality transgender inmates have entrusted my research team with, I'm sure that is a goal we all share. (Jenness 2008:10)

After I concluded my testimony, Senator Romero and her colleagues on the panel asked a series of questions about where we should house transgender prisoners in order to keep them safe from what everyone agreed was disproportionately high rates of sexual assault in prison. Their questions were good, in large part because they revealed they had read my written report and were up on the issues. My answers were not as good, in large part because I did not have findings they found compelling. I reiterated some version of "I don't know, because we did not find statistically significant relationships between various types of housing arrangements and the probability of sexual assault and other types of violence."

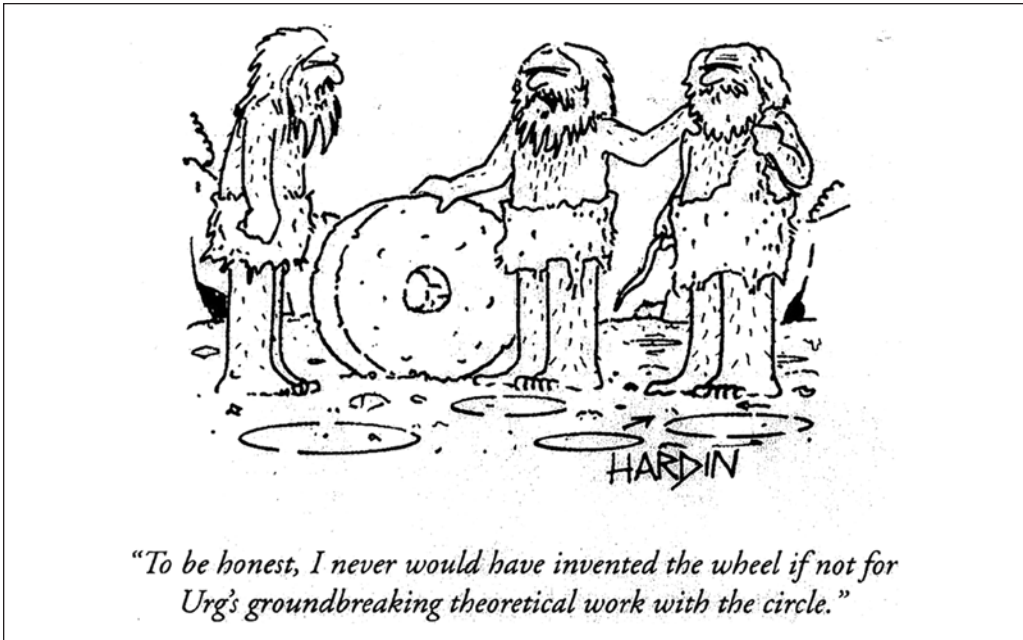
**SIDEBAR:** The policy world doesn't appreciate "failure to reject the null hypothesis" as a valuable insight. It might tell you what is not the case, but it doesn't tell you what *is* the case. And trying to explain the importance of "failure to reject the null hypothesis" to a policy audience is, in my experience, a fool's errand.

It became clear that my data could produce many interesting statistical findings and confirm the nature of the problem—that transgender prisoners face an exceptionally high rate of sexual assault in California prisons for men—but it could not provide a clear directive on the appropriate intervention into the problem. Senator Romero turned her focus away from the findings of our research to ask questions related to what was making news at the time: the CDCR's recent decision to house a *man* convicted of rape in a woman's prison in California after the person transitioned to become a woman while serving time in a Texas prison.<sup>13</sup> Focusing on this exceptionally atypical but high-profile case, she asked me if I thought that it was a good idea to house this person in a women's prison rather than a men's prison. I expressed a concern for a lack of data that would provide insight into that question, and she then called for the next speaker to address the panel. To add insult to injury, a staff person attending the hearing later referred to me as "data girl" (and in a way that did *not* sound flattering).

After providing the testimony and attendant report, I was embarrassed that hundreds of thousands of dollars and many hours of labor had gone into research that could not provide much insight into the nature of sexual assault against transgender prisoners in men's prisons and how to keep transgender prisoners in men's prisons safe from sexual assault. As a result, I could not be of much help in reaching the larger goal of securing transgender prisoners' safety. I made no recommendations.

I did, however, go back to the drawing board. I should say "*we* went back to the drawing board" as my research assistants and I deployed our data to generate logistic regression model after model of the probability of sexual assault among transgender prisoners. Much to our chagrin, we found that, in the main, characteristics of the prisoners were not significant predictors, characteristics of the prison environment were not significant predictors, characteristics of the housing environment were not significant predictors, and very few social-interactional factors were significant predictors. At this point, I was reminded of Thomas Edison's observation: "I have not failed. I've just found 10,000 ways that don't work."<sup>14</sup>

However, we did discover that answers to two questions—"Have you ever been in a marriage-like relationship with another inmate?" and "Have you been in a sexual relationship with another inmate?"—were the exception to our landscape of null findings; they emerged as strong, consistent, and significant predictors of sexual assault. Unfortunately, the policy focus was on classification and housing, and we did not have a framework to make sense of these interactional



**Figure 3.** Source. © Patrick Hardin from cartoonstock.com. All rights reserved.

findings. Thus, I had to confront that, despite what tons of prison research on prison violence would suggest, we were neither looking in the right place nor through the right lens. Therefore, we had to look elsewhere.

### **Act III: Returning to the Basics and Imagining “Agnes Goes to Prison”**

At the 2009 annual meeting of the PSA in San Diego, I had a pivotal conversation that served as a catalyst for looking in the right places and through the right lens and, I might add, with the right collaborator. What began as a casual lunch with Sarah Fenstermaker—a mentor, a colleague, and a friend—ended with a plan to collaborate on addressing a decidedly *theoretical* question about the workings of gender in prison placed front and center. Put another way, and as revealed in the humor of the cartoon presented in Figure 3, I had been looking at the wheel without understanding the circle. To understand the circle, the policy question took a back seat to a more basic question prompted, in part, by our understanding of Agnes.

Agnes, many of you may recall, was Harold Garfinkel’s famous case study of a young woman who, in the 1960s, identified herself to the UCLA Neuropsychiatric Clinic researchers and clinicians studying gender identity disorders and who was seeking a surgical “correction” for the “mistake” that was her penis (Garfinkel 1967). Agnes was, to use the vernacular of the time, an intersex person hoping to convince Garfinkel and his colleagues that she was a “normal, natural” female, deserving of surgical attention. That is, Agnes’ project was to convince Garfinkel and others that she was “naturally” a female, that her “inner” female was adequately reflected in her outward appearance, comportment, and point of view as a woman.

During lunch in San Diego that day, we imagined Agnes—actually our imagined Agnes—in a California prison for men, which in turn raised questions about passing (how would she pass as female in that environment as she did at UCLA?) and questions about the situated

accomplishment of gender (how would she interact with others and to what end?). Almost four years later—in January of this year—our article addressing these questions was conditionally accepted for publication in *Gender & Society*, a decidedly academic journal.

As we explain in the conclusion of this article, we began our analysis of the workings of gender within California's prisons for men by recalling the case of Agnes and imagining her in a completely new context:

With the right resources, economic and emotional, Agnes could convince others that because she appeared to be “naturally” feminine, she must be, in fact, “naturally” female. When Agnes goes to prison, all that is turned upside down, or at least spun differently. Here sex category is known, and all the Agnesses “must be” male. This prison context provides the opportunity for a deeper understanding of the relationship between sex category, gender, contradictory embodiment, and accountability. (Jenness and Fenstermaker 2013)

To arrive at this deeper understanding, we drew on qualitative data to reveal a dynamic whereby gender is accomplished. As we explain in our conclusion:

Under the harsh conditions of the prison, transgender prisoners engage in set of activities that together constitute what we refer to as a pursuit of gender authenticity, or what they call “the real deal.” These activities begin with an orientation to sex category through an acknowledgement that prisoners are institutionally and interactionally understood as male. Transgender prisoners in men's prisons express a desire to secure standing as a “real girl” or “the best girl” possible in a men's prison. This desire translates into expressions of situated gendered practices that embrace male dominance, heteronormativity, classed and raced gender ideals, and a daily acceptance of inequality. (Jenness and Fenstermaker 2013)

Further, qualitative data from the larger project reveal that:

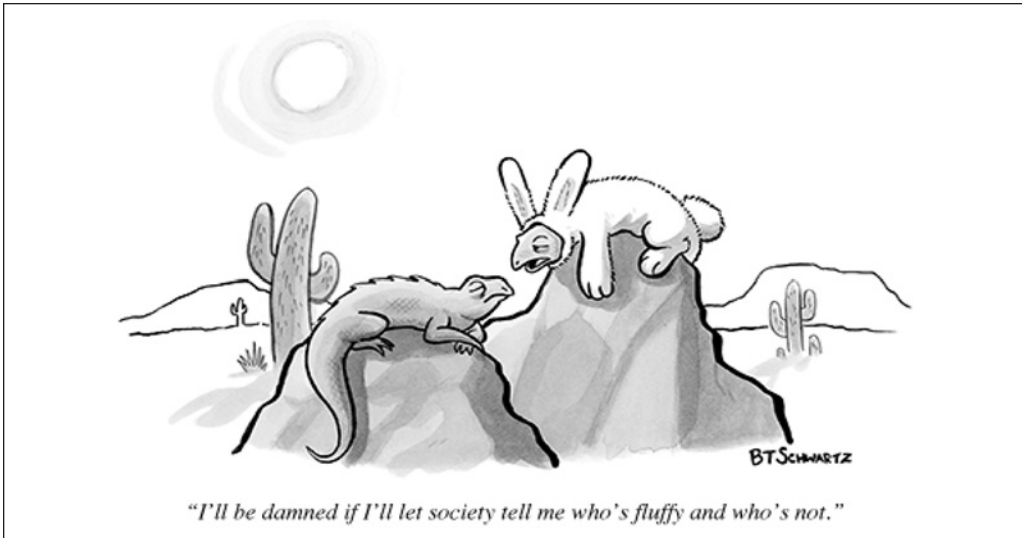
The experiences of transgender inmates illustrate that whatever femininity is undertaken, in whatever way and for whatever ends, it is not done to pass—to mask a secret that if revealed, could be discrediting. What is sought is accountability to a putative sex category: If through the accomplishment of gender in this setting one can appear to embody the imagined biologic “real deal,” then one is close enough—and good enough—to be deserving of some privilege and respect. (Jenness and Fenstermaker 2013)

These gendered practices are undertaken within the context of a powerfully heteronormative masculine environment that privileges males and denigrates females. One pursues a femininity that achieves the “real deal” in order to manage the inevitable disrespect and violence heaped upon the feminine. (Jenness and Fenstermaker 2013)<sup>15</sup>

We conclude where we began:

In the UCLA clinic long ago when Agnes' behavior was interpreted only as passing. The Agnesses in prison do not hide and they cannot deceive. Their gendered behavior in prison can be understood as a part of an ongoing, cooperative collusion where their selves are revealed and affirmed, and their relationships with non-transgender prisoners likewise reaffirm an unequal, often violent and always hegemonically male community. The search for the “real deal” is fundamentally a pursuit of recognition, respect, and belonging in a particular time and place. And this would be of value to all of us, whether on the outside, or behind bars. (Jenness and Fenstermaker 2013)

Stated this way, it is hard to not appreciate the ways in which transgender prisoners both reject and reaffirm conventional understandings of gender, just as our friends on this rock in Figure 4 do!

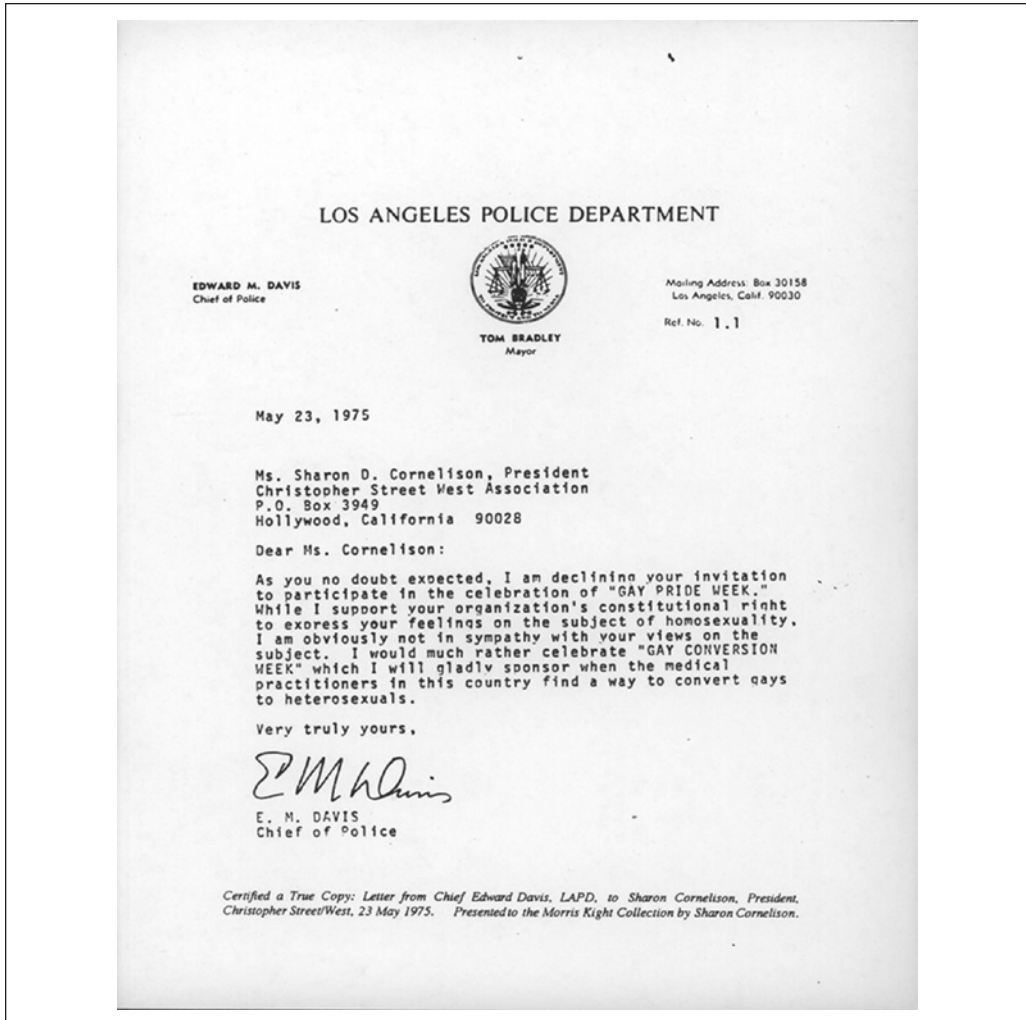


**Figure 4.** Source. © The New Yorker Collection 2013 Benjamin Schwartz from cartoonbank.com. All rights reserved.

I present this conclusion to our article for a couple of reasons. First, I want to share with you that, in simple terms, we found that transgender prisoners in men's prisons are not engaged in "passing" in the conventional sociological sense of the term; rather, they are engaged in another dynamic—an effort to be authenticated as the "best girl" possible—in what is easily described as an unforgiving environment that, as I mentioned earlier, leaves them sexually assaulted by a factor of 13 and is predicted by social-interactional variables. And when we recall that statistic, we are once again thrust out of the theoretical realm and into the world of practicality and policy. The recognition transgender prisoners seek often comes at a violent cost. Thus, a focus *only* on the pursuit of recognition or *only* on the safest place to house transgender prisoners fundamentally distorts the lived experience of our respondents. Nontransgender prisoners bestow both recognition and the frequent violence that comes with it. In this research, qualitative data proved crucial to theoretical illumination, just as shifting the lens through which the problem is viewed likewise proved illuminating. Our theoretical analysis helps us make sense of the central finding from the quantitative data that I mentioned earlier: "Have you ever been in a marriage-like relationship with another inmate?" and "Have you been in a sexual relationship with another inmate?" emerged as strong, consistent, and significant predictors of sexual assault.

Second, our work reminds me of one of my favorite movies: *Thelma & Louise* (1991). In it, Louise, played by Susan Sarandon, explains to Thelma, played by Geena Davis, that they cannot go to the police after Thelma has been sexually assaulted and Louise has shot and killed the perpetrator because no one, including the police, would believe them. Thelma responds to Louise, "The law is some tricky shit, isn't it?" So too with this contradictory set of implications for policy.

**SIDEBAR:** Our analysis of Agnes provokes another sidebar: It's often about what you didn't do and where you didn't look. In the beginning, my goal was not to collect systematic ethnographic data because that was not deemed relevant to the policy question—a policy question anchored in an understanding of prevalence, incidence, distribution, and predictors of outcomes. This is a common formulation for a policy question, one that disregards the truth of what Albert Einstein said so long ago: "Everything that can be counted does not necessarily count; everything that counts cannot necessarily be counted."<sup>16</sup>



**Figure 5.** Letter from Edward Davis, former LAPD Chief of Police.

Note. LAPD = Los Angeles Police Department.

With this in mind, my journey takes me back into the policy realm, this time, working with the LAPD at an opportune moment in history and armed with Agnes and what she teaches us when she goes to prison.

### **Act IV: Returning to Policy, this Time with Agnes in Mind**

In 1975, Edward M. Davis, then the Chief of Police for the LAPD, wrote the following to a community group in response to an invitation to attend an event (see Figure 5):

As you no doubt expected, I am declining your invitation to participate in the celebration of "GAY PRIDE WEEK." While I support your organization's constitutional right to express your feelings on the subject of homosexuality, I am obviously not in sympathy with your views on the subject. I would much rather celebrate "GAY CONVERSION WEEK," which I will gladly sponsor when the medical practitioners in this country find a way to convert gays to heterosexuals.

Medical practitioners never found a way to convert gays to heterosexuals, and over 36 years later, LAPD Chief Charlie Beck showed up at the Gay and Lesbian Center in Los Angeles to attend a community forum at which he personally introduced a new policy titled “Police Interactions with Transgender Individuals.” According to this policy, the LAPD, the third largest police department in the nation after the New York and Chicago police departments, is (now) committed to “procedures that create mutual understanding, prevent discrimination and conflict, and ensure the appropriate treatment of transgender individuals” (Barnes 2012:1). This commitment is as hard-earned as the policy is historic. It’s a policy designed to ensure “police contacts with transgender individuals are professional, respectful, and courteous.” As the local news reported, “This is a huge victory for transgender people who may interact with the police, and for transgender inmates . . . It sets a great precedent for police departments nationwide” (Barnes 2012).<sup>17</sup>

I was pleased to participate in the very tail-end of the long journey that led to this historic policy. Since December 2011, I have been serving as a research consultant for the LAPD as they rethink with how best to fulfill their mission: “[T]o safeguard the lives and property of the people we serve, to reduce the incidence and fear of crime, and to enhance public safety while working with the diverse communities to improve their quality of life” (LAPD 2013), and to do so while engaging with the transgender community. During this time, I have been party to discussions in which many issues have been raised, debated, addressed, contested, and readdressed.<sup>18</sup>

With the stated goal of enhancing relations with the transgender community and discharging the duties of law enforcement in legally defensible and socially progressive ways, I was invited to the table to discuss—indeed weigh in on—the parameters of the policy. I did more than offer my opinion on the policy; I served as a ghost writer. As I did, I held focus groups with diverse members of the transgender community—from young homeless youth to office workers to active and retired sex workers—in LA who have been subject to LAPD on the streets, in their homes, and in detention facilities. Likewise, I met with LAPD personnel, including Chief Beck, community relations officers, jailers, and patrol officers, to discuss these issues. As I did so, I reflected on findings from our study of transgender prisoners in California, and I kept thinking of our Agnes analysis. For me, it was a close to perfect triangulation between issues I care about, ongoing engagement with a community impacted by nascent policy, the harsh realities referenced in empirical findings derived from social science data, and theoretical understandings about the workings of gender that are now advanced in “Agnes Goes to Prison” (Jenness and Fenstermaker 2013).

I continued to think of this nexus last month when, toward the end of a four-hour meeting with the Director of Internal Oversight and Research & Acting Assistant Secretary of Legislation—a high ranking official for the CDCR—he asked me “Val, whatever became of that study of transgender prisoners?” I explained to him that while we never used it to write policy for the CDCR, it is informing policy for the LAPD and finding a home in academic journals. He then asked, “What’s the takeaway message? Can you send us some recommendations?” Without saying “yes” or “no,” I told him that the next time we met, I would like to tell him about the phrase “safe, but sad.” This phrase captures an idea that remains on my mind as I think about all the work I have shared with you thus far, contemplate giving future talks on transgender prisoners, and consider writing the next academic publication, and hopefully, contribute to more public policy. I turn to it in my conclusion.

## **Conclusion: “Safe, But Sad” and a Few Other Considerations**

My pals in the medical school at UCI like to talk about research that goes from “bench to bedside”; I would argue it is “bench to bedside and back again,” with lots of walking the halls, talking, listening, and understanding in between. In the case I have described today, the process has included considerable engagement with academic collaborators, prisoners and parolees, wardens



**Figure 6.** April 12, 2012, LAPD community forum.

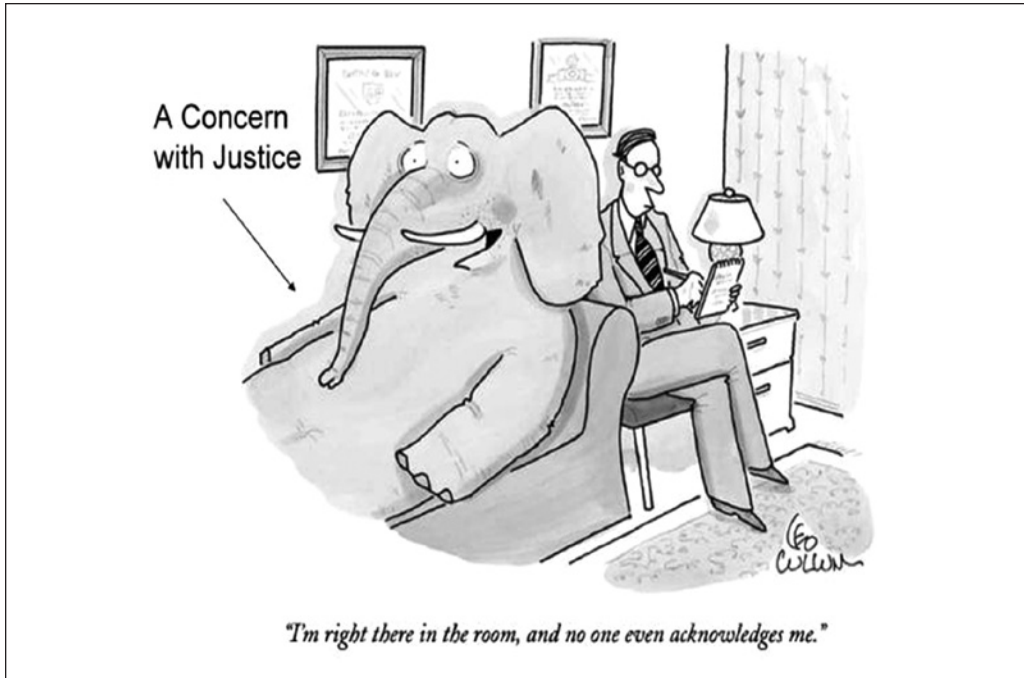
Source. Image from Google Images.

Note. LAPD = Los Angeles Police Department.

and other CDCR personnel, the media, activists, and law enforcement. For me, the thrill is, in large part, about getting out of the academic bubble and engaging with worlds so utterly different from my own—in this case, the paramilitary world of law enforcement, and the provocative world of the transgender community. It is particularly satisfying when the worlds converge, as they did in some of the community forums I have attended, including a recent one in which the transgender woman on the right in the picture in Figure 6 presented the LAPD officers on the left with flowers for their efforts on behalf of her community shortly after the new policy was enacted. I am sure Chief Davis is turning over in his grave!

The central lesson, for me, is that perhaps the line between basic and policy work can neither be effectively erased nor should it be. Instead, the acknowledgment that they are different and that we can treat them as productively interdependent can take us to new research paths, new insights, and ultimately better research. The “policy catalyst” in Act I, the “failure” in Act II, the “return to the basics” in Act III, and the “return to policy” in Act IV are, it turns out, crucial to the journey that now has me thinking about the dilemma captured by the phrase “safe, but sad.” To keep transgender prisoners safe requires keeping them away from the “real men” in carceral environments, especially those with whom they have ongoing and intimate relations; however, if the findings from our Agnes analysis are right, to do so effectively deprives them of the opportunity to live in a way that is meaningful and self-affirming. Therein lies the rub that sheds light on why transgender prisoners prefer to be in a men’s prison rather than a women’s prison, even though they are so frequently harmed in men’s prisons. Framed in this way, the policy issue is as much about the right to a reasonable life for those who embrace non-normative gender identities (the real justice elephant in the room) as it is about bodily harm in the form of sexual assault (see Figure 7).

As I contemplate how to share this fundamental insight with the LAPD and the CDCR, I am immediately confronted with something that comes up so often when bringing academic work to



**Figure 7.** Source. © 2006 The New Yorker collection Leo Cullum from cartoonbank.com. All rights reserved.

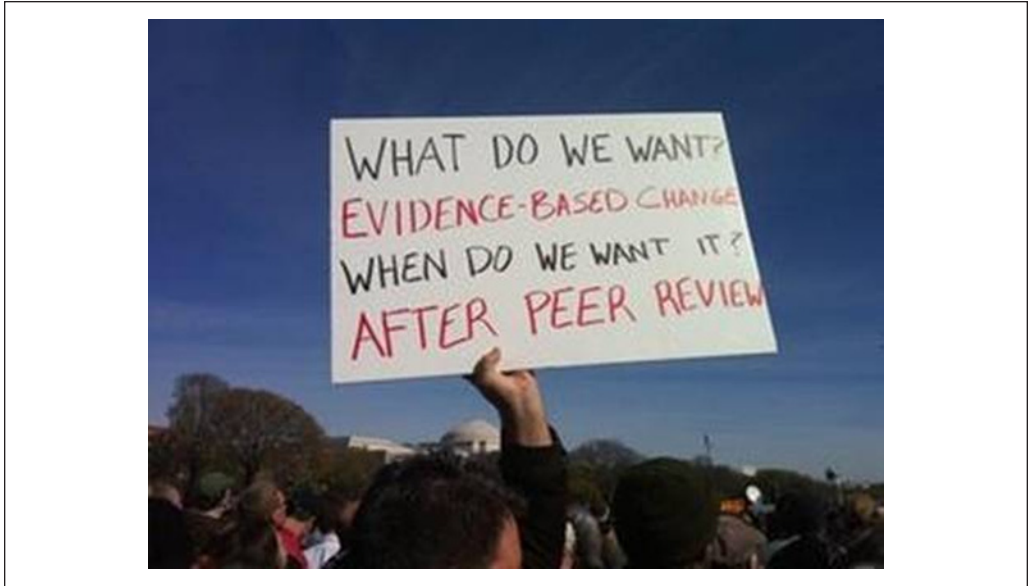
bear on real-world problems: the problem of translation. Reading “Agnes Goes to Prison,” and the sociological terminology it includes in juxtaposition to the testimony I presented earlier in my talk, is an exercise in communicating to three different worlds—the transgender community, the public policy community, and the academic community. And, that reminds me of an exchange I had over e-mail with Sarah, my collaborator. As we were putting the final touches on the Agnes article before sending it to *Gender & Society*, I predictably began to worry about what academic reviewers will think of our work, but equally important, I began to worry that the *very* academic article we produced is not something I would feel comfortable showing law enforcement and “the girls among men” because it would be largely indecipherable to both groups. I worried most that the academic work would be inaccessible to the very folks it speaks about, that it might not be something they relate to or feel accurately and aptly captures their voices, experiences, sensibilities, and essences. This is a perennial concern, of course, to all of us who have some devotion to the relevance of our work to social problems of various sorts and certainly to feminist scholars. I expressed this concern to Sarah in a 2012 e-mail as follows:

I still cringe at the thought of some of the girls reading this, but this is less about the paper and more about my desire to produce work that is readable by those it speaks for/about. That might be the theme of my PSA Presidential Address. The bottom line, your changes are good, the paper is good, and I am sure ready to be done with it.

She responded with the following:

As for readability across audiences, I have just never understood all the fuss. A public-minded astrophysicist—like Carl Sagan on TV in the late 80s—published papers full of equations but then also went on TV and made those equations (and the workings of the universe) come to life. What is





**Figure 8.** A sign from October 30, 2010, rally to restore sanity and/or keep fear alive.  
 Source. Image from washingtonmonthly.com

the difference? A scholarly audience is brought into appreciation for this population via this paper even though most of it is inaccessible to the girls. That does not mean they are objectified, their voices dimmed, or their stories distorted. It does mean they would not understand a paper full of equations. But then that sets the stage for the public intellectual/activist to do all sorts of applied things that do make a difference to the population that they can understand and appreciate. The trouble comes when we pretend the work is some sort of direct action political activity. In my view, that is just elitist bullshit.

Taking the long, iterative view, I now understand that communicating across these divides makes the research and the policy work better. The dialogue is key to both, even when comical (see Figure 8).

I am inspired by something President Obama (2013) recently said at a ceremony to honor Rosa Parks: “Whether out of inertia or selfishness, whether out of fear or simple lack of moral indignation, we so often spend our lives as if in a fog, accepting injustice, rationalizing inequity, tolerating the intolerable.”

For me, the practice of sociology, including *all* the tools of our trade, helps lift the fog—for transgender prisoners and beyond. Sociology can, and should, be a tool for pursuing justice; it can, and should, do so by unlocking the mysteries of social life. One way—and only one way—to do that is by affirming the logics of our discipline and recognizing the value of an academic approach to understanding. Drawing from Theodore Parker’s quote about the arc of the moral universe, Robert Kennedy (1966) said of history:

Few will have the greatness to bend history itself, but each of us can work to change a small portion of events. It is from numberless diverse acts of courage and belief that human history is shaped. Each time a person stands up for an ideal or acts to improve the lot of others or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

In the case I have presented today, the policy question provided inspiration, and the set of so-called basic research findings and attendant theoretical work provided understanding. The combination of all three enabled us to contribute to our sociological understanding of gender and the pursuit of justice for those who are often punished for failing to conform to it.<sup>19</sup> It was not a predictable path toward understanding and justice, but it is one that required talented and devoted collaborators, the application of all our sociological tools, a variety of approaches to appreciate multiple perspectives, and a healthy dose of faith that we should keep going. In short, it required the sociological practice that we are called to every day and for which every day I am grateful.

### Acknowledgements

This article was presented as a presidential address to the Pacific Sociological Association in Reno, Nevada. I would like to thank Victoria Basolo, Kitty Calavita, Karen Leong, Peter Nardi, Jodi O'Brien, Carroll Seron, Jennifer Sumner, and Lori Sexton for ideas now contained in this address; Sarah Fenstermaker, Lori Sexton, and Jennifer Sumner for collaborations that produced significant lines of thought presented in this address; and Sarah Fenstermaker for reading and commenting on multiple versions of this address, effectively improving it with every iteration.

### Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

### Funding

The author(s) received the following financial support for the research, authorship, and/or publication of this article: This project was funded by the California Department of Corrections and Rehabilitation and the School of Social Ecology at the University of California, Irvine.

### Notes

1. As I said, "I want to acknowledge the School of Social Ecology, for which I proudly serve as Dean. The School of Social Ecology has been the nexus for interdisciplinary research and education for over 40 years and is known for reaching across the campus and into the community to explore problems that are relevant and compelling to modern life. Many of you know that we in Social Ecology often say 'Discover. Engage. Transform.' as a way to summarize what we do."
2. This, apparently, is a common occurrence among certain species, for example, fish and turtles ..
3. "Sociologists at Play, or Truth in the Pleasant Disguise of Illusion," Presidential Address delivered by Peter Nardi at the annual meeting of the Pacific Sociological Association in 2005. Subsequently published as Peter 2006.
4. "Sociology as an Epistemology of Contradiction," Presidential Address delivered by Jodi O'Brien at the annual meeting of the Pacific Sociological Association in 2009. Subsequently published as O'Brien 2009.
5. Throughout this article, research sites in this study are referred to as "prisons." This designation includes reception centers and excludes fire camps.
6. The U.S. Supreme Court recently ruled that overcrowding in California prisons resulted in the CDCR not being able to provide constitutional conditions of confinement and ordered a significant reduction in the prison population (*Brown v. Plata* 2011).
7. The CDCR does not officially track inmates by gender status in its sex-segregated prison system in the way that it keeps track of sex, race/ethnicity, age, height and weight, etc. Prison officials could not attest to how many transgender inmates were in the system and where they were located within California's sprawling prison system (*Brown v. Plata* 2011). Likewise, prior to the first article that derives from this work (Sexton, Jenness, and Sumner 2010), no one could provide a demographic profile of transgender inmates in California prisons for men and how they compare to their non-transgender counterparts on standard indicators such as race/ethnicity, prison term start date, mental

- health status, verified gang membership, classification score, custody level, current sentence length, time remaining on sentence, commitment offense, sex-offender registration, age of first arrest in California, and so on.
8. California is home to over 300 transgender prisoners (Jenness 2008, 2010; Sexton et al. 2010). Brown and McDuffie (2009) estimate that there are approximately 750 transgender prisoners in the United States.
  9. In *Imagining Transgender: An Ethnography of a Category*, David Valentine (2007) argues that the term “transgender” emerged in the early 1990s and came to be understood as “a collective category of identity which incorporates a diverse array of male- and female-bodied gender variant people who had previously been understood as distinct kinds of persons” (p. 4). To illustrate, participants in Lori B. Girshick’s (2008:10) study, aptly titled *Transgender Voices: Beyond Women and Men*, identified as “male-to-female transsexual (not necessarily living as such full-time, and individuals at various stages of transition); female-to-male transsexual (not necessarily living as such full-time, and individuals at various stages of transition); male cross-dresser; female (including transsexuals and non-transsexuals); male (including transsexual and non-transsexuals); transgender (along with other identities); butch (including labels of butch lesbian, stone butch, dyke, soft butch, and masculine woman); intersex; genderqueer; neutrois; transgender (as a single identity); femme; woman-born transsexual; androgyne male; femme androgyne; ungendered; bigendered; transman; gender variant; trans male performing butch; trans; femme dyke or transdyke; tranny fag; tranny; or trans.”
  10. From the beginning, a central objective of this project was to collect valid and reliable quantifiable data on the entire population rather than a sample with potentially limited generalizability.
  11. Senator Ammiano (D-CA) introduced AB No. 382, which would require the California Department of Corrections to add sexual orientation and gender identity of the inmate or ward to the list of characteristics to be considered for intake and classification purposes to prevent inmate and ward violence and promote inmate and ward safety. Further, the legislation proposed, the CDCR inmate classification and housing assignment procedures shall take into account risk factors that can lead to inmates and wards becoming the target of sexual victimization or of being sexually aggressive toward others. Relevant considerations would include sexual orientation and gender identity of the inmate or ward.
  12. I also reported the following to Senator Romero and her colleagues: “Now the bad news: Unfortunately, what we don’t have is the data fully analyzed. Indeed, we were delayed in completing the analysis and final report when the state’s fiscal crisis resulted in our contract being suspended on July 31, 2008 and thereafter terminated effective December 24, 2008. The result: We’re sitting on mounds of data and do not have the resources to fully analyze it and bring the report to fruition in the most robust way” (Jenness 2008:8).
  13. As the *Fresno Bee* reported in 2008: “In 1984, Masbruch was convicted in Texas of arson. Seven years later, at age 23, he joined [brother] Craig Masbruch in Fresno to work for a roofing company. On April 2, 1991, Richard Masbruch went to a small apartment complex near First Street and Shaw Avenue in Fresno, pretending that he wanted to sign a lease, according to court records. He forced apartment manager Mary Koop, then 45, at gunpoint to lie face down on the kitchen floor and hog-tied her with a telephone cord. When Koop’s 68-year-old mother, Marietta Koop, came downstairs, Masbruch tied her to a kitchen chair, blindfolded both women, and started searching the house for money and jewelry. Then he spliced together several electrical cords, plugged them in, and shocked Mary Koop’s leg and Marietta Koop’s arm, causing both women to scream. Masbruch later raped and sodomized Mary Koop and threatened to kill her and her mother if they called police. Koop, who has been unable to work or live a normal life, was shocked to learn that her attacker is now housed with women. ‘That’s unbelievable, just unbelievable,’ said Koop, now 62. ‘Women should be worried. I would be worried.’ Koop’s mother suffered permanent injuries from the torture. She died five years later of brain cancer. After raping Koop, Masbruch fled to Texas, where he was arrested less than a week later for theft and burglary with the intent to commit a sexual assault. He was convicted in November 1991. Further, ‘Despite his pleas, a judge sentenced him to life in prison. But first, Masbruch had to serve the remainder of his Texas prison sentence. There, his attempts at self-castration continued. Sometime in 2000 or 2001, he succeeded in castrating himself,’ Craig Masbruch said. He’s not sure if his brother was truly overcome by guilt or if he suffers from some form of mental illness. ‘I don’t know what’s going through his head,’ Craig Masbruch said. ‘The only thing I can think of is if you’re incarcerated so many years and went through all that . . . maybe he was so downgraded as a man that he felt better as a woman.’”

14. "Brainy Quote." Retrieved April 21, 2013 (<http://www.brainyquote.com/quotes/quotes/t/thomasaed132683.html>).
15. In subsequent work, the argument is extended to emphasize that the absence of "biologics" within the men's prison system does not undermine gender, nor does the obvious lack of the "real deal" suspend the pursuit of femininity inside this alpha male space. Rather, what we see taking place within this institutional domain is a radical rupture of the binary logic that supports the "natural" gendering of bodies. Although biological considerations are readily available, they are systematically rendered incompatible with the business of upholding categorical distinctions between women and men.
16. "Brainy Quote." Retrieved April 21, 2013 (<http://www.brainyquote.com/quotes/quotes/a/alberteins162052.html>).
17. It also reported: "The LAPD also worked closely with Dr. Valerie Jenness, Dean of the School of Social Ecology at the University of California–Irvine. She has conducted unprecedented research on the experiences and treatment of trans inmates and arrestees" (Barnes 2012).
18. For example: Who counts as transgender and why? How should law enforcement identify and address members of the transgender community? What gender pronouns should be used? Should transgender people be ensured same sex gender searches? Should transgender people be ensured same gender searches. What is the difference between sex and gender (really)? What constitutes a cross sex or cross gender search when a transgender person is being searched? When transgender people are arrested and booked into jail, should they be booked into the men's or the women's jail? And, where in the jail should they be booked (with the general population or with a segregated population)? Once in jail, should they be allowed to retain accoutrements of gender displays, such as wigs, makeup, clothing, and the like? And, how can the LAPD best ensure the safety of transgender arrestees once locked up? What are "best practices" surrounding all these issues?
19. This point was well received by a graduate student, Anjuli Verma, who read this address and commented: "I really enjoyed your address, and I'm really glad I had the opportunity to read it, as I think it's something I really needed to hear as a graduate student who has been struggling with the policy relevance of the type of research I am becoming drawn to. Strangely, I entered this [graduate] program thinking I wanted to be a policy researcher-type, but now I am finding myself way more excited by exactly the kind of theoretically-driven work that you and Sarah did for *Gender & Society* (for a future conversation, I have been really struggling with my Realignment research and asking myself 'what's the point of what I am doing when researchers like Joan, Ryken and others are publishing more practically relevant stuff every day?'). You and Sarah totally nailed it on the head by identifying the true source of much of the suffering around the policy-relevant/academia dilemma, which is trying to pretend that your research is some kind of direct action when, really, it is theoretically-driven research and (perhaps) nothing more. It also really made me think about the pitfalls of trying to help other people—you so eloquently lay out the evolution in your analysis of what transgender prisoners 'need'—maybe being safe is not what's most important to them—policymakers framed a research question that, while understandable, simply missed the mark in conceiving of these prisoners as human beings with complex needs and desires. And, somewhat ironically, it was the 'ivory tower' that in some small way acknowledged their humanity. Reading your address made me think of so many of the conversations about these dilemmas . . ."

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