

PROTECTED & SERVED ?

A community survey of LGBTQ+ people and people living with HIV

This fact sheet describes the findings of the 2022 *Protected and Served?* survey among transgender (feminine, masculine, or both/neither) and gender nonconforming/nonbinary (TGNCNB) participants. TGNCNB people, especially Black people, have been at the forefront of our modern movement for LGBTQ+ rights and liberation and resistance against police violence and misconduct. They have led or played a major role in prominent civil rights movements including those around HIV/AIDS, Black Lives Matter, COVID-19 community responses, the Stonewall Riots, and other LGBTQ+ movements. While our communities have won many victories, including in the courts, TGNCNB people have continued to face relentless attacks and violence. The year 2023 holds the distinction of having the highest total number of anti-trans bills introduced in state legislatures across the United States, disproportionately impacting TGNCNB youth.

The survey asked participants about their gender identity. For the purposes of this fact sheet,

- “cisgender” people were those who selected male or female (but not both) and no other gender identities;
- “transfeminine” people were those who selected transgender and feminine/female, regardless of what other identities they selected;
- “transmasculine” people were those who selected transgender and masculine/male, regardless of what other identities they selected;
- “trans both/neither” people were those who selected transgender and neither male nor female or both male and female, regardless of what other gender identities they may have selected; and
- “GNCNB” people were those who selected gender nonconforming and/or nonbinary, regardless of what other gender identities they selected. Since the survey results showed similar experiences among gender nonconforming and nonbinary participants, we refer to them together in the survey findings.

Protected and Served?
2022 series:

Executive Summary

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**Detained
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**Fact Sheet:
TGNCNB
Participants**

**Fact Sheet:
Sex Work**

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Who Are the TGNCNB Participants?

Nearly 850 survey participants, about one-third (33.7%) of the total number of participants, identified as TGNCNB. Of the TGNCNB participants, 18.5% were transfeminine, 12.2% were transmasculine, 35.4% were trans both/neither, and 52.5% were GNCNB. The remaining two-thirds (66.3%) of survey participants were cisgender.

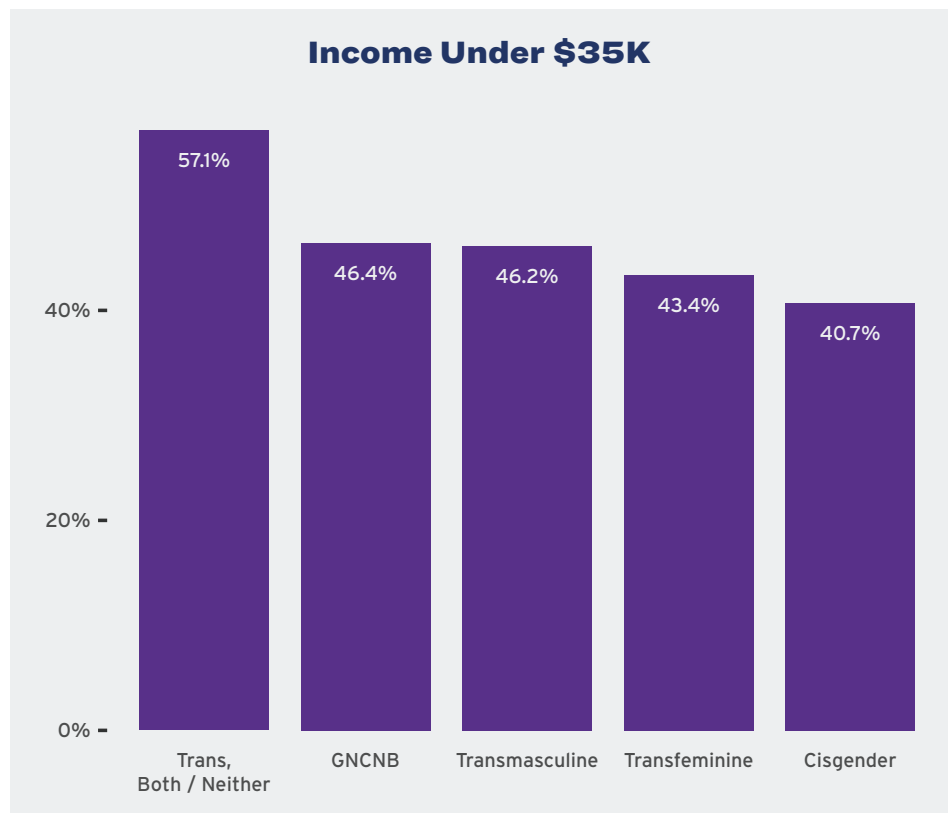
Cisgender participants and those who identified as trans both/neither were more likely to indicate they were living with HIV (25.8% and 25.9%, respectively) than were transfeminine (9.5%), transmasculine (6.5%), or GNCNB (13.8%) participants.

Those who were trans both/neither were most likely to have experienced homelessness at the time of the survey or at some point in the previous five years (41.4%), compared to GNCNB (29.3%), transfeminine (24.3%), transmasculine (20.4%), and cisgender (25.3%) participants.

A large proportion of TGNCNB participants also identified as people of color; 61.2% of those who were trans both/neither, 43.1% of those who were transmasculine, and 36.4% of those who were transfeminine were people of color. Around two in five GNCNB participants (44.3%) and cisgender participants (40.0%) were people of color.

About half (48.6%) of TGNCNB participants identified as living with a disability, while just 30.6% of those who were cisgender did. Living with a disability was most common among transmasculine participants (54.3%) and transfeminine participants (53.1%) and slightly less common among GNCNB participants (51.4%) and trans both/neither participants (46.3%).

A majority (57.1%) of those who were trans both/neither reported earning less than \$35,000 in 2021. Similarly, nearly half of transmasculine (46.2%) and GNCNB (46.4%) participants reported an income of less than \$35,000 in 2021, compared to 43.4% of transfeminine and 40.7% of cisgender participants.

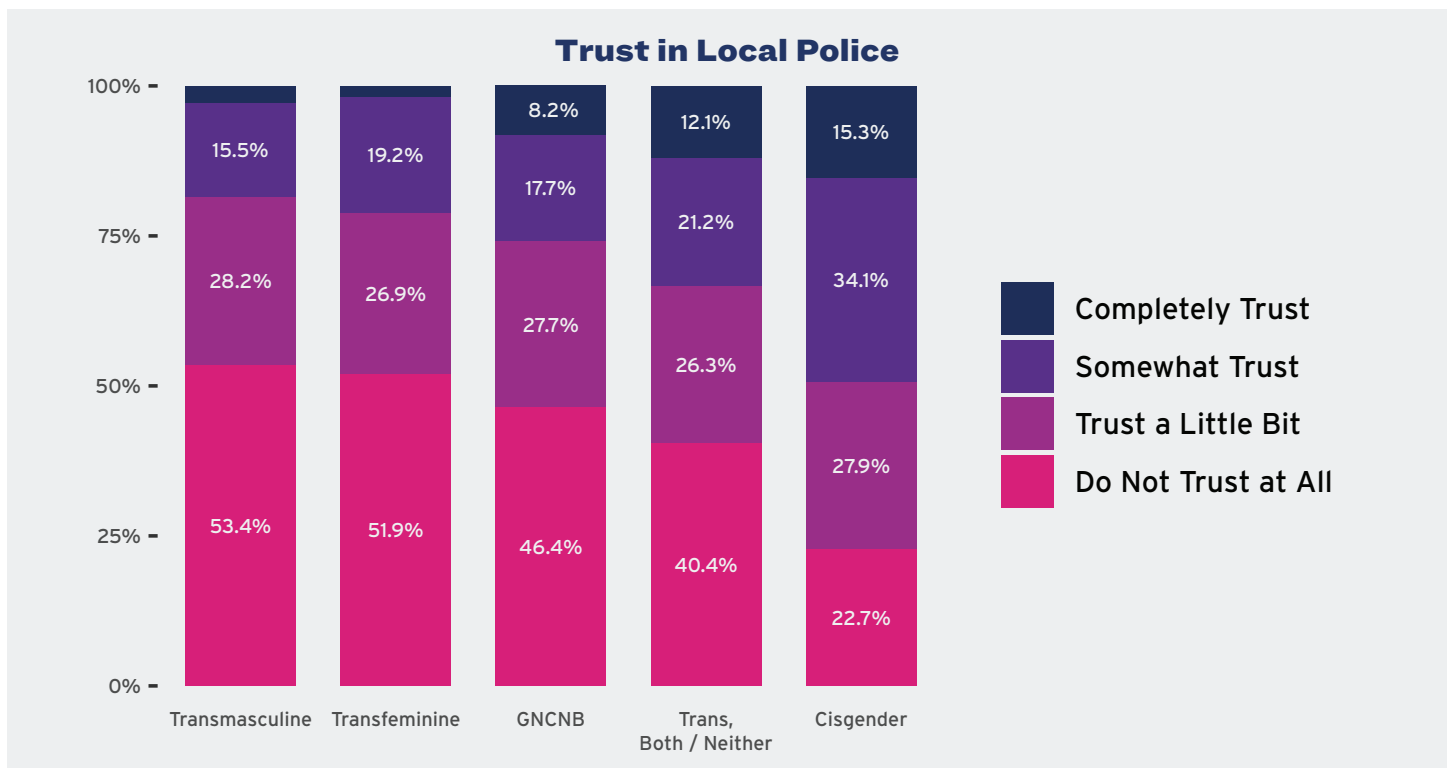


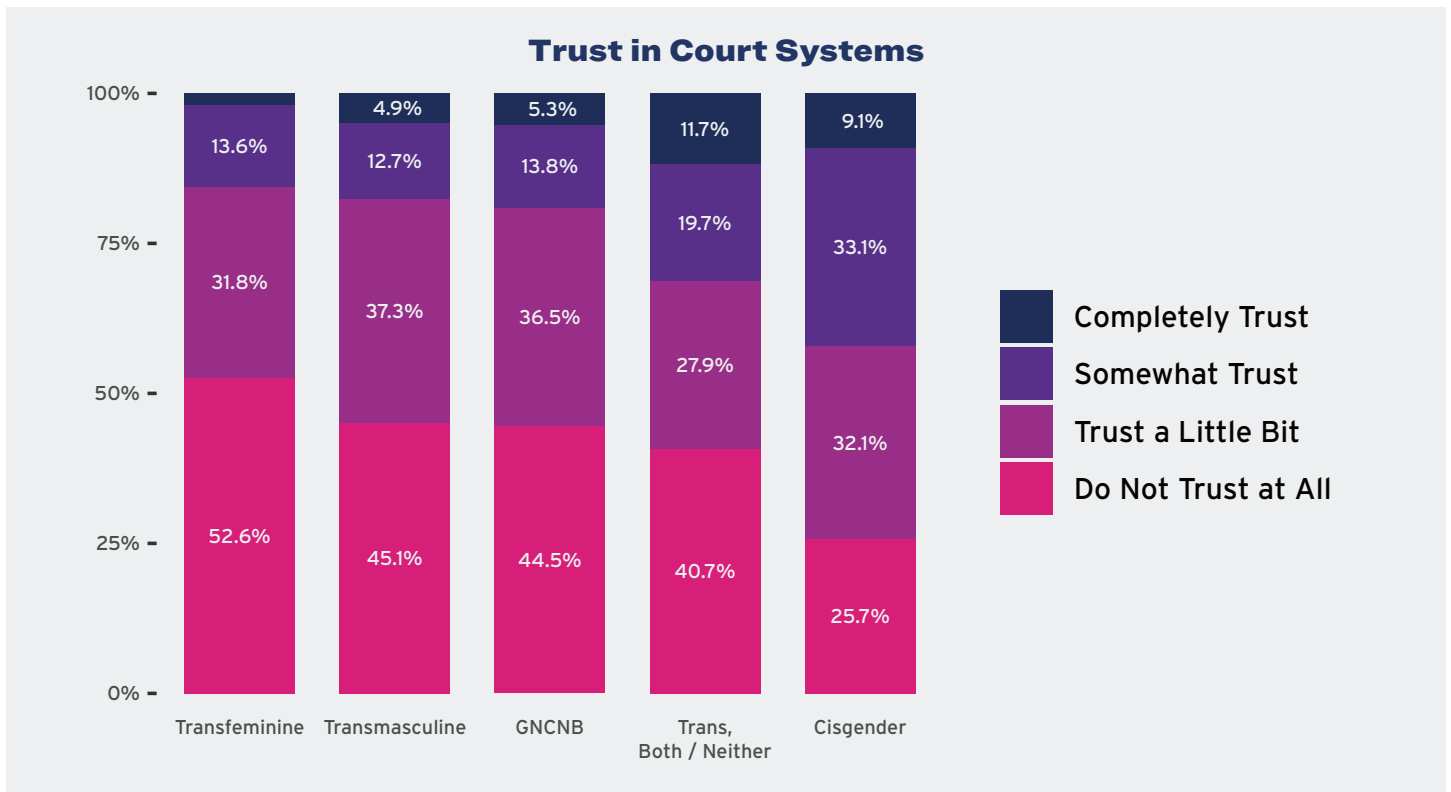
Across all five gender identity categories, the largest proportion of participants were 30 to 39 years old (27.5% of all survey participants). Those who were trans both/neither had the largest proportion (34.1%) of individuals between 30 and 39 years old, compared to 33.0% of transmasculine, 31.1% of GNCNB, 27.1% of transfeminine, and 25.1% of cisgender participants. Overall, TGNCNB participants tended to be younger than cisgender participants.

Trust in Government Institutions

Survey participants were asked how much they trust various institutions. TGNCNB people were much more likely than cisgender people to say of institutions such as local police, the prison system, and the immigration system that they “do not trust [them] at all.” Among TGNCNB people, the least-trusted institution was prisons, with 72.0% saying they “do not trust [the prison system] at all.” TGNCNB people who were detained at the time of the survey were more likely to say they do not trust the prison system at all than TGNCNB people not in detention (87.3% vs. 66.4%, OR=3.49).

Over half of transmasculine and transfeminine participants (53.4% and 51.9%, respectively) reported that they “do not trust [the local police] at all.” Similarly, over two-fifths of GNCNB (46.4%) and trans both/neither (40.4%) participants reported not trusting the local police at all, compared to 22.7% of cisgender participants. Similar trends were apparent among the five gender categories when considering the level of trust in court systems; however, transfeminine participants reported the highest proportion of not trusting the court system at all (52.6%).





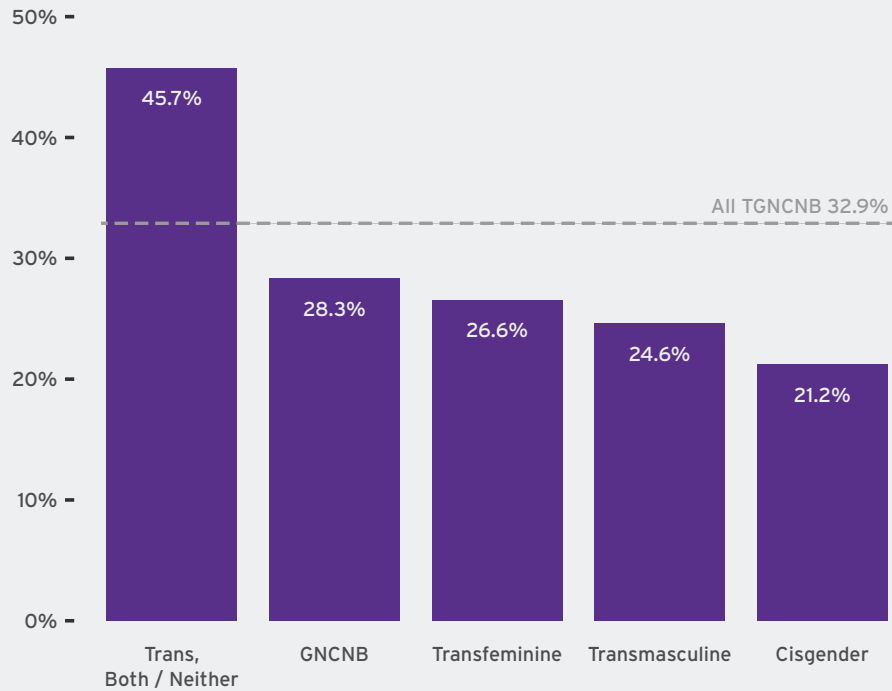
TGNCNB participants also had lower levels of trust in the school system than cisgender participants. This is likely related to the poor treatment that many TGNCNB youth experience in schools. When asked about their experiences in school, participants ages 18 to 24 who were trans both/neither (39.1%) or GNCNB (33.9%) were more likely to report being accused of violating the dress code than cisgender participants (15.6%). Too few transmasculine and transfeminine participants responded to this question to report the results.

Face-to-Face Interactions & Abuse by Police

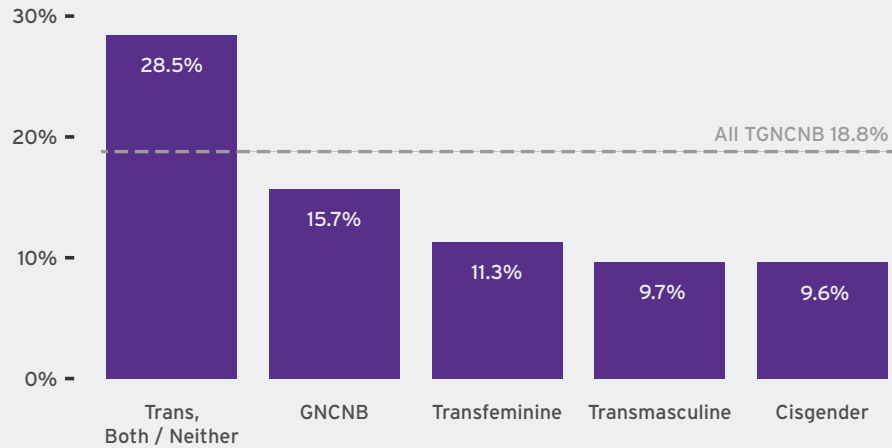
TGNCNB participants were more likely to have had face-to-face interactions with police in the past five years than cisgender participants. Nearly three-quarters (72.2%) of transfeminine participants had face-to-face interactions with police in the past five years. Similarly, over three-fifths of those who identified as transmasculine, GNCNB, or trans both/neither (66.7%, 65.7%, and 64.9%, respectively) reported having face-to-face interactions with police in the past five years, compared to 53.2% of cisgender participants.

Among those who had face-to-face interactions with police in the past five years, TGNCNB participants experienced higher rates of physical, verbal, and sexual abuse in their most recent interaction with police than cisgender participants. Those who were trans both/neither experienced the highest rates of physical (28.5%), verbal (45.7%), and sexual (18.7%) assault compared to those of other gender identities. GNCNB participants experienced the second-highest rates of physical (15.7%) and verbal (28.3%) assault, and similar rates of sexual assault as transfeminine participants (9.3% and 9.4%, respectively).

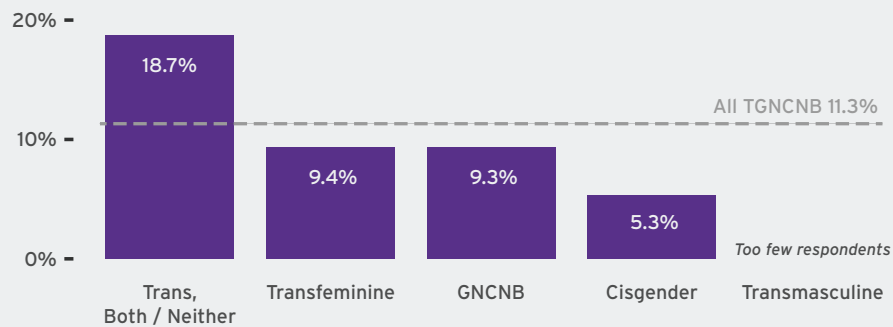
Verbally Assaulted by Police in Most Recent Face-to-Face Contact



Physically Assaulted by Police in Most Recent Face-to-Face Contact



Sexually Assaulted by Police in Most Recent Face-to-Face Contact



RECOMMENDATIONS

SUPPORT TRANS, GENDER NONCONFORMING, AND NONBINARY-LED MOVEMENTS

Despite the vastly negative experiences of TGNCNB people within the criminal legal system apparent in the survey results, TGNCNB-led movements often report lower levels of support and collaboration. We recommend stronger, and more intentional, forms of support and collaboration with values-aligned TGNCNB movements and organizations.

ELIMINATE DISCRIMINATORY BEHAVIOR AND LANGUAGE IN THE CRIMINAL LEGAL SYSTEM

It is necessary to adopt and enforce laws and policies that explicitly prohibit discrimination based on actual or perceived sexual orientation, gender identity, gender expression, and HIV status in prisons, jails, immigration detention centers, juvenile facilities, and courtrooms. The establishment of rules of professional responsibility and conduct for all professions and facilities within the criminal legal system is also crucial.

Over half of survey participants who had been in court in the past five years were misgendered. Misgendering someone in any setting is disrespectful, a violation of that person's privacy, and potentially dangerous for them. Every state should have ethics rules that include nondiscrimination requirements and explicitly protect LGBTQ+ people and people with disabilities, including HIV and gender dysphoria. Judges and court personnel should receive training on LGBTQ+ issues and learn to treat LGBTQ+ people with respect. Attorneys, including public defenders and other court-appointed attorneys, should also receive training on working with LGBTQ+ clients, including appropriate client advocacy (e.g., using the correct name and pronouns).

PROTECT THE RIGHTS AND SAFETY OF DETAINED LGBTQ+ PEOPLE AND PEOPLE LIVING WITH HIV

Prisons, jails, immigration detention facilities, and juvenile facilities should at a minimum follow Prison Rape Elimination Act (PREA) standards regarding searches and housing, taking into account a person's gender identity and safety. Systems must not permit the use of searches as punishment or for discriminatory purposes. Systems should also prohibit the use of solitary confinement or "protective custody," conditions that are the same as solitary confinement, as routine or standard protective placement for LGBTQ+ people or people living with HIV. Systems should ensure that everyone in their custody has access to medical and mental health care and treatment without delays or interruptions. For many TGNCNB people, treatment may include hormone therapy and/or surgical interventions. Furthermore, TGNCNB people should not be prohibited from obtaining commissary items because of their gender identity. Finally, when systems fail to uphold standards and comply with the law, detained people should be able to enforce their rights through reporting, investigations, and accessing the courts. People in detention must be able to safely report violence and abuse without fear of retaliation and/or harassment.