

Concealed Threats:  
Gender Policing and Surveillance of Trans, Gender Nonconforming, and Nonbinary People

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THESIS

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## **DEDICATION**

This dissertation is dedicated to the trans, gender nonconforming, and nonbinary folks who shared their stories with me during an unprecedented year of loss, grief, and uprisings. You have given me the gift of your conversations and stories of resistance and fortitude. I hope this work contributes to making your lives more livable.

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## **CONTRIBUTION OF AUTHORS**

In Chapter 7 of this dissertation, you will notice I have included three previously published works, along with a co-written article with Dr. Allyn Walker, Dr. Jace Valcore, and Dr. Brodie Evans. Dr. Walker prompted the co-written published manuscript titled “Experiences of Trans Scholars in Criminology and Criminal Justice” (Walker, A., Valcore, J., Evans, B., and Stephens, A., 2021)”, for which I was the fourth author. All authors contributed to the initial writing and revisions of this co-written manuscript.

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## **LIST OF ABBREVIATIONS**

ACLU American Civil Liberties Union

CCJ Criminology and Criminal Justice

DMV Department of Motor Vehicles

LGBTQ+ Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, and Others

NCTE National Center for Transgender Equality

TGNCNB Trans, Gender Nonconforming, and Nonbinary

TSA Transportation Security Administration

## PREFACE

What you are about to read might be unconventional. This is because my road here has been unconventional. I am an activist, scholar, student, public intellectual embedded in movements of joint struggle for prison industrial complex abolition, Trans justice, Black liberation, and their many intersections. I have also worked as a policy advocate, organizing strategist, and community bail fund worker in non-profit organizations and volunteer-run collectives, while simultaneously being a doctoral student in Criminology, Law and Justice at UIC. My relationship with criminology is uneasy because of the harmful nature to which the organized field of criminology has greatly contributed to the buildup of the prison industrial complex.

Because of this, I came to the necessity and development of what I call below a framework of Black Trans Abolition. This is not just a framework derived from the research you are about to read, but from living within these communities and movements I just mentioned. It was developed through campaigns to post bail/bond for trans and gender nonconforming people who are incarcerated pretrial in jails across the U.S. It was developed through interdisciplinary learning communities to support trans scholars and academics in academe. And it was developed through countless workshops to address interpersonal violence towards trans communities, that especially targets Black trans women. It was developed in community.

Because of all these reasons, this is not a traditional dissertation. It is designed to be read more as a dossier of how I or we got here, to this starting point, and as the beginnings of a framework I coin the Trans Shadow Carceral State that attempts to give language to the overlapping and connected forms of gender policing and surveillance that trans, gender nonconforming, and nonbinary people experience based on race, perceived gender

## **PREFACE (continued)**

identity/expression, disability, and immigration status, among other categories of marginalization. Towards the end of this dissertation, you will find my reflections on how I plan to build on the framework of Black Trans Abolition. To illustrate more of my beginnings of the theoretical and political contributions of Black Trans Abolition, I have also reproduced writings I have done while working on this research project. I now turn to discussing the research project itself.

## I. INTRODUCTION

### A. Background

While the field of Criminology has undergone considerable changes in the past decade, like most academic disciplines, there is an inherent conservatism which results in a hesitancy to engage in complex, nuanced analyses of phenomena that are assumed to be “natural”. As important as critical theoretical innovations, intersectional analyses, and emerging methodologies are, challenges to the dominant paradigms are still rare, and this is especially true in the research that deals with questions of gender, race, and policing.

In criminological studies, the research on trans, gender nonconforming and non-binary people is largely about their relationships to state actors and institutions. For example, how police officers police trans people, their rates of arrest and incarceration, how trans people must navigate the court and legal system, and their experiences in jails and prisons (Dwyer, 2012; Sumner and Jenness, 2013; Forbes, 2013; Buist and Stone, 2014; Panfil, 2018). Additionally, there is some research about lesbian, gay, bisexual, transgender, and queer (LGBTQ) people who work in those state institutions - as police or prison guards/corrections officers who are members of the LGBTQ community (Colvin, 2013). And finally, there is some newer research about interpersonal violence amongst the broader LGBTQ community, with few specialized foci on trans, gender nonconforming, and nonbinary (TGNCNB) people’s experiences (Messinger, 2013; Langenderfer-Magruder et al., 2016; Donovan and Barnes, 2020; Russell, 2020).

What is missing from the current literature, however, is a more robust understanding of the ways that policing, and surveillance continue to operate in the lives of TGNCNB people beyond just state actors, especially beyond the police. In my initial interviews with TGNCNB people about their experiences with policing, it became immediately clear that most people

located their earliest experiences of policing from within their family structures and relationships. What started as an attempt to archive and discuss trans people's experiences with the police and with TSA specifically (in part based on my own experiences with these institutions) expanded into a much broader understanding of the overlapping connections of policing and surveillance for TGNCNB people, which ultimately has implications for all people. This discovery from the initial interviews in this research helped to restructure this research into a broader exploration of the ways that normative gender enforcement is experienced and enforced across the span of TGNCNB people's lives.

To contribute to a more robust understanding of policing and surveillance in criminology studies, this dissertation does three things. First, it moves beyond the data related to criminalization via arrests, surveillance, and incarceration to explore the process by which trans people are "policed" that includes but is not limited to direct policing. To do so, this dissertation presents narrative accounts from TGNCNB people themselves of their own experiences. Second, this study frames policing and surveillance as a part of four institutions that are connected and overlapping - which include the institutions of the family, the Department of Motor Vehicles (DMV), the Transportation Security Administration (TSA), and the police. And third, in addition to measuring the problem, this study is concerned with theory-building; the Trans Shadow Carceral State. The Trans Shadow Carceral State is a theoretical framework that recognizes that through TGNCNB people's overall experiences with policing and surveillance from connected and overlapping institutions, we can expand our understanding of policing and surveillance more generally. And so, this project is about outlining how TGNCNB people experience one institution that can be seen as "protective" (the family) to other institutions that have the authority to formally police people.

## 1. Black Trans Abolition

The data from this research fits within an agenda to further Black Trans Abolition as a theoretical framework and an engaged intellectual and political praxis. To do so, this research uses the term transgender or ‘trans’ as both an adjective and a verb. Trans as an adjective is used to describe people whose gender identity differs from the sex, they were assigned at birth<sup>1</sup> (Thompson, 2016). Or, as historian and trans and queer movement scholar A. Finn Enke “describes transgender as “an identity that some people embrace for themselves” and “an ever-expanding social category that incorporates the broadest possible range of gender nonconformity for the purposes of movement building, organizing, and social service recognition”” (Enke, 2012, as cited in Luibhéid and Chávez, 2020). Using the term ‘trans’ in this way also signifies ‘trans’ as an expansive and shifting category of both identity and gender nonconformity grounded in an understanding of racialized gender production, developed through what critical race studies and literary scholar C. Riley Snorton calls “the ungendering of blackness [as] also the context for imagining gender as a subject to rearrangement” (Snorton, 2017: p. 57). In Snorton’s book, *Black on Both Sides: A Racial History of Trans Identity* (Snorton, 2017), the author presents a historical analysis of the ways that chattel slavery produced the formation of racialized gender, which Snorton argues is how we can now understand gender as unstable or fluid (Snorton, 2017). For the purposes of this dissertation research, trans should be understood as an adjective to describe people’s gender identity, as well as a signifier of an unstable category

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<sup>1</sup> This research often uses the term trans as an umbrella term to describe any gender identity or expression that does not fall within the gender binary of women/man or girl/boy (Nichols, 2013). When appropriate, this research uses transgender (trans), gender nonconforming, and nonbinary (TGNCNB) to honor the specific gender identities and expressions of the people involved in this research.



produced through a process of ungendering of Blackness by way of chattel slavery and racial capitalism.

At the same time, trans is used as a verb in the lineage of years of anti-carceral and abolitionist trans, queer, and Black feminist scholarship and activism (INCITE!, 2006; Davis, 2011; Lamble, 2011; Spade, 2011; Oparah, 2012; Richie, 2012; Stanley and Spade, 2012; Critical Resistance and INCITE!, 2013) to function as a way of confronting power, dismantling it, and moving towards radical transformation of all aspects of society. As prison industrial complex abolitionists, activists, and thinkers Angela Y. Davis, Gina Dent, Erica Meiners, and Beth E. Richie note in their forthcoming book *Abolition. Feminism. Now.* (2021), their offering of abolition feminism is one of “a set of ideas and thick descriptions of unfinished practices rather than promoting rigid definitions. We attempt to reveal the common constitutive threads of the work and the promise of abolition feminism rather than constrain it to a sectarian political position” (Davis et al, 2021: p. 5). In this way, the authors provide abolition feminism as a concept developed through collective struggle from many movements, campaigns, and collectives, and place the concept of abolition feminism “into conversation with both the historical and contemporary ideological and political praxis that demands explicit and expansive ideas about how to go about freedom-making” (Davis et al, 2021: p, 6).

It is in the woven tapestry of the freedom-making of abolition feminism that this research locates Black Trans Abolition through its attention to the root aims of the four connected and overlapping institutions of the family, the DMV, TSA, and the police, and through invalidating the impossibilities of inclusion and reformist reforms that the work of abolition feminist ideological and political praxis calls this research to do. Put another way, through the experiences of TGNCNB people with policing and surveillance, Black Trans Abolition is being

developed in this research through its concerns with getting to the root causes of policing and surveillance and its stakes in making trans lives more livable. As feminist and gender studies scholars Susan Stryker, Paisley Currah, and Lisa Jean Moore argue that “transing is a practice that assembles gender into contingent structures of association with other attributes of bodily being, and that allows for their reassembly. Transing can function as a disciplinary tool... It can also function as an escape vector, a line of flight, or pathway toward liberation” (Stryker, Currah, P., and Moore, L. J., 2008)., as cited in Chávez and Luibhéid, 2020: p 7.). Relatedly, gender and technology studies scholar Jennifer Musto writes,

“Just as transing gender includes a movement away from culturally contained gender categories...transing critical criminology entails another boundary crossing of sorts-in this instance, a conceptual crossing geared toward opening up space for the cultivation of theories and frameworks to address carceral developments...I use trans heuristically, too, to spotlight feminist, queer and trans insights inclusive of limitless gender and sexual expressions and which offer dynamic frameworks to understand “criminalizing webs” and shapeshifting forms of punishment that include but extend beyond the state” (Musto, 2019).

Trans-ing in this research is concerned with locating the societal and structural systems and institutions that produce policing and surveillance, beyond just the police.

Largely, in using ‘trans’ as an adjective and a verb, this research expresses TGNCNB people’s experiences of policing and surveillance on a continuum to support social movements concerned with social change and transformation. In criminology studies, focusing scholarship around TGNCNB people’s experiences primarily on the police overlooks the opportunity to discuss the urgent personal and communal transformations that need to take place in order to do what abolition geographer Ruth Wilson Gilmore notes which is that “abolition requires that we change one thing: everything” (Gilmore, forthcoming *Change Everything*, 2022). And that

everything includes what abolitionist feminist Paula X. Rojas (2016) reminds us of when she says that the cops are in our heads and in our hearts.

Fundamentally, this research is about a logic of enforcing normative or binary standards of actual or perceived gender, which is also always about enforcing normative standards along lines of race, class, and citizenship. It is about how speaking with TGNCNB people can help us get closer to a sense of the scope of the network of policing and surveillance in our society, to support abolitionist movements for social transformation, all through a frame of Black Trans Abolition.

## **B. Relevance to the field of criminology**

In the 2014 *Handbook of LGBT Communities, Crime, and Justice*, queer criminologists Dana Peterson and Vanessa R. Panfil documented the necessity of the sub-field of queer criminology studies due to the absences of LGBTQ+ populations in broader criminological research (Peterson and Panfil, 2014). In the volume, they note that,

“It is our goal with this volume to bring together the scant and scattered scholarly work, including much original research, that can inform CCJ about LGBT communities’ experiences with regard to crime commission, crime victimization, juvenile and criminal justice systems, law and policy, public health, and human rights, in order to provide a more coherent and comprehensive awareness and understanding” (Peterson and Panfil, 2014: p, 4).

Since the release of the edited volume titled *Queer Criminology: New Directions in Critical Criminology* by Carrie L. Buist and Emily Lenning (2015), several other bodies of research have emerged under the sub-field of queer criminology studies. However, what still remains to be in contested in queer criminological literature is both how to prioritize the experiences of LGBTQ+ populations or queer populations for shorthand, along with what it means to do queer research within a broader discipline of criminology studies that has an inherent conservatism and largely

supports the very institutions that cause harm and violence to LGBTQ+ populations (Vitulli, 2013; Ball, 2016; Copson and Boukli, 2020; Hereth and Bouris, 2020).

This research contributes to the field of criminology studies, particularly to queer criminology studies, by contributing to a broadening of its understandings of policing and surveillance, as well as the ways that these understandings can inform structural change.

This research explores transgender, gender nonconforming, and nonbinary people's experiences with policing and surveillance. To do so, this research uses the following research questions for this qualitative study:

Question 1: What are TGNCNB people's overall experiences of gender-policing and surveillance?

Question 1a: How do these experiences vary based on race, gender identity/expression, nationality, disability, and immigration status?

Question 2: How do TGNCNB people think about structural change?

### **C. Summary of chapters**

Each chapter is organized into 4 sections. First, I will review the background information that substantiates the rationale for the section. This is followed by a literature review of the relevant theoretical and empirical research that provides the context of each section. The third section in each chapter describes the participants' experiences that constitute the findings from the study. Each chapter concludes with an analysis of the findings from within the context of the theoretical paradigm that I have developed; the Trans Shadow Carceral State.

Chapter II, The Trans-led Research: Theorizing a Trans Shadow Carceral State, builds upon the 3 critical theoretical paradigms in criminology; 1) "shadow carceral state," 2) queer

criminology, and 3) queer phenomenology. Working simultaneously from within these three frameworks has allowed this research to develop a new theoretical framework. The theory of the shadow carceral state tells us there are administrative arms and pathways of the criminal legal system that are not formally articulated as “punishment” but are in fact punitive. By just looking at the formal apparatuses of the criminal legal system (courts, jails, prison, police, criminal law) we miss the less visible or more insidious forms of state control that participate heavily in the buildup of the carceral state. It is imperative we look to these places in criminology and criminal justice studies, so we have a fuller, more accurate picture of the punishment apparatus.

Immigration detention, for instance, is framed by the state as distinct from the criminal punishment system - articulated as simply being a “holding place” for people. However, what we know is that this detention is virtually no different from a jail or prison but is often even less regulated because of its alleged non-carceral status. Further, engagement with the criminal system creates a direct pathway to imprisonment in an immigration facility or deportation. To claim that punishment is not happening in these places functions to allow the state to obscure the true scope and size of the punishment apparatus. Fines and fees are another example of something that is not defined as punishment, but rather some “neutral” bureaucratic cost. We know that when people can't pay, however, they are once again, funneled directly into the criminal system, subsequently expanding the web and reach of criminalization.

Chapter III titled Policing from Family addresses TGNCNB people's experiences with those they consider family and how they either try to control or regulate their gender identity, expression, and performance through multiple avenues. It also discusses some of the strategies that people use to navigate those family dynamics. This chapter argues that while there are individual people within families that try to control and regulate TGNCNB people's behavior,

there is something fundamental about the family as an institution that allows for that regulation and control to happen. In particular, the heteronormative white nuclear family structure that serves as a tool of capitalism, by design, allows for that policing to happen. And so, whereas much of the work of mainstream LGBTQ organizations often focuses on talking about young queer and trans people and a “bad parents narrative”. For example, the “bad parents narrative” looks like the recurring argument that young trans and gender nonconforming people are made houseless simply because of parental neglect. This chapter presents literature towards the argument that this narrative fails to address the more critical issues of housing inequity, joblessness, and racism that often lend people in precarious (at best) housing situations in the first place. In addition, this chapter poses the question: what is it about the family structure that creates fertile ground for a culture of surveillance and policing, as opposed to falling back on the “bad parents narrative”? When the family simply acts as a ghost policing site - meaning that we do not even need the cops to be present for policing of normative gender enforcement to happen because their presence is felt and is ingrained within the structure - the work of policing is done by us.

Chapter IV titled Regulating Movement illustrates how the bureaucratic set up of the DMV inherently serves to police and surveil people, despite its allegedly more innocuous function as an administrative body. Trans people’s experiences at the DMV consistently show that the process of obtaining identification documentation is replete with trauma and impossibility. For a community that is already disproportionately susceptible to experiencing poverty, the money it costs to change one’s name or gender marker is not insignificant. Neither are the many traumatizing interpersonal interactions with DMV staff. All of this has forced trans people to continually strategize around their safety and come up with a multiplicity of methods

to engage with the institution. Whether this has meant deciding to have multiple IDs or deciding not to change one's name at all legally, administrative institutions like the DMV also regulate trans people's deaths as the "official" places where names are recorded and reported when someone dies or experiences harm or violence. What is important to recognize is that this navigation of safety is a clear indicator of how administrative bodies like the DMV are in fact sites of state coercion and harm.

Chapter V titled Traveling While Trans is about how the TSA surveils TGNCNB people and in the ways by which moving TGNCNB bodies from being considered an "anomaly" to an "alarm" ends up engulfing more people in their systems. However, this chapter proposes that queer criminology studies move away from a focus on categorizing people better, based on conversations with individuals regarding the experience of traveling while trans, like moving through airport security (which is synonymous with interactions with the TSA). Ultimately, there are much larger framework questions at play about how and why a culture of surveillance has been normalized. And the violent experiences of trans people navigating this surveillance apparatus are indicators of the pervasiveness of state investments in controlling bodies, especially for trans people at the intersections of multiple identities (being Black, perceived to be Muslim and an immigrant/migrant, and people with disabilities, for instance) are especially experienced at this navigation. For example, traveling as a Black trans person who is perceived to be Muslim and an immigrant/migrant person living with a mobility disability means navigating the racialized, gendered, and ableist terrain of airport security, while also navigating the dichotomy of "citizen" versus "noncitizen" in the airport space. There is no doubt that it is in the best interest of the field of criminology to listen to the harms named by TGNCNB travelers.

Chapter VI titled Policing from the Police discusses more standardized forms of state control through the police. This chapter discusses normative gender enforcement by the police. If deviation from the stated norm is considered an affront, the very fact of being trans is immoral or “deviant”. The participation in the policing of people’s clothing (using gender to control what people can and cannot wear) means people in broader society become tools of a system that desires to further its reach. This overarching cultural commitment allows the state to say, if you do not express your gender in a binary way, you can be criminalized. Once arrested, bodies are further controlled - including preventing people from wearing the kind of clothes or underwear they need and want to wear when incarcerated. At the same time, this chapter discusses the fact that not every TGNCNB person involved in this research has had experiences with the police in the same way. For example, some of the participants in this research named that they have previously had no real significant contact with the police. However, multiple Black trans women who participated in this research, some of whom are formerly incarcerated people, had the most to tell me about their experiences with the police. It is important that we speak about the kinds of policing happening to trans women – particularly Black trans femmes -- with specificity to understand how the state enacts violence and coercive control.

Lastly, in Chapter VII titled Creative Resistance: Abolition’s Offerings, TGNCNB people shared their strategies to navigate policing from family, DMV, and TSA. This chapter argues that it is urgent and imperative that we learn from TGNCNB people’s strategies, which this research understands as resistance, to radically restructure the family. And this chapter also argues that this research has expressed how the framework of the Trans Shadow Carceral State allows us to



notice where/how policing exists in multiple places. This is ultimately important to the overall goal of this research which is to narrate TGNCNB people's experiences to fundamentally reimagine the many personal and administrative tools of coercive control.

## **II. TRANS-LED RESEARCH: THEORIZING A TRANS SHADOW CARCERAL STATE**

### **A. Theoretical Components**

In queer criminology and criminology studies more broadly, the four pillars of the criminal punishment system are perhaps the most studied and most visible institutions that formally police trans, gender nonconforming, and nonbinary people's lives. These four pillars and institutions are the police, courts, corrections, and the law. However, particularly significant in this dissertation's research findings is that the institutions of the family, the Department of Motor Vehicles (DMV), the Transportation Security Administration (TSA), and the police represent overlapping and connected forms of policing and surveillance based upon trans, gender nonconforming, and nonbinary (TGNCNB) people's experiences.

Originally, this research aimed to explore TGNCNB people's experiences of gender-policing and surveillance from state actors, namely TSA and the police. However, during the initial data collection phase of this research, a recurring theme of the important role that *the family* plays in policing gender nonconformity presented itself through participants' narrative reflections. Their accounts and experiences radically shifted this research and developed the broader intervention of this research project, which is the theoretical framework of the Trans Shadow Carceral State. Through the experiences of TGNCNB people, this research will show that the institutions of the family, the DMV, TSA, and the police represent overlapping and connected forms of policing and surveillance. To map and investigate these connections, I rely upon an approach that I coined, "queer criminology of the carceral state." This approach integrates four theoretical frameworks that are most helpful to study gender-policing and surveillance in overlapping and connected institutions: (1) queer criminology, (2) queer phenomenology, (3) the Shadow Carceral State, and (4) Black Feminist Thought. For this research, these four frameworks are most helpful to study gender-policing and surveillance because together they create a new theoretical framework that focuses on the roots of institutional policing, which allows this research to examine TGNCNB people's experiences with the invisible elements of the criminal punishment system and the family.

In the field of criminology studies, queer criminology is largely the place where gender and sexuality are explored. Queer phenomenology foregrounds questions of how to queer, which in the case of this research includes how to reexamine our understandings of gender-policing and surveillance. The Shadow Carceral State as a theoretical framework developed by Beckett and Murakawa (2012), is useful to this research's exploration of the invisible, the unseen, yet still pervasive ways that policing engulfs TGNCNB people's lives. Black Feminist Thought informs the ways that this research critically examines the family as an institution impacted by and embedded with gender-policing, as well as the ways that Black feminist abolitionists have initiated frameworks for looking at the roots of institutions.

This chapter and this research define gender-policing broadly, as the imposition of the gender binary and "normative" gender enforcement on everyone, but particularly on people who are perceived to deviate from, or who intentionally transgress, gender norms. This definition understands gender and biological sex (which this research terms sex assigned at birth) as intentionally constructed, binary categories. Critical scholars in fields of biology, psychology, and queer studies have developed solid critiques of dominant constructions of binary sex and gender categories. For example, Fausto-Sterling (2000) presents centuries of evidence discrediting "biological" debates that discuss xx versus xy chromosomes. Arguing that debates about chromosomes are about how sex assigned at birth is social constructed, Fausto-Sterling's work in *Sexing the Body* illustrates that people's chromosomes and anatomy do not present themselves in binary fashions. Instead, Fausto-Sterling argues that chromosomal differences are imposed categories of difference that sex and gender categories are precisely created for the purpose of maintaining social order.

The definition of gender-policing used in this research also draws from Butler's (2006) theory of gender performativity (Butler, 2006). As a philosopher and gender studies theorist, Butler argues in *Gender Trouble: Feminism and the Subversion of Identity* (2006) that performing gender means that there is a process by which people consider options for their gender that is developed under constraints that are always regulated by our social world. Butler asserts that instead of people performing or doing gender or performing acts such as moving or talking like a girl/boy or woman/man; people are performing gender through acts of repetition and mimicry that are not voluntary. According to Butler, gender is not purely socially constructed onto people's bodies. Performing gender is not simply a stylized process of acts, gestures, and desires, but it is a repetition (Butler, 2006: p.185). Therefore, gender performativity is a theoretical concept about how repetitively doing gender through a series of actions are what produce the categories of girl/boy or woman/man, not the other way around (Butler, 2006). In other words, gender categories are not static or fixed, but instead what we do creates gender. For this reason, the definition of gender-policing in this research pays attention to the ways the four formal institutions of the family, the DMV, TSA, and the police both regulate TGNCNB people's gender identities/expressions and create gender as difference, through policing and regulation.

My approach defines surveillance in broad terms, allowing for an analysis that covers the widest possible range of experiences of surveillance in the lives of TGNCNB people. *Concealed Threats* defines surveillance and social control using Rule, McAdam, Sterns, and Uglow's 1983 definition, which states that:

"By surveillance we mean any systemic attention to a person's life aimed at exerting influence over it. By social control we mean efforts to define and bring about 'correct' actions or statuses. Surveillance and social control are ubiquitous social processes..."

This research uses this definition of surveillance as opposed to other definitions that are narrower and often define surveillance in terms of technology, overlooking the ways that surveillance operates on a person-to-person level. Through the narratives shared by the participants in this research, which are supported by Rule et al's (1983) definition of surveillance, this project can uncover the widest possible range of their experiences of surveillance, therefore leading to the possibility of a more holistic view of the multiple forms of gender-policing and surveillance. My approach of queer criminology of the carceral state brings together these definitions of gender-policing and surveillance, with the four theoretical frameworks of 1) queer criminology, (2) queer phenomenology, and (3) the shadow carceral state, and (4) Black Feminist Thought, to expand what is understood as gender-policing and surveillance, as well as to expand research possibilities for on TGNCNB experiences.

## 1. **Queer Criminology**

“Queer criminology is a theoretical and practical approach that seeks to highlight and draw attention to the stigmatization, and criminalization, and in many ways the rejection of the Queer community, which is to say the LGBTQ (lesbian, gay, bisexual, transgender, and queer) population, as both victims and offenders, by academe and the criminal legal system” (Buist and Lenning, 2015).

Queer criminology was developed because of an absence of criminological theory and research practice that considered and prioritized LGBTQ+ people in the field of criminology studies. As a disciplinary sub-field of study, queer criminology can be traced back to 2013 “when the journal *Critical Criminology* dedicated a special edition to *Queer/ing Criminology*” (Buist and Lenning, 2015). In this special edition journal, several criminology scholars aligned their research articles around an intention of providing more research representation of LGBTQ+ people’s experiences with the criminal legal system, as well as more theoretical lenses to discuss what queerness and queer theory have to offer criminology studies (Woods, J. B., 2013). Around the same time, criminologists Peterson and Panfil edited the *Handbook of LGBT Communities, Crime, and Justice* (2014) that featured the articles ““Queering Criminology”: Overview of the State of the Field” by criminologist and legal scholar Jordan Blair Woods (2013) and “What’s Queer About Queer Criminology?” by queer criminologist Matthew Ball (2014) (Peterson and Panfil, 2014; Woods, 2013; Ball, 2014). Woods (2013) discusses the lack of treatment of LGBT individuals and issues in CCJ [criminology and criminal justice] theoretical and empirical arguments, outside of conceptualizations of sexual deviance (Peterson and Panfil, 2014: p. 8). And Ball (2014) discusses queer criminology’s engagement with queer theory, and more specifically with the queer criminology’s use of ‘queer’. Ball argues that queer criminology as a sub-field of study should consider how it engages with queer research and theorizing beyond identity categories, while noting that queer criminology should resist being “mainstreamed” into the broader criminological field and instead “always sit at an oblique angle to the rest of criminological discourse, remaining in the margins in order for its critical potential to have any impact” (Ball, 2014).

More broadly, queer criminological research is largely focused within roughly five areas: (1) the historic criminalization of LGBTQ+ people in the United States through criminalizing sexuality and gender nonconformity, (2) LGBTQ+ people's experiences of victimization, both through interpersonal harm and violence, as well as from criminal punishment system actors (such as police and corrections officers), (3) the impact of laws and legal "reforms" that specifically target LGBTQ+ people and populations, (4) the experiences of LGBTQ+ people who are criminal punishment system actors themselves (such as LGBTQ+ people as police and corrections officers), and (5) the experiences of LGBTQ+ incarcerated and formerly incarcerated people with prison and jail. And in addition, much of the work in queer criminology has a stated overall goal of focusing towards more research on queer people with the intention of informing positive changes in their lives.



As a sub-field of criminology studies, queer criminology really seeks to highlight the ways that LGBTQ+ people are underrepresented in the field of criminology studies and is the place where conversations around gender and sexuality are foregrounded. As a theoretical framework, a queer criminological framework offers this research a grounded criticism of the binary logic of police and policing practices for trans, gender nonconforming, and nonbinary people, which this research calls gender-policing. For example, queer criminologist Angela Dwyer (2008) uses the theory of embodiment to theorize the connections between gender-policing and criminal justice actors. Dwyer's work is said to queer understandings of embodiment by arguing that we should look at policing as "a practice defined by heteronormative expectations about sexuality and gender" (Dwyer, 2008: p. 415). Dwyer notes that police officers participate in various tactics aimed at "'reading' bodies that 'queer' heteronormative ways of doing sexual subjectivity" (Dwyer, 2008: p. 423). Dwyer applies this theory of embodiment to police departments and police officers' implementation and reinforcement of the gender binary through maintaining a heterosexist and binary order. Relatedly, critical criminologist Sarah Lamble (2012) states that, "traditional norms around masculinity and femininity still operate as key modes of discipline, power and regulation within carceral settings" (Lamble, 2012: p.7). Lamble highlights many of the ways that queer/trans and gender nonconforming people caught in the criminal legal system feel the effects of its binary nature. These queer criminological theories are helpful for this research because they provide a basis for understanding participants' experiences with gender-policing, especially their experiences with the police, as pertaining to the maintenance of heteronormativity and controlling gender nonconformity as "deviance".

This dissertation research begins with this notion of embodiment and norms around masculinity and femininity as practices of maintaining heteronormativity. Theorizing queer criminological embodiment allows this research to examine how TGNCNB people as non-normative subjects (i.e., people who occupy a body that expresses a seemingly non-normative gender and/or sexual identity) experience gender-policing and surveillance. In addition, theorizing how carceral settings use traditional norms around masculinity and femininity to discipline, police, and regulate non-normative subjects allows this dissertation research to reveal how traditional criminological institutions operate along gendered lines.

## **2. Queer Phenomenology**

Feminist scholar Sara Ahmed's (2006) framework of queer phenomenology is used to support both the methodological and theoretical frameworks of this research. Using queer phenomenology, this research is infusing a queer theory perspective into its theoretical framework. Ahmed's framework of queer phenomenology, orientations, and queer lines guide how this research conceptualizes 'queer' as both a noun and a verb (Browne and Nash, 2010). For example, Ahmed notes that much of the existing literature on sexuality is about understanding the lived, everyday experiences of LGBTQ+ people (2006). 'Queer as a noun' includes literature focused on groups of people who identify as queer. And although Ahmed notes that literature concerned with the lived everyday experiences of LGBTQ+ people are important contributions, her larger feminist work on queer phenomenology is about how *to* queer. Ahmed notes that,

I also want to work with phenomenology in order to "queer" how we approach sexual orientation by rethinking the "orientation" in "sexual orientation." In other words, I want to offer a phenomenological approach to the very question of what it means to "orientate" oneself sexually toward some others and not other others. A queer phenomenology might offer an approach to sexual orientation by rethinking how the bodily direction "toward" objects shapes the surfaces of bodily and social space (2006, p 68).

Unlike Ahmed's work, this dissertation research is concerned with the lived experience of TGNCNB people based on their gender identity/expression. And Ahmed's method and theoretical framework of "queering" sexual orientation, as a verb, provides a basis for theorizing how TGNCNB bodies exist in space. Ahmed's work,

aims to show how bodies are gendered, sexualized, and raced by how they extend into space, as an extension that differentiates between "left" and "right," "front" and "behind," "up" and "down," as well as "near" and "far". What is offered in other words, is a model of how bodies become oriented by how they take up time and space (2006, p 68).

Ahmed's (2006) framework of orientation or "how bodies become oriented by how they take up time and space" is helpful to this research because it provides a theoretical basis for discussing how clashes with family, the DMV, TSA, and the police position TGNCNB bodies as deviant because they rupture or clash with institutions, and both what is considered private and public space, aimed at producing heteronormative subjects. In other words, orientation in this research is concerned with TGNCNB people's lived experiences, "traditional" and "nontraditional" criminal punishment institutions aimed at producing gender normativity, and with "how the bodily, the spatial, and the social are entangled" (Ahmed, 2006: p 181).

Repositioning Ahmed's theorizing queer phenomenology within the theoretical framework of the Trans Shadow Carceral State, this research is an example of how to queer criminological research through its broad and expansive orientation to gender-policing and surveillance.

### **3. The Shadow Carceral State**

Scholars of race and the criminal legal system Beckett and Murakawa (2012) define the theory of the ‘shadow carceral state’ as the in-between spaces that exist within the criminal legal system that are not quite as visible as the “traditional” arms of the carceral state. In their work, they argue that much of the literature on the penal state is concerned with criminal law, incarceration, and policymaking around criminal sanctions such as “tough on crime” policies (Beckett and Murakawa, 2012). Their argument suggests that “criminal law and criminal justice institutions increasingly represent only the most visible tentacles of penal power” (Beckett and Murakawa, 2012: p. 222). Posing a particular challenge to criminal justice and criminology studies (CCJ), their argument indicates that much of CCJ has focused on these many of these same concerns and leading to the conclusion that the expansion of the criminal punishment system only happens through traditional pathways, or what they call the visible tentacles of penal power (2012). However, their work notes that focusing on the concerns of criminal law, incarceration, and policymaking around criminal sanctions does not fully capture the intentionally opaque and entangling ways that the less visible tentacles of penal power within the criminal legal system contribute to its expansion and the swallowing up of still more people inside its criminalizing webs.

According to Beckett and Murakawa, the shadow carceral state captures an even larger share of the population through “civil injunctions, legal financial obligations, and violations of administrative law” (Beckett and Murakawa, 2012: p. 222). They argue that “the shadow carceral state often makes use of legally liminal authority, in which expansion of punitive power occurs through the blending of civil, administrative, and criminal legal authority” (Beckett and Murakawa, 2012: p. 222). The theoretical framework of the shadow carceral state helps us understand institutional spaces and administrative extensions that are not seen or branded by the criminal legal system as carceral, as further extensions of punishment systems themselves. Two examples of this further extension from the research are immigration detention and court fines and fee charges. Not typically constructed as punishment, immigration detention is framed by the state as a holding place. This framing obscures the fact that millions of people are held in immigration detention facilities who have not been charged with any crimes. Immigration detention facilities hold people in inhumane conditions, just like jails and prisons, and are also places of confinement, isolation, and family separation. The framework of the shadow carceral state encourages the field of criminology studies to think outside of the “traditional” punishment spaces, and to turn attention towards spaces like immigration detention.

In addition, Beckett and Murakawa's research argues that court mandated penalties like fines and fees, that particularly burden poor people and people directly impacted by the court system, are largely constructed by criminology studies as outside of the punishment paradigm. Typically, fines and fees are constructed as collateral consequences of committing a traffic infraction or being convicted of a crime. However, Beckett (2010) shows that fines and fees provide substantial social and legal consequences, particularly for poor people convicted of crimes, and can often be administrative pathways to further involvement with the criminal legal system for things like inability to pay, including back payments that result in debt collection or sometimes jail time. In addition, Miller et al's (2018) research shows that the same disproportionate outcomes based on race and class that exist within the broader jail and prison system in the United States, also exist in the distribution of fines and fees. Supported by much of this research, the theory of the shadow carceral state becomes even more important because it helps to refute the fact that administrative functions like fines and fees are somehow outside of the scope of the larger criminal punishment system.

The theoretical framework of the shadow carceral state is particularly helpful to this research through its conceptualization of what this research calls ‘not-punishment’. As Beckett and Murakawa’s framework outlines, criminal punishment institutions like jails and prisons are seen as punishment in criminology studies. But administrative legal processes are seen as ‘not-punishment’. In the broadest sense, the shadow carceral state urges us to turn toward ‘not-punishment’ institutions, like the DMV in this research, to explore their connections to the criminal punishment system. Whereas Beckett and Murakawa were not necessarily considering how normative gender-enforcement figured into the concept of the shadow carceral state, this research puts their framework alongside the experiences of TGNCNB people have with ‘not-punishment’ institutions like the DMV that enforce gender identity through policing gender. Turning towards these ‘not-punishment’ institutions of normative gender-enforcement helps us to answer Beckett and Murakawa’s call to uncover how policing extends itself beyond criminal law, incarceration, and policymaking around criminal sanctions. The theory of the shadow carceral state supports the arguments in this research by expressing how “traditional” arms of the carceral state and ‘not-punishment’ institutions, or visible and not so visible tentacles of power, within criminology studies are experienced by TGNCNB people and provide some of their most routine and enduring experiences of gender-policing and surveillance.

Ultimately, this research argues that blending four theoretical frameworks of the queer criminology, queer phenomenology, the shadow carceral state, and Black Feminist Thought (or Abolition Feminism) form the Trans Shadow Carceral State. The framework of the Trans Shadow Carceral State is what allows this research to theorize that the institutions of the family, the DMV, TSA, and the police, are overlapping and connected institutions of policing and surveillance that particularly impact the lives of trans, gender nonconforming, and nonbinary people.

#### **4. Black Feminist Thought**

“Reinterpreting existing works through new theoretical frameworks is another dimension of developing Black feminist thought” (Collins, 2000).

As an intellectual tradition, Black Feminist Thought was developed by Black women writers, thinkers, educators, activists, scholars, and collaborators who expressed how the intersections of gender, race, class, and other social positions impacted their work and lived experiences. As a principal text in Black feminist literature, Black feminist intellectual Patricia Hill Collins originally wrote *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* in 1990 and very intentionally situated people like Sojourner Truth, Anna Julia Cooper, Zora Neale Hurston, Ida B. Wells, Audre Lorde, Toni Morrison, and Barbara Smith, among others, alongside each other in her construction of Black Feminist Thought. In doing so, not only was Collins bringing Black women intellectuals to the forefront who are both inside of and well outside of academe, but she was also mapping the historical trajectory of Black women’s writings and intellectual contributions from multiple spaces and positions. Through these contributions, many of which developed from lived experiences of oppression and disenfranchisement, Black women have developed and repositioned theoretical frameworks to



express how the nexus of gender, race, class, and other social positions structure the foundations of capitalism, labor, reproduction, and U.S. consciousness. As a major pillar of Black feminist theorizing, that which was excluded or unexplored is uncovered through a Black feminist lens. This includes shifting who is considered a theorist and whose ideas are centered to confront power.

Guided by Black Feminist Thought and, in its lineage, the theoretical framework for this research borrows particularly from two sets of Black feminist literature; literature on family and domestic violence as patriarchal and state violence, as well as literature known under the umbrella of abolition feminism. Two of the foremost Black feminist abolitionists whose work is concerned with family and domestic violence include Dorothy Roberts and Beth E. Richie. Dorothy Roberts is a scholar of race, gender, and the law whose work focuses on the intersections of race and reproduction and what she calls family regulation, which includes the child welfare system. In Roberts' research book titled *Shattered Bonds: The Color of Child Welfare* (2001), she movingly outlines the implications of state regulation on poor Black families that have produced disproportionate outcomes of Black children in the foster care system (Roberts, 2001). Relatedly, scholar and anti-violence, abolition feminist activist Beth E. Richie's book titled *Arrested Justice: Black Women, Violence, and America's Prison Nation* (2012) shares in the connections to the family as a structure imbued with state regulation. In her work, she discusses the connections between patriarchal violence in cases of domestic and sexual violence, with state intervention that both results from and results in state violence to Black women who are survivors of violence (Richie, 2012).

Black feminist literature on family and domestic violence offers this research is a critical analysis of the institution of the family. As my third chapter, titled "Disciplining From Family"

will further outline, the assumed presence of the family as a “protective” institution is contradicted when we take race and gender into account. Mainly related to this research, Black feminist theorists like Roberts and Richie conceptualize the family as both a layered place where gender-policing happens. For Richie, that policing happens to Black women through both interpersonal relationships that have led to physical and sometimes sexual violence, while they simultaneously face the policing that comes from the state-sanctioned policing of poor /working class people and Black people. And for Roberts, the policing of families also comes through policing of poor people and Black people, and especially policing of Black women’s parenting or caretaking.

In many ways grown through Black Feminist Thought, a broad collection of abolition feminist literature also guides this research. A binding account of the connection of the two comes in the form of Angela Y. Davis’ work in *Women, Race & Class* (1981). As an abolitionist, anti-imperialist, and longtime political theorist, Davis charts the history and consequences of white supremacy and white feminism in the women’s liberation movement and the movement to abolish slavery. In the Black feminist lineage, along with an analysis of racial capitalism, Davis charts the ways that Black women have been particularly impacted by the forced labor and sexual violence of enslavement and the whiteness of the women’s liberation movement. Davis’ exposure of white women’s underwhelming roles in the movements to abolish slavery and strategic deployment of white femininity in their struggles to gain social and political rights contributes to a Black feminist legacy of unearthing a nexus of gender, race, and class struggles.

As a continuation of the nexus of gender, race, and class connections, Black feminist scholar Patricia Hill Collins explores how to apply a Black feminist framework. According to Collins, “reinterpreting existing works through new theoretical frameworks is another dimension

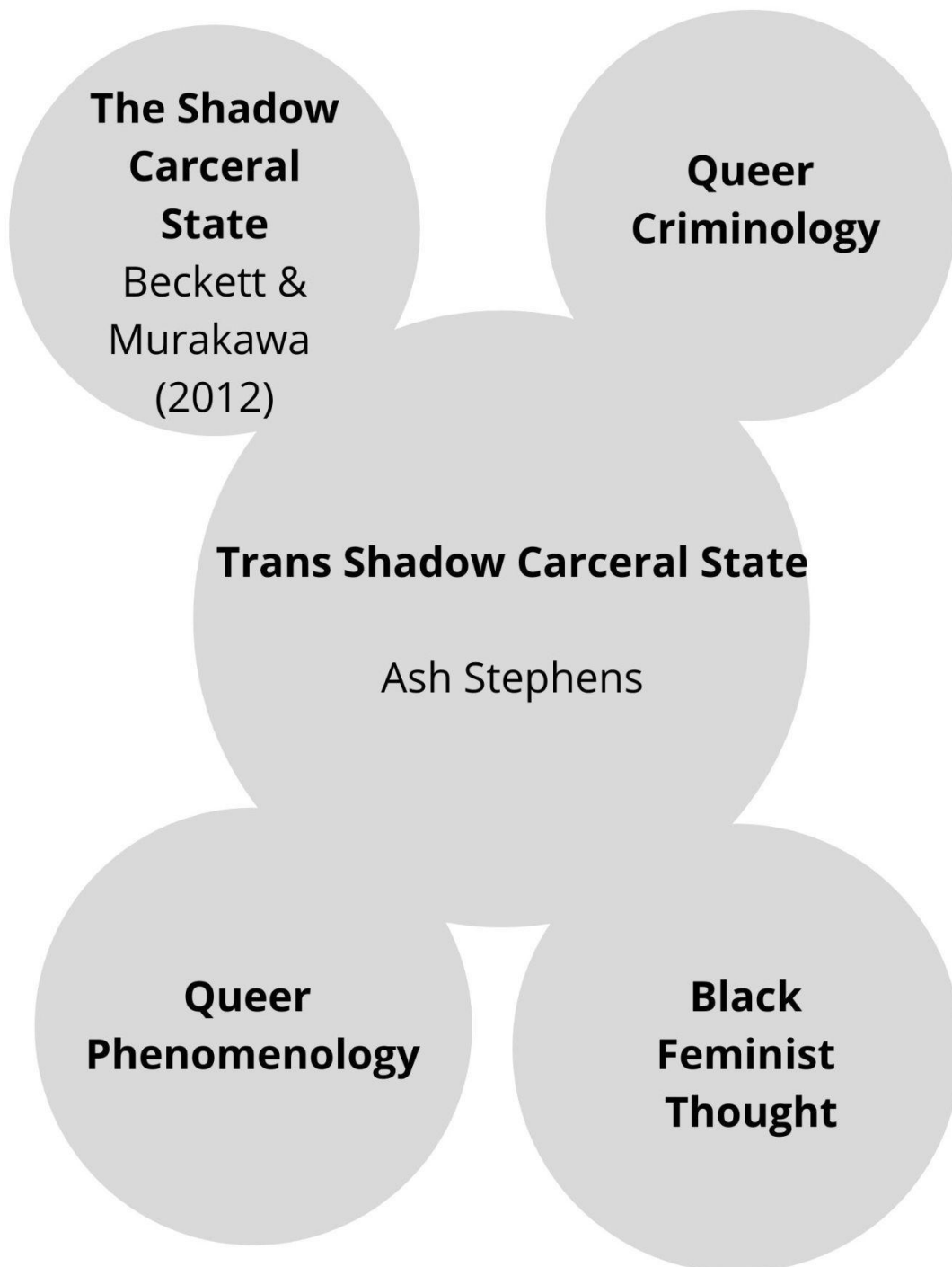
of developing Black Feminist Thought” (Collins, 2000: p.17). In other words, Black Feminist Thought looks at familiar problems using a different lens. For example, a criminological question could ask what “crimes” Black women are committing in a particularly underfunded, under-resourced area of a major U.S. city that are leading them to be incarcerated. We can reframe this question using a Black feminist lens and ask, what are the conditions like for Black women in this underfunded, under-resourced area of a major U.S. city that allow for policing, surveillance, violence, and in consequence, and their incarceration? While the subject is the same, the second question holds a much broader scope and provides a fuller picture of the social and political conditions that contribute to Black women’s involvement with the criminal legal system. Further, the second question allows us to “confront the other multilayered and routinized forms of domination that often converge in these women’s lives,” that scholars like Crenshaw argue are imperative to understanding the struggles that Black women face (Crenshaw, 1991: p. 1245). This question is an example of how critiques of the criminal legal system as a patriarchal space that come out of feminist criminology and critical criminology around race and class converge with a Black feminist analysis and provide us a much deeper and nuanced understanding of Black women’s contact with the criminal legal system. Crenshaw’s assertion is particularly helpful as we situate the need for reinterpreting existing works through a Black feminist theoretical frame.

## **5. A New Paradigm...A Trans Shadow Carceral State**

The four theoretical frameworks of (1) queer criminology, (2) queer phenomenology, (3) the Shadow Carceral State, and (4) Black Feminist Thought collectively build the new paradigm of the Trans Shadow Carceral State. This approach is most helpful to this research’s study of gender-policing and surveillance in overlapping and connected institutions because it connects

least visible institutions of carceral control in society, with those that have more prominence as institutions of policing, surveillance, and punishment.

**FIGURE 1: Theoretical Framework**



## **B. Methodology**

For this research's methodology, I used a practice that I call Critical Queer Ethnographic Criminology. Critical Queer Ethnographic Criminology is a practice that engages with people-based methods of interviews, ethnography, and participant observation. This approach was developed from queer, feminist, and activist of color methodological approaches that are concerned with "the content of knowledge, about absences, silences and invisibilities of other peoples, about practices and ethics, and about the implications for communities of research" (Smith, 2012: p.x). One of the crucial methodological interventions and gaps this research fills in the field of criminology studies is that this is trans-led. Rosenberg and Tilley (2020) describe the concept of the Insider-Outsider trans research,

The concept of the trans insider is not intended to enforce the trans/cis dichotomy but rather highlight the unique contributions of self-determined trans people within a field of research that is currently dominated by voices without significant lived experience of gender diversity. These voices carry with them a deep understanding of trans history, a nuanced understanding of trans-related language, an inroad to trans spaces, and other factors that are crucial to constructive and culturally appropriate trans research (Ansara and Friedman, 2016; Rosenberg and Tilley, 2020; Vincent, 2018).

Except for the sub-field of queer criminology, broader criminology studies, policing studies, and surveillance studies research related to trans, gender nonconforming, and nonbinary (TGNCNB) gender identity/expression is dominated by cisgender researchers. Often these researchers do not have connections to TGNCNB communities outside of their research. Over time, I have witnessed and overheard through several TGNCNB community forums and informal spaces that many people continue to feel that academic, nonprofit, and other similar research institutions often perform studies on their communities without speaking directly to the people most affected by the issues of study. Many of these critiques also surfaced during the interviews for this research project. Several participants discussed with me their thoughts about the ways that research projects about TGNCNB people's lives modeled historical practices of extraction from their communities. A familiar sentiment echoed of what are we [and other TGNCNB communities] gaining from this "research?" It was with this in mind that I felt an immediate responsibility to construct a methodological framework that would meaningfully integrate the stories, reflections, and experiences of the participants in this research.

In addition, one of the most critical tasks I had throughout this research process was to apply a methodological framework that would minimize unintended harms and accurately capture the experiences of TGNCNB participants in this research project. With this research, I aimed to apply a methodology<sup>2</sup> that would minimize unintended harms and would elevate participants' lived experiences, while moving towards substantive structural change.

'Queer research' can be any form of research positioned within conceptual frameworks that highlight the instability of taken-for-granted meanings and resulting power relations. Queer inflected perspectives, approaches and conceptualisations have been taken up, disputed and reworked in different disciplinary contexts, reflecting the traditions of knowledge production in those disciplines (Browne and Nash, 2010: p. 4).



## 1. Queer/Trans and Feminist Insider-Outsider Research

“I didn’t want to write a queer Ph.D. Queer and me – we didn’t have a great history. It was a word I used as an identity label...My desires never seemed to fit people’s expectations... Queer struck me, at the time, as somehow more radical, more slippery, more transgressive (Heckert, 2010).”

As this research began to develop, I began to think about what my dissertation project would focus on, I was hesitant to write a queer Ph.D. I was unsure if there was a place in academic research for an honest disclosure that any queer and/or trans research project that I chose would reflect on my personal relationship to ‘queer’ and ‘trans’ as labels of identity and lived experience. And, that my research would also reflect conversations with TGNCNB people that I am in community with. As a Black, queer, and trans researcher in academe, I struggled to conceptualize a research project that narrated the experiences of some TGNCNB people and communities and contributed to the field of criminology studies in a way that would harness their stories and expertise, in service of the making their lives more livable. A reason that I struggled to conceptualize a research project to this end was because I first shied away from what many people in academia call “mesearch”. Mesearch is a colloquial term used to describe how researchers use ethnography or their own experiences to interrogate complex social problems or phenomena. I originally shied away from this type of research because of my initial sense that ethnographic methods were too vulnerable, too exposing, and “unscientific” to the academe. And, at the same time, as I began to immerse myself in policing and surveillance literature, I could not ignore a pattern of events that I experienced and witnessed happen to other TGNCNB people that I was around. It was because of this repetition and pattern across time and space that I began to settle into this research project.

The ethnography component to this research borrows from feminist of color methodological approaches that critique many of the inventions of ethnography as restricted academic practice within academe (Visweswaran, 1994). Many of these approaches critique the original message I had received that ethnography was “unscientific”. Usually defined as bounded ideas about methodology, patriarchal critiques of ethnography often rest on a very gendered “objective” and “subjective” dichotomy. Scholars note that often, scholars/writers who are men are seen as “creating knowledge” through their practices of ethnography, and scholars/writers who are women are seen as “simply sharing experiences” through first-person narratives (Visweswaran, 1994). And the value of creating knowledge is seen as being “objective,” whereas sharing experiences is seen as being “subjective” (Visweswaran, 1994: p.22). Visweswaran states that along with this dichotomy, and the idea that objectivity is a sort-of factual concept; contribute to the marginalization of feminist ethnographic work.

Visweswaran also states that, “first-person narratives are being selected by women as part of an implicit critique of positivist assumptions and as a strategy of communication and self-discovery” (Visweswaran, 1994: p.23).

In addition, Black women's life histories as social science methodologies provide us with a method of using folktales and storytelling to talk about deeply racialized and gendered social problems. Cotera notes that, "it is the specificity of individual experience when contextualized within (and against) the generality of a broader cultural milieu that can reveal the particularities of heteropatriarchal, racist, and classist relations of rule" (Cotera, 2008: p. 179). Similarly, queer and trans oral histories provide a way to document TGNCNB peoples' and communities' experiences. Some of the goals of queer and trans oral histories are to share the stories of elders and people in queer and trans-communities, whose stories, memories, and legacies of resistance are forgotten or white-washed by mainstream LGBTQ organizations and media. These stories provide important opportunities to document individual and collective histories of marginalization and resistance that can inform current and future struggles for queer and trans liberation.

## **2. Ethnography**

Using what I call Critical Queer Ethnographic Criminology, ethnography was an essential component of this research. This is a specific intervention into auto-ethnography and ethnography research in the field of criminology studies, that currently does not include queer/trans voices. One way to understand ethnography is through what Browne and Nash (2010) describe as, "understanding and describing what is going on in a culture and the meaning of what is going on to both oneself and informants" (Browne and Nash, 2010: p.27). And so, as this dissertation research is concerned with trans, gender nonconforming, and nonbinary experiences of gender-policing and surveillance, it feels appropriate to acknowledge the ethnographic components that support this research. I do so not to center myself as *insider-outsider* in this research, but instead as a methodological intervention from queer and feminist

scholars who challenge research through an active critique of traditional power structures that force scholars to attempt to remain “objective” (Visweswaran 1994, Noble 2009, Smith 2012).

Part of what Critical Queer Ethnographic Criminology offers is to use auto-ethnographic research not as a mesearch, but to traverse the inside/outside dichotomy and bring a critical trans led perspective to queer criminology. “Autoethnography looks to ‘extract’ meaning from experience rather than to depict experience exactly as it was live” (Bochner, 2000: p. 270). In 2015, I began to take extra notice of my trips to the airport. I could not ignore the repetitive nature of experiences I had every time I travelled. The pattern was always the same: I would go to the airport, stand in the airport security line, show TSA my driver’s license ID, then get questioned about my name and gender marker on my ID. Then, go through and exit the body scanners. At which point I would either get my hair patted down and my hands swabbed with some sort of chemical detecting agent, or I would get my entire body patted down or asked to go into a “private” room for a pat down. After this, my luggage was always selected for a “random bag check” and all my stuff would be taken out of my luggage onto a table. I would then be asked why I had medical equipment, what my medications were for, and then TSA would send me on my way, as if I was a faint aberration. For several years I endured this same set of experiences, often wondering *am I the only trans person this is happening to?*

At some point, I began to search social media websites and blogs to read how other TGNCNB people were navigating the airport space. I also started to ask friends about their experiences at the airport and with the TSA. I was desperately searching for an answer to the question, *is this happening to anybody else?* What I found was that harmful, invasive, and sometimes violent interactions with airport security were happening to more people than I thought, and in even more egregious ways than I had experienced. According to Ahmed (2006),

“phenomenology emphasizes the lived experience of inhabiting a body” (p 544). It was in my discovery that other people who inhabit similar or related racialized and gendered bodies as myself, that this dissertation research started to come to life. Ahmed also notes that,

“Phenomenology can offer a resource for queer studies insofar as phenomenology emphasizes the importance of lived experience, the intentionality of consciousness, the significance of nearness or what is ready to hand, and the role of repeated and habitual actions in shaping bodies and worlds” (p 544).

This also relates to queer and trans oral history methodologies, particularly through the websites and blog posts that initially supported the building of this research’s questions, even before the data collection phase. This research recognizes web-based forums, chatrooms, and virtual places of community dialogue as representations of oral histories because they share the stories and experiences of TGNCNB community members of the past and present, that are often only shared amongst protected community members.

### **3. Data Collection**

The participants in this research were people who self-identity as trans, gender nonconforming, and/or nonbinary, or who believe that others see them as trans, gender nonconforming, and/or nonbinary. A range of participants under these gender identity/expression umbrellas were recruited for this research to interview participants with a range of gender identities and expressions. All the participants in this research were also 18 years old or older.

Research participants were recruited through an LGBTQ+ organization in the Midwest, as well as my connections with various TGNCNB community members across the U.S. I also utilized snowball sampling methods to recruit research participants.

Originally, I planned to recruit participants for this research at four academic conference sites. Those conference sites were: National Women’s Studies Association Conference, Allied

Media Conference, Philadelphia Trans Wellness Conference, and Creating Change Conference. However, due to the COVID-19 pandemic all the conferences, except the Creating Change Conference, were cancelled.

#### **4. Interviews**

The data collection phase of this research lasted for eight months. Using semi-structured interviews, I conducted eight interviews with trans, gender nonconforming, and nonbinary participants from across the U.S., to get a saturation of narratives and experiences from different parts of the country.

Originally, I planned to hold many of these interviews in person and over the telephone. However, due to the COVID-19 pandemic, I was not able to hold any interviews in-person. Interviews were held through the telephone at a mutually convenient time for the participant and the interviewer. Interviews typically lasted between two and three hours, during one continuous phone conversation. Five of the individual interviews for this research took place during one continuous phone conversation. However, all participants had the option to break up the phone interviews, based on time increments that worked best for their schedules. Three of the individual interviews for this research took place over two separate phone conversations on two separate dates.

I chose not to conduct interviews over internet conferencing platforms for two reasons. The first was that this research topic is one that can be particularly triggering to participants, and for the privacy of the interviewees I decided not to conduct interviews over internet conferencing platforms. The second reason was for accessibility purposes. Every participant confirmed that they had access to a telephone, but internet access was not as accessible for all. For these reasons, all interviews were performed strictly through telephone conversations.

Demographically, six of the participants were between the ages of 30-40 years, and two were over 40 years of age at the time of this research. The average age was 36 years old. Five of the participants identify as Black or African American, one as Latinx, one as White, and one as Asian American.

Three participants identified as trans women or trans femme, three as trans-masculine, one as gender nonconforming and nonbinary, and one as trans and nonbinary. These gender identities and expressions were how people identified to me at the time of these interviews. However, many of the participants expressed to me that they do not hold themselves to the dichotomies of feminine or masculine, and that their gender identity and expression is much more fluid and shifting than these dichotomies. And they all discussed how their interpretations of self also differed or may differ from how the world sees them, which is often based on the gender binary system. This research acknowledges that gender identity and expression is fluid and ever changing, and that the “categories” of gender identity/expression were how participants expressed themselves to me at the time of our interviews, though this could change at any time.

All the people I spoke with lived in the U.S. at the time of our interviews, and six are U.S. citizens while two are undocumented people. Most of the participants I interviewed, five in total, expressed that they did not identify as a person with a disability or as disabled. Of the other three participants, one person shared their experiences with their intellectual disability, one person shared their experience with a physical or mobility disability, and one person shared their experience with both an intellectual disability and a physical disability. This was the language that they used with me to describe their disability status, and I will model that language throughout this research. At the time of these interviews, three participants lived on the west

coast, one lived in the Northeast, one in the Midwest, one in the Southeast, and two in the Southwest.

#### **TABLE I: PARTICIPANT'S DEMOGRAPHICS**



Age	30 - 35 (3)	35 - 40 (3)	40+ (2)	---
Race/nationality	Black or African American (5)	Latinx (1)	White (1)	Asian American (1)
Gender identity/expression	Trans Woman/Trans Femme (3)	Trans Masculine (3)	Gender nonconforming/Nonbinary (1)	Trans and Nonbinary (1)
Region/Location	Northeast (2)	South (southeast and southwest) (2)	Midwest (1)	West Coast (3)
Disability status	None currently (5)	Physical/Mobility disability (1)	Intellectual disability (1)	Physical disability and Intellectual disability (1)
Immigration status	U.S. citizen (6)	Undocumented person (2)	---	---

During our conversations, participants' stories about their experiences were not time bound, meaning that we talked about experiences that ranged throughout their lifetime. All the participants were given the opportunity to choose their own pseudonyms for this research. Some of the participants chose their own pseudonyms, and others were given pseudonyms by me. I chose pseudonyms based on a popular science fiction series that has queer and trans characters. I chose this series because it resonated with my participants and because science fiction often models worlds where trans, gender nonconforming, and nonbinary people are affirmed. I felt that it was important to choose pseudonyms that referenced TGNCNB people in the future, particularly since our conversations were about potentially difficult topics.

Because I asked interviewees to talk about instances of being policed and surveilled, especially under a time of police violence and uprisings against policing during a global pandemic, I attempted to mitigate discomfort during interviews in the following three ways. First, I opened every interview session with optional time for participants to discuss the current social and political climate in the U.S. Second, I gave every participant the option to break up the interview into as many parts as they needed, and that those parts could take place over as many days as they needed. And third, I closed every interview session with time for participants to give me feedback on the interview and to discuss if anything came up for them that they wanted to process with me or with any of the emotional support resources that I shared with them in my post interview email.

## 5. Data Analysis

While I conducted the interviews, I used a digital audio recorder to record. I also took notes during every interview as well. Post-interview, I immediately typed up my notes. I developed memos based on every interview with extended thoughts about the interviews. I paid particular attention to allowing the participant's experiences to speak for themselves as their own stories, as well as jotting down my own field notes, which is at the foundation of a feminist ethnographic practice (Visweswaran 1994).

After every interview was complete, I uploaded the audio recordings from those sessions into an encrypted digital transcription service. I then listened to each interview and read through the automated transcription text to clean up the transcriptions. I also did this to better understand what information I had collected. I also coded the interviews shortly after they were transcribed.

To code the interviews, I used a Microsoft Excel spreadsheet to organize participants' responses and to develop themes. First, I logged all the demographic data into the Microsoft Excel spreadsheet using a code and pseudonym (chosen by the participant or chosen by me) to preserve confidentiality and to de-identify the information. When I titled the interviews and the transcriptions, I used the participant's code, pseudonym, and date of interview to keep accurate tracking of the different data sets. This helped me keep track of which participants discussed which experiences on what dates.

Shortly after this, I began to review the data and look for patterns and repeated ideas that related back to my research questions of exploring TGNCNB people's experiences of gender-policing and surveillance. These patterns and repeated ideas were then grouped into themes.

### C. Concluding Thoughts

All the interviews for this research were conducted during the “height” of the 2020 COVID-19 pandemic. While many participants discussed the grief and frustration of witnessing many people lose their lives due to exacerbated histories of housing insecurity, climate change, an already racist, sexist, ableist, and xenophobic healthcare system in the U.S., and many other consequences of racial capitalism, they were still willing to be interviewed and contribute their stories.

While this research began, word spread about the murder of Ahmaud Arbery by white vigilantes in Georgia while he was going for a jog and the world watched the video recording of the police killing George Floyd in Minneapolis. Tears were shed for Breonna Taylor as the world learned about her murder by Louisville police, and trans community members in Florida first shared the news of Tony McDade’s murder by Tallahassee police. Rayshard Brooks was killed by Atlanta police for sleeping in a car in a fast-food restaurant’s parking lot, while soon after a white vigilante in Kenosha, Wisconsin fired at crowds full of protestors, killing and wounding multiple people with an automatic firearm. 2020 and 2021 have brought numerous other names of Black people, trans and gender nonconforming people, and many other people of color killed by police and vigilante violence.

At the same time, national and global uprisings that rang out all their names began to take over the summer of 2020 and beyond. People gathered in the streets, in their cars, and in their homes to protest and engage in acts of rebellion against police violence. It was during all this time that I began to question the efficacy and ethics of engaging in a research project that required the time and vulnerability of some of the people potentially most affected by an intentionally inadequate healthcare system that would rather leave them vulnerable to death than protect their life. As I struggled with the question of continuing with interviews during this time, I instead decided to look towards my community for support with such a giant dilemma. As is usually the case, I learned that giving people the option to interview with me would be my best bet. And so, I continued with this research project, omitting the in-person interview format and moving to strictly phone interviews.

During many of the interviews, I learned that due to social distancing and quarantining, many people wanted to speak with me. They wanted to share their stories and to be more connected to other people. I trusted that people knew what was best for them, while also giving people the option to postpone our interviews if they wished. In doing so, moving forward with data collection for this project was both an invigorating and challenging experience.

To begin every interview, I gave participants the option of talking about how they were doing and feeling due to COVID-19, police violence, and the global uprisings. I received a range of responses from people to this prompt. Some people wanted to move the interview along and not talk about our current reality at that time. I could tell that other people wanted to talk about what was happening around us, even just for shared validation that everything was moving so quickly and so violently. Some people invited a mix of both, where they wanted to name what was happening in the larger world, and that they did not want to share many personal details. When people gave this response, they sometimes followed it up with the fact that a lot of things felt “routine” or like they had happened before, which was usually related to police violence and uprisings. Nevertheless, we processed the moment to the degree that participants felt comfortable doing so, and then we moved into the interviews.

2020 was named by several LGBTQ+ organizations as the year with the most reported deaths of TGNCNB people in the United States. At least 44 TGNCNB people were murdered in 2020. This presented another vulnerability, particularly for this research project.

Just as I opened interviews giving participants the option to talk about COVID-19, police violence, and global uprisings, I also offered up that we hold space for all the community loss within TGNCNB communities. I noticed that even if people did not want to talk about what was currently happening, because of the nature of this project the loss of many TGNCNB people was still a thread throughout our conversations. A lot of what was talked about during our interviews was about vulnerability. For participants to discuss with me their feelings of vulnerability, while they were witnessing in real time the multiple kinds of violence happening to a range of communities made it even more important for me to acknowledge the moment.

Instead of shying away from what was happening, I also chose to end our interviews with recommendations. I asked each participant what they wanted this research project to contribute to. Especially because we often began on a note of collective grief and difficulty, I wanted to end on a note of pushing forward and possibility for transformation. Some people acknowledged that they just wanted to know what other people answered to the interview questions because they had felt for so long felt like they were the only ones experiencing multiple kinds of gender policing and surveillance. Other people mentioned that they really wanted to see structural shifts happen, but they were not sure how to get there.

I was also aware that because I identify as and am often perceived to be a masculine identified person that some of the participants might not have felt comfortable talking to me about what we were collectively witnessing. Most of the 44 TGNCNB people killed in 2020 were Black trans women and trans women of color and femmes. This represented an already gendered form of interpersonal and state violence, like elements that this research aims to explore.

Because I am an insider-outsider in this research context, I was also careful about my own vulnerability in discussing the multiple pandemics of 2020. Continuing this project during such an unprecedented time was a choice that I deliberated on for quite a while. As I was unsure about the ethical considerations of asking people to be interviewed, I leaned on my community and on the interviewees for support in making this decision. To me, this mirrors practices in community-driven research. Far too often in academia, we are asked to push ourselves to the side to publish, teach, and continue with our jobs. However, just like the participants in this research were impacted by what was happening around all of us, I was impacted as well. And just like the interviewees felt uncertain about naming the levels of cruelty happening around us, I also felt uncertain about discussing the moment too. I believe that because we had each other in this process and because this research was trans-led, though occupying different positions of power, that this project continued.

Since closing the interview portion of this research, at least 44 trans and gender nonconforming people have reportedly been killed in 2021. Over half of them were Black trans woman<sup>3</sup>.

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<sup>3</sup> <https://www.them.us/tags/transgender-violence>



### III. DISCIPLINING FROM FAMILY

“The only people that I can think of that tried to police me were my parents.”

Love

#### A. **Background**

While settling into our interview, I began my conversation with Love by explaining that this research was interested in her experiences being policed or controlled by other people - namely by those who authorize licenses or state IDs at DMV offices, and especially by TSA and the police. Before asking the first interview question, Love casually stated that other than her parents, she did not feel like anybody else had ever tried to police or control her gender identity or expression. Later during the interview, she would go on to give vivid details about her experiences with the DMV, TSA, the police, and even with corrections officers during her time in prison. However, her initial response that her parents, and other people that she considers family, were the only people that ever tried to police her, significantly shifted this research's focus. As mentioned in the second chapter of this dissertation, “Trans-led Research: Theorizing a Trans Shadow Carceral State,” Love's assertion about the importance of policing from family helped facilitate a broadening of the theoretical framework of this research to encompass the institution of the family.

In many analyses (scientific and popular alike) the institution of the family is characterized as a place of nurture, support, and where the exchange of social values and reproduction of cultural norms and expectations takes place. There is an inherent assumption that this institutional work is required for maintenance of social order and that the family is the original site of supportive social reproduction. However, Love's statement about family policing mirrored the accounts of several other participants in this research who communicated how prominent policing and surveillance from family was in their lives. In 2015, the National Center for Transgender Equality (NCTE) completed their U.S. Transgender Survey Report (USTS). The USTS is the "largest survey examining the experiences of transgender people in the United States, with 27,715 respondents from all fifty states, the District of Columbia, American Samoa, Guam, Puerto Rico, and U.S. military bases overseas" (NCTE 2015, p 2). According to the USTS report, "half of the respondents who were out to their family experienced at least one form of rejection from the immediate family they grew up with, their spouse or partner, and/or their children because they were transgender" (NCTE 2015, p 63). One in ten respondents who were "out" to their immediate family reported that they had experienced violence from a family member because they were trans (NCTE 2015, p 8). And one in twelve respondents were kicked out of their house, and one in ten ran away from home due to familial violence because they were trans (NCTE 2015, p 8). From the results in the USTS report, researchers note that "family rejection is strongly correlated with increased negative effects on a wide range of major life experiences, including income, homelessness, HIV infection, serious psychological distress, and suicidal behavior" (NCTE 2015, p 79). Conversely, several studies also express that family acceptance, especially for transgender, gender nonconforming, and nonbinary people, can have extremely positive effects on their overall quality of life.

While the family has been largely labeled as a “protective” institution, the makeup of the heteronormative family is rooted in ideologies that promote gender policing approaches aimed at maintaining white, cisnormative, and middle-class values. This chapter argues that the family as an institution operates as a site of *ghost policing*. This means that although the police are not present, unless in cases where a police officer’s family dynamics are concerned, which is outside of the scope of this research, their presence is felt in the ways that familial dynamics seek to control and regulate “normative” gender enforcement. *Ghost policing* is an attempt at naming the potentially less visible and routine ways that families and family members attempt to assert beliefs about gender normativity, particularly onto TGNCNB people. This research takes seriously the harmful, damaging, and sometimes violent and long-lasting effects of family rejection for TGNCNB people, such as the ones uncovered in the USTS report. At the same time, this research seeks to draw out participants’ experiences with policing from family to discuss how both the structure of the family participates in gender policing and surveillance, as well as some of the strategies TGNCNB people use to endure and resist policing from family. Examining the structure of the family and strategies that TGNCNB people use to endure and resist policing from family adds to a nuanced understanding of how gender policing operates for TGNCNB people and how the family as a structure, not simply individuals, allows for that policing to occur, within the field of queer criminology.

## **B. Literature Review**

### **1. Marxist perspective on the role of the family**

There is a lot of debate about the essential role of the family as an institution within society. Particularly Marxist and feminist, and Feminist Marxist scholars highly contest the

essential role of the family under capitalism. Several Marxist theorists, including Althusser (Scott, 2009), have argued that the key role of the family is to provide structured and unstructured systems of social control and obedience to maintain social hierarchies. Essentially, the role of the family is to maintain the working-class as a subordinate social position to the upper-class. If we think about the family as a social construction, this argument really overturns the idea that the family, particularly the nuclear family, as a “natural” and instinctive structure. If the nuclear family is a social construct, this can look like a mother and children being subjugated and taught to maneuver their roles as subordinate to the father - ultimately teaching them to be obedient. Within the family structure, people are also taught norms and values for them to translate these to other institutional spaces outside of the family. For example, working-class people are taught values about how to follow rules and maintain order.

Coincidentally, for the upper-class, the monogamous family also functions as a mechanism for social control to feed capitalism. Within a capitalist society, families of the wealthy class use the family as an institution that contributes to the maintenance of their social position as the bourgeoisie. And according to Marx and Althusser this is seen through the ways that inheritance and property are passed down in wealthy families and that monogamy functions as a mechanism to ensure paternity, to allow for the financial assets of wealthy people to be passed down to their next of kin; thus, maintaining cycles of wealth (Elliot, 1989). Maintaining a monogamous and nuclear family structure allows for these assets to be hoarded within families, which maintains the broader societal social hierarchy.

In addition, other scholars also argue that the family also functions as a profitable market under capitalism. Certain products or goods and services are marketed to “the family” and its

different members. And in turn, this creates profits for the bourgeoisie. Some contemporary examples are single-family homes, minivans, and the wedding-industrial complex<sup>4</sup>.

However, many feminists argue that a more complete analysis of gender and gendered labor into our understanding of the role of the family must be prioritized (Federici, 2018). Many feminists note that as intentional constructions of gender hierarchy, marriage and the family as institutions particularly exploit women due to patriarchy and the role of the man as the “leader” in the internal family social hierarchy. This replicates the patriarchal exploitation of women in other institutions beyond the family, such as in the workplace, in schools, and in the healthcare system, among others. Some Feminist theorists and anti-capitalist scholars also argue that in the struggle to abolish capitalism, the oppression that women have faced under the exploitative force of the family must also be addressed, and ultimately family regulation, and in some instances the family as an institution, must be abolished (Spade, 2011; Lewis, 2019; Roberts, 2020).

Furthermore, many Marxists fundamentally understand the family as a very binary institution that includes a monogamous cisgender couple, as well as children. Queer theorists, such as Bernstein and Reimann (2001) and others, argue that these kinds of understandings of the family leave out the multiple kinship structures and family structures that do not exist along these binary lines. Single parents, LGBTQ+ families, platonic friendships, polyamorous families, and other non-biological family structures have always and continue to exist and complicate these binary understandings. Many queer theorists also note the ways that some of these family structures, particularly chosen families,<sup>5</sup> exist as resistance to the complicated and sometimes oppressive biological families of origin.

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<sup>4</sup> The wedding-industrial complex refers to the industry of businesses and costs that exist under capitalism and are fed in society through ideas that monogamous marriage is the ultimate goal (Ferguson, 2017).

<sup>5</sup> “Chosen families are nonbiological kinship bonds, whether legally recognized or not, deliberately chosen for the purpose of mutual support and love” (Gates, 2017).

And for many queer Marxist theorists, the family represents a heteronormative construction. More explicitly, as an institution the family can function as and replicate many patterns of policing gender and sexuality for queer and trans people that also mirror more explicitly carceral institutions.

## **2. Criminalizing Black families**

In contrast, many scholars of Critical Race Studies discuss how Black families have been criminalized by the state. An example that scholars often point to in the literature to illustrate this is the 1965 “Moynihan Report”. In this report, Daniel Patrick Moynihan claims that Black family structures have fallen apart, due to an increased number of matriarchal households, “illegitimate births,” and increased welfare dependency (Cohen 1996: p.40). Tied to his misleading illustration of Black families is also an explicit condemnation of Black women, Black mothers, and Black families. To this point, black feminist scholar Rod Ferguson mentions that this report, “cast racial exclusion as fundamentally feminizing” (Ferguson 2004: p.122). What this means is that Moynihan has blamed Black women and mothers for the outcomes of structural racism and economic disinvestment, and particularly for receiving welfare from the state.

As a result of these criminalizing narratives, and as pushback to the welfare rights movement, we began to see an acceleration of anti-fraud campaigns in the 1970s (Kohler-Hausmann 2015). These campaigns largely criminalized Black women for welfare fraud and these campaigns also produced the well-known caricature of the “welfare queen” (Kohler-Hausmann 2015). I am including this history of criminalizing Black mothers and Black families in this literature review because these state-sponsored practices reinforce outcomes that are aimed at controlling and “defending” heteronormativity and heteronormative family structures,

while they are aimed at punishing poor and working-class families for the outcomes of economic divestment and racial capitalism.

Scholar of race, gender and the law Dorothy Roberts illustrates what she terms the family regulation system in her formative text *Shattered Bonds: The Color of Child Welfare* (2001) as she foregrounds the failures and structural arrangements of the child welfare system that seek to particularly criminalize Black poor/working class women and provide unattainable standards for them to regain custody of their children. In this research, Roberts also illustrates the ways that supervision from the state through the child welfare system particularly impacts Black women as well. Roberts' work reframes the space of the family as one embedded with forms of policing and surveillance by way of state intervention and regulation. In another of Roberts' formative texts titled, *Killing the Black Body: Race, Reproduction and the Meaning of Liberty* (1997) she also expands on this research.

### **3. Policing femininity;emmephobia**

Many feminist writers, scholars, and activists discuss how patriarchal and gender-based hierarchies facilitate the policing of femininity, and the creation of anti-femininity or femmephobia and misogynoir. Sociologist Rhea Ashley Hoskin defines femmephobia as “the devaluation and regulation of femininity” (Hoskin 2020). Critical race, feminist scholar Moya Bailey coined the term misogynoir to cover the “anti-Black racist misogyny that Black women experience” (Trudy, 2014).

### C. **(Findings) Participant's Experiences**

“When I’ve experienced policing from [my] family, I feel a lack of agency around my body. So for me it’s definitely been people telling me clothes I’m not allowed to wear. I’m not allowed to sit in a certain way or position my body in a certain way. So just a lot of rules around how to perform in a way that’s consistent with the gender I was assigned at birth. It’s pretty much been happening my whole life.”

Leo

Leo’s reflection that gender policing has been “happening my whole life” gestures to the ways that policing from family is far from a new occurrence in their life. These reflections and understandings were common throughout the interviews in this research, as participants highlighted two major forms of policing that they experienced from family which included dress/appearance and managing gendered expectations largely related to femininity. This chapter organizes these forms of policing based on 3 codes which are: (1) Dress/Appearance, (2) Policing Femininity, and (3) Overlapping Experiences that include both policing clothes/appearance and policing femininity. Through participant’s narrations, this chapter illustrates the important role that family policing places in disciplining TGNCNB people by regulating “normative” gender enforcement.



**TABLE II: FORMS OF FAMILY POLICING**

Forms of Policing from Family	Number of Participants Who Experienced It
1) Clothes/Appearance	8
2) Policing Femininity	3
3) Overlapping Experiences - including policing clothes/appearances + policing femininity	4

### 1. Clothing/Appearance

As an important form of self-expression, clothing and appearance can represent bodily autonomy. For many TGNCNB people, a lack of agency around clothing and attire really marked an important form of gender policing. Throughout the interviews for this research, every participant spoke about the ways their families attempted or succeeded in dictating the clothes they wore or their appearance.

Leo mentioned that attempts to control their clothes/appearance and gestures/mannerism had been happening their whole life. What is interesting about Leo's reflection, is that it draws a thread between the range of experiences of the participants in this research. Early on in our conversation, Leo mentioned that,

Almost every single experience I've had around my parents and what they wanted me to wear has always been like a source of policing cause it's like I know what I want to wear

and this is their expectation. Like especially getting prepared for family outings and events. You're seeing other family and so I think that like gender is this thing that my parents didn't really care how I dressed but they really cared how other people in my family were perceiving me. Cause I felt like from my parents it was like a reflection of them and that they wanted to like present these kids who were polite and all these things, like we couldn't be deviant. Like you can't present your kids as being deviant to the rest of your family cause it looks like you're not parenting them well.

In their reflection, Leo really expresses an awareness that their parents were controlling and monitoring their clothing/appearance because they worried about other people's expectations of their parenting. Leo also explicitly used the word "deviant" to express how TGNCNB young people deviate from normative standards of gender expression and identity, and particularly how this deviation relates to policing from their family.

Relatedly, Ramona told me that, "He [dad] would say, "You need to wear more baggy clothes", because my jeans were always very fitted." Ramona very clearly pointed to the ways that her femininity was often regulated by people around her, in this quote by her father.

Darth, as an Asian American transmasculine person, had his own experience with policing from family. Darth expressed that:

I was never necessarily feminine. Even looking back, on my sister's recollection of ways that I reacted as a three year old to things that really weren't characteristic of me as far as they knew at that point. For instance, she wanted to try to put me in a dress one day and curl my hair and it ended up that I burnt my head with the curling iron, not on purpose. And it was just very out of character because I wasn't a kid that was really even expressive, let alone like having an outburst... I think when I look back on that, there was this innate sort of non feminine part of me... For me at three years old it meant I just didn't want to wear a fucking dress and have my hair curled.

Darth shared at length that during different points in his life, family members had forced him to wear clothes that weren't aligned with his gender identity or expression. He mentioned that he usually reacted to this out of obedience, but this memory from being three years old had stayed with him. In sharing this story, Darth was really trying to convey the fact that as a three-year-old,

the only way he knew how to resist his sister putting him in a dress was to have what he called “an outburst”. For him, the fact that she tried to force a gender presentation on him that he did not want was also a very lasting memory.

## 2. Policing femininity;emmephobia

Speaking to all the participants, their experiences with policing from family also represented policing normative standards of femininity. For many of the trans women in this research, growing up assigned male at birth meant that as children their femininity was always being policed. This was very distinct from the ways that the trans masculine people in this research were policed based on femininity in two ways. For many of the trans masculine participants, they expressed being policed into femininity - or being told that they were not feminine enough or that they were not performing femininity as it should be performed (by clothes/appearance for example). Contrary to this, many of the trans women in this research expressed being policed out of femininity - or being told not to act feminine or wear tight fitting clothing. For example, Ramona stated that she felt like her gestures and her mannerisms were always examined by her family. She mentioned that “He [dad] would say boys don’t use their hands like that.” She talked about how her dad would try to stop her from doing anything that he thought was feminine. Ramona spoke about how her femininity clashed with the expectation that she performs a certain kind of masculinity, as a young person assigned male at birth. She mentioned that,

I cried a lot, and it was unacceptable to him [my dad]. He wanted me to be exactly how he was and [he] tried to condition me, but that’s just not who I was and that wasn’t acceptable to him. He would always say, “Go outside and play football, run in the woods with your brother, cut grass”, all those things that were considered masculine or roles for the men in the house. And that’s just not who I was.

Several times, Ramona also expressed that several interactions with her family had become physically violent. She said, “My dad used to play punch me, which really wasn’t playful because it really hurt. [He said] “You should be able to take this punch!”. Ramona’s reflections about her father trying to punch her to “toughen her up” really illustrate how policing TGNCNB people from family can turn physically violent, particularly when being policed out of femininity.

Love described her experience of navigating life as a Black feminine gay man and later her transition through femininity to identify as a trans woman. She spoke a bit about how she found her own sense of self-expression largely through drag culture. Drag was created at least as early as the 19th century and involves gender play and performance where people dress and perform songs or other musical acts in genders that may be different or the same as their own gender. Largely drag balls are created with being started by Black queer communities in Harlem, New York. When Love began performing at drag shows, she mentioned that she was still identifying as a feminine gay man. She spoke about the ways that her parents, particularly her father, and other family members would police her gender identity, and that they did not know she was performing drag. When I asked her about gender policing, she told me that:

Coming out as a gay man, a feminine gay guy and being overly feminine with my clothes, boy pants and a girl top... it was still working. It was my own eclectic look. They were fine with that. They were content with sexy Brandon. Brandon they loved, and sexy Brandon<sup>6</sup> they loved. They did feel a little more leery of me when I'm in the street, for me to possibly be attacked. But then when Love got here, that's when the problem came.

What stands out from Love's story is that her family felt worried for her when she was out of the house as her authentic self, at the time. According to her, they were very aware of the potential danger that she could experience as what she calls a 'feminine gay guy'. In this sense, Love recognized that policing from her family was coming from what she felt was a place of restricting her identity, but also trying to protect her.

However, she also spoke about what happened when she began to identify more as a trans woman and how this changed her relationship with her family. Love said that,

And the thing is my dad at this time, never, ever even seen Love. He heard from his friend who saw me on a train. It would just be, "you're still a man" and stuff like that. I do have friends and family who became slightly distant, and I was fine with that. I come to a family function at the beginning of me [Love] when you could see I was still a part time drag [queen], but you can start seeing that there's things that's becoming more of my everyday appearance. And [family would say] "what are you doing to yourself?" and "that's just a phase" ... And my dad, his way of accepting me before he passed, he advised me that "you're going to be a lady". [He said], "Ladies don't walk around half naked, [ladies] don't talk about sex in public, and [ladies] don't have every man coming in and out their house.

Love's story is extremely layered because she was once accepted by her family for her femininity, but when she began to share her gender identity more with the world as a trans woman, her family acceptance shifted. At the same time, her reflections on the ways that her femininity as a trans woman was also controlled reveal an almost layering of policing of femininity. Her dad advised that she had to "be a lady" and gave her strict orders on how to do so.

Love's reflections represent the connections between policing of femininity, girlhood, and particularly Black girlhood, especially the ways that policing or control have been performed by family and by the state. Black girls, young women, and femme people have had their bodily autonomy controlled particularly by cisgender heteronormativity and patriarchy. One very explicit area this has shown up is in research around sexual violence and victimization and research on school-based education. The experiences of the TGNCNB people in this research, especially the Black TGNCNB femme people's experiences, really highlight similar experiences of the policing of femininity.

#### **D. The Trans Shadow Carceral State and The Family**

As a crucial institution in people's lives, the family occupies an important potential space of comfort and support, but also of potential policing and harm. Several bodies of research, as well as LGBTQIA+ organizations, have focused their research and advocacy on the ways that families have harmed LGBTQIA+ young people because of their actual or perceived gender identities and sexualities or for "coming out". However, examining the family as an institution, facilitates a reframing of the pushout of TGNCNB young people from their familial homes. At the same time that family isolation and removal has long lasting effects, a reframing of the family as an institution, not simply family isolation and removal as the "bad parents narrative" demonstrates a much fuller picture of the ways that gender-policing and surveillance are imbedded within the family as an institution. In Willse's (2015) work on homelessness, he discusses the ways that LGBTQ nonprofits construct queer and/or trans young people being homeless as simply the result of their sexual and gender identities. Willse argues that although this happens for some young people, structural racism, poverty, previous family houselessness, the criminal legal system, the foster care system, and other systemic structures of disadvantage and inequity were often already simultaneous forces of power in the lives of queer and/or trans young people, even before they were "officially homeless". Considering this analysis allows us to better uncover how the family is both an institution of social control, and how members of the family can then internalize logics of surveillance. Instead of the "bad parents narrative", Willse's work conjures up question about how systems and structures, or regimes of power, are implicated in experiences of houselessness for queer and/or trans young people.

As a structural assumption, heterosexuality is the norm or standard within the heteronormative nuclear family, and heteronormativity is ingrained in dominant ideas about family. And, as an assumption that all people's gender identity aligns in some corresponding way with the sex they were assigned at birth, cisnormativity is ingrained in dominant ideas about bodies and gender identity. If we take Willse's work into consideration, how might this change or add to our understanding of the gender policing and surveillance practices of the families in this research? This research considers the family as a regime of heteronormativity. Understanding the family as a regime allows us to understand it as a space that operates like a microstate, or like a reflection of the larger surveillance state.

Many TGNCNB people experience a range of kinds of harm and violence through interpersonal dynamics with family, such as the experiences narrated in this research. Further, the way that the family as an institution is structured is one in which promotes and reinforces a regime of heteronormativity. Through the theoretical framework of the *Trans Shadow Carceral State*, I argue that the family exists as a *ghost policing* site. Instead of an afterlife, this research proposes that policing from and within family exists more as a ghost. Ghosts have many different meanings depending on cultural context and folklore. Though this research sees ghosts as an invisible presence, not necessarily tied to any individual, ghosts are often depicted as wandering spirits of the dead, who exist among the living. Whereas shadows are projections, ghosts are around even if we cannot see them. By *ghost policing*, I mean that this research draws from African American and literary studies scholar Saidiya Hartman (2006) who writes about the "afterlife of slavery" as an expression of the continuation of the horror, violence, and structural devaluation of Black life even after the formal ending of racialized chattel slavery. And in her analysis, Hartman notes that incarceration exists in this afterlife. Building upon the concept of



the “afterlife of slavery”, social work scholar Reuben Miller writes about the “afterlife of mass incarceration”. For Miller, “mass incarceration has an afterlife, and that afterlife is a supervised society--a hidden social world and an alternate legal reality” (Miller 2021, p. 10). Miller’s work largely discusses the afterlife as a state of existence for formerly incarcerated people and their loved, and he also reminds us that,

“The prison lives on through the people who’ve been convicted long after they complete their sentences, and it lives on through the grandmothers, lovers, and children forced to share their burdens because they are never allowed to pay their so-called debt to society” (Miller, 2021, p .10).

Both Hartman and Miller’s assertions of the “afterlife” are also reflected in Black Studies and surveillance studies scholar Simone Browne’s (2015), “questioning of what would happen if some of the ideas occurring in the emerging field of surveillance studies were put into conversation with the enduring archive of transatlantic slavery and its afterlife, in this way making visible the many ways that race continues to structure surveillance practices” (Browne, 2015, p .11). Hartman, Miller, and Browne’s work pushes us to take seriously the enduring racialized and particularly anti-Black effects of on the “afterlife” slavery, mass incarceration, and its consequences on residual structures of surveillance and monitorization during and thereafter. The concept of the afterlife is also useful to understand how state violence lives both within systems and institutions, as well as within people.

At the same time, the afterlife implies a continuation of something, or a later period. And for policing from family, as illustrated through the experiences of participants in this research, gender policing is often ongoing and relentless. Policing from and with the family as a structure is persistent and constantly regulating, even as there are no formal police present. And particularly for Black families, legacies of criminalization very likely contribute to the policing

of the Black TGNCNB participants in this research. Their experiences reflect an awareness from the family that being perceived by other people as “not parenting your kids well” or your kids being in potential danger could have effects on the family unit. This is important because it both recognizes the interpersonal dynamics of policing and surveillance and illustrates the structural issues with the white heteronormative family as an institution.

In essence, policing is the ghost that permeates the heteronormative and cisnormative family structure, by design. Understanding the family as a site of *ghost policing*, through the theoretical framework of the *Trans Shadow Carceral State*, allows us to recognize how the structure of the family is rooted in policing clothes/appearance, gestures/mannerisms, and femininity to regulate “normative” gender enforcement.

#### IV. REGULATING MOVEMENT

I think when it comes to things like airports or government agencies or things like that, I am nervous, you know, because they have this all-powerful ability to bar my access to different things. Whereas if I go to a bar and they act like jerks, I can just leave. Still with some emotional trauma, but I can leave, and they can't revoke my license or tell me I can't have a job or something like that.

Obi

##### A. Background

This chapter concerns itself with “regulating movement”, and largely, this chapter is about how the bureaucratic system of the DMV which typically understood to be a neutral public agency that is engaged in the mundane bureaucratic work of validating driving motor vehicles, confirming citizenship through issuing state identification, and regulating the ownership and use of automobiles, becomes a site of policing for trans people.

In 2014, a trans teenager in South Carolina was denied a driver’s license by the Department of Motor Vehicles (DMV) for wearing makeup in her driver’s license photo (Friedman, 2015). DMV employees refused to allow the 17-year-old to retake her picture unless she went home and removed her makeup because she needed to “look male” on her license, referring to a policy that states: an applicant cannot “purposely alter his/her appearance so that the photo would misrepresent his/her identity. That same year, three trans women in West Virginia were also told to remove their makeup and jewelry by DMV employees to receive state IDs based on a similar state DMV policy.

As a result of these instances, the Transgender Legal Defense & Education Fund (TLDEF) filed federal lawsuits for sex discrimination in both South Carolina and West Virginia.

TLDEF's lawsuits resulted in changes to South Carolina and West Virginia's DMV policies. In South Carolina, a memorandum was issued on July 1, 2015, by the DMV stating that makeup can be worn by anyone regardless of gender. Further, the state DMV promised that employees would receive training on serving transgender and gender nonconforming people.

More recently, the U.S. federal government announced that it would "allow nonbinary and intersex people to obtain IDs and passports with an "X" gender marker instead of an "M" or "F", as an interim policy (Sosin and Rummler, 2021). While this policy was announced on the heels of declarations by the Biden-Harris Administration's commitments to "advance equality for transgender Americans"<sup>7</sup>, we must question any action to expand categories on ID documents, especially those related to race and gender. Whereas this move by the Biden-Harris Administration may appear "affirming" to nonbinary and intersex people, or to TGNCNB people broadly, it is important to contextualize these kinds of expansions to ID documents within a much broader U.S. historical context of requiring different gendered, racialized and immigrant/migrant groups to carry legal documentation to "prove" their citizenship. This is important because the experiences that TGNCNB people have at the DMV that appear to only be related to gender identity and expression, and conversely the actions by local and federal governments to respond to these experiences through expanding ID related categories, are within a broader context of securitization that both includes and extends beyond gender discrimination. Essentially, broadening the categories of gender markers on ID documents still participates in surveilling people, particularly nonbinary, intersex, and other TGNCNB people more broadly, whom these new federal level policies claim they want to "protect".

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<sup>7</sup> The Biden-Harris administration released a fact sheet on June 30, 2021, outlining the administration's plans to "advance equality, inclusion, and opportunity for transgender Americans".

The focus of this chapter is how TGNCNB people's movement is regulated or controlled through administrative surveillance, primarily using identification documents. In addition, this chapter argues that TGNCNB people's movement is regulated or controlled through the administrative surveillance practices of the DMV. And, that this regulation of movement exists on a much broader spectrum of identification documents as administrative surveillance dating back to "free papers" that were required of formerly enslaved people of African descent. Ultimately, through the experiences of TGNCNB people themselves, and the broader historical context of identification documents in the U.S., we can better understand how administrative agencies like that DMV that are not seen as places of policing and surveillance ultimately contribute to social control.

### 1. **Free papers**

In the context of the United States, regulating movement by requiring that certain people have tangible proof of their identity dates to the period of formal racialized chattel slavery in the United States. In the period post emancipation, people of African descent were required to carry certificates of freedom or "free papers" to prove that they were no longer enslaved. Free papers often had at least three components. First, free papers referenced how the formerly enslaved person obtained their freedom. If a white person issued their freedom through manumission<sup>8</sup> documents, including through their will, this was referenced in the free papers. Another way someone could get their free papers was through an affidavit by a "credible white witness", in which case this arrangement would be referenced on the free papers too. Second, free papers included the formerly enslaved person's name and age to identify them. And lastly, free papers

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<sup>8</sup> Manumission documents refer to documents formerly enslaved people of African descent had to carry as proof that they were freed by their slave masters.

included physical characteristics of the formerly enslaved person such as height, eye color, hair color, complexion, and other characteristics to establish the person's identity.

## **2. Driver's licenses and IDs**

In much of the literature, the history of free papers is typically disconnected from the history of driver's licenses and IDs. Though free papers were required only of formerly enslaved people of African descent, driver's licenses or state ID cards were not too far behind. Soon after major manufacturing of the first gas powered automobiles in the 1880s, states began requiring that drivers take an exam or get a license before driving a car. According to the U.S. Department of Transportation - Federal Highway Administration (DOT) (DOT, 1995), Massachusetts and Missouri were the first states to implement driver license laws in 1903. At this time, cars were largely only available to significantly wealthy people, which largely meant only to white people who had chauffeurs. However, as time passed and more people gained access to cars, this meant more drivers on the road. According to historians, with more cars came the potential for more accidents, which is said to have propelled several states to establish more explicit requirements for driver's licenses. Maryland in 1910, New Hampshire in 1912, New Mexico in 1913, and Connecticut in 1914, were the first states to require driver license examinations (DOT, 1995). Consequently, by 1959 all states required drivers to take a test and to have a license to drive, with South Dakota as the final state to govern this requirement.

## **B. Literature Review**

### **1. Race and driver's licenses**

However, not very much is written in scholarly literature about race and gender designations on driver's licenses and IDs, and what these categories sought out. According to trans studies and media scholar Cassius Adair (2019), in 1939 several of Chicago's Black residents connected to the "Chicago Branch Office of the NAACP sent a protest letter to Illinois secretary of state, Edward J. Hughes calling for the immediate elimination of the category of race on driver's licenses" (Adair, 2019: p. 569). According to Adair's archival research, members of the NAACP demanded that race be eliminated from driver's licenses because they felt "the knowledge of the race of a driver could not serve any particular purpose, except possibly to aid in discriminating" (Adair, 2019: p. 569). Not only did many Black Chicagoans realize how dangerous categorizing race on IDs would be for them, but they also knew that "it was also meant to be carried on one's person at all times as a condition of mobility" (Adair, 2019: p. 571). Like how formerly enslaved people of African descent had to carry free papers with listed physical characteristics, requiring that drivers' race be listed on their licenses and carried always was a requirement of racial categorization in order to move about. In essence, linking the history of car availability, driver licenses, and racial categorization allows us to see early connections between narratives about public safety, racial categorization, and administrative surveillance. Much of the narrative around driver's licenses in the literature is that they were safety mechanisms to ensure the safety of pedestrians. According to Adair, through this history of Chicago's Black residents, we can see that,

"The story of driver's licensing in the United States, then, is not simply the story of a

Progressive Era automobile safety campaign. It is also a story of how white fear of Black mobility during the Great Migration transformed how white citizens viewed identification systems” (Adair, 2019: p. 572).

## **2. Gender and identification documents**

At the same time, identification documents also participate in categorizing people based on actual or perceived gender. Queer, trans, and gender studies scholars research the difficulty and effects of trans, gender nonconforming, and nonbinary people not getting the ID documents that they need (Spade, 2011; Adair, 2019; Scheim, 2020). Especially relevant to this research’s theoretical framework of the Trans Shadow Carceral State is the way that bureaucratic barriers and financial cost particularly impact TGNCNB peoples’ access to obtain ID documents with their chosen names and gender markers. Legal scholar of critical trans politics Dean Spade argues that these barriers act as forms of administrative violence. The framework of administrative violence allows us to see how gender itself is managed through identification documents and barriers. Spade argues that,

“rather than looking to the typical areas of “equality law” such as anti-discrimination law or hate crime law to inquire about and intervene in harm facing targeted and vulnerable populations, we should look at the administrative governance that typically comes from state agencies like departments of Health, Motor Vehicles, Corrections, Child Welfare, and Education, and federal agencies like the Customs and Border Protection, U.S. Immigration and Customs Enforcement (ICE), the Bureau of Indian Affairs, the Bureau of Prisons, the Food and Drug Administration, and the Environmental Protection Administration. Rather than understanding administrative systems merely as responsible for sorting and managing what “naturally” exists, I argue that administrative systems that classify people actually invent and produce meaning for the categories they administer, and that those categories manage both the population and the distribution of security and vulnerability” (Spade, 2011).

Through this framework, this chapter takes the site of the DMV as a place that administers gender and from participant interviews, this chapter narrates trans, gender nonconforming, and nonbinary people’s experiences with local DMV offices. For many of the TGNCNB people



involved in this research, the thought of going to a DMV office required a lot of planning and brought up a lot of concern. Their experiences include what they experienced when they tried to get a state ID or driver's license.

Additionally, LGBTQIA+ organizations and legal organizations have filed lawsuits and created policy campaigns and letters to government officials about these barriers. For example, in 2011 the ACLU sued the state of Alaska on behalf of a trans woman who wanted to change her gender marker on her driver's license (Esseks, 2011). And several organizations also research the different state requirements for changing your gender marker on your state driver's license and ID and provide this information to the public. Movement Advancement Project (MAP) notes that,

“Accurate and consistent gender markers on identity documents help transgender people gain access to public spaces and resources, as well as dramatically reducing the risk they will face violence, discrimination, or harassment...However, many states have not yet modernized their policy or process, making it significantly challenging from transgender people to access identification that matches their gender identity and protects their safety.” (MAP, 2021)

Many TGNCNB people also speak about how having their preferred name and gender marker creates a sense of safety and provides them affirmation of the gender identities and expressions that they hold. This is so much the case that people have fought for states to expand the female/male options on driver's licenses to include gender-neutral markers, usually in the form of an “X” marker. However, rarely (if ever) do these policy campaigns and organizations take a critical perspective and question the ways that administrative functions of the state manage both race and gender. At the same time, rarely do these campaigns and organizations consider the nexus between race and gender markers on IDs and how many Black TGNCNB people, and

TGNCNB people of color are policed and surveilled regardless of having their affirming name and gender marker on their ID documents.

### C. **(Findings) Participant's Experiences**

Participants in this research discussed three major categories of concern when they were confronted with the bureaucratic barriers of the DMV. Firstly, participants were most concerned about being “outed” by DMV workers as trans, gender nonconforming, and/or nonbinary. Second, participants were concerned that they would not be able to receive the IDs they needed due to potentially discriminatory actions by DMV workers. And third, they were concerned that they would not have the correct paperwork, or the money needed to receive their ID, which also impacted some of their decisions to delay getting an ID that better fit their gender identity or expression, or to not get one at all.

When I spoke to Love, she spoke about changing her name and gender marker on her ID documents after she was released from incarceration and subsequently off parole. She mentioned that,

“I wanted to do everything [name change and gender marker change] but I didn’t want to disrupt my parole. When I got my freedom back and my paperwork came in the mail, I went straight to the courthouse... I had to pay \$250 just for a judge to hear me. I’m on a fixed income!”

For Love, the financial costs of changing her name and gender marker were considerable barriers.

Darth mentioned that,

“I was trying to get a new state ID, and they kept giving me an excuse that I didn’t have the right bank statements. And I definitely did... They didn’t want me to get a state ID because my gender marker still said F and my name did not... And they weren’t even looking at it as a trans thing. They were looking at it as I was a cisgender female that was deviating from their area of comfort.”

In this interaction, Darth's state ID had an F (female) gender marker, but he had already changed his name to a more gender affirming name for him. And through his perception, the DMV worker did not initially allow him to get a new state ID because they aimed to refuse a cisgender woman from getting a state ID with an M (male) gender marker. Darth's reflection is extremely significant to this research because it highlights the fact that the regulation of normative gender enforcement has consequences for everyone, even people who are not trans, gender nonconforming, or nonbinary. In Darth's retelling of this interaction, the DMV worker's refusal to allow who they had assigned the category of "woman" represented a refusal to allow anybody to transgress gender designations, because the state (the DMV in this instance) is the distributor of gender.

Obi mentioned that he remembered going to the DMV to change his name and gender marker very clearly because he walked up to the desk feeling extremely worried. He said, "I had a lot of anxiety about what the interaction was going to be like [at the DMV]." When I asked him how he thought the interaction would have gone differently if he was not transmasculine, he stated that,

"I think trans women are more policed on their looks, their behavior, their voices, the way they dress, their body stature. And I think if I was nonbinary trying to change my gender marker definitely also would have been difficult because it would be at the visual discretion of the person [DMV worker]. So the fact that he identified me as "he" worked in my favor."

#### **D. The Trans Shadow Carceral State and The DMV**

"The reason that trans people want these gender marker initiatives to go further (X gender marker options) and to be more accessible and not cost prohibitive is because you want to be recognized. Even though, at the end of the day, the state doesn't humanize you. It doesn't legitimize you as a person. But there's just a pragmatic ability to navigate the world with an ID that you have to use that respects who you are and identifies you as such."

Darth

Darth's reflections are like those by national TGNCNB and LGBTQ+ organizations alike. Organizations like the National Center for Transgender Equality (NCTE) note that TGNCNB people having IDs that do not match their correct name and gender marker are issues of discrimination and potential violence because they are needed to do things like travel, or to complete routine tasks such as pay for items at the store. However, what these organizations miss is that the addition of new categories on IDs is about engulfing more people and more data into surveillance systems run by several state apparatuses. This is something that can be learned through an intersectional analysis of race and gender and identity documents.

With the historical background in mind, and through these participants' experiences, the framework of the Trans Shadow Carceral State allows us to see how a space that administers something as simple as a driver's license or ID participates in policing and surveillance. For many TGNCNB people especially, difficulty interfacing with the DMV is almost a rite of passage.

## V. TRAVELING WHILE TRANS

I feel constantly visible because I'm a visibly disabled person. I use a wheelchair... And especially in airports, for me are one of the worst spaces for me because I really feel like I'm at the intersection of so many different marginalized identities. It becomes so evident in the airport because I have to seek assistance to navigate the airport and even get on the airplane. There's no way to not interface with TSA.

Leo

*With nervous palms, a 20-something year old Black trans person begins to assess airport security lines. While gathering their ID and boarding pass, they approach the nearest TSA agent. They smile to match their cheerful ID photo. The photo is so smiley because it was taken right after a judge issued them an official name change - to their new chosen name.*

*The TSA agent proceeds to glance up and down at the ID and at the traveler several times and finally asks "Do you have another ID?". The traveler responds, "The only other ID I have is a student ID." The TSA agent reaches for the student ID then says, "Neither one of these looks like you, and this one says female. When's your birthday? What's your address?".*

*After answering all these questions, the TSA agent says that they need to speak to a supervisor, and that the traveler must step to the side.*

*As several people start to take notice, the agent and supervisor return with a list of demands. The supervisor says, "We need to see another ID because who I'm looking at right now isn't who's on these IDs. We also need to see your boarding pass, and can you confirm where you're traveling to?" After confirming all this information, the TSA supervisor tells the traveler to move towards the body scanners. And the story doesn't end there.*

*After loading their stuff on the baggage scanner, the traveler walks up to the body scanner and notices another TSA agent with confused looks and who then pushes a button next to the scanning machine. As the traveler exits the body scanner, this new agent asks for their ID and for them to step to the side. At which point, 2-3 TSA agents form a small football huddle next to*

*the traveler. They take turns looking back and forth at the ID, all the while shrugging their shoulders with confusion.*

*After a few minutes, one agent walks back to the traveler and says, “We need to pat down your hair and your groin. But we don’t know who should do it because usually females pat down females and males pat down males. And we don’t know what you are. And when we look at your ID that doesn’t make sense either. We have a pat down room that we want you to go to. Are you by yourself? Get your stuff and follow me.”*

*Looking really puzzled, the traveler replies, “I don’t want to go into a room. If you have to pat me down, I’d rather you do it out here please.” After a brief exchange, the TSA supervisor reappears and says to the traveler, “Sir or ma’am, we need you to go in a room for a pat down or you won’t be allowed to get on your plane.” This time, the exchange gets heated, and other travelers start to take notice and stare. Just as the supervisor tells an agent to search the travelers’ bags, another TSA agent appears and offers to do the pat down next to the body scanner. She says, “I’ll just do the pat down out here, but I need somebody else to watch him or her (meaning the traveler) while I do it.”*

*The story ends with the traveler reluctantly agreeing to the invasive search of their body in front of everyone; arms and legs extended, hair being searched through, baggage being rummaged through, mysterious chemical swabs put on their hands because they were “flagged”; all with the watchful eye of both the agent conducting the pat down and the additional one overseeing it.*

*I’m sharing this story to illustrate just one of the many kinds of experiences people have with airport security, and just one of the many that mirror the experiences of trans participants in my research. I was the traveler in this story.*

Narrative Story Developed from Summer 2018, Airport Security Fieldnote.

**A. Background**

This story and others like it, help to frame this chapter on “traveling while trans”, as it involves the site of airport security and the kinds of experiences many TGNCNB people have with policing and surveillance, largely performed by TSA. In roughly 2015 and 2016, I noticed two social media hashtags - #TravelingWhileTrans and #FlyingWhileTrans - surface online as digital archival spaces for trans, gender nonconforming, and nonbinary people to share their experiences with TSA, along with their strategies to reduce harm caused by airport policing and surveillance. At the same time, I began to have similar experiences, compounded by the intersections of race, perceived gender identity, and age, as expressed in the above fieldnote. I began to write down ethnographic notes when I was at the airport. I started to intentionally observe more airport spaces and ask informal questions to people in my networks about their traveling experiences. Nearly everyone I spoke with described their interactions with TSA as routine and commonplace.

In 2015, two well-known trans women - Laverne Cox and Shadi Petosky - were harassed by airport security, in separate incidents. Writer and producer Shadi Petosky was asked to declare her sex and was subjected to an invasive pat down and body search by TSA agents at an Orlando, Florida airport because, as they put it, her physical anatomy was deemed an “anomaly” by biometric scanners (New York Times, Rogers, 2015). The following year actress and producer Laverne Cox was subjected to a similar experience. Cox was forced to endure an invasive search as well, at an airport in Austin, Texas where both her body and her belongings were searched through in front of countless other travelers. Cox described the experience to her thousands of twitter followers with this tweet, “Just cried during my TSA pat down and watching

folks go through every inch of my property. Some days are just not the days for that” (Complex, Garcia, 2016). As a result of both Petosky and Cox sharing these experiences on social media was that several other trans, gender nonconforming, and nonbinary people also began to share their experiences under the social media hashtags #TravelingWhileTrans and #FlyingWhileTrans.

Similarly, many people who are disabled often share their experiences with ableism and the inaccessibility of airport travel, as well as their experiences with policing and surveillance under the social media hashtag #FlyingWhileDisabled. As many disabled people shared their experiences with invasive searches of their bodies on social media, several people describe having their prosthetics, wheelchairs or powerchairs searched, or even being asked to remove pieces of clothing in the name of “security checks”. TGNCNB disabled people of color experience this acutely, as they are simultaneously confronted with the racialized, gendered, and ableist policing and surveillance structures of airport security. I will illustrate this further in the following section on securitizing disability, through the experiences of participants in this research. Thousands of stories of verbal and physical harassment and violence towards TGNCNB people and disabled people by airport security are archived every year under these hashtags as a repository of the racialized, gendered, and ableist violence of TSA.

And at the same time, these experiences for TGNCNB people, people with disabilities, and people who live at their intersections should also be set within the history of the formation of the TSA, to better understand the airport site as an explicit site of policing and surveillance.

## **1. Creation of TSA**

In 2011, the United States Department of Homeland Security (DHS) created the Transportation Security Administration (TSA). As a federally funded militarized response to the



events of September 11, 2001, the TSA was branded as the institution that would keep watch over U.S. airports in the name of “safety and security.” As a watchful eye over both passengers and cargo, the TSA quickly emerged as a powerful authority within and around the airport space, through the ways that it has shifted people’s abilities to travel and fly. Particularly using surveillance technologies like biometric scanners, airport security ultimately structures our abilities to move or migrate.

For the purposes of this project, this research is concerned with airport security in a U.S. context. Though DHS and TSA theoretically only have jurisdiction over U.S. based airports, their jurisdiction appears to be fluid. DHS and TSA also share information and technologies with airport security entities in other countries, and participate in surveillance practices once people have migrated outside of the physical borders of the U.S. However, all participants in this research were asked to reflect on their experiences with airport security as travelers within the U.S. The purpose of this qualification was for this project to discuss commonalities between participants’ experiences and to account for policy shifts related to the ways that the TSA is instructed to pat down or initiate bodychecks of transgender passengers. Because TSA is a federal entity, all these policy shifts are supposed to remain consistent across all U.S. airports.

## **B. Literature Review**

### **1. Surveillance studies**

The field of surveillance studies is extremely vast. Particularly related to this research, surveillance studies literature in the subfields of feminist surveillance studies and ‘queer’ surveillance studies is particularly relevant. Before moving into these subfields, I will give a brief overview of broader surveillance studies work related to this research.

Surveillance Studies emerged in the mid-twentieth century, theoretically building on the work of social theorists like Max Weber, Anthony Giddens, and Michel Foucault. Some of the early scholarship in the field focused on bureaucracy, technology, and the private/public divide in modern society (Rule, 1983) and others focused on surveillance strategies of policing and the criminal legal system (Marx, 1988). While the topics and approaches to surveillance vary, the government's investment in the maintenance of social control is a dominant theoretical belief in surveillance studies literature, particularly in the context of the United States government (Garland, 2001; Hier, S. P., Greenberg, J., Walby, K., & Lett, D., 2007; Lyon, 2007). A major focus of the field of surveillance studies is the concept of governmentality, coined by Foucault, which threads governments and surveillance strategies together. Governmentality focuses on the "how" of governing and the ways government policies are enacted out on citizens' bodies, both physically and politically, and the rationales and mentalities behind how citizens are governed by the state (Foucault, 2008). Through many different techniques of maintaining social control, surveillance becomes a major way that governments can maintain power and control over citizens. Lyon (2007) defines surveillance as, "focused, systematic and routine attention to personal details for purposes of influence, management, protection or direction" (14). Focusing on the management part of this definition, Garland (2001) notes that societal responses to crime and deviance shifted after the 1970s in the U.S. and this shift brought about new mechanisms to maintain social control. Some scholars have focused on surveillance of mobility across private and public spheres (Sheller and Urry, 2006) and the states' monopolization of the "means of movement," making itself the entity that can control and sanction mobility across and within national borders, which renders people dependent on state systems and authority (Torpey, 1998;

Vigneswaran, 2013). Building on the work of Weber and Giddens, some in surveillance studies have argued that bureaucracy is the modern mode of surveillance of nation states.

Based on the literature, a point of examination that guides this research is how surveillance practices, or more accurately how social control established through surveillance practices, is experienced by the people those practices are enacted upon. Though this research is not particularly focused only on surveillance technology, surveillance studies literature greatly discusses how technology has changed social control mechanisms and surveillance strategies by governments. Foucault (2008) argues that governmentality encompasses the creation of technologies that are used to tackle problems and to govern. How governments choose to govern with technology, as Foucault asserts, is using biopower. Biopower is the use of technology for the purposes of control of bodies and populations (Foucault, 2008). Whereas governmentality includes the rationales and mentalities of government, when this is combined with technological advances, we get the biometric state. This term, the biometric state, is used in the literature to discuss the rapid development of highly sophisticated surveillance technologies (Muller, 2010) that “dissect” human bodies through biometrics, profiling, and data mining (Amoore and Hall, 2009) and are used for “population management”. Returning to social control, it is this link between various forms of the biometric state operating to maintain “order” and social control that this research is particularly interested in.

Within surveillance studies, one well established area of study where social control and biopower are most notably encountered is research on airports and airport security. In the wake of September 11, 2001, airports and national security became a focus of the field of surveillance studies. As part of the construction of the War on Terror, the U.S. government created the Department of Homeland Security (DHS) through which the Transportation Security

Administration (TSA) was formed and was given billions of dollars by the U.S. government to grow their institutional magnitude of surveillance and security. As a result of the installment of TSA, the concept of surveillance became more widely discussed in the literature, and a new host of concerns relating to surveillance came into focus. Scholars of surveillance have written extensively about the changes and continuities in surveillance after 2001 (Haggerty and Gazso, 2005; Muller, 2010; Lyon, 2007). Many scholars have focused more empirically on the international airport as a site of cultural production and governmentality, a totalizing institution that controls mobility (Adey, 2004, 2009; Salter, 2008) -- a “surveillant assemblage” (Haggerty and Ericson, 2000). Other scholars focused on the implications of surveillance strategies for privacy, national security, and democracy in the era of counterterrorism (Monahan and Regan, 2012; Valkenburg and Ploeg 2015). In addition, many scholars continue to research Advanced Imaging Technology (AIT), particularly full-body scanners and facial recognition technology, and how they have been deployed to detect anything deemed “suspicious” by airport security (Tirosh and Birnhack, 2013). Several scholars observe that we have learned to experience AIT technologies as “normal” and routine parts of everyday life (Rule, 1983; Lyon, 2007). Whether it is AIT surveillance, security cameras, or driver’s licenses or passports, we learn to comply in the name of national safety because we also know the potential consequences for not doing so.

At the same time, many surveillance studies scholars also discuss the ways in which surveillance strategies affect people unequally based on race, nationality, citizenship and presentation (Garland, 2001; Hier and Greenberg 2007; Lyon, 2007; Gabbidon, Penn, Jordan, Higgins, 2009, Monahan, 2009). A major focus in the literature has been how security checks in U.S. airports affected and targeted specific racialized and religious groups, particularly in the post-9/11 era (Weheliye, 2014). As a result of the U.S. government’s War on Terror, fear

mongering and the heightened Islamophobia in the media, people perceived to be Muslim became direct targets of DHS and TSA policies and practices. Some researchers argue that through Islamophobic sentiments, Muslim religious identity in many ways functioned like racial identity and resulted in heightened inequality and discrimination in this period and beyond (Byng, 2008; Peek, 2010; Cainkar and Selod, 2018; Nagra and Maurutto, 2016). Throughout these discussions, the expression “flying while Muslim” was developed to express the targeting, policing, and detainment of people perceived to be Muslim at airports across the globe (Selod, 2019). In addition, these discussions also included the experiences of Black Muslims at the airport space where simultaneous anti-Black and Islamophobic practices of policing and surveillance occur. Research on the experiences of Arab and Muslim Americans in the post-9/11 era illuminated the fact that security screenings target and affect people differently, particularly based on racialized, gendered, and xenophobic constructs of the “terrorist” traveler. I will return to this in my discussion of Feminist Surveillance Studies and Queer Surveillance literature below.

## **2. Feminist Surveillance Studies**

Feminist surveillance studies refers to a broad interdisciplinary body of literature that applies an intersectional analysis to the logics of surveillance and articulates itself as an intervention in the field of surveillance studies (Dubrofsky and Magnet, 2015). If surveillance studies recognizes that surveillance strategies affect people differently, feminist surveillance studies focus on the gendered components of surveillance strategies (Sjoberg, 2015).

Additionally, feminist surveillance studies focus on gender, race, class, and sexuality as central to our understandings of the study of surveillance (Dubrofsky and Magnet, 2015). For the purposes of this literature review, I will outline some of the broad existing arguments in feminist

surveillance studies literature, and I will introduce where they overlap with the topic of queer surveillance.

Many of the gendered components of feminist surveillance studies literature dissects the use of biopower and biometrics. Scholars argue that a major part of surveillance strategies includes trying to securitize gender through various processes of “verifying” an individual’s perceived identity using biometrics (Currah and Mulqueen, 2011). For example, this literature critiques the arguments that full-body scanners were built on a notion of objectivity (Magnet and Rodgers, 2012; Redden and Terry, 2013). Instead, researchers note that full-body scanners reify societal norms about bodies, behaviors, and standards of normality, based upon the archetype of the white, able-bodied, cisgender, heteronormative figure. And in so doing, categorize “non-normative bodies” and behaviors as abnormal, specifically those that do not fit into the white, able-bodied, cisgender, heteronormative frame, which in the airport context gender non-conformity specifically often signifies as “terrorist” (Amir and Kotef, 2018).

Already in feminist surveillance studies literature, the influence of queer and trans studies is seen, particularly through the perspective of “the securitization of identity,” which is discussed as a process of constant verification as a larger mechanism of social control (Currah and Mulqueen, 2011). At airports in particular, passengers are forced to disclose more personal information and give airport personnel access to their bodies to verify their identities. In doing so, passengers are forced to participate in the normalization of identities which deem any identities outside of these normative categories as “risky” (Salter, 2008; Beauchamp, 2013). Greatly influenced by Puar’s (2007) work on the interlocking ways that sexuality, gender, race, nation, and class interact with securitization for queer subjects, a section of feminist surveillance studies literature is concerned with the intersections of gender, sexuality, nation, disability, and gender nonconformity in surveillance strategies (Magnet and Mason, 2014; Lugo-Lugo and Bloodsworth-Lugo, 2017). Some of this research is also focused on the ways Black women have been historically targeted by Border Patrol at airports (Newsome, 2003) and more contemporarily by TSA (Browne, 2015).



### 3. Queer Surveillance

In 2003, the U.S. Department of Homeland Security (DHS) released a statement that read: “Terrorists will employ novel methods to artfully conceal suicide devices. Male bombers may dress as females to discourage scrutiny” (Clarkson, 2020). Related to this announcement, some of the literature discusses the impacts of security screening practices and principles like this one from DHS on trans and gender nonconforming people specifically. A more simplistic evaluation suggests that statements like this one from DHS are simply reflections of transphobia and transphobic discrimination (Clarkson, 2020). Literature in this area also discusses how Advanced Imaging Technology (AIT), put into place at airports in 2010, assumes that gender is fixed and stable. However, “by and large, such studies have theorized the intersections of queerness and surveillance as a problem of “normalization.”” (Kafer and Grinberg, 2019). By normalization, this looks like what Magnet (2011) discussed as the failures of biometrics, or when people who do not conform to dominant conventions of gender-conformity through how they dress for example, are not registered, or calculated by biometric systems such as AIT.

However, normalization goes well beyond gender identity and expression alone. To turn towards queer surveillance, “non-normativity within surveillance systems is not simply a matter of non-normative gender expressions and sexual orientations but includes a wider range of social determinants like race, class, religious affiliation, age, disability, citizenship status, and occupation” (Kafer and Grinberg, 2019). ‘Queering’ our understanding of surveillance systems means that just as we understand gender and sexuality to be fluid, we must also understand surveillance systems as moving and shifting. And ‘queering’ our understanding of surveillance systems allows us to better recognize how state demands also move and shift to fit its needs for both disciplinary subjection and biopolitical regulation. I will return to the ‘queering’ of our understanding of airport surveillance systems in a later section when I discuss trans bodies deemed ‘anomalies’ by TSA.

As some scholars apply a queer analysis to the 2003 statement from DHS from above, they also deepen and expand these arguments about verification by asserting that statements like “male bombers may dress as females in order to discourage scrutiny” have much deeper meanings and implications. In doing so, scholars discuss the intimate links between transgender and gender nonconforming bodies and national security (Beauchamp, 2013; Clarkson, 2020; Currah and Mulqueen, 2011; Spade, 2011). And more precisely, by gender nonconformity they include a wide range of social determinants like race, class, religious affiliation, age, disability, and citizenship status. According to queer analytical arguments in the literature, DHS’s statement signals something resounding, along with its transphobia and anti-trans discriminatory sentiment. What is being signaled is that there are “terrorists” who may participate in gender-nonconformity to harm U.S. citizens. Thus, during routine checks of gender nonconforming people, TSA officers must distinguish the “terrorists” from the “non-terrorists.” This means that when trans and gender nonconforming people encounter AIT machines, as well as when people who are not trans and/or gender nonconforming come in contact with AIT machines, they are forced through a process of “verification” in the name of national security (Currah and Mulqueen, 2011). As Beauchamp writes, the links between “the monitoring of transgender and gender-nonconforming populations is inextricable from questions of national security and regulatory practices of the state, and state surveillance policies that may appear unrelated to transgender people” (Beauchamp, 2013). More simply put, trans and gender nonconforming people are not just being patted down or verified as a confirmation of their assumed gender identity or expression. Trans and gender nonconforming people are being verified in the name of national security that seeks to determine who is and is not a “terrorist” or a “male bomber who might dress as a female”.

As previously mentioned, the literature on queer surveillance also talks about race, class, religious affiliation, age, disability, and citizenship status as a kind of gender nonconformity, because of deviation from “normative” standards of the white, able-bodied, cisgender, heteronormative figure, particularly related to the airport space. According to the National Center for Transgender Equality’s (NCTE) 2015 U.S. Transgender Survey, nearly 43% of people who went through airport security in the past year had at least one problem related to their gender identity or expression (NCTE, 2015). These experiences ranged from being misgendered (i.e., someone using incorrect gender pronouns to identify someone), pat downs due to gender related clothing (i.e., wearing binders<sup>9</sup> or packers<sup>10</sup>), being verbally harassed, and even being detained. And these problems were significantly increased due to racialized identity or ethnicity. About 56% of Middle Eastern and 50% of multiracial transgender respondents reported having one or more security issues related to their gender identity or expression. And, about 52% of transgender masculine people reported having similar experiences, while 31% of transgender women reported similarly.

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<sup>9</sup> “Binding is the process of using an elastic band, cloth, or commercially produced binder in order to flatten the chest” (Erickson-Schroth, 2014).

<sup>10</sup> “A packer is a commercially available device worn under clothing in order to create the appearance of a penis and testicles. Most packers are soft, but hard packers also exist, which simulate the look and feel of an erect penis” (Erickson-Schroth, 2014).

Though more than half of the people of color respondents to the NCTE 2015 U.S. Transgender Survey reported having an issue related to their gender identity or expression with airport security, there is a significant gap in surveillance studies literature concerned with how Blackness as a racialized category and gendered surveillance operates at the airport space. Using an interdisciplinary approach, Browne (2015) discusses anti-Black racism and airport security related to the pat downs and searches of Black women's hair by TSA agents. Browne's work expresses the ways that hair pat downs are a common occurrence for many Black people who travel through airport security, particularly for Black women. So much so that in 2015 the American Civil Liberties Union (ACLU) of Northern California and a Black woman traveler issued a formal complaint of TSA's policies and practices, because of various experiences with TSA that resulted in extra pat downs and searches of her hair (ACLU, 2015). As a result of this lawsuit and others, the TSA agreed to conduct training to their staff around racial discrimination and to monitor their pat down practices.

**C.     (Findings) Participant's Experiences**

**TABLE III: EXPERIENCES WITH TSA**

Experiences with TSA	Number of Participants Who Experienced It
Securitizing race	8
Securitizing gender	5
Securitizing disability	1
Securitizing migration/immigration status	2

## 1. Securitizing race

All participants were asked how they experienced their race as impacting their experiences with TSA. From the participants who identified as Black or African American, there was a significant connection between their interpretations of policing by airport security and their thoughts about how race impacted these interactions.

On the contrary, the Latinx participant expressed that they were unsure about how their own race might have impacted their interactions with airport security. However, they did discuss gender identity, both how these interactions played out along lines of trans identity as well as the nuances of being perceived as a trans masculine person versus a trans feminine person. They said that if they were a trans woman, they felt that TSA would have treated them differently, based on other people's experiences and things that they had witnessed. More specifically, they mentioned that if they were a Black trans woman or a trans woman of color they suspected that their experiences would have been different. Surprisingly, all the trans masculine participants in this research, regardless of race, expressed similar reflections.

The participant who identifies as Asian American also expressed that they were unsure about how their own race might have impacted their interactions with airport security. They also spoke about how being perceived as trans masculine versus trans feminine seemed to provide a different kind of impact on these situations, as well as how the intersections of being a Black trans woman or a trans woman of color they suspected would put them in a differently targeted position.

For the participant who identifies as a white person, they expressed that they perceived their race to have mitigated certain kinds of targeting and racialized violence. For example, they talked about how they usually move through the airport unnoticed. They felt that they are often seen as just “any other passenger”, and that they get to fly under the radar. However, they did speak at length about their assumption that if they were a person of color, and/or a Black trans woman or a trans woman of color, that they thought their experiences would have been different.

## 2. Securitizing gender

Several participants discussed their worries around being “outed” as trans, gender nonconforming, or nonbinary by TSA, as well as interactions that they felt were directly related to their gender identity or expression. Below I will discuss how the theme of “outing” relates to targeting for the TGNCNB people in this research.

Participants expressed that “outing” by the TSA came in two ways. The first, was related to their ID documents. Upon approaching an airport security checkpoint, all passengers are required to show an identification card, driver’s license, or a passport. Particularly because all these options include a photo, legal name, and a gender marker noting male or female, TGNCNB people can often feel anxious and worried about any interaction where they have to show an ID. Due to financial cost and inaccessibility of getting an ID with a preferred name and gender marker, many TGNCNB people are not afforded the ability to have their ID documents align with the options that feel most affirming to them. Also, many TGNCNB people prefer to have different names or gender markers on different documents as a strategy to navigate different kinds of institutional and interpersonal spaces. This project will discuss TGNCNB people’s use of multiple IDs towards the end of this chapter under *trans strategies*.



Nevertheless, navigating the moment of revealing an ID to airport security agents produced several kinds of observations and reactions from the participants in this project.

The second form of “outing” came about during the body scanner checkpoint while moving through airport security. In 2010, TSA began using full body scanners. Upon travelers approaching a body scanner, TSA officers are instructed to press a pink or a blue button. The pink button includes the outline of a figure perceived to be assigned female at birth, and the blue button includes the outline of a figure perceived to be assigned male at birth. Once someone approaches the body scanner, TSA assumes if the traveler is assigned female or male at birth, or if they are a woman or a man (or girl or boy), then pushes the pink or blue button, then allows the traveler to enter the body scanner. Many participants in this research talked about how this determination of their gender identity by a TSA officer made them feel uncomfortable. Though, one participant spoke about how their feelings about this determination had changed over time. More explicitly, they said that “the state does not assign me my gender”. They felt like the airport security making this determination was not the most pressing issue, but what was more pressing was what would occur after the determination was made. All participants mentioned that they had at least 1 type of intrusive experience with TSA because of the body scanners. All these experiences also included extra pat downs by TSA. Darth mentioned that,

“With TSA, it’s the culmination of my worst nightmare because all this attention from the employees is being drawn to my chest... And you just have to stand there. I don’t think people understand the individual impact of being presented for humiliation in a crowd of strangers.”

While traveling, most participants mentioned that they have carried a gender affirming prosthetic. These prosthetics ranged from packers, binders, breast forms or padding, and gaffs<sup>11</sup>.

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<sup>11</sup>“Gaff is a type of tight underwear that helps to keep the penis tucked between the legs” (Erickson-Schroth, 2014).

Packers or packing includes prosthetic devices worn under the clothes and in the underwear that create the form of a penis. Binders or binding includes using tightly fitted cloth or elastic material to create a more flattened chest. Whereas breast forms or padding are prosthetics, sometimes in the form of adhesive, worn under the clothes used to enhance the appearance of breasts. And gaffs are tightly fitted underwear that is used to tuck the penis between the legs to cover the penis. Gender affirming prosthetics are used by trans, gender nonconforming, and nonbinary people to support and shape the bodies that feel most affirming to them. For the participants who traveled with prosthetics, they were seen as very necessary extensions of themselves and their gender identity. However, TSA often used these prosthetics to further surveillance towards travelers, which ultimately made wearing gender affirming packers a difficult choice for several participants.

### 3. Securitizing disability

Also embedded in airport security's racialized and gendered constructions are inaccessibility and ableism. Many people with disabilities have also written, blogged, and shared stories about how inaccessible airport spaces and traveling are by their design. For example, under the social media hashtag #FlyingWhileDisabled, several people have mentioned being told that they cannot take certain flights because there is no way to store their wheelchairs.

Just as TSA biometric technologies are constructed along binary notions of gender (woman/man or girl/boy), these technologies are also constructed around ableist notions that are embedded with them the assumption that everyone has the same type of physical mobility. Possibly where this is seen most evidently is at the space of the body scanner. Also, it is worth noting that for people with disabilities who use prosthetics, for non-disabled people who use gender affirming prosthetics, and for people with disabilities who might use multiple kinds of prosthetics including gender affirming ones; all these confrontations with TSA are related. Taking seriously the experiences shared by people with disabilities when they travel by airplane, or alternatively the reasons they may not travel by airplane due to lack of accessibility, we can more clearly understand that all kinds of prosthetics are policed and surveilled by airport security. Assuming that there are "accommodations" being made for people with disabilities is simply not the case. The policing of prosthetics at airport spaces is an all-too-common practice by airport security to pry into people's physical bodies and to "discern" between "criminal" travelers" and "non-criminal travelers".

One participant in this research, Leo, spoke about how their disabilities related to physical or mobility disabilities interacted with the airport space. They mentioned that they did not have much experience with the body scanners because they were always asked to go through the metal detectors because of their wheelchair. And they discussed usually being required to be patted down and even have their wheelchair patted down, even after going through the metal detectors.

#### **4. Securitizing migration/immigration status**

When thinking about airport travel and movement in a U.S. context we also must consider how movement has been constructed and restricted for people officially deemed “citizens” and “non-citizens” by the government. A future direction for this research would be to explore how citizenship status interacts with participants’ experiences at the airport.

Two of the participants in this research identified themselves as undocumented. However, when asked further questions about their undocumented status, both participants mentioned that they felt uncomfortable discussing being undocumented, particularly as it related to their experiences with airport security and TSA. One person mentioned that their hesitance was because of the political administration in the U.S. It is striking that they both did not want to speak about their undocumented status, particularly due to the federal presidential administration of the time. On a macro-level, this reveals that the participants in this research are not only aware of the potential impacts of policy on their everyday lives, but also how policing and surveillance is connected to the immigration enforcement system, particularly in the U.S. Whereas this research project worked to maintain confidentiality for all participants, it is still worth noting when people do not want to share experiences. Especially in this case, the reasons that participants named as to why they did not want to talk about their undocumented status directly related to the topic of policing and surveillance.

#### **D. The Trans Shadow Carceral State While Traveling**

As a heavily securitized space, the framework of the Trans Shadow Carceral State is helpful to understand the connections between gender policing and surveillance at the airport. And, to support academic and social movement research that reframes the TSA as a carceral institution that securitizes, regulates, and deports, people deemed “non-citizens”.

## VI. POLICING FROM THE POLICE

I've been arrested numerous times for what they call crime against nature. And if you actually read up on the law, it states that you must be caught having sexual intercourse in a public area, and they'll just pick you up on the street or pick you up at a gas station for buying a Powerade. Cause that's what I was doing. I was buying a Powerade to walk home with and I got picked up for prostitution and soon as I found out what the charge was, it was crime against nature. But how am I doing any of that? And I'm by myself in my work uniform at that. So being trans and trying to have a job and trying to stay focused on a better life for yourself was never a possibility.

Kamaria

### A. Background

This chapter concerns itself with “policing from the police”, as the police are one of the main sites of inquiry in criminology studies, and in queer criminology studies more broadly because of their overt authority to use surveillance. The controlling nature of the legitimate use of penal authority has been well documented, however not with a specific focus on the experiences of trans people and, as such, this chapter discusses TGNCNB people’s interactions with the police.

### B. Literature Review

#### 1. Queer criminological perspectives on policing gender identity/expression

“Queer criminology is a theoretical and practical approach that seeks to highlight and draw attention to the stigmatization, and criminalization, and in many ways the rejection of the Queer community, which is to say the LGBTQ (lesbian, gay, bisexual, transgender, and queer) population, as both victims and offenders, by academe and the criminal legal system (see Ball 2014a; Buist & Stone, 2014; Groombridge, 1998; Peterson & Panfil, 2014b, Tomsen, 1997; Woods, 2013)” (Buist and Lenning, 2015).

Emerging in a similar fashion as feminist criminology, queer criminology was developed because of an absence of criminological theory and research practice that considered and prioritized LGBTQ+ people. More specifically, queer criminological research is focused within roughly four segments: (1) LGBTQ+ people's experiences with victimization through interpersonal dynamics and those from criminal justice actors (police officers, corrections officers, among others), (2) the impact of laws and legal "reforms" that specifically target LGBTQ+ people or seek to address harm and violence that happens to LGBTQ+ people, (3) the experiences of LGBTQ+ people who are criminal justice actors themselves (LGBTQ+ people as police officers, corrections officers, among others), and (4) the experiences of LGBTQ+ incarcerated and formerly incarcerated people with prison and jail. And in addition, much of the work in queer criminology has a stated overall goal of focusing towards more research on queer people with the intention of informing the possibility for positive changes in the lives of queer people. The following paragraphs will synthesize the queer criminological work that largely exists within these four segments, focusing on LGBTQ+ people's experiences with victimization from criminal justice actors (police officers, corrections officers, among others).

Some queer criminological research focuses specifically on the law. Queer criminology and LGBTQ+, queer, and transgender studies focus on the impact of laws, such as anti-sodomy laws, and legal "reforms" that specifically target LGBTQ+ people. And at the same time, various legal reform efforts have been proposed, and some implemented, to "solve" violence that happens to LGBTQ+ people. A primary example of this is hate crimes legislation. Proposed as a sort of common-sense response to what is commonly known as anti-trans or anti-LGBTQ+ violence more broadly, local, state, and federal hate crimes legislation offer up a criminal legal response to harm and violence towards LGBTQ+ people and to many people of color. However,

several scholars also write about the issues with hate crimes legislation, such that it does not actually “solve” harm and violence, nor does it stop the violence from occurring. In addition, theorists and political activists Kay Whitlock and Michael Bronski note that the state’s framing of “hate” as individual acts of extremist violence really seeks to intensify policing and surveillance from the criminal legal system, especially by way of police violence, increased punitive laws and penalties, and funneling more money into carceral responses to harm and violence, among other consequences (Whitlock and Bronski, 2015).

Another segment of queer criminology highlights the experiences of LGBTQ+ people who are criminal justice actors themselves. Several queer criminology scholars write about how LGBTQ+ people who are police officers, corrections officers, among others, are treated in their roles as criminal legal actors. Much of this work is centered around the idea that LGBTQ+ people experience various levels of discrimination, and even harm, in their duties as agents of the state. For example, several scholars write about LGBTQ+ people who are law enforcement officers and the ridicule and exclusion that they experience from their peers because of discriminatory sentiments of their gender identity and/or sexuality. It is often noted that homophobic and transphobic sentiments are to blame for the lack of “inclusion” that many LGBTQ+ law enforcement officers feel in their respective agencies. It should be noted that the concept of ‘inclusion’ is felt throughout all four segments of much of queer criminological research. Furthermore, aligning with the idea of inclusion are the suggestions that much of this research gives for how to resolve these experiences felt by many LGBTQ+ law enforcement officers. These suggestions look like more training to make the agencies more gender-affirming, more recruitment strategies to engage LGBTQ+ people, among others. Something that these works do not discuss are the ways in which criminal legal institutions exist to enforce



punishment and maintain various levels of inequity and violence - including towards the communities that LGBTQ+ people are already a part of.

The impact of incarceration, specifically the impact of being incarcerated in jails and prisons on LGBTQ+ people is also widely discussed in queer criminological literature. Emerging queer criminological work looks specifically at the way the gender binary is reinforced within prisons and jails. Most notably, much of this research is centered around the impact of jail and prison policies on incarcerated trans people. Lamble argues that “traditional norms around masculinity and femininity still operate as key modes of discipline, power and regulation within carceral settings” (Carlen, 1983, 1985; Heidensohn, 1996, as cited in Lamble, 2012: p.7). Lamble highlights many of the ways that queer/transgender and gender nonconforming people caught in the criminal legal system feel the effects of its binary nature. Some examples in the literature related to incarceration include noting that trans people are often housed in facilities that do not align with their gender identity/expression, noting that trans people do not often have access to gender affirming clothing or supplies while they are incarcerated, as well as noting that trans people do not often have access to gender affirming medical care while they are incarcerated. Again, referencing the leading principal framework of inclusion, many of these works ultimately reveal how trans people, and other LGBTQ+ people do not fit neatly into the binary structures of jails and prisons, along with the residual effects.

In addition, researchers discuss LGBTQ+ people’s experiences of violence while they are incarcerated. Many of the findings note that LGBTQ+ people, particularly trans people, are differently vulnerable while incarcerated because of their gender identity and/or sexuality. What is also very unsettling in much of this research is the positioning of trans people against everyone else, or at least everyone else who is assumed to not be LGBTQ+. Many of these works conclude

with calls for increased protections for incarcerated LGBTQ+ people, because of experiences of violence from other incarcerated people. However, many of these works ignore the pervasive violence experienced by LGBTQ+ people from guards and corrections staff; as well as the overarching point that violence is endemic to incarceration in and of itself. These works also reveal how jails and prisons construct solitary confinement as a “protection” for LGBTQ+ people, particularly trans people, while they are incarcerated; though in actuality solitary confinement is an extremely dehumanizing practice that ultimately exacerbates and creates mental health crises for any incarcerated person subject to it.

From the previous section, literature within queer criminology that focuses broadly on victimization, several scholars have written about the impacts of interpersonal violence within the LGBTQ+ community. Scholars also research domestic and interpersonal violence amongst LGBTQ+ (lesbian, gay, and bisexual) people (Guadalupe-Diaz, 2013). And more recently, several scholars have focused their research on interpersonal violence amongst trans communities (Messinger et al, 2021). These scholars have written about a lack of attention to the nuanced ways that trans communities experience interpersonal harm.

In addition to victimization from people in intimate relationships, queer criminological research also discusses the impacts of victimization from criminal justice actors, including from law enforcement. Most of this literature begins from a criticism of the binary logic of police and policing practices for queer, transgender, and gender nonconforming people. Dwyer (2008) uses the theoretical framework of embodiment to theorize the connections between gender policing and criminal justice actors. Within queer criminology, Dwyer’s work is said to ‘queer’ understandings of embodiment by arguing that we should look at policing as “a practice defined by heteronormative expectations about sexuality and gender” (Dwyer, 2008: p. 415). Dwyer

notes that police officers participate in various tactics aimed at “‘reading’ bodies that ‘queer’ heteronormative ways of doing sexual subjectivity” (Dwyer, 2008: p. 423). Thinking about policing, if we begin with this notion in mind, we are then able to see that people whose embodiment is non-normative (i.e., who occupy a body that expresses seemingly non-normative gender and sexuality) are inherently subject to over policing and surveillance. Dwyer applies this concept to acts of policing and surveillance by police departments and police officers’ implementation and reinforcement of the gender binary through maintaining a heterosexist and binary order.

This area of criminological research on embodiment and LGBTQ+ people’s experiences with victimization through interpersonal dynamics and those from criminal justice actors (police officers, corrections officers, among others), explores how police and policing makes judgments on ‘queer’ bodies and deems them inherently criminal. According to Dwyer, many of the ways that police officers read bodies is no different than the gender policing tactics that surround our broader social world, which many individuals in society who are not police officers also participate in. Through ascribing feminine or masculine ways of being, like the way people may walk or talk, to types of bodies, the broader social world participates in gender policing as well. However, the work of queer embodiment and criminology contributes to an understanding of how these processes relate to arrests, entrapment, and further involvement with the criminal legal system. What this work is telling us is about the ways that “laws criminalising homosexual activity could not have been applied to queer communities without some understanding of what these bodies looked like” (Dwyer, 2008: p. 422). This is an important element to the state’s reinforcement of the gender binary. The literature notes that this sort of tangible application of gender policing by state actors is critical in reinforcing both ideas about “appropriate” gender

performance and expression, as well as gender hierarchies. Also, this literature, and others like it, offer up further discussions about the impacts and effects of the gender binary and gender policing on queer communities.

In the previous section titled “Queer criminological perspectives on policing gender identity/expression,” I synthesized literature that discusses embodiment and how the gender binary is reinforced through police and policing. In this section, I summarize a related set of literature that allows us to understand some of the impacts of policing embodiment. Many people who express so-called non-normative genders and sexualities also report being harassed by the police (Dwyer, 2008). They report feelings of intimidation, assault, and violence that are particularly directed at their perceived gender and sexuality. Through the work of activist and trans liberation groups, such as Black and Pink and the Sylvia Rivera Law Project, we are also given firsthand accounts from incarcerated and formerly incarcerated trans and gender nonconforming people’s themselves about their experiences with police. Through arrests, harassment, violence, mistreatment, and targeting, trans people are often singled-out by police due to transphobia and the belief that their existence is a disruption in the normative gender binary. Through the criminological literature, our understanding of these impacts is limited to recorded rates and incidences of arrests, criminalization, and victimization. The National Transgender Discrimination Survey found that 20% of respondents felt that they were denied equal treatment by police officers, 29% harassed or disrespected, and 6% reported physical assault by a police officer” (Buist and Stone, 2014: p. 38). Further taking an intersectional approach to queer criminology, “white transgender women reported higher incidents of respectful treatment from police officers than trans people of color, and trans men and gender nonconforming people” (Buist and Stone, 2014: p. 38). And rates of violence and abuse by

police are even higher for trans people in survival economies. For trans people of color, and particularly trans women of color who engage in survival economies, they expressed having the highest incidences and risks of abuse by police with 44% (Buist and Stone, 2014: p. 38).

## **2. Black feminism and gender policing**

It is virtually impossible to summarize all criminological literature on police and policing. Instead, I will attempt to summarize some of the race, gender, and police and policing literature that informs this project, which is largely from Black feminist and abolitionist feminist literature.

There is a range of Black feminist literature on gender policing and state violence that focuses on the impacts of police and policing institutions. The term “policing” in that literature takes on several forms, largely as acts instituted by the state to maintain watch, control, and “social order.” Within Black feminist research, authors discuss the many ways that Black women are presumed to be hypersexual, deviant, and characterized as criminal (Collins, 2000; Crenshaw 1991). This framework is particularly useful to this research because it builds a tangible and theoretical basis for exploring the nuances of race, gender, and policing and the criminal legal system. In this way, gender policing within much of Black feminist and Black queer literature helps to illuminate the fact that the criminal legal system has given itself the power and authority to decide and regulate people’s actual or assumed gender identities, expressions, and sexualities (Warner, Halley, 1993: p.88) as simultaneous racialized subjects. And in addition, through the criminal legal system this literature shows how gender policing is regulated through criminalization.

More specifically, Black feminist literature on the nexus between gender-based violence and state violence also informs this research. One example of this in the literature is the research

of abolition feminist Beth Richie in *Arrested Justice: Black Women, Violence, and America's Prison Nation* (Richie, 2012). In this research, Richie interweaves the stories about Black women's experiences with multiple levels of interpersonal and structural violence, as well as intertwining a history of the anti-violence movement in the U.S. Richie helps to further contextualize the buildup of the prison nation, through her focus on both Black women's experiences of state violence, and the responses of mainstream the anti-violence movement in the U.S (Richie, 2012). Black feminist literature on gender policing is especially important to this research on the Trans Shadow Carceral State because it provides a theoretical and empirical basis for understanding how broad gender policing and surveillance are in our society, and how racialization and gender impact policing and surveillance.

The participants in this research spoke extensively about their interactions with the police. These experiences were intertwined with the multiple social locations, identities, and vulnerabilities of each participant. This means that in most instances, the people of color participants saw their experiences with the police as intersectional ones that simultaneously linked the multiple forms of structural oppression that they can face.

As a young person, Obi mentioned being pulled out of a car with other friends who were Latinx and how he felt like it was strictly because they were a group of Latinx young people in a particular neighborhood. He mentioned that after a search, they were let go, but this instance was particularly memorable because he felt anything could have escalated the situation, though it did not. Leo on the other hand mentioned that "in terms of policing I've experienced a lot more of that with TSA than [with] people at large, or the police." And for Rey, they spoke at length about interactions with police for professional reasons. They also mentioned that they felt like because they are a white person that their interactions with the police were significantly fewer than if they

were a person of color. All these participants, who are transmasculine and/or nonbinary, had very different experiences than the trans women and trans femme participants in this research.

Two of the Black trans women who participated in this research spoke about being arrested on one or multiple occasions. And both also spoke about being incarcerated. They connected their incarceration to transphobia and being arrested for being perceived to be engaging in sex work. Kamaria mentioned that on multiple occasions she was incarcerated for about 60 days each time. She said that being incarcerated for 60 days “it allows them to hold you without going to magistrate court or anything for 60 days. And in those 60 days they can build a case... For the first time they released me in 59 days.” All of this is very notable, especially the differences in experience between all the participants with the police based upon race and gender identity/expression.

### **C. The Trans Shadow Carceral State and the Police**

While these experiences narrate how the TGNCNB people in this research have been policed and surveilled by the police, the framework of the Trans Shadow Carceral State is helpful to understand how the police are the enforcers of “normative” gender enforcement. In addition, this chapter aims to encourage further research and community-based organizing initiatives concerned with state violence from the police toward TGNCNB people to particularly prioritize such efforts in an intersectional way.

This chapter also notes that several of the participants in this research did not have notable experiences with the police to draw from, though they all had experiences with family, DMV, and TSA from which to draw. This is also noteworthy, especially to the framework of the Trans Shadow Carceral State, because it adds to the idea that multiple forms of policing and surveillance including and beyond the police are important to research.

## VII. CREATIVE RESISTANCE: REFLECTIONS ON ABOLITION'S OFFERINGS

The bulk of this research has discussed TGNCNB people's experiences with policing and surveillance and the connected and overlapping institutions of the family, DMV, TSA, and the police. Through their own words, the TGNCNB people in this research shared their reflections about the numerous ways that policing, and surveillance has impacted their lives. And just as much as they have endured these forms of policing, these TGNCNB community members have also created strategies of resistance. This concluding chapter concerns itself with some of the creative resistance and survival strategies used by participants to navigate the Trans Shadow Carceral State.

Several participants mentioned two main strategies they used to navigate family policing, which this research calls strategies for self-preservation. Those two strategies are concealing IDs and leaving home. When Obi spoke about his identity documents, he mentioned that they only partially reflected the name and gender marker that he wanted them to. He said,

"I left my middle name as my birth first name. I have family members who are in their 80s and 90s [years old] and I wanted to make sure that it wasn't such a transformation for them [changing my name]. I've already decided that once they all pass away, I'll change my middle name."

Deciding to conceal his name change on his ID was his way of preserving the name he was given at birth, to make his family comfortable. Similarly, Leo spoke about carrying multiple IDs, as a strategy to use whichever best fit the situation, they were in. They described their strategy for having multiple ID cards as follows,

"I didn't want to tell my family that I'd legally changed my name. So when I was around



my parents, I was using my ID that had my name that I was assigned at birth and my gender marker assigned at birth. But when I was somewhere else, I was using another ID that had my legally changed name and a different gender marker...I kept two state IDs on me. One had F [female] on it. The reason I didn't change that one was because I was living with family and I was really scared that if they saw my other ID that said M [male] I would have to explain that I'm trans."

In this instance, Leo decided to have multiple IDs so that either was available, depending on the scenario.

Another strategy that a participant shared with me involved the strategy of leaving home. Kamaria talked at length about how she knew her family would not accept her when she decided that she wanted to live as her authentic self. She said that,

"When I was 17, I knew I wanted to transition. I had to make a big decision to leave home to do it because my family was not going to accept me wanting to wear a dress or a wig. So mentally for years I prepared myself to lose my family, lose my friends, lose everything. So I left home."

For Kamaria, leaving home was not a choice, because she felt she had no other way once she decided to transition.

There were three main strategies, which this research calls strategies to gain movement, that participants used when navigating the DMV. Those three strategies are leveraging institutional power, using multiple IDs, and avoiding the DMV.

Leveraging institutional power relates to the ways that TGNCNB people in this research would reach out to another "authority" to get the documents they needed from the DMV. For example, Leo talked to me about the letter of safe passage that they were issued from a credible medical provider. They mentioned,

“I had a letter of safe passage and that was working well for me. Basically, the letter of safe passage [says] you have to use the gender marker that this person feels comfortable with. Whatever identity they’re presenting us, we granted this person permission to use whatever gender identity they feel most comfortable with and allow this person to use whatever bathroom they feel most comfortable with.”

Similarly, during Darth’s interaction at the DMV, he mentioned that he was able to get the ID he needed because he used a lawyer’s help. He said that,

“I called my friend who was an attorney, who called the site manager of the DMV and threatened legal action. [After that call from the attorney], I got to jump the line and I was escorted to someone who was really nice who helped me.”

In both instances, they were able to leverage another institution to get what they needed, at the time.

As previously mentioned, Leo’s strategy to navigate both family and the broader society was to always have multiple IDs. They also discussed having multiple IDs as an interruption in a system that was constantly trying to categorize them. Leo mentioned that,

“At the time that I had two IDs, I think what I was trying to accomplish at that stage in my life was that I really don’t want to have a gender that’s readily interpreted by people. I intentionally want it to be confusing to people. I was like, y’all are not going to figure me out... So for a while I kept two state IDs on me... That was my way of sticking it to the system and saying ‘HaHa I have two IDs with two different gender markers.’ That was my way of interrupting this system that was in place.”

And lastly, some participants talked about how they decided to avoid the DMV all together. It is also important to mention that many TGNCNB people do not want to change their names or gender markers on their ID documents. And, for many people that do, deciding not to can feel like a complicated choice. Obi stated that,

“Initially when I was going to change my name I was nervous to go to the DMV because they require you to change your birth certificate, and to do that you have to send in all this documentation, doctor’s notes, and all this stuff to the state.”

Obi was extremely worried about having to send in so much paperwork to the DMV, especially because it meant needing to track down all these documents and pay money to have copies made.

The three main strategies used to navigate TSA, which this research calls “strategies to reduce harm, were attempts to minimize appearing like a threat, using co-struggler support, and seeking alternative transportation. A couple of the Black participants in this research mentioned ways that they would appear not to be a threat to TSA to navigate the airport space. Leo mentioned that,

“The more I’ve been on T [testosterone], the easier it’s been to just get through airport security. The guys will chop it up with me. Especially if they’re a young person of color, I get through TSA in like 10 seconds. We’ll just chit chat and it’s like establishing a rapport, especially because I read as being kind of young [too].”

Leo spoke quite a bit about choosing certain TSA lines or personnel to speak to because they felt that they would have an easier time moving through airport security with someone who appeared to be a young person of color. Leo would choose specific lines based on surveying their TSA agents and start up conversations to seem more relatable. They also mentioned that they had heard other young men of color who work for TSA say things like “this job sucks, I’m just trying to make money.” Leo would try to use this to their advantage through gaining a temporary closeness. Kamaria mentioned that when she had to move through the body scanners at the airport, she would talk to people and make her fingers into a heart. She said,

“I like to walk up with both hands in the air. Or, I actually make the heart with both my hands. Have hearts right on the center of my chest. That shows you that both of my hands are right here, both of my hands are up.”

Speaking about why she did this, Kamaria mentioned that “I do that because I don’t want my actions to get misread by some trigger-happy TSA agent.” She felt that the consequences of appearing to be a threat were so high that she needed to always present herself as a compliant traveler.

Also, Darth shared an interesting tactic he used when traveling. He mentioned that “I’m smart about what I put in my carry on. If there’s something weird and [my partner] is traveling with me, we put it in hers because it’s a lot easier for them to stop her than me.” He mentioned feeling a bit more vulnerable to TSA searches because of being trans, so he would use the support of his non-trans partner if they were traveling together.

And lastly, a few participants mentioned that they would rather avoid the airport if they could. These responses centered around gender and airport inaccessibility. Darth mentioned that “If I don’t have to travel on airplanes, I won’t. I don’t like the interactions [with TSA] ... and I’m a fat person so I don’t like flying for that reason either.” He spoke about how inaccessible the airport was, and that if he could find any other way to travel, he would.

This dissertation narrates TGNCNB people’s experiences with policing and surveillance from overlapping and connected institutions of the family, DMV, TSA, and the police. Ultimately, this narration contributes to queer criminology studies as a project that centers the voices and experiences of TGNCNB people, which are lacking in queer criminological research. This dissertation is about how speaking with TGNCNB people can help us get a more accurate sense of the scope of the network of policing and surveillance, especially where TGNCNB people are used as expansion tools. In other words, where the gender binary and gender normativity are all used to police people - particularly TGNCNB people - while a neoliberal idea of “inclusion” also pushes us to further expand the carceral state under the guise of protecting

TGNCNB people. The framework of Trans Shadow Carceral State along with an abolitionist framework offers this research the lens to rethink “including” TGNCNB people in institutions and categories that perpetuate policing and surveillance tactics, which has repercussions for everyone.

## VIII. CONCLUSION

“I hope it [this dissertation] helps to remove some of the barriers that people face, especially trans and nonbinary people, especially Black folks, in areas like access to education... or if they’re developing curriculum and training materials around different areas that you’re researching.”

Ramona

Reflecting on the next steps for this research, as well as my intellectual and engaged life, I am reminded of the interviews for this dissertation. At the end of every interview, all participants were asked what, if anything, they hoped these research “findings” would contribute to. All their responses can be summarized by the quote above from Ramona. The quote expresses a plan that I also value, which is that my research supports structural change in society. Ramona told me that her hope around education was that this dissertation would support more trans, nonbinary, and particularly Black trans and nonbinary scholars who are trying to make change. And in a broad sense, part of my next steps with this research is to do just that, through a focus in three areas: changing public perception through popular writing or narrative non-fiction, teaching and pedagogy, publishing and developing supplemental curriculum, and co-collaborative projects with trans-led organizations focusing on policing and surveillance work. In the next sections, I show how my path as a student, criminologist, activist, teacher, and public intellectual had already begun the work that Ramona is asking us and me to do. Traditional research projects end with definitive conclusive statements. Instead, I have elected to reflect on where I have been (intellectually and politically) and what my next steps will be.

**A. Popular writing and narrative non-fiction**

I turn to a statement from Rey, a participant in this research, who spoke about what he hoped this dissertation research would contribute to. Rey stated that,

“I think the huge missed opportunity with reports and things is they don’t use them as ways for trans people to feel less alone... The question is, how to turn this into something where people feel seen and heard and less alone?”

Rey’s mention that reports and publications should support trans people in feeling less alone, is but one of the many reasons why I plan to continue changing public perception through popular writing or narrative non-fiction, in more public-facing publications. Many of the participants in this research expressed that they wanted to know that their experiences with institutions of the family, the DMV, TSA, and the police were not singular experiences. They wanted to know if other people shared similar reflections, especially because many of them expressed that they had participated in reports or research studies before but never heard back about the findings. And some participants also wanted to know about other people’s experiences to figure out different individual survival strategies, as well as to see how to make change to these institutions. In part, many of these reflections like Rey’s are why I intend to continue my commitment to social movement-led research by publishing in public-facing platforms such as op-eds and contributing to news and policy articles.

In addition, I see changing public perception through popular writing or narrative nonfiction as part of the criminological and political context for Black Trans Abolition as praxis. As an expression of the kinds of intellectual and political contributions that I have made to further Black Trans Abolition as praxis, I am including three examples of popular writing of this kind to show how I see the framework of Black Trans Abolition existing in multiple intellectual and social movement spaces.

# 1. Telling Cops to Get Criminal Justice Degrees Won't End Police Violence

**(Stephens, A. 2020).**

(Previously published as Stephens, A. (2020, June 30). Telling Cops to Get Criminal Justice Degrees Won't End Police Violence. *In These Times*. <https://inthesetimes.com/article/telling-cops-to-get-criminal-justice-degrees-wont-end-police-violence>)

During the Summer 2020 national uprisings against state-sanctioned violence of policing and militarism, I felt compelled to write the following article titled *Telling Cops to Get Criminal Justice Degrees Won't End Police Violence* (Stephens, 2020), to intervene in a popular narrative that degrees in higher education for police officers would somehow limit police violence. In this article, I argue that this popular narrative is a misinterpretation of what a typical degree in criminal justice offers students, as well as a confusion about the purpose and structural underpinning of policing. I am including this article in this dissertation dossier as an example of the kind of disciplinary intervention that Black Trans Abolition offers the fields of criminology and criminal justice studies.



*Telling Cops to Get Criminal Justice Degrees Won't End Police Violence* (Stephens, 2020).

Publication: In These Times

Title: Telling Cops to Get Criminal Justice Degrees Won't End Police Violence

Date: June 30, 2020

Author: Ash Stephens

Across the country, students and educators from elementary school through college are demanding that their campuses and schools reimagine forms of community safety by investing in its Black students and divesting from policing and punishment. In this moment of uprisings and calls for defunding the police and abolishing policing, we have witnessed the University of Minnesota commit to ending contracts with the Minneapolis Police Department, the Oakland Unified School District vote to disband its school police force, and the Denver school board vote unanimously to end its contract with the Denver Police Department. Students of all grade levels are pushing their schools to cut ties from municipal and campus police departments.

In response, I've heard many people propose that a way to end police violence is to give police officers more training by requiring that they get criminal justice degrees. Scholars in the criminal justice field have proclaimed this idea, as well as groups of people on social media. As someone with a bachelor's degree in criminal justice, a master's degree in criminology, and soon a PhD in criminology, I seriously disagree with this proposition. The foundation of the criminal justice field examines the connections between four pillars: "criminal activity," policing/law enforcement, courts, and corrections or jails/prisons. Foundationally, this area of study does not examine how these four pillars are rooted in a history of indigenous genocide, settler-colonialism and chattel-slavery, and their expansion over time. In *Are Prisons Obsolete?*, Dr. Angela Davis notes that after slavery was abolished, states passed legislation revising the slave codes [Black

codes] in order to criminalize free Black people. These four pillars helped establish today's racial hierarchy that sustains white supremacy as the status quo through racist practices of colonizing and displacing indigenous peoples from their lands, criminalization, poverty, red-lining and anti-Black violence. And it is with this foundational history, and after years doing scholarship in this field, that I've concluded that the field itself is part of the problem.

Requiring that more police officers have degrees in criminal justice will not “solve” violence. Many police officers already have two-year, four-year and even graduate degrees. During the political uprisings of the late 1960s, the Kerner Commission was formed and a recommendation was made in 1970 that police officers have at least two-year college degrees. This specific turn towards professionalizing policing has led to over 50% of police officers now having at least a two-year degree, according to the National Police Foundation.

More importantly, a degree in criminal justice does not change the roles of police officers themselves, the function of policing, or policing as an institution. The purpose of policing is to protect property and maintain order and social control primarily by enacting violence on all people, and disproportionately on Black and non-Black people of color, people with disabilities, queer and trans people, women, migrants and immigrants, and young people.

Capitalism needs policing in order to protect the interests of wealthy white people and property, and to produce workers that can be exploited and free laborers. Incentivizing criminal justice degrees to students protects capitalism and establishes a relationship between police departments and campuses. Law enforcement recruiters act as liaisons (similar to how military recruiters function) with colleges and universities to establish official relationships to recruit the most vulnerable by making false promises, guaranteeing them a “good job,” benefits, a college fund, and health care — essentially, all of the resources that vulnerable communities should have

access to without having to join the military or police. And in turn, many police budgets offer tuition reimbursement, and pay and position increases to police officers who have college degrees. Because of these promises, lack of livable wages, widespread job insecurity, and poverty, many poor and working-class, Black and Brown people enlist to become police officers. The union between incentivizing criminal justice degrees and joining the police force is a part of the portrait of the Black and Latinx officers who are highly “professional” that we continue to see more of. Yet, people continue to be harmed and killed by police because they work in service of an institution meant to safeguard white supremacy.

Some criminal justice professionals hold dual roles: teaching college students and colluding with local police on research projects and training opportunities. Students are taught to individualize institutional and systemic racism as “unconscious bias” or “implicit bias,” a framework that teaches them to view the killings of Black people as unintentional mistakes and not structural consequences of policing.

Sometimes a class on “ethics” or moral behavior is required for an undergraduate degree in criminal justice. But what does it truly mean to require an ethics course when the law allows police officers the discretion to act with impunity? If anything, police are the ones who get to determine what is “moral” and “ethical,” and what “ethics” looks like and means for them. They, in turn, get to influence and author the very literature used in these ethics courses.

Liberal police reforms, or moves to professionalize and expand police power, are also rooted in criminal justice studies. These approaches look like “women and queer people should get to shoot people too so let them be cops too!” These classes promote police recruitment under the pretense of “diversity” and “inclusivity” and are premised in the misappropriation of intersectionality. Liberal policing, or police with a nicer face, is a public relations campaign of

police departments across the country to build their legitimacy. An example of this is police officers kneeling alongside protesters pretending to empathize with them, when in reality it is a de-escalation method used to calm protestors down to better enact violence on them.

Some may argue that we can reform these institutions, including criminal justice programs, by decoupling them from police departments, diversifying the literature, or including courses on harm reduction and anti-racist praxis. And part of that teaching (I hope) would divert students away from careers in policing.

We need to do all of that work, too. But that work is provisional and part of a project of reform. Again, it is the foundation of criminal justice studies that needs redressing. To replace it (if we should) we need an interdisciplinary field of something like Liberation Studies. The movement organization Critical Resistance defines abolition as “eliminating imprisonment, policing, and surveillance and creating lasting alternates to punishment and imprisonment.” Abolition is about building the things that we want, the things that to get to the roots of racial capitalism. Abolition allows us to see the foundation of criminal justice studies in full scope — and the foundation is rotted, racist and cannot be transformed. If we build up more criminal justice departments and degrees, we will continue to reinforce these disciplines as legitimate, and we will also produce more cops, which equals more of the same: more violence, more harm.

As someone with degrees in this area, I also recognize that I sit within many contradictions. I chose this degree path. And yet, because of my experience I have a better proposition to make: How about instead of asking for more criminal justice programs, we work to shrink and dismantle policing, the prison industrial complex, and racial capitalism?

## 2. Reclaim Pride by Defunding the Police (Stephens 2020).

(Previously Published as Stephens, A. (2020, June 12). Reclaim Pride by Defunding the Police. *Advocate*. <https://www.advocate.com/commentary/2020/6/12/reclaim-pride-defunding-police>)

As annual LGBTQ+ Pride celebrations in Summer 2020 converged with national uprisings against state-sanctioned violence of policing and militarism, I was inspired by the connections being drawn by queer and trans writers of color with the contemporary moment of uprisings and resistance to those of the early 1970s. At the time, compounded feelings of anger, loss, and grief amongst queer and trans communities of color due to the murders of trans and gender nonconforming, many of whom were Black trans women, also compelled me to publish the following article titled *Reclaim Pride by Defunding the Police*.

In the article, I present brief historical context that connects efforts to defund the police with queer and trans resistance movements like the Stonewall Rebellion and the Compton Cafeteria Uprising. Towards the conclusion of the article, I link these resistance movements of the past with current efforts to extract resources from local police departments and efforts to significantly shrink their size, for two reasons. The first reason is to show examples of the connections between the origins of LGBTQ+ Pride with these contemporary examples. And the second reason is to give examples of efforts that people can become a part of, to reclaim pride in action. I am including this article in this dissertation dossier because I see Black Trans Abolition as a framework within the broad lineage of queer and trans resistance movements, like those mentioned within the article.

*Reclaim Pride by Defunding the Police* (Stephens, 2020).

Publication: Advocate.com

Title: Reclaim Pride by Defunding the Police - LGBTQ+ people are made no safer by the police.

Date: June 12, 2020

Author: Ash Stephens

In the early 1970s, the first Pride memorialized the Stonewall rebellion. Since then, mainstream LGBTQ movements have divorced Pride from its radical history of protest and uprising against police violence in order to corporatize it to sell products and paint police cars in rainbow flags. Many queer people have either stopped attending Pride events or created their own alternatives.

This year must be different. We all must return Pride to its radical roots by answering the call to organize in our local communities to defund the police because this call to has always been at the center of queer liberation movements.

In 1966, trans and gender nonconforming people, sex workers, street youth, and drag queens in San Francisco fought back against police violence through radical activism in what came to be known as the Compton Cafeteria Uprising.

In 1969, Marsha P. Johnson and Sylvia Rivera were on the frontlines of the famed Stonewall rebellion that took place for several days as a response to violence and escalation on behalf of the New York Police Department at the Stonewall Inn. In 1970, they created STAR (Street Transvestite Action Revolutionaries), a radical organization focused on supporting sex workers and homeless queer youth, after a days long sit-in protest with other members of the queer liberation movement that also birthed the Gay Liberation Front.

Several queer liberation organizations, activists, writers, and organizers have come up through this history, including a group of Black radical socialist lesbian feminists organized under the Combahee River Collective. In their 1974 Combahee River Collective Statement, they introduced the term interlocking oppressions (giving way to the framework of intersectionality coined by Kimberlé Crenshaw) and influenced the trajectory of Black queer radical organizing for years to come.

Defunding the police is an LGBTQ issue. Countless Black trans women and Black trans people experience interpersonal and community violence on a daily basis — like Iyanna Dior who was recently beaten up on video by a group of people in Minneapolis and Nina Pop who we lost to deadly violence in Missouri in May — and are made no “safer” by the presence of police. Police are the violence. In the Trans Agenda for Liberation’s first pillar — Black Trans Women Living and Leading Fiercely — a coalition of majority Black, indigenous, and migrant trans, non-binary, and gender- nonconforming leaders working with Transgender Law Center call for abolishing the prison industrial complex. The prison industrial complex is a web of imprisonment, policing, and surveillance that includes the call to defund the police.

Police violence against Black trans people like the murders of Layleen Polanco and Tony McDade, should indicate for us that police and policing only exist to perpetuate harm and violence. And we must shrink their scope. What if for Pride we took the time to imagine what safety for our communities could look like outside of the police, and we worked with each other to make that possible? Black, queer, femme writer Benji Hart mandates that police and prisons do not belong in our future.

Several organizations and campaigns across the country have already been working to defund the police, and LGBTQ people have always been on the frontlines of work to divest from police and invest in communities.

The #NoCopAcademy campaign in Chicago fights for an end to the construction of a \$95 million dollar police academy and instead an investment in youth and community. Durham Beyond Policing is a grassroots coalition working to get municipal resources in Durham invested in the health and wellbeing of Black & Brown communities, and disinvestment in policing and prisons. With a mission to see a 50 percent reduction in the Oakland Police Department's budget, Defund OPD - Invest in Community aims for that money to go to alternative non-police programs. And particularly in the time of COVID-19, Care Not Cops in Portland calls for the governor and the city and county to end police sweeps and patrols of houseless community members and to end all quality of life policing activity, among other demands.

Several other organizations are also leading these efforts, and now is the time to join in. We need more people to imagine what safety for our communities could look like outside of the police while collectively building towards it.

As more and more people are answering the call to make ALL Black lives matter, this moment requires that we return Pride to its radical roots. We need accomplices and co-conspirators, people who will take up the fight to defund the police, just like we need more people in the fight to end bail and pretrial detention, because those should be LGBTQ movement priorities too.



This year, Pride is about defunding the police. It is about shifting power — away from the police and into each other, in the legacy of queer liberation movements before us.

3. **Black Trans Men Face a Constant Threat of Police Violence (Stephens, 2020).**

(Previously published as Stephens, A. (2020, May 28). Black Trans Men Face a Constant Threat of Police Violence. *Advocate*. <https://www.advocate.com/commentary/2020/5/28/black-trans-men-face-constant-threat-police-violence>)

Before publishing the previous two articles, I wrote a more personal reflection piece titled *Black Trans Men Face a Constant Threat of Police Violence*. As full neighborhood lockdowns began transpiring to due to the covid-19 pandemic in the Spring and Summer of 2020, many of my Black trans family, friends, and community members were continuing to witness the violence, and in some cases killings, of Black trans people due to interpersonal and structural violence, and the violence of policing. I felt compelled to write a more reflective article to honor communal feelings of mourning and to offer recognition of the dual experience of anti-black racism and heteropatriarchy that leave Black trans men and trans masculine people also vulnerable to harm and violence. I present my own contemplative feelings and experiences of sitting at these intersections, to express a widening of the ways that policing, and state-violence engulf multiple kinds of racialized and gendered bodies.

I wrote this article right before a Black trans man named Tony McDade was killed by Tallahassee police on May 27, 2020, in Tallahassee, Florida. It was also written well before a Black trans man named Mel Groves was fatally killed in Jackson, Mississippi on October 11,

2021. And there are unfortunately many other people to name. I am including this article in this dissertation dossier as an example of the kinds of narrative nonfiction writing that I see as a part of the intervention that Black Trans Abolition offers, which is to honor the lived experiences of Black trans people in writing as a political act.

*Black Trans Men Face a Constant Threat of Police Violence* (Stephens, 2020).

Publication: Advocate.com

Title: Black Trans Men Face a Constant Threat of Police Violence

Date: May 28, 2020

Author: Ash Stephens

*Author's Note: This piece was written before a Black trans man named Tony McDade was reportedly murdered by Tallahassee, Fla., police on Wednesday. #BlackTransLivesMatter*

To Black trans men, I see you, I see us. I see and I feel how difficult the moments are when any Black person's death is made public. And, how difficult the moments are when we are

shouting with our trans siblings for cisgender people to express more concern and outcry when we collectively lose Black trans people. I see and I feel many of us struggling to explain that we feel compounding vulnerability when Black trans people are harmed and when Black cisgender people are harmed.

I want to try to find better words for this newer type of vulnerability and targeting that many Black trans men feel, because I hope it will help us locate our pain and propel us into movement and continued collective support. I also don't want this to read as a centering of the experiences of Black cis men, because all Black life matters. I do want this to be an offering to Black trans men who might feel similarly.

I was talking to a good friend the other day about how conversations about policing and gender-based violence always seem incomplete when they try to account for us. We're both Black. We're both trans. We both are often read by other people as men or more masculine, even if we both feel more nonbinary or gender queer. We both feel like targets. We both have always felt like targets.

Beyond the loss of life, we feel deeply impacted by the different forms of violence facing our communities. We will always remember what it felt like to feel in a different proximity to particular kinds of violence that many Black trans and cis women and femmes feel. In 2020 alone, at least 11 trans or gender nonconforming people have been killed in the U.S. and Puerto Rico — most of them Black trans women and trans women of color, including Nina Pop and Monika Diamond. And in the past few weeks, we've learned about the murders of at least four Black people killed by police or white vigilantes — Breonna Taylor, Ahmaud Arbery, Dreasjon Reed, and George Floyd.

I wanted to write this to speak to Black trans men and to people who care about us.

To Black trans men, I want to offer that we build more collective networks of support and care, like TBuddy, Black TransMen Inc, and Boi Talk. That we bring each other closer. That we continue to fight for all Black life, like many of us have been doing for years and years. That we do not silence ourselves, that we do not silence our pain.

To people who care about Black trans men, I want you to know that we are impacted by violence that happens to all Black people. Our lives and experiences do not only (if at all) revolve around being trans. Racism, ableism, poverty, xenophobia, homophobia, criminalization, incarceration, and so many other things impact us — not just one singular issue. Do not take for granted that we sit at the intersections of many kinds of vulnerability. When we lose any Black life, we are affected. And you should defend and fight for all Black lives, which includes our lives too. Black trans women and femmes are the ones who know this best, and we are grateful.

When I first began to identify as a trans man, I read *Becoming a Black Man* for a class and it felt like it spoke to this new reality I was living in. The world was starting to see me as I had always seen myself, and that meant that I was experiencing different types of gender-based violence that I had not encountered before. I remember after I started taking testosterone one of my first interactions with a cop was being called a “faggot” and being asked if I wanted to do something about it. I also remember being pulled over by a cop less than a minute from my parent’s house and him asking me where I got the car from, where I was going, and if I was a “male” or “female” after he looked at my driver’s license. Then he followed me home, for no reason.

I've always felt like the loss of any Black person's life could be me or someone I know. I've felt that when people felt threatened by my existence as a stud lesbian, and I feel that now as people feel threatened by what they read as my existence as a Black man, whether cisgender, gay or straight. I wanted to write this to say that many of us - Black trans men — feel unexpected kinds of hurt when we learn about Black men in particular being murdered by police and white vigilantes. In some way, this could now be us. After learning about the murders of Black men, I don't think I feel more vulnerable now. As a Black trans man, I've always felt that.

For many of the Black trans men I've been talking to, I think a different piece of vulnerability feels activated when we are faced with a world that is perceiving us differently — when a piece of the world is perceiving us as Black cisgender men. And, when we know that running or wheeling down the street, or sleeping anywhere, or wearing a mask during a pandemic can be justification for our death or incarceration, things seem differently bleak. When any Black person yells 'I can't breathe' while they're suffocating from a cop's knee on their neck, we feel the weight of that violence. It can feel like there is no room for us to be Black, to be trans, and to be Black trans men without worrying about our mortality.

Since I began identifying as a trans man, loosely around 2014, the U.S. continues to be in its newest recurrence of deeming all Black life as expendable and disposable. When I heard about Ahmaud Arbery's murder in Georgia, the state that I'm from, I felt differently connected to him. Maybe it's because I'm Black and from Georgia. Maybe that's because I'm able-bodied and I go running sometimes. Or maybe it's because I feel like there is now another way that some people see me — as a Black man — and that these layers feel like they ultimately lead to my expendability as Black and as trans. Maybe it's all of these things and more.

Being a Black trans man means that there is no comfortable or protected experience. We have to continue to build networks of support and care that center all Black life, if we want to get us closer to safety.

### **B. Teaching and Pedagogy**

My next steps for this research include designing and teaching a university course related to this research from the perspective of queer and trans criminology. My teaching pedagogy uses an approach that I call *social justice feminist pedagogy* which includes building opportunities for students to absorb texts, films, and other materials into my courses that allow for critical questions about the root causes and consequences of social problems. And, since this research is aimed at furthering Black Trans Abolition (see Chapter I. Introduction), the course would begin from a place of highlighting the issues of policing and surveillance that are experienced by Black, Indigenous, Latinx, disabled, migrant, formerly and currently incarcerated, poor/working class, and other marginalized queer and trans people and their intersections, who are most affected by the carceral state. Preparing for and teaching this course would also support my next focus of publishing and developing supplemental curriculum.

### **C. Publishing and supplemental curriculum**

My third focus area includes preparation for publications and developing a supplemental curriculum based on this research. I see these publications and supplemental curriculum furthering both my pursuits in academe and my community-based pursuits. These pursuits overlap, but I will attempt to break them down into more manageable goals. Towards the academically focused publications, I plan to evaluate the feedback from my dissertation research that will inform journal and book publications, and potentially apply for additional research funds to strengthen the qualitative research data for the book publication. The book publication

will be an expanded version of this dissertation research and will focus more on gender-policing and surveillance of gender nonconformity. Additionally, the book project will analyze identity-verification based state-surveillance technologies that are amplified by LGBTQ organizations (i.e., 'X' gender markers and proposals to strengthen facial and photo recognition), through the theoretical framework of Black Trans Abolition. Through the framework of Black Trans Abolition, the book project will also examine social movement strategies that resist carceral technologies and to end state-sponsored intelligence collection. Additionally, my plan is to use the course curriculum and book materials to create a supplemental curriculum that can be used in the classroom, with community-based organizations, and other related spaces that allow a wider and more public-facing audience to engage with these research findings.

#### **D. Collaborative projects**

Relatedly, and the fourth focus area of my next steps, is to develop a collaborative participatory action research project with a trans-led organization focusing on policing and surveillance work. Because of my experience in grassroots organizations as well as trans-led nonprofits, I aim to collaborate with an organization working on policing and surveillance work within LGBTQ+ communities that would find these research findings useful to their organizational campaigns, and particularly their work to intervene in community and interpersonal harm and violence.

An example of a collaborative publication that informs the analysis behind this dissertation research is the co-published article with authors Allyn Walker, Jace Valcore, and Brodie Evans, titled *Experiences of Trans Scholars in Criminology and Criminal Justice* (Walker, A., Valcore, J., Evans, B., and Stephens, A., 2021). In this article, we narrate our individual and shared experiences as trans scholars in the fields of criminology and criminal justice, as well as how those experiences vary based on race, gender presentation, and other factors. To conclude the article, we offer suggestions for resources and recommendations for trans, and cisgender faculty and colleagues aimed at supporting trans scholars. I am including this co-published article in this dossier for two reasons. First, it is an example of the kind of collaborative publication that I will continue to carry out in the future. And second, I am also including this co-published article because it contributes to the growth of trans specific



scholarship in the field criminology, which I see as part of laying the foundation for a framework of Black Trans Abolition.

**1. Experiences of Trans Scholars in Criminology and Criminal Justice (Walker, A., Valcore, J., Evans, B., and Stephens, A., 2021).**

(Previously published as Walker, A., Valcore, J., Evans, B., & Stephens, A. (2021). Experiences of Trans Scholars in Criminology and Criminal Justice. *Critical Criminology* (Richmond, B.C.), 29(1), 37–56. <https://doi.org/10.1007/s10612-021-09561-5>)

Publication: *Critical Criminology* (2021) 29:37-56

Title: Experiences of Trans Scholars in Criminology and Criminal Justice (Walker, A., Valcore, J., Evans, B., and Stephens, A., 2021).

Date Published Online: March 8, 2021

Authors: Allyn Walker, Jace Valcore, Brodie Evans, Ash Stephens

**Abstract**

Trans individuals experience disproportionately high rates of victimization, discrimination and disparate treatment by the criminal processing system, as well as misrepresentation by the media. The importance and validity of studying transgender people's experiences in the criminal processing system is beginning to be highlighted in criminology and criminal justice (CCJ), while the experiences of trans academics—who are among those leading the push toward the amplification of this line of research—remain largely unexplored. The authors, four transmasculine scholars in CCJ, draw from auto-ethnographic methods to shed light on the experiences of trans scholars within the academy and, in particular, within CCJ. We highlight how being trans has affected our experiences in various capacities as academics. We

conclude by presenting suggestions for transgender scholars and their cisgender colleague and administrator allies.

Academia can often be an unwelcome domain for trans<sup>Footnote1</sup> people. In 2018, fifty-four trans-exclusionary radical feminists (TERFs), based in the United Kingdom and working in academia, wrote a letter to *The Guardian* complaining of campus protests over their anti-trans work. Their letter also challenged proposed changes to the Gender Recognition Act 2004 which would have allowed transgender people to change their gender marker on official documents without needing a diagnosis of gender dysphoria from a physician (Stock et al. [2018](#)). In Australia, controversy occurred in 2019, when the dean of a law school compared transgender children to those with an eating disorder. In response, thirty-eight Australian academics signed a petition in support of transgender students on campus (Smee [2019](#)). In the United States (US), headlines were made in 2018 when a professor at a Midwestern university sued after being reprimanded following his refusal to use a trans student's pronouns (McClanahan [2018](#)).

No scholarship to date has specifically discussed trans scholars in the fields of criminal justice and criminology (CCJ). Such scholarship is necessary, in part, because trans scholars frequently produce research about trans individuals in the criminal justice system. Trans scholars working in these fields also teach students who will have careers in the criminal justice system, which is notable because CCJ programs have been found to have the most strongly anti-LGBTQ<sup>Footnote2</sup> students of any social science discipline (Cannon [2005](#)). Students who enter law enforcement and corrections will impact trans individuals who experience criminalization and victimization. Transgender scholars in CCJ may be the first trans people these students will meet and our interactions with them, the lessons we teach them and the scholarship we produce could

determine how these students interact with trans people, whose lives are disproportionately affected by the criminal processing system.<sup>[Footnote3](#)</sup>

While academia and the public sphere continually debate about the rights of transgender people, trans individuals, themselves, are rarely invited into the conversation; when they are invited, it is often only to have their identities questioned or criticized. Trans academics' experiences are therefore seldom heard. This article, written by a group of transmasculine and nonbinary scholars who work in CCJ, is about our own experiences in academia and how our trans statuses transect our academic lives. We begin by exploring relevant scholarship about issues that trans people face when navigating employment and the criminal processing system. We then engage in autoethnographic work to highlight how being transgender has affected our experiences on the job market, as well as our scholarship, teaching and interactions with colleagues. We conclude by presenting a series of suggestions for other transgender academics, as well as suggestions for scholars who want to become better allies to their trans colleagues.

### Employment Issues Among Trans Populations

Trans individuals in and out of academia face numerous barriers and forms of discrimination in the workplace that negatively impact employment status and career development. While empirical research is limited, interviews and surveys have revealed that they experience harassment, micro aggressions, overt and aggressive policing of binary and patriarchal gender norms, personal threats to safety, and stigma that can be joined with and compounded by intersectional prejudices around class, disability, race, sexual orientation, and other minoritized statuses (Dispenza et al. [2012](#); Mizock et al. [2018](#)). Employers who lack up-to-date, inclusive policies and jurisdictions without employment protections for trans employees

increase the chances that a trans individual will be demoted, fired, refused a job, or prevented from undergoing gender affirmation processes (transition) because of both overt and covert forms of discrimination and transphobia (Mizock et al. 2018; Phoenix and Ghul 2016).

According to the 2015 U.S. Transgender Survey, produced by the National Center for Transgender Equality (<http://www.ustranssurvey.org/>), which had 27,715 trans adult respondents representing all fifty states, 29% of trans adults are living in poverty and 15% of them are unemployed (James et al. 2016). Many (16%) reported that they had lost a job because of their gender identity or expression, and 27% reported being denied a promotion, fired, or not hired within the previous year. Nearly one in four reported mistreatment at work (23%) and 15% had experienced verbal harassment, physical attacks and/or sexual assault at work because of their gender identity or expression (James et al. 2016).

For trans people who wish to work in academia, gaining the education needed to do so can be a challenge in itself. A study of LGBTQ undergraduate students found that trans students have the most negative perceptions of campus climate, classroom climate, and curriculum inclusivity, probably because they experience more harassment than their cisgender queer peers (Garvey and Rankin 2015). Goldberg, Kuvalanka and dickey (2019) discovered that transgender and nonbinary graduate students experience frequent and sometimes deliberate misgendering that takes a mental and emotional toll, especially when it comes from faculty members who proclaim to be allies or mentors who must be relied on for career success. Catalano (2015) learned that transmasculine and nonbinary students are subject to additional pressures on campus, such as pressure to appear stereotypically masculine, when that may not be their goal. Many trans graduate students conclude that efforts to correct faculty or to educate them about trans identities

are simply not worth it and they choose to preserve their emotional energy in order to survive graduate school, rather than defend their identities (Goldberg, Kuvalanka and dickey 2019).

Tierney (1993) wrote in reference to LGBTQ scholars that hiding parts of themselves requires enormous energy that detracts from their work and this invisibility only reinforces prejudice. Today, many trans scholars have access to medical and mental health care that allows them to transition and live genuine, full lives, which was nearly impossible in prior generations. But to Tierney's (1993) point, the costs of being visible or transitioning in the workplace can also be high. Notably, in 2020, in *Bostock v. Clayton County*, 590 U.S. \_\_ (2020), the Supreme Court of the United States held that firing an individual employee merely for being gay or transgender violates Title VII of the Civil Rights Act of 1964 (see also Totenberg 2020). While this landmark decision declared that Title VII of the Civil Rights Act of 1964 protects employees against discrimination because of their sexual orientation or gender identity, research has yet to show whether and to what degree this has worked to make transgender people feel secure in their positions. Importantly, the job market for tenure-track positions continues to shrink across the board. This means that in addition to securing employment with the potential of security, trans academics have to worry about clothing, language, pronouns, style and other possible indicators of trans identity that potential employers or search committee members may view as disqualifications. Upon obtaining a position, transgender people working in higher education face challenges with having their names and pronouns accepted, lack of access to trans-affirming health care, and pressure to conform to gender norms, among others (Jourian, Simmons and Devaney 2015).

Trans People and the Criminal Processing System

As noted above, trans academics working in CCJ will often be the first (out) trans people that students in these majors will meet. This is of critical importance as many of these students will encounter trans people in their current or future roles in law enforcement, court systems or correctional facilities. Across the globe, there is evidence that transgender people face disproportionately high rates of victimization. Trans people are subjected to social policing of their gender identities, resulting in high rates of violence that include verbal abuse, bullying, sexual assault and homicide (Lombardi et al. 2002; Stotzer 2009; Testa et al. 2012; Walker et al. 2018). Rates of violence against trans people are likely even higher than those reported due to fear of law enforcement among trans communities (Buist and Stone 2014) and a lack of data collection by governmental agencies regarding gender identity (Stotzer 2014).

In addition to disproportional victimization rates, transgender people are more likely than their cisgender counterparts to face criminal sanctions for going about their daily lives. Within parts of the US and globally, transgender people risk arrest for simply using the bathroom that corresponds with their gender (e.g., Movement Advancement Project 2016) or for carrying condoms (Wurth et al. 2013). Because economic inequality remains an issue for transgender people, some have to participate in underground economies to survive. Trans and nonbinary immigrants are also vulnerable to anti-immigrant bias and profiling, as anti-immigration systems merge with criminal processing systems (Gehi 2012).

Merely pointing out that transgender people are more likely to experience violence and be represented in the criminal processing system is insufficient: any discussion of transphobic violence must include a discussion of how intersectional identities make some trans groups more vulnerable than others. Serano (2007) has coined the term “transmisogyny” to demonstrate that

transphobia combines with misogyny to make transgender women particularly vulnerable. Bettcher (2007) has argued that transphobic criminalization based on gender identity is structurally tied to racism within modern society. Those who are most likely to be victimized and criminalized are Black transgender people and other trans people of color—and within these groups, trans women and transfeminine individuals (Johnson 2013; National Gay and Lesbian Task Force 2011). Trudy (2014) has created the term “transmisogynoir” to combine “transmisogyny” and the term “misogynoir” (itself coined by Bailey (2010)) to note the multiple oppressions that come into play when transphobia, misogyny and anti-Blackness intersect in the lives of Black trans women. Transgender immigrants of color are most at risk of criminalization among trans immigrants (Gehi 2012). Black trans women are more likely to be suspected of and arrested for sex work than other trans people (Amnesty International 2020); simultaneously, the vast majority of trans people murdered within the past several years have been Black and Latinx trans women (Trans Respect Versus Transphobia Worldwide 2019; Wareham 2019).

Given the high rates of criminalization and victimization experienced by trans individuals, it benefits both students in CCJ, as well as the trans people who will encounter them within the criminal processing system, to have trans faculty teaching and producing scholarship. Therefore, the experiences of trans scholars in these fields must be considered.

## The Current Study

### Methods

Two of the authors of this study originally conceptualized an interview-based study of trans CCJ scholars. We engaged in purposeful sampling recruitment (Bernard 2018) by reaching out to our networks via the Queer CCJ listserv, which connects queer CCJ scholars and scholars studying queer CCJ-related work. When recruitment efforts yielded only two participants,

however, we decided a collaborative effort would be more equitable and would result in better data. At that point, we decided to switch from conducting interviews to using autoethnographic methods.<sup>[Footnote4](#)</sup>

Autoethnographic methods were first conceived to study culture by those who exist within that culture (Hayano [1979](#)). As noted by Ellingson and Ellis ([2008: 449](#)), however, as time progressed, “the meanings and applications of autoethnography have evolved in a manner that makes precise definition difficult.” Despite this challenge, autoethnographic methods are generally employed to use the author’s or authors’ own experiences as data to be analyzed (Ellis and Bochner [2000](#)). Examples of autoethnography among criminologists tend to focus on the researcher's experiences as individuals being punished by the criminal processing system (e.g., Tietjen, Burnett, & Jessie [2020](#); Walker [2016](#); for a review, see Newbold et al. [2014](#)), teaching or completing research within penal institutions (e.g., Key and May [2018](#); Sutton [2011](#)), or as researchers living amongst populations targeted by the criminal processing system (see Ferrell and Hamm [1998](#)).

Using autoethnographic methods to discuss experiences within the academy may be an unusual task for criminologists. Ferrell ([2012: 220](#)) writes that, “For autoethnographers immersed in new or marginal settings, the disjunction between their status as an academic and their status in this new setting can likewise be jarring—and can likewise force open a space in which to examine critically both sorts of status and their larger meanings.” For the authors of this article, our status as academics who work within CCJ has perhaps created a disjunction of sorts with our status as transgender individuals. Therefore, we use the setting of academia to examine both statuses, engaging in autoethnographic work in order to begin a conversation about experiences common to trans scholars in CCJ, challenges they may encounter in academia, and



ways in which colleagues, departments, and universities can support them as they navigate their careers.

### **The Authors**

While we have had different experiences, we share the fact that we are transmasculine and/or nonbinary<sup>Footnote5</sup> early-career scholars working in CCJ. Allyn (they/them) is a white,<sup>Footnote6</sup> queer, nonbinary trans person living and working in the southeastern region of the US. Ash (they/them and he/him pronouns)<sup>Footnote7</sup> is a Black queer academic and organizer in the Midwestern part of the US. Brodie (he/him and they/them pronouns) is a white, bisexual, trans and sex diverse, educator and activist working in academia and within the criminal processing system in Australia. Brodie navigates his working life as a man, while also using nonbinary as a descriptor among family and friends. Jace (he/him) is a white, heterosexual, trans man working and teaching in the southern US.

We are all located in the Global North, i.e., in advanced, industrialized, colonizing countries (Dados and Connell 2012), with similar rights regimes for transgender and nonbinary individuals. Currently in the US, access to employment, gender-affirming health care, housing protections and the ability to obtain proper identification documents varies from state to state and even agency to agency (Spade 2015). This means decisions about where to study and work involve additional legal concerns about our ability to be recognized and treated according to our true genders. The situation in Australia is similar, with rights that vary by region.

Both countries have national health-care programs that include coverage for some “medically necessary” transition-related care, but private health insurance coverage is not guaranteed and typically involves significant out of pocket expenses. Properly skilled and gender-affirming physicians and surgeons are scant; 33% of respondents to the 2015 U.S.

Transgender Survey indicated they had been mistreated or abused by health-care providers within the previous year (James et al. [2016](#)). Indeed, both Jace and Brodie had to pay out of pocket for gender-affirming chest surgery—expenses which were in line with Jones and colleagues' ([2015](#)) findings that showed most Australian trans men accessing this surgery invest approximately A\$10,000. Available insurance coverage in the US requires a psychiatric diagnosis of gender dysphoria—another hindrance that pathologizes trans identity—and which some, such as Jace, avoid by paying out of pocket for hormones. In addition, access to transition-related care is particularly challenging for those living in Australia's remote areas and Aboriginal communities (Stephen 2018). In 2018, the situation appeared to be improving for Australian young people, as court approval was no longer required to access trans-related surgeries (see Kelman and Autar [2018](#); Telfer, Tollit and Feldman [2015](#)), while in 2020, in the US, the state of South Dakota debated a bill that would criminalize the provision of gender-affirming health care for trans youth (National Center for Transgender Equality [2020](#)).

### **Limitations: A Matter of Privilege**

While the four of us are transgender, we are also masculine-presenting, have accessed graduate-level education, and are employed. Three of the four of us are white. Our privileges have allowed us the ability to access employment in universities and a platform on which we can speak out about issues that trans people encounter in the criminal processing system. Even writing this article about trans scholars in CCJ is an option available to us because of our privilege, which has allowed us access into the academy and into the professional circles of critical criminology and queer criminology.

We also may not represent well other trans individuals who study CCJ: our privilege has allowed us to come out with feelings of relative safety. Individuals who do not feel safe enough to come out may have significantly disparate experiences from ours that we are unable to access for the purposes of this article. The voices and experiences of transfeminine individuals are clearly absent from this article, as none were within our networks at the time of recruitment. Given that queer criminologists have a strong network, we believe that the absence of voices and experiences of transfeminine individuals reflects more about the field of CCJ itself than on our recruitment methods. Criminal justice and criminology are conservative and traditionally masculine disciplines in which it may not be safe or comfortable for transfeminine people to be out, potentially keeping them in the closet or even preventing them from working in the field in the first place.

Before proceeding further, it might be helpful to clarify what we mean by “safe.” Throughout the remainder of this article, when we speak about our experiences of not feeling “safe” enough to come out in a given academic situation, we are sometimes speaking about job security and perceived support on campus. Job security is an important component of safety as a whole, as financial security has implications for one’s housing, health, and other aspects of well-being. Our feelings and experiences of physical safety are also explored and often are impacted by intersecting issues of sexuality and race. We wish to be clear, however, that we cannot speak to the impacts of outness and visibility on physical safety for those experiencing transmisogyny, particularly for trans women of color.

## Our Experiences in Academia

### Graduate School

Allyn, Brodie, and Ash faced similar challenges navigating the stresses that come with graduate school and producing their doctoral theses, with the added anxiety of wanting to start their transition. Although Allyn was entirely out about their sexual orientation during graduate school, they did not find graduate school to be an environment in which they felt comfortable coming out as transgender. While they started using they/them pronouns in their last year of graduate school, they did not discuss this with their professors or advisors. They did come out over social media and members of their cohort began using their pronouns as a result—although they also never discussed it during school.

Similarly to Allyn, Brodie utilized social media to start coming out as transgender to members of their cohort. As a current graduate student, Ash began many parts of their gender-affirming transitions while in graduate school. They very publicly began their transition process as both a graduate student and as an organizer within local and national communities. Over time, both Brodie and Ash decided to invite only selected members of their graduate department and university into their transitioning process, focusing on students, faculty and administrative staff with whom they had built supportive relationships and who they knew held gender-affirming politics. For Ash, this also involved specific colleagues who were also supportive of Black students and held anti-racist views. For Brodie, the support they found within their graduate department alleviated anxiety around whether affirming their gender would impact their future academic job prospects among their faculty.

Beyond finding emotional support in our graduate programs, we also discovered we needed help navigating issues of bureaucracy that can be affected by gender and name changes.

For instance, as Ash began to change his name and gender markers on many of his documents, the selective service requirement form came to his university address. Unsure of how to address it, Ash reached out to other trans, nonbinary, and gender-nonconforming students for guidance. LGBTQIA + graduate students and faculty at Ash's university have pushed the administration to support trans students and to rally behind calls for the administration to fix bureaucratic issues with name and gender marker changes, trans health care, access to gender-affirming surgeries and procedures, and gender-affirming mental health care that is available to all students receiving health care from their university.

The experiences trans students face in graduate school, particularly around transitioning on campus, are impacted greatly by those who have come before, what resources have been made available, what support networks have been established, and what bureaucratic hurdles are in place—particularly if gender-neutral options are not available. Though Ash has been able to develop a support team in their current graduate experience, similar to Brodie in his former graduate school, these teams do not represent the entire culture of their universities. A lack of full-time academic scholars who are transgender can have an impact on whether one feels “this is possible”—representation matters. And when representation is missing, support to *become* that representation is vital.

### **Job Market**

Allyn has successfully gone on the market in multiple years. Allyn began using they/them pronouns and identifying as nonbinary shortly before they went on the market for the first time; despite this, they were not out about their identity as a nonbinary person, nor about their pronouns, during any of their job market experiences, because they were afraid that being

nonbinary might count against them depending on the university, department, or hiring committee. Their strategy was to conceal their nonbinary identity, in the hopes that this would help them receive a job.

In contrast, Jace aimed to obtain a job in an affirming department. He interviewed for his first tenure-track position in 2014, openly identifying as genderqueer, and discussed his LGBTQ-focused research agenda, although he was, at that time, still using the traditionally female name and pronouns given by his parents. He assumed that being offered the position meant the department was ready and willing to have an openly queer faculty member with a critical, queer criminological focus. The department seemed fairly diverse for a criminal justice department, with both women and racial/ethnic minorities represented on the faculty, including an out lesbian. So, he took the job and, indeed, Jace has numerous colleagues and administrators who have been and continue to be accepting and supportive.

Like Jace, Brodie was out on the job market. His gender marker at his university has been recorded as “other” since 2015, when he was still a graduate student, and he is visible and out as transgender on campus. Brodie has been continuously offered postdoctoral teaching and research opportunities on a sessional and casual basis within his faculty and has been met with a culture of support in finding full-time academic work. Brodie identifies as nonbinary on the academic job market in online applications, if a third option is available. In 2017, Brodie took up a part-time position in a non-profit organization in the domestic violence sector, which later became a full-time position in 2020. Brodie continues to engage in casual academic research and teaching.

Several aspects of the process added anxieties for us above and beyond what a cisgender candidate may face on the job market. Applications to schools usually have an equal opportunity

disclosure form where the applicant is asked to check off whether their gender is “male” or “female.” For nonbinary academics, it is disheartening to have to self-select into either “male” or “female” when neither is correct. Some schools do have an “other” or “prefer not to say” category. Allyn and Brodie appreciated seeing “other” categories and it made them feel more safe applying for those positions as a result. For each of them, however, this creates additional anxiety, as it feels like a double-edged sword: the “other” box immediately outs them as transgender, whereas binary trans people have no chance of facing transphobia in the shortlisting process based solely on what box they tick. Decisions about pronoun use in applications extend to recommendation letters as well, especially when some referees know our pronouns and others do not.

On academic interviews, Jace and Allyn each wore clothing that matched their gender identity—suits cut in styles traditionally made for men. Although this style makes them feel most comfortable, it brought on insecurities: they wondered if they would be judged for their masculine presentations. For Allyn and Jace, their discomfort regarding dress and pronoun usage was on top of explaining their queer criminological research agendas to potential colleagues who may have seen them as irrelevant, fringe, or controversial, adding to their anxieties.

### **Interactions with Colleagues**

Upon accepting a position, trans academics face another set of unique challenges. Allyn struggled with deciding when to disclose their gender identity to colleagues. In multiple positions, they told colleagues selectively, staying closeted about their gender from colleagues who were less queer-affirming in other ways (for instance, from a colleague who had pointedly and repeatedly referred to Allyn’s partner as their “friend”), or from administrators or staff with

whom conversations about their gender may have been more awkward or could have made Allyn seem “difficult.” While Allyn spent time hiding their gender from colleagues, Jace, Brodie and Ash were more consistently open about their gender.

Jace chose to be public about social transition, sending out a mass email with the support of the dean, announcing a name change and briefly describing their genderqueer identity. Two years later, when medically and legally transitioning, he chose to reveal details to only a few trusted friends and supervisors who needed to know. For the most part, the effects of hormone replacement therapy and changing pronouns on his email signature have been sufficient to signal to colleagues that he is a trans man.

Another common challenge we encountered was being misgendered. Misgendering is a common experience for transgender people and it happens everywhere, including the workplace. Allyn uses they/them pronouns and Jace and Brodie used these pronouns for a few years, but while using them, all three were misgendered, even by well-intentioned allies. All three informed their students about their pronouns on the first day of class and, for Jace and Allyn, their pronouns were noted on copies of their course syllabus. Their colleagues would learn in a variety of ways, some through word of mouth, some by noticing their pronouns in their email signatures, and some would hear pronouns during introductions at a committee meeting or workshop presentation. Regardless, it was rare for faculty to remember, or choose to use, they/them pronouns for them. When Jace and Brodie used they/them pronouns, they were constantly referred to as “she,” which brought up feelings of anxiety, discomfort and embarrassment. As Allyn continues to use they/them pronouns, they still face these challenges. Jace noted in conversation between the four of us, “It’s hard to explain the distress and dissonance one feels



when misgendered and how it sends shockwaves through the system that disrupt your mental and emotional state.” Despite feeling invisible when being misgendered, not wanting to come across as “difficult” was a common feeling among us, especially pre-tenure or in non-tenure-track positions. Therefore, Jace, Brodie, and Allyn rarely felt comfortable correcting their colleagues and usually stayed silent.

While those of us who used they/them pronouns frequently encountered misgendering, both Jace and Brodie found that when they began using he/him pronouns, these were more widely used and accepted by others than when they had used gender-neutral pronouns. The use of “male” pronouns enables others to follow their preconceived understanding of an “FTM” transition that is more broadly understood than those transitioning to a nonbinary identity. After their voices deepened, both Jace and Brodie were more readily assumed to be male.

For those who continue to use they/them pronouns, we have found some help from allied colleagues. Allyn recently started a new position and before starting there, some colleagues who knew about their name and pronouns at that university began spreading the word throughout their department, which made Allyn feel more comfortable and welcomed. Knowing that some colleagues knew their gender and were advocating for other faculty there to get on board has meant a lot to them and eased their transition into the department. In addition, both Allyn and Brodie utilized support from colleagues, who educated administrators about their pronouns so that they did not have to have uncomfortable conversations with more senior-level individuals.

### **Safety on Campus**

As trans CCJ scholars, we have found that we have a unique perspective regarding issues of safety on campus because we are often researching and teaching issues faced by broader trans

populations, while experiencing forms of victimization and criminalization ourselves. In the conversations that unfolded as we developed this piece, we learned that three of the four of us encountered concerns around physical safety on campus, particularly around the use of bathrooms prior to medically transitioning. With limited gender-neutral bathrooms on campus, trans academics and students have to choose the bathroom that best aligns with their gender or offers the greatest sense of safety—which are not always the same space. Jace has experienced few threats to physical safety since his medical transition, but prior to it, during his years of genderqueer and androgynous appearance, he did have issues and concerns about using campus restrooms or locker rooms. Twice, female custodians cleaning restrooms attempted to prevent him from entering, and once he was followed down the hall and yelled at by an unknown woman. All of these occurred in his own place of work—only yards from his office. In addition, while attending the Annual Meeting of the American Society of Criminology (ASC) in Atlanta, Georgia, in 2013, a female custodian started yelling for security when he entered a completely empty restroom. Jace still has a great deal of anxiety about using public restrooms, but his colleagues have never questioned him or made him feel uncomfortable. Similarly, Brodie's feelings of anxiety when using men's restrooms subsided significantly since taking medical and surgical steps to affirm his gender. This still exists as an underlying concern, however, when he navigates male-occupied spaces.

On Ash's campus, accessible restrooms, especially ones that can be used by people with disabilities, are not plentiful. Before choosing to medicalize their transition, Ash usually chose to wait to use the restroom until they were home because they were not sure which restroom to use on campus, and the gender-neutral bathrooms were too far out of the way—only on odd-numbered floors, for example. More recently, they have chosen to use the men's bathroom some

of the time and mostly still try to wait until they are at home or in a place where there is a single-stall restroom. Jace practiced the same avoidance of public facilities for several years prior to his medical transition.

In addition, while there have been pockets of comfort, Ash has not felt safe overall on campus as a Black trans person. More and more, campus security and campus police across the US are both autonomous and connected to larger law enforcement agencies (Paoline and Sloan 2003), especially in major cities. As we continue to live in times of heightened violence for Black trans people and other trans people of color (as well as for BIPOC, more broadly), a college campus with both university- and city-level police presence thoroughly impacts how Ash navigates the campus. In one particular instance of working late on campus, Ash was asked by campus security who they were and if they had a reason to be on campus, when they were leaving their own office. In addition, his campus sends out “alerts” via email, text message, and social media, when an act or perceived act of harm and violence occurs on campus. Most of the time, the accused person described in these “alerts” is an ominous “Black male in a hoodie.” These “alerts” signal to Black students—and to Ash, in particular, who is post-medicalizing his transition—that campus police and local police are constantly on the hunt for Black people around campus. With this in mind, the campus setting has become a place of surveillance and policing, not a place of safety.

In contrast, as a white, transmasculine person, Brodie often feels more safe since transitioning compared to being perceived as a woman on campus, especially at night hours. Navigating the campus while being perceived as a white man has afforded Brodie a level of privilege not experienced by trans women due to transmisogyny, nor Black trans men due to

racism. That said, he now fears for his physical and emotional safety due to the homophobia directed at gay men—especially while in the company of his cisgender male partner, as together they are perceived as a male same-sex couple. He felt this heavily during the Australian Marriage Law Postal Survey under debate in 2017. Brodie and Ash’s experiences therefore speak to how feelings of safety and the experiences of victimization are impacted by challenges of intersecting identities.

Trans academics also have to deal with threats to their emotional and mental health due to transphobic harassment or discrimination in academia. One space in which this may occur is through student evaluations. Brodie notes how there is often an assumption from individual students that his school demands left-leaning, progressive attitudes and ideas to succeed as a CCJ student. Feedback from individual students in student surveys may express counter-attitudes, particularly around content related to transgender people and communities. For example, Brodie notes that the statement, “there are only two genders,” has appeared on student evaluations. Allyn, Jace and Brodie have also faced being misgendered in student evaluations, despite advising students of their correct pronouns. Experiences such as these can have an impact on emotional safety and also have an impact on financial security, if student evaluations are to be provided in academic job or promotion applications.

If administrators hold transphobic views, the safety of faculty is further compromised. For instance, holding such views is not typically considered a conflict of interest for interviewers if the candidate is transgender, and a trans candidate would understandably feel unsafe challenging such views while in a job interview. In Brodie’s not-for-profit sector role, if a colleague shares their transphobic views with Brodie and calls Brodie a woman, Brodie would be

able to raise the issue with their human resources department. In academia, however, a superior could publish an article reinforcing the same transphobic views<sup>Footnote8</sup> and there is nothing a trans academic can do in terms of discrimination and harassment in this “exchange of ideas.”

Dealing with transphobic harassment has also become the norm when dealing with trans discourses in social media—and there is pressure on us all to have Twitter accounts to promote our research and build collaborative networks. Upon the publication of one of Allyn’s articles, people reacted on Twitter by discussing their gender, with commentators noting and retweeting, “What an enormous shock, the author of this paper uses ‘they/them’ pronouns.” Dealing with public transphobia becomes a unique challenge to trans scholars who must decide whether to address these comments head-on or avoid them by being less publicly accessible. Avoidance can result in missed opportunities to find employment, network, share publications, and develop professionally. And while some of these challenges online are likely experienced by trans scholars from all disciplines, it is a particularly tiring experience for CCJ trans scholars who become targets of online harassment and hate speech as a result of publishing research specifically on these types of injustices faced by trans people.

## **Teaching**

A popular phrase among educators that is supported and furthered by pedagogies of the oppressed and privileged is that teaching is a political act (see, e.g., Case [2013](#)). Simply standing in front of a classroom as a transgender person, particularly in locales that do not provide employment protections for LGBTQIA + individuals, is a political act. Yet, issues concerning gender and sexuality arise in every class we teach, especially elective courses on hate crimes, sex crimes, or victimology. But even when teaching criminology, policing, or research methods,

Allyn and Jace make a point of selecting textbooks and articles that discuss, for example, LGBTQIA + officers, queer criminology or the measurement of gender.

Our names and pronouns are, of course, also an issue in the classroom. For an entire year, Jace had to explain to students that the name that appeared on the schedule and in the online course was not his real name. He began each semester by providing the correct name and pronouns and coming out as genderqueer, but he continued to get a mix of “he” and “she,” “sir” and “ma’am”—even *after* his name was updated in all the university systems. Pronouns were added to copies of his syllabus and to his email signature, as well, but students seemed not to notice or understand its importance. After medically transitioning and using male pronouns, however, misgendering appears to have ceased.

Ash also had similar experiences in the classroom. There were some students, usually those who outed themselves as queer, who would use the correct name and pronouns for him. In an act of solidarity, those same students would even correct other students at times. Many students, however, still used the name and pronouns that Ash did not prefer. To try to mitigate this, he used several tactics. One tactic was that he would only ever go by his last name in class and ignore any first name references, noting that it was a reference to his years playing sports and having his last name on a jersey: this seemed easiest for students to remember and felt most comfortable for him. Similarly to Jace, Ash has also experienced less perceived misgendering since deciding to medicalize his transition. Students now say they “get it” because he/him pronouns make more sense to them with Ash’s most dominant gender expression, though his gender identity is much more fluid.

After disclosing his trans identity in a tutorial in order to unpack the issue of the binary and cisnormative experience of the prison system, Brodie had a student address him while walking after class with a pointed “thanks, ma’am.” He shared this deliberate misgendering with peers afterward, including the Unit Coordinator,<sup>Footnote9</sup> who offered to have the student change classes to a different tutor. Brodie did not pursue this option, thinking there was still an opportunity for this student to learn. This raises questions of how our gender identities—and our choice to be out and relate the criminal justice issues in unit material to our own lives—can impact the learning experience for students both positively and negatively. Brodie’s experience with students improved greatly after his voice deepened and he started using he/him pronouns more exclusively, with misgendering also greatly reduced in end-of-semester student evaluations. The stress he felt when having lectures recorded greatly subsided when the audio recordings were gender-affirming. For Brodie, the fact that overall feedback from students in student evaluations has improved since being read as male may speak to potential biases from students (see Chávez and Mitchell 2019) and/or an increase in confidence improving his teaching delivery.

Before beginning to collaborate on this article, Allyn had chosen not to come out to students at the beginning of their courses. Despite an interest in starting their classes with a pronoun circle, Allyn had been self-conscious about it, wondering if their interest in it was for their students’ benefit or for their own. After talking with their trans colleagues at the beginning of collaborating on this article, however, Allyn began telling students about their gender and pronouns at the beginning of their classes. Talking to other trans faculty made them realize that it is worthwhile to prioritize their own comfort in the classroom when it comes to their identity. It is also important to model appropriate ways of addressing transgender people. These are mostly

future practitioners in the criminal processing system, who must become comfortable when speaking to and about trans people.

## Scholarship

We have all felt that our gender identities affect the topics we have chosen to study and write about, as well as the likelihood of being misgendered by editors. Jace and Allyn both felt drawn to trans and queer issues. As Jace put it in conversation with our group, “If I don’t do queer work, who will? How many allies do we have who care to do research on these subjects, or who make sure students learn about them? Who cares more, who is more qualified?” Allyn feels similarly: writing about issues faced by trans individuals in the criminal processing system is a passion that they are certain is, at least in part, due to their gender identity. While Jace and Allyn cannot speak on behalf of trans women of color who have been victimized and are overrepresented in the criminal processing system, they do have a shared degree of Otherness that is not shared by cisgender individuals.

While Jace and Allyn have been drawn toward specific subjects as a result of being trans, Brodie has felt pushed away from certain subjects. The subject of his honors<sup>Footnote10</sup> thesis was the criminalization of those who terminate a pregnancy and the stigma they experience as it related to a particular legal case in Australia in 2010. In Australia, certainly amongst feminists, the overall consensus is that if you are a man, you should not be leading the fight for abortion rights. Being perceived as a man, therefore, has made Brodie feel less comfortable participating in academic conversations about abortion. A common phrase among activists for abortions rights is “no uterus, no say.” If transgender men reply, “I have a uterus,” they out themselves as transgender, potentially resulting in feelings of discomfort and dysphoria.<sup>Footnote11</sup> In addition,



due to their sex variation, Brodie is infertile. When it came time to decide on a topic for his doctoral thesis, Brodie took the opportunity to focus on a different criminal justice issue. He still believes it is important for trans and intersex individuals to have a discussion about bodily autonomy, including when it pertains to reproductive rights, but as a transmasculine individual, Brodie prefers to amplify the voices of *women* in the conversation.

Our trans identities have also been a factor in the publishing process. All four of us have at one point or another used they/them pronouns. We have all sent in bios for publications using gender-neutral pronouns and had them changed by editors without approval or verification. Brodie was able to note this when they were sent page proofs, but Jace and Allyn had their pronouns changed and published without their knowledge. Jace and Allyn were fortunate to have colleagues who spoke up for them; as a result, the editor made changes on the electronic version of the publication and the publisher promised to change their policies to ask for author pronouns upon submission of work. The lack of awareness of these editors speaks to a larger problem of publication bias within the field, however. As Panfil (2018) has noted, many queer criminologists have been told that the topics of their queer scholarship are unpublishable. This may be due to editors overlooking the existence and importance of queer people.

### **Emotional Labor**

For most of us, considerable emotional labor has been spent educating others about trans issues in a number of capacities. This ranged from individual conversations with colleagues and students to committee work and work with agencies. Individual conversations often involved discussions around pronoun use. Allyn and Brodie, for instance, noted that when coming out to others about using they/them pronouns, people tend to give unsolicited opinions about the

grammar involved, which can be an uncomfortable conversation. While we would like to avoid these conversations, we frequently engage in them to educate, so that future trans students and colleagues may not have to do so.

Beyond the emotional labor of educating colleagues via coming out ourselves, we have been involved in educating others through committee work and speaking opportunities. Allyn and Brodie have been asked and have agreed to serve on multiple committees to amplify LGBTQIA + issues and to promote diversity in their departments/colleges more broadly. Similarly, in 2019, Brodie had the opportunity to be a part of a panel as part of his university's Pride Month activities, titled "Pronouns: A Conversation." While these opportunities have generally been positive experiences, they involve coming out to additional staff and can come with the emotional labor of discussing their personal experiences of being gender and/or sex diverse. In 2020, Brodie also had the opportunity to engage with workers in the wider domestic violence sector, having been a keynote speaker and presenter on LGBTQIA + diversity and inclusion. The presentation involved speaking to lived experiences drawing on his personal identity and professional experience working with perpetrators and coordinating programs in this space. While there was some unease in sharing personal details to a wider audience, this was a positive experience with an audience interested in learning and wanting to improve their practice to support LGBTQIA + victims of violence.

Jace has also sought to use his personal identity and professional expertise to support and assist the efforts of faculty, staff and students on his campus, through workshops, presentations, and as a faculty advisor for a potential new trans student support group. In addition, Jace had the opportunity to engage with criminal justice agencies, having been a co-instructor for a major city

police department's mandatory in-service training on Trans 101. The trainings were developed by the department and an LGBTQ organization in the state, so Jace had no control over the content. He gave twenty-one presentations to approximately 3000 officers in which he was required to out himself and discuss his personal life and transition process, an act of considerable emotional labor each time. Jace did not enjoy discussing private issues in a room full of strangers, but only transgender people are experts on our lives and the additional privileged status of a PhD who teaches CCJ made him ideal for the task. There were some issues in the first few months with officers, even command staff, who would argue with the instructors or ask inappropriate questions. But after the influence and insertion of a new LGBTQ liaison officer as co-instructor, the trainings were re-organized and began to go much more smoothly. There were frequently officers who would approach Jace during breaks to offer support, apologize on behalf of older officers, ask for advice, or thank him for sharing his story. While the experience was challenging and some days left him drained and unable to complete any other work, Jace is proud to have been part of such important police training.

Some of the aforementioned service activities we have engaged in involve being placed in roles that may typically be reserved for more senior faculty. While we have been proud to engage in this work and agree that we are well-suited to these positions, service is often devalued within academia and marginalized groups are frequently pulled away from research by extensive service assignments (Baez 2000; Misra et al. 2011). Trans academics are no exception to this rule, which can have implications for tenure and promotion; being able to carve out research time is important for all of our tenure, promotion, and job market concerns. In addition, these service roles are often voluntary and unpaid for casual academics, yet frequently included in selection criteria for full-time academic positions.

## Discussion and Conclusions

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There were several themes that were common throughout all of our narratives. We all saw advantages to being trans, particularly in our scholarship and in our expertise, that we could provide to our universities and to criminal justice agencies: we are able to teach others about best practices when working with trans populations. We also saw, however, commonalities in terms of the challenges we experienced due to our trans identities. The challenges we encountered often affected us emotionally. While these challenges may be seen by some as small, “affect theorists,” such as Cvetkovich (2012), provide some insight on why these challenges have struck us as so important; when the emotional effects of the challenges we encounter are taken seriously, they can be used as catalysts for change.

Misgendering came up for us in the areas of academia that we focused on, from experiences on the job market, to interactions with colleagues and students, and even in scholarship. We had different reactions to this, but it was invalidating for all of us, leaving us feeling anxious, awkward, frustrated and uncomfortable. Importantly, however, misgendering was not the only challenge we faced. We worried about how others saw us, in terms of our gender and in terms of difficulty. We worried about our job security and whether being transgender would make us less hireable in the first place. And we worried about our physical safety, especially in terms of our access to gendered facilities and, in Ash’s case, in the context of being a Black masculine person on a heavily surveilled university campus.

Much of the discomfort we experienced was based on a general uncertainty about how to navigate academia as a trans person. One of the most challenging things about being a trans academic is that there is often no one to go to for advice: there is no one else leading the way.

None of us had out, professional trans academics to serve as role models in our graduate programs. In fact, these were really the first conversations we had engaged in with other trans scholars about the trans academic experience.

## **Recommendations**

Based on our collective and personal experience, we offer guidelines and suggest resources for other trans scholars and for cisgender faculty and administrative allies.

Advice for trans academics: as the authors of this article wrote together, we found commonalities through discussions that validated our own experiences and we also found suggestions from one another that helped us in our own work. To that end, we want to stress to trans students, scholars, and educators that you are not alone. If you are a trans individual adjusting to work within the academy, we recommend seeking out other trans individuals in academic spaces. If you find yourself to be the sole trans person in your school or workplace, there are trans and queer-identified faculty, mentors, and peers available elsewhere to support you. Social media groups exist to connect transgender faculty and students: as of this writing, the Facebook group “Trans PhD Network” connects trans and gender-nonconforming individuals who are in, or have completed, graduate programs. Another Facebook group called “Trans Academics” connects trans and gender-diverse researchers. For trans scholars working in CCJ, in particular, the Queer CCJ listserv provides connections and can be joined by contacting [queerccj-request@asu.edu](mailto:queerccj-request@asu.edu). Queer criminology is a developing subfield within criminological work: a concerted effort to organize queer criminology panels at the annual ASC Conference began in 2013, bringing together both researchers who study queer issues and queer individuals involved

in criminological and criminal justice research. Members of this subfield have developed the new ASC Division on Queer Criminology.

We also found support from cisgender colleagues who were allies. Therefore, we offer a list of recommendations for allies to provide a starting point for conversations between trans academics and allied, cisgender associates.

Recommendations for cisgender faculty and administration: ask pronouns early—especially if you are on a hiring committee. Ask pronouns in advance of interviews; it sends a clear message to candidates that you respect trans identities. This also applies to editors of journals and edited volumes: add a section for pronouns to requested author information. Normalize the asking of pronouns by providing your own as well; for instance, in your email signature and at the top of your course syllabus and curriculum vitae.

In addition, please respect the pronoun choices and names of your colleagues. While it may feel uncomfortable to use pronouns that are unfamiliar to you, such as gender-neutral pronouns like they/them for a single individual, it is noticeable when you avoid using them and it will get easier with practice. If you make a mistake, the best thing to do is to correct yourself (or accept the correction from someone else), apologize or thank the person who corrected you, and move on with the conversation. Do not belabor it or make a scene that may embarrass us.

Be an active ally. While participating in trainings and placing Safe Zone or HRC stickers on an office door can be a comforting symbol and message for trans students, it is not a guarantee of allyship (Devita and Anders [2018](#)). To be an ally means to *educate oneself* rather than placing that burden upon trans individuals. To be an ally in the classroom means to affirm

the relevance and importance of trans experiences by incorporating them into course objectives and lesson plans. Issues concerning gender and sexual orientation, LGBTQIA + rights, and patriarchal gender norms should all be included in criminal justice curricula (Miller and Kim 2012). This can also take the form of encouraging your department or college/university to feature the work of trans scholars. And, perhaps most importantly, it means speaking up and using your position of cisgender privilege to advocate for trans students and colleagues. If you hear someone misgendering a trans student or colleague, correct them; this removes some of the social burden and anxiety of transition from trans people. When working as editors or reviewers for journals and other publications, ask each author for their pronouns to ensure that they are not misgendered in your publications and ensure that reviewers for trans-related work are appropriately versed in the subject area.

Being an ally to trans people means being an ally to Black trans people and other trans people of color. Often when accounting for LGBTQIA + issues, however, the experiences and needs of Black and other POC members of the community are left out of the conversation. As the differences between Ash's narrative and the narratives of the other authors indicate, Black trans people face particular issues that are not experienced by others—particularly issues of safety and criminalization that Black populations encounter all too often (e.g., Alexander 2010; Morris 2016; Muhammad 2019). To that end, when seeking out trans representation or trans expertise, be aware of whose voices in particular you are seeking: the experiences of Black trans people, and other trans people of color, matter.

Finally, for administrators seeking to support transgender staff and faculty, there are other resources regarding inclusive policy and procedure that you can access and share, such as the

Human Rights Campaign Foundation's (2016) transgender toolkit for employers. This toolkit provides information about best practices for issues, such as access to facilities, dress codes, record-keeping, and restroom policies, all of which can greatly impact transgender employees. Administrators should ensure that their campus offers education, programming, and support services for trans individuals; should improve policies and procedures for the reporting of gender, name and pronouns in university systems; should foster inclusivity in hiring and recruitment; should make structural changes to sex-segregated facilities; and should enforce accountability (Seelman 2014; Tierney 1997). People in administrative positions should also prioritize supporting trans faculty members if and when issues surrounding their gender arise in the classroom and should strategize to equitably account for their added emotional labor in the tenure and promotion process.

The above steps are only the beginning in terms of making CCJ fields more welcoming for trans scholars. Allies are needed not only to take these steps, but to foster a climate that encourages familiarity with the needs of trans faculty members throughout university systems, including in departments, administrations and even among publishers. Ultimately, we hope to see change that starts from within universities and extends into broader society, through the students we teach and those with whom they interact. Given the future work in which students in CCJ will engage, supporting trans faculty in these fields has an impact far beyond our ivory towers.

## Notes

1. Throughout this article, we use “transgender” and “trans” interchangeably to indicate both binary and nonbinary individuals whose gender does not match the one they were assigned at birth.



2. Throughout this article, we use “LGBTQIA +” to refer to lesbian, gay, bisexual, transgender, queer, intersex, asexual and other marginalized identities related to sexuality and/or gender modality. Occasionally, however, we switch to other acronyms (e.g., LGBTQ) when discussing scholarship or organizations focused on a specific subset of these identities.
3. We use the phrase, “criminal processing system,” rather than “criminal justice system,” to convey the lack of justice in our legal system—a system designed to punish those we label “criminal” rather than heal and transform communities.
4. Upon switching to an autoethnographic study, we started by using the interview-based data we had assembled originally to create a framework and then each of us added our own experiences. Author order was agreed upon based on individual time spent on this article.
5. We use these terms to group together the four authors, who identify more toward the “center” or the “masculine end” of the gender spectrum. We also use this term to denote that our experiences are different from transfeminine individuals, who are subject to transmisogyny on top of transphobia.
6. Throughout this article, we capitalize “Black,” but not “white,” following the example of BIPOC (Black, Indigenous and people of color) communities. This choice is, in part, to recognize a shared history of discrimination experienced by Black individuals, which is not shared by white people.
7. While different people’s usage of multiple pronouns can vary, Ash and Brodie use different pronouns throughout this article to refer to themselves. As they are comfortable with both pronouns and they use them interchangeably.
8. In order not to inflate the citation count of transphobic work, we have decided not to cite examples. For those curious about work regarding transphobic views, however, a search for the term “gender critical” will provide plenty, including a lengthy 2020 article in *Feminist Criminology*.
9. A Unit Coordinator is an academic leader in Australian universities responsible for the development of an individual learning and teaching unit and overseeing its delivery, including coordinating teaching staff for the unit. Depending on the size of the unit, they may also be the unit’s Lecturer.
10. An honor’s degree is a one- or two-year research program in Australia, usually representing the highest level of training in an undergraduate degree. It is also often considered postgraduate, as it is obtained as a separate qualification to the pass degree (Graduate Careers Australia [2016](#)).
11. Further complicating this issue, research produced by people with marginalized identities about people with marginalized identities is often trivialized, considered self-serving and dismissed as “mesearch,” (e.g., Buchanan [2020](#)). We, too, have heard this feedback and we have found ourselves being required to justify engaging in this work.

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## APPENDICES

### Appendix A

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ash stephens

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Take Care,  
Sarah



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122. Westbrook, Laurel (2021). *Unlivable Lives: Violence and Identity in Transgender Activism*. University of California Press.
123. Whitlock, K., & Bronski, M. (2015). *Considering hate: violence, goodness, and justice in American culture and politics* . Beacon Press.
124. Wilcox, L. B. (2015). *Bodies of violence : theorizing embodied subjects in international relations* . Oxford University Press.
125. Willse, C. (2015). *The value of homelessness : managing surplus life in the United States* . University of Minnesota Press.
126. Woods, J. B. “‘Queering Criminology’: Overview of the State of the Field.” *Handbook of LGBT Communities, Crime, and Justice*, Springer New York, 2013, pp. 15–41,  
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- a. "Queer Contestations and the Future of a Critical 'Queer' Criminology." *Critical Criminology (Richmond, B.C.)*, vol. 22, no. 1, Springer Netherlands, 2013, pp. 5–19, doi:10.1007/s10612-013-9222-3.
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  128. Vigneswaran, D. (2013). *Territory, Migration and the Evolution of the International System*. Palgrave Macmillan.
  129. Vitulli, E. W. (2013). Queering the Carceral: Intersecting Queer/Trans Studies and Critical Prison Studies. *GLQ*, 19(1), 111–123. <https://doi.org/10.1215/10642684-1729563>
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## VITA

- NAME:** Ash Stephens
- EDUCATION:** B.S. in Criminal Justice, Georgia State University, Atlanta, Georgia, 2011
- M.A. in Criminology, Law and Justice, University of Illinois at Chicago, Chicago, Illinois, 2013
- Ph.D. in Criminology, Law and Justice, University of Illinois at Chicago, Chicago, IL 2021
- HONORS:** Social Justice Award, Department of Criminology, Law, and Justice, University of Illinois at Chicago, Chicago, Illinois, 2021
- Chicago Bar Association Criminal Justice Graduate Student Award, Department of Criminology, Law, and Justice, University of Illinois at Chicago, Chicago, IL, 2018
- Grace Holt Memorial Award, Department of Black Studies, University of Illinois at Chicago, Chicago, Illinois, 2016
- Department of Criminology, Law, and Justice Service Award, University of Illinois at Chicago, Chicago, Illinois, 2014
- Kegan Student Travel Award, Gender and Women's Studies Program, University of Illinois at Chicago, Chicago, Illinois, 2014

## PUBLICATIONS

### Academic Publications

Walker, Allyn, Jace Valcore, Brodie Evans, and **Ash Stephens**. (2021) Experiences of Trans Scholars in Criminology and Criminal Justice. *Critical Criminology*.  
<https://link.springer.com/article/10.1007/s10612-021-09561-5>

### Articles in Preparation

**Stephens, Ash**, Susila Gurusami, Alana Gunn, and Beth E. Richie. "Disciplinary Progress as Fraudulence? An Abolition Feminism Argument Against Professionalization and Inclusion". In preparation for *The Journal of Qualitative Criminal Justice and Criminology*.

Stephens, Ash. "What's In That Trans Person's Luggage? Critical Ethnographic Criminology, Anti-Blackness, and Airport Security". In preparation for *The Journal of Qualitative Criminal Justice and Criminology*.

Stephens, Ash. “No Selves to Defend: Abolition as Praxis in Black Feminist Defense Committees”. In preparation for *Abolition: A Journal of Insurgent Politics*.

### Public-facing Publications

- 2020 Author, “Telling Cops to Get Criminal Justice Degrees Won’t End Police Violence.” InTheseTimes.com. June 30. <http://inthesetimes.com/article/22634/telling-cops-to-get-criminal-justice-degrees-wont-end-police-violence>
- 2020 Author, “Reclaim Pride by Defunding the Police.” Advocate.com. June 12. <https://www.advocate.com/commentary/2020/6/12/reclaim-pride-defunding-police>
- 2020 Author, “Black Trans Men Face a Constant Threat of Police Violence.” Advocate.com. May 28. <https://www.advocate.com/commentary/2020/5/28/black-trans-men-face-constant-threat-police-violence>
- 2017 Contributing Author, “#SurvivedAndPunished: Survivor Defense as Abolitionist Praxis,” Survived and Punished and Love and Project. <http://www.survivedandpunished.org/uploads/2/4/9/8/24987034/survived-and-punished-toolkit.pdf>
- 2017 Contributing Author, “Transformative Bail Reform: a Popular Education Curriculum,” Brooklyn Community Bail Fund, Color of Change, the Movement for Black Lives, Law for Black Lives, Project NIA, and Southerners on New Ground (SONG). <https://survivedandpunished.org/defense-campaign-toolkit/>
- 2014 “Social Media and Marissa Alexander: Freedom Mobilization and Victim-Blaming.” *Truthout*. October 23. <http://www.truth-out.org/news/item/27005-social-media-victim-blaming-and-mobilizing-for-marissa-alexander>

### RELEVANT RESEARCH EXPERIENCE

- 2021 *Graduate Assistant*. Department of Criminology, Law and Justice. University of Illinois at Chicago, Chicago, IL.  
Supervisor: Department Head, Dr. Beth E. Richie
- 2015 *Graduate Research Assistant*. Institute for Research on Race and Public Policy, University of Illinois at Chicago and Cook County Central Bond Court, Chicago, IL. Principal Investigator: Dr. Beth E. Richie
- 2014-2015 *Graduate Assistant*. Department of Criminology, Law and Justice. University of Illinois at Chicago, Chicago, IL.  
Supervisor: Department Head, Dr. Lisa Frohmann

## RESEARCH INTERESTS

Critical Race Theory	Gender-Based Violence	Feminist/Queer Criminology
Surveillance Studies	Policing & Pretrial Incarceration	Critical Carceral Studies

## TEACHING EXPERIENCE

### Teaching Assistant

Fall 2020	Critical Criminology: Rehabilitation, Therapeutic Justice, and Alternatives to Incarceration. Department of Criminology, Law and Justice, University of Illinois at Chicago.
Spring 2016 & Fall 2015	Introduction to African American Studies. Department of Black Studies (formerly known as Department of African American Studies), University of Illinois at Chicago.
Spring 2015 & Fall 2014	Global Perspectives on Women and Gender. Department of Gender and Women's Studies, University of Illinois at Chicago.
Spring 2014	Crime and Society. Department of Criminology, Law and Justice, University of Illinois at Chicago.
Fall 2013, Spring 2013, & Fall 2012	Law and Society. Department of Criminology, Law and Justice, University of Illinois at Chicago.
Spring 2012	Violence in Society. Department of Criminology, Law and Justice, University of Illinois at Chicago.

## PROFESSIONAL CONFERENCE PARTICIPATION

### Keynotes

- 2021 “Defunding Police on College Campuses: Current Organizing and Future Possibilities,” 2021 Chair and Director Meeting (closed meeting), WGSS Moving Forward: Lessons Learned During the Pandemic Year, National Women's Studies Association. Virtual. March 26.

### Paper Presentations

- 2016 “Black Trans Lives: Resistance and Activism During the Summer of ‘Marriage Equality’,” Transgender Studies Initiative - 2016 Trans\*studies: an International

Transdisciplinary Conference on Gender, Embodiment, and Sexuality. Tucson, AZ. September 7-10.

- 2016 "Black Lives Matter: Race, Gender, and State Sanctioned Violence," American Sociological Association (ASA). Seattle, WA. August 19-23.
- 2015 "Gender Swag: The Queer Politics of Gender, Race, and Space," American Society of Criminology (ASC). Washington, D.C. November 18-21.
- 2014 "The Penal Gaze: Institutional Tourism and Museums," American Society of Criminology (ASC). San Francisco, CA. November 19-22.
- 2013 "Gender Swag: Gender 'Passing,' Public/Communal Space, and the Criminalization of Trans People," International Crime, Media, and Popular Culture Studies Conference. Terre Haute, IN. September 23- 25. Co-presenter.

### **Roundtables**

- 2020 Roundtable Discussant: "Queering Research Methods Without Queer Subjects," American Society of Criminology (ASC) Washington, D.C. November 18-21. Conference cancelled due to COVID-19.
- 2020 Roundtable Discussant: "Part One: Empire at Home is Empire Abroad: On Transnational Feminist and Queer Resistance," National Women's Studies Association (ASC) Minneapolis, MN. November 12-15. Conference cancelled due to COVID-19.
- 2017 Panelist: "Beth Richie's Pedagogy of Dissent: Scholarship and Activism Towards a World Without Violence," American Studies Association (ASA). Chicago, IL. November 9-12.
- 2017 Roundtable Discussant: "Teaching Justice During the Trump Era," American Society of Criminology (ASC). Philadelphia, PA. November 15-18.
- 2017 Dissertation Symposium, Department of Sociology, University of Chicago. Chicago, IL. May 5.

### **Poster Presentation**

- 2013 "The Sound of Crime: Cultural Identity in Brazil and South Africa," American Society of Criminology (ASC). Atlanta, GA. November 20-23.

### **PROFESSIONAL MEMBERSHIPS/AFFILIATIONS**

American Society of Criminology (ASC), Member  
 Division on Queer Criminology, American Society of Criminology (ASC), Member.



Division on Critical Criminology & Social Justice, American Society of Criminology (ASC), Member.

Division on People of Color and Crime, American Society of Criminology (ASC), Member.

American Sociology Association (ASA), Member

National Women's Studies Association (NWSA), Member

## **UNIVERSITY INVITED PRESENTATIONS**

### **Keynotes**

2021 Co-Keynote Speaker, Lavender Graduation, Gender and Sexuality Center, University of Illinois at Chicago. Virtual. May 7.

### **Presentations**

2021 Discussant, "Advancing Smart Decarceration Through Research", Smart Decarceration Project at the University of Chicago. Chicago, IL. Virtual. March 3.

2021 Discussant, "Policy For the People Presents: A Conversation on Alternatives to Policing", Sanford School of Public Policy, Duke University. February 22.

2020 Presenter, Emerging Scholars Symposium, Office for Equity and Diversity, East Carolina University. Greenville, NC. Virtual. October 29-30.

2020 Lecturer, "Storytelling for Social Justice," for Ethics and History of Journalism course, Eugene Lang College of Liberal Arts, The New School. Virtual. October 27.

2020 Co-Presenter, "Abolitionist Feminism: From Trans Justice to Radical Mothering," Department of Gender, Women, and Sexuality Studies Colloquium, University of Minnesota. Virtual. October 20.

2020 Lecturer, "Abolitionist Feminism and Trans Justice," for Introduction to LGBTQ Studies course, Department of Women's, Gender, and Sexuality Studies, Macalester College. Virtual. October 12.

2020 Co-Presenter, Annual Philip J. Bowman Lecture, Institute for Research on Race and Public Policy, University of Illinois at Chicago. Virtual. September 16.

2020 Panelist, "Special Edition: Virtual Campus-Wide E+W Mixer – Topic: Students Perspectives: The Murder of George Floyd, Systemic Racism and UIC," Office of the Provost & Vice Chancellor for Academic Affairs. Virtual. July 6

2017 Panelist, "Queer Intersectionality: A Conversation with Activists," Borough of Manhattan Community College (BMCC). New York, NY. October 19.

- 2017 Panelist and facilitator, “#Free Ky Peterson Teach-In,” Women’s Leadership and Resource Center, University of Illinois at Chicago. November 8
- 2017 Discussant. Dissertation Symposium, Department of Sociology, University of Chicago. Chicago, IL. May 5.
- 2016 Panelist, “Women’s History Month.” Department of Justice Studies, Northeastern Illinois University. Chicago, IL. March 14.
- 2015 Co-presenter, “Chicago Community Bond Fund,” Drug War Capitalism Conference, hosted by Students Against State Violence, Indiana University. October 25.
- 2014 Panelist, “Power Plays: Addressing Gender, Domestic Violence, and Race in the NFL,” University of Illinois at Chicago. November 13.
- 2014 “Real Talk Series: No Selves to Defend: Self Defense and the Criminalization of Black Women,” Campus Advocacy Network, University of Illinois at Chicago. October 9.
- 2014 Panelist, “No Selves to Defend, No Rights to Respect: Blackness, Violence, and Self-Defense,” Jane Addams Hull-House Museum. Chicago, IL. September 14.

## **ACADEMIC SERVICE**

### **Departmental**

- 2020 Co-Organizer, Criminology, Law and Justice Graduate Student Qualitative Methods Workshop, University of Illinois at Chicago, Chicago IL.
- 2016 Co-Organizer, Engendering Change Graduate Student Conference 2016, Department of Sociology, University of Illinois at Chicago, Chicago IL.
- 2013-2014 Co-Organizer, Criminology, Law and Justice Speaker Series: Focus on Under-Represented Faculty, University of Illinois at Chicago, Chicago IL.

### **University-wide**

- 2020 Co-Organizer, Abolition at UIC Collective, University of Illinois at Chicago, Chicago IL.
- 2020 Member, Black Graduate Student Associate (BGSA), University of Illinois at Chicago, Chicago IL.
- 2016-2017 Council Member, Gender and Sexuality Center Advisory Council, University of Illinois at Chicago, Chicago IL.

### **Academic Associations**

2021 Committee Member, 2021 Michael Lynch Service Award, Queer/Trans Caucus of the American Studies Association and the *GLQ* Caucus of the Modern Language Association

## **RELEVANT PROFESSIONAL EXPERIENCE**

2019-present Manager of Policy and Strategy, Transgender Law Center (TLC), Oakland, CA (remote position)

2016-2019 Director of Bail Operations, Brooklyn Community Bail Fund (BCBF), Brooklyn, NY

## **COMMUNITY-FOCUSED PURSUITS**

### **Invited Presentations**

2020 Panelist, “End the War on Black Trans, GNC and Intersex People,” The Movement For Black Lives. Online. August 19.

2020 Panelist, “Black Lives Matter: anti-Black Racism in Southwest Asia/North Africa and Diaspora,” Mizna, Arab Resource and Organizing Center, and Imagining Transnational Solidarities Research Circle at the Interdisciplinary Center for the Study of Global Change, the University of Minnesota. July 10.

2020 Panelist, “Part 1: Impact of COVID-19 on Trans Communities,” Chicago House. Online. May 29. <https://www.chicagohouse.org/events/part-1>

2020 Panelist, “Capitalism and the Prison Industrial Complex,” Black LGBTQ+ Migrant Project. Online. May 27.

### **Membership**

2020-Present Board Member, Transformative Justice Law Project. Chicago, IL.

2019-2020 Core Collective Member, Court Watch NYC. New York, NY.

2018-2019 Core Collective Member, Sylvia Rivera Law Project. New York, NY.

2017-2020 Founding Member, New York Chapter of Survived and Punished. New York, NY.

2015-Present Co-Founder and Volunteer Bond Payer, Chicago Community Bond Fund. Chicago, IL.

2014-2016 Founding Member, Love and Protect (formerly Chicago Alliance to Free Marissa Alexander). Chicago, IL.

2012-2013 Member, Project NIA, Chicago Girl Talk Collective. Chicago, IL.

### **Planning/Coordination**

- 2017 Co-coordinator, “No Perfect Victims Network Gathering,” Allied Media Conference. Detroit, MI. June 15.
- 2016 Coordinator and Facilitator, “Training Series: Domestic Violence and the Prison Industrial Complex,” Brooklyn Community Bail Fund. New York, NY. October 20.
- 2015 Co-curator, “Blood at the Root: Unearthing the Stories of State Violence Against Black Women.” Exhibition, Chicago, IL.
- 2015 Organizing Committee Member, INCITE! Color of Violence 4 Conference. Chicago, IL.

## **MEDIA COVERAGE**

- 2020 Interviewee, “The Lack of Attention for Violence Against Black Trans People.” WNYC Studies - The Takeaway.  
<https://www.wnycstudios.org/podcasts/takeaway/segments/tony-mcdade-violence-against-black-trans-people>
- 2020 Interviewee, “BAR [Black Agenda Report] Abolition & Mutual Aid Spotlight: Chicago Community Bond Fund.” *Black Agenda Report*. April 08.  
<https://www.blackagendareport.com/bar-abolition-mutual-aid-spotlight-chicago-community-bond-fund>
- 2020 Interviewee, University of Minnesota, The Tretter Transgender Oral History Project,
- 2019 Interviewee, The New York Public Library Community Oral History Project: NYC Trans Oral History Project, <http://oralhistory.nypl.org/interviews/ash-5v649j>
- 2014 Interviewee, “Care and Resistance: Jane Addams Day 2014,” podcast, Jane Addams Hull-House Museum.
- 2014 Interviewee, “Domestic Abuse, State Violence, and the case of Marissa Alexander,” *Truthout*. October 23. <http://truth-out.org/news/item/27189-truthout-interviews-on-domestic-abuse-state-violence-and-the-case-of-marissa-alexander>