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CBS NEWS

LIVE

"These women are targets": Transgender women fight for their rights in Colorado's prisons

BY JONATHAN MCDUGLE

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Thousands of transgender women across the nation are living with fear while

The Transgender Law Center and law firm King & Greisen filed the suit in late November on behalf of approximately 170 transgender women, alleging systemic abuse inside Colorado's male prisons in violation of the state's anti-discrimination act. The suit also claims that the Colorado Department of Corrections, known as CDOC, has discriminated against transgender women solely on the basis of their gender identity.

Seven trans women came forward to serve as "class representatives" in the case. Their names are Kandice Raven, Jane Gallentine, Taliyah Murphy, Amber Miller, Megan Gulley, Lavinya Karpierz and Cupcake Rivers.

Each of these women has gender dysphoria, a clinical condition that the American Psychiatric Association defines as the significant distress that accompanies the incongruence between a transgender person's gender identity and their assigned sex. The APA does not consider being transgender as a disability; however, this distress is considered a disability. While incarcerated, some trans women have gone as far as attempting suicide or self-castration as means to deal with their severe gender dysphoria. This is why the lawsuit also calls for appropriate medical and mental health care for transgender women behind bars.

Lead attorney Paula Greisen told CBS News that the first priority for these inmates is safety. The lawsuit claims that they're being held in unsafe situations that have led to harassment, violence and rape.

"Most of these women are on hormone treatment and have expressed serious and grave concerns about their physical safety, primarily from sexual assault and sexual harassment," said Greisen. "Sex is a commodity in prison. These women are targets and they're being treated as chattel."

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The class-action lawsuit follows a settlement earlier this year between transgender inmate Lindsay Saunders-Velez and the Colorado Attorney General's office. Saunders-Velez sued the CDOC after alleging she was threatened, raped and harassed while held at a men's prison in Cañon City, Colorado.



2019 photo shows Lindsay Saunders-Velez enrolling at college.

COURTESY OF LINDSAY SAUNDERS-VELEZ

After Saunders-Velez's case, the CDOC made some strides, such as transferring three trans women to a female facility in Denver. However, Greisen says other transgender women continue to have their rights violated because the CDOC did not have to change any of its policies.

There are still women who are housed with men and subjected to unsafe conditions. We did not see enough progress," Greisen told CBS News. "So [we] decided to proceed with the class action."

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Women like Taliyah Murphy, who has been incarcerated since 2009, fight severe depression as a result of gender dysphoria. While in the CDOC's custody, Murphy prepared multiple articles and presentations on what it means to be transgender, all in hopes that policy changes would occur to help her and other transgender women incarcerated in Colorado.

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Currently, the CDOC's policy during the intake of new inmates is to place them in facilities based on the gender they were assigned at birth. In unclear situations, they will make appropriate assignments for trans inmates on a case-by-case basis.

According to a 2008 report by the National Prison Rape Elimination Commission, transgender women are victims of sexual abuse at much higher rates than the rest of the population while incarcerated, as well as while being searched by male prison guards. The Prison Rape Elimination Act was enacted in 2003, and Transgender Law Center senior staff attorney Shawn Meerkamper says the state of Colorado has a constitutional obligation to protect inmates who are in custody.

"There are clear guidelines for how to prevent and respond to the epidemic of prison rape, and it has been a failure," said Meerkamper. "Departments of corrections all over the country are required to abide by these standards, and they just don't."

The lawsuit names seven individuals as defendants in this case, including Colorado Governor Jared Polis. "They're the officials responsible for the universal denial of certain transition-related medical care," said Meerkamper. "They're the ones who have the power to make the change and they're the ones who haven't done it."

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The Colorado Department of Corrections told CBS News it could not comment on specifics of the lawsuit, but it said that officials are working to create fair incarceration conditions for all offenders.

"Colorado has spent the last several years diligently working to develop and implement thoughtful and informed policies and procedures for the fair and respectful treatment of transgender offenders in our custody, and is considered a leader in this area nationally," the department wrote.

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