

Transgender Inmates at Risk Sexual Abuse in Tennessee Carceral Facilities

Talking Points

Transgender inmates experience alarming rates of solitary confinement and rape and violence from inmates and staff.

LGBTI+ inmates are protected by the 8th and 14th Amendments.

At least 59 of Tennessee's ~22,500 state prisoners are transgender or intersex persons.

Summary

Adult and juvenile transgender persons who are incarcerated in prisons, detention centers, and jails, experience extreme levels of violence and sexual abuse by other inmates and staff. Prison Rape Elimination Act (PREA) standards aim to prioritize safety, including case-by-case reviews for transgender, gender-nonconforming, and intersex inmate housing and programming in prisons and jails. However, current and former inmates widely report that solitary confinement, sexual abuse and violence, and barriers to accessing appropriate health services are routine. Despite inmates' 8th and 14th Amendment rights to be free from cruel and unusual punishment, states and the current federal government are targeting trans inmates in prisons and jails. The "Women's Safety and Protection Act" would prohibit Tennessee prisons from complying with PREA standards for <0.3% of the state's prison population. Transgender, gender-nonconforming, and intersex inmates will be more endangered and the law would make it harder for the state to protect inmates from rape and violence. Litigation for inmate's constitutional rights is guaranteed.

Women's Safety and Protection Act in Tennessee

As introduced in Tennessee, the "[Women's Safety and Protection Act](#)" replicates the same-titled Louisiana state law, passed in 2024. It redefines the contemporary understanding about gender identity and rigidly categorizes binary gender by visible genital anatomy. It dismisses intersex and nonbinary persons entirely. The Act specifically forces prisons to restrict incarcerated trans women and girls to men's housing, without exception for their health and safety. Tennessee Department of Corrections already has a mechanism in place to house and manage transgender and intersex inmates in state prisons. The Act would supersede the Prison Rape Elimination Act standards to prevent and eliminate sexual abuse for known at-risk vulnerable populations in prisons and jails, including transgender, gender-nonconforming, and intersex inmates in prisons, detention centers, and jails.¹ The Act establishes rights to civil remedies for offended cisgender inmates. Similar to the other gender-based segregation laws in Tennessee, trans inmates have limited legal recourse. But this is far from settled and will pull Tennessee into more costly litigation in state and federal courts.

Corrections in Tennessee

Tennessee ranks [22nd highest](#) nationwide for overall incarceration and the world's [8th highest](#) for women's incarceration.² Funding prison and jail operations is the fifth highest expense in the state's annual budget.³ Tennessee Department of Corrections (TDOC) oversees 10 public and 4 private adult prisons and estimated in FY25 that nearly 30% would be re-incarcerated within three years. Persons of color are overrepresented and the state has accelerated incarcerating women at a much higher rate than men.⁴ There are 103 jail facilities across all 95 counties. Around 27,000 individuals are jailed on any given day for a variety of reasons, from temporary holding and minor offenses, to awaiting trial, and for felony convictions due to limited prison capacity.⁵ Critical performance audits in 2020 and 2023 highlighted serious issues with staffing attrition, sexual abuse, and lack of program supports for inmates in TDOC prisons.⁶ Persistent deficiencies are reported for Brentwood, Tennessee based CoreCivic, the for-profit detention corporation that operates all four of Tennessee's private state prisons and the Hardeman County jail. Nationally, CoreCivic houses less than 10% of all incarcerated persons but approximately 34% of all inmates in Tennessee. CoreCivic was founded in 1983 and maintains deep political influence through major campaign donations and lobbying efforts.

>2.5X
more likely
to experience
violent
victimization
than cisgender
persons

Source: Bureau of
Justice Statistics,
2022

The Trans Experience with Criminal Justice

Nationally, up to 16% of transgender and gender-nonconforming persons experience disproportionate incarceration in their lifetime, compared to 3% for the general population.^{7,8} The vast majority (78.9%) are incarcerated less than a year in holding cells and local jails, likely indicators that they are detained for non-violent crimes and substance abuse.⁷ Rates are highest for trans women of color and those experiencing homelessness.⁸ Criminal justice and policing are institutionally rooted in racism, homophobia, trans-misogyny, and other forms of discriminatory bias. A growing body of trans-inclusive research repeatedly validates inmate surveys and interviews

for their lifetime experiences with discrimination, violence, and victimization before and during incarceration.⁸⁻¹¹ Transgender, gender-nonconforming, and intersex (TGNCI, hereafter) adults and youth are facing political animus and socially and medically hostile climates. It is worse for those living in states that lack explicit anti-trans nondiscrimination laws in employment, housing, education, banking and lending, and public accommodations. States are passing the most harmful laws, pushing even further to the margins, increasing their exposure to violence, criminal economies, incarceration, and mental illness. The outcomes are undeniable and heartbreaking.

Early Entry Into the System

Interlocking systems of oppression push LGBTQ+ persons into the prison pipeline earlier and at higher rates than straight and cisgender persons. Incarcerated inmates have shared the harsh realities of living and surviving as a young trans person with family rejection, housing and food instability, and poverty as additional vulnerabilities. Trans youth are forced in criminal economies for food and shelter. Trans youth of color and disabled youth are most vulnerable to disciplinary

actions, zero tolerance policies in schools, and interactions with law enforcement in communities. Incarcerated youth experience solitary confinement, violent victimization, sexual abuse by staff, substance use, and suicide risk. They are vulnerable to being re-incarcerated as adults.^{9,10}

Interactions with Law Enforcement

LGBTQ+ persons of color experience the highest rates of harassment and discrimination by law enforcement.¹¹ For many decades, policing culture has targeted LGBTQ+ people because of their real or perceived race and ethnicity, immigration status,¹² HIV status, and sex work. Trans persons are two and a half times more likely to be violently victimized and stopped by the police than cisgender people. Trans women of color are profiled as sex workers for simply “walking while trans.”¹³ The 2022 Protected and Served community survey of 2,546 current and former imprisoned LGBTQ+ inmates reported that 57.2% of participants experienced high rates of face-to-face contact with law enforcement in the past 5 years. Nearly a quarter reported that law enforcement questioned their immigration status. Many experienced verbal, sexual, and physical assault and sexual harassment from police but only 12.2% of police misconduct was determined to be improper or received disciplinary actions. Claims were dismissed for 31.7% of the participants.¹⁴ Fifty seven percent of trans people who interacted with police in Tennessee reported experiencing mistreatment, including verbal harassment and physical and sexual assault. To avoid arrests, they reported police forcing them to engage in sex.⁸

35%
trans
inmates
are sexually
assaulted by
prison staff
or inmates

Source: Bureau of
Justice Statistics,
2015

Carceral Housing

Sex-segregated housing is the standard for prisons, jails, and detention centers. Very few TGNCI inmates are ever assigned to gender-affirming housing. As of February 2025, only 22 trans women and one trans man of all 2,198 trans inmates in federal custody are housed based on their gender identity.¹⁵ The [Federal Bureau of Prisons reported](#) ten trans women housed in BOP prisons in October, 2023. Only 15 trans inmates of the estimated 4,890 trans prisoners were reportedly housed according to their gender identity in state prisons. However, five states, including Tennessee, did not report.¹⁶ It is impossible to know the true number of TGNCI inmates in local jails.

Once in custody, 35% of incarcerated trans inmates in prisons and 34% in local jails reported experiencing at least one incident of sexual victimization by another inmate or staff. Victims were forced, or threatened with force, and 29% reported being physically injured by other inmates. Inmates also reported high levels of staff sexual abuse and over 40% reported being physically injured by staff.¹⁷ It is no surprise that trans inmates in carceral settings have higher risks for depression, anxiety, self-harm, and suicidal ideation.⁷

Medical Care

LGBTQ+ inmates commonly enter prison with complex medical and mental health needs, including HIV and Hepatitis C (HCV). Incarcerated trans women are additionally vulnerable to

HIV and HCV because of limited access to preventative health care, experiencing sexual abuse and victimization, and high-risk behaviors.⁷ Most inmates with HIV acquire infections prior to incarceration or between incarcerations, but intra-prison transmission is still a higher risk. The South has the highest rates of new HIV infections and the city of Memphis is now number one in nation for new infections.^{18,19} Because health insurance and access to medical care are closely tied to employment in the U.S., employment discrimination is highly consequential. Medical services may be inaccessible due to high cost, reliance on Medicaid, or lack of access to specialists and prevention services.²⁰ Even when health services are accessible, medical discrimination is common. For many trans inmates, gender health care is either prohibited or puts them at risk to be outed.

Solitary Confinement

Solitary confinement^{21,22} is psychologically and physically harmful. It is also referred to as restrictive housing, protective housing, special housing, and administrative segregation by inmates and prisons. Trans women are frequently subject to very high rates of solitary confinement as punishment, in response to being victimized, or to “protect” them from threats of violence. At times, inmates intentionally get a disciplinary ticket or outright request solitary housing out of fear.^{9,23} Prolonged solitary confinement is considered a form torture by the United Nations and international courts. However, a recent settlement was reached in *Monroe v. Foley, et al.*, on behalf of a trans woman living with HIV who had been held in solitary confinement for 6 years: *as punishment because she was assaulted by another inmate*.²⁴

90%
trans inmates
experience
solitary
confinement

Source: Vera
Institute of Justice,
2024.

Life After Release

Former-inmates return to the existing systems of oppression and social isolation from family and society. They face the same barriers to medical and mental health care than before they were incarcerated. A criminal record and/or felony conviction leads to additional barriers for housing and employment, worse in states without nondiscrimination laws. They may be forced into criminal economies for survival and facing new interactions with law enforcement, then re-incarcerated. A large scale survey found that 78% of former inmates were incarcerated at least 3 times.⁷ In a handful of states, including Tennessee, most persons with felony convictions cannot vote because it may be prohibited for life or certain crimes, and nearly impossible to restore voting rights because of the monetary fines and administrative hurdles. Tennessee ranks second in the nation for disenfranchised voters and first in the nation for disenfranchised Black and Latino voters, with around 470,000 (9.3%) of its electorate prohibited from voting.²⁵ Trans persons of color with felony convictions are pushed further to the margins.

Constitutional Protections

The Womens Safety and Protection Act and similar types of anti-TGNCI legislation are not only harmful, but entirely disregards constitutional laws as they exist, both state and federal. The majority of the 3,798 (66.8%) anti-LGBT bills filed across the U.S. in the last 15 years have targeted TGNCI

persons.²⁶ One of Tennessee's many anti-LGBTQ laws prohibits state insurance coverage of gender health services for eligible TGNCI inmates after 2024. However, inmate's rights to humane conditions in carceral facilities *are also* guaranteed to TGNCI inmates in the 8th and 14th Amendments to the U.S. Constitution and state constitutions.²⁵ Courts have sided with inmate's claims that knowingly placing them in life threatening housing is "deliberate indifference" and experiencing prolonged solitary confinement and withholding gender medical care *is cruel and unusual punishment*. There are recent rulings and numerous ongoing challenges to protect the health and safety of TGNCI in state and federal prisons. See [Farmer v. Brennan](#), [Monroe v. Foley et al.](#), [Zayare-Brown v. NC Dept. of Correction](#), [Keohane et al. v. Dixon et al.](#), [Doe, Jones, Moe v. Bondi, Trump](#), [Kingdom v. Trump](#).

Prison Litigation Reform Act of 1996

The Prison Litigation Reform Act (PLRA), [42 U.S.C. § 1997e](#) severely limits a prisoner's ability to file and win civil rights lawsuits in federal court. They must exhaust all internal administrative grievance processes, pay for court filing fees, and prove serious physical injury. It caps attorney fees and limits courts' authority to require policy changes. Prisoners representing themselves risk a three strikes rule, facing steeper barriers, and the only exception to the rule is for the risk of imminent danger for serious physical injury. Since its passage, civil rights lawsuits from prisoners made a rapid decline. PLRA has been a significant barrier for trans inmates.

Prison Rape Elimination Act of 2003

Congress unanimously passed The Prison Rape Elimination Act (PREA), [28 CFR Part 115](#) to address widespread sexual abuse in prisons. The National PREA Committee reported that 60,000 inmates and detainees were sexually abused by other inmates and correctional staff every year, with certain populations at highest risk for victimization. The PREA National Standards were issued in 2012 for federal and state prisons and jails to adopt zero tolerance policies and practices for sexual abuse perpetrated by inmates and staff. Various federal grant programs are available for states' efforts to prevent and eliminate sexual abuse, but there is limited oversight and financial penalties are weak.

Standards Specific to Transgender, Gender Nonconforming & Intersex Inmates

Lesbian, gay, bisexual, transgender, intersex, and gender-nonconforming inmates were the first at-risk population addressed in the PREA standards. The Transgender Executive Council was created in 2016 to manage housing and health care access for trans inmates in federal custody. Several standards address TGNCI inmates in federal and state prisons and jails:

- ★ **Screening:** Inmates receive a standardized sexual abuse assessment within 72 hours after intake that includes determining if an inmate is *or perceived to be* lesbian, gay, bisexual, transgender, intersex, or gender-nonconforming. Inmates are not required to self-disclose. It includes their perception of safety and past experience with sexual abuse. See, §§115.41, 115.141, 115.241
- ★ **Housing and Programming:** Case-by-case reviews for housing and programming placements are emphasized, with serious consideration given to TGNCI inmates' own perceptions of safety and

reassessed at least every 6 months. Facilities are required to provide optional separate showering accommodations. Restrictive housing, isolation, or units based solely on their own or perceived identity are prohibited. See, §§115.42, 115.142, 115.242

- ★ Body searches: Cross-gender body and cavity searches are prohibited, except under exigent circumstances. Strip searches and physical exams of genitals to determine sex or gender are strictly prohibited. See, §§115.15, 115.115, 115.215
- ★ Staff Training: PREA training for staff and Sexual Abuse Response Teams (SART) must include how to communicate effectively and professionally with LGBTI and GNC inmates. See, §§115.31, 115.131, 115.231
- ★ Sexual Abuse Incident Reviews: Following investigations, reviews should “consider whether the incident or allegation was motivated by real or perceived LGBTI and GNC status. See, §§115.86, 115.186, 115.286

PREA Administration and Compliance

- ★ PREA Coordinator: Agencies are required to employ or appoint an upper-level coordinator to manage, oversee, and report on agency-wide compliance in all facilities. Agencies with multiple facilities can delegate PREA compliance managers to coordinate compliance with PREA standards. See, §§115.11, 115.111, 115.211
- ★ Audits of Standards: Practices covered by the PREA standards must be third-party audited every three years for each facility. Auditors have full access to the facility, interviews with inmates, staff, and volunteers, and policies, reports, audits, and accreditations. Facilities can take corrective actions wherever they are cited for noncompliance. The National PREA Center maintains a searchable database of ongoing and complete audits. See, §115.93 and §§ 115.401 through 115.405.
- ★ Certification: State governors are required to submit annual certification to the US Department of Justice that all of their covered facilities, audited or not, are in full compliance with the Standards. Failure to comply with either is subject to a 5% loss of grant funding that provides the majority of programming support for adult and juvenile facilities in states.
- ★ Reporting: The [Bureau of Justice Statistics](#) issues statistical reports on the prevalence of sexual abuse and victim-inmate demographics. This relies on the [National Survey of Youth in Custody \(NSYC\)](#), [National Inmate Survey \(NIS\)](#), and the [Survey of Sexual Victimization \(SSV\)](#).

Tennessee Prisons for Adults

PREA Compliance Policies for All Prison Facilities

TDOC recognizes LGBTI and GNC inmates as high-risk groups for sexual abuse in carceral settings in its numerous PREA regulations, [TDOC, Index# 502.06: Prison Rape Elimination Act](#). Until 2022, TDOC publicly maintained a comprehensive policy, *Gender Dysphoria, Transgender, Transsexual, Intersex, and Gender Non-Conforming Conditions*, (113.37) that addressed every PREA standard relevant to TGNCI inmates. It formalized a statewide Gender Accommodations Committee to review

housing and medical needs for current and incoming TGNCI inmates. Inmates can only be placed in gender congruent housing if they have “completed surgical sexual reassignment therapy prior to incarceration, but do not qualify for “self-inflicted genital mutilation.” At this time, the committee only manages HRT for inmates treated prior to the 2024 passage of [Public Chapter 821](#), prohibiting state funding for HRT for incoming inmates. If the Committee no longer addresses housing and programming placement due to PC 821, they are not compliant with PREA §115.42.

It is important to note that internal staff investigate allegations made against other inmates and staff. And even though staff may be subject to administrative or disciplinary actions for abuse, they are assured that any information they provide during questioning is not used in referrals to criminal investigations, (TDOC Form CR-3650).

Statewide Annual Report

Tennessee Department of Corrections (TDOC) issues comprehensive annual reports. Inmate demographics are limited to race, age, and binary gender and do not disclose how TGNCI inmates are classified. It includes clinical and behavioral services, but treatment for gender dysphoria and hormone replacement therapy (HRT) is not listed and may be included in the “other” categories. The report includes total treatment for chronic conditions. In FY 2025, 328 inmates were treated for HCV and 145 treated for HIV, but there is no way to know if or how many identify as TGNCI or when infections were acquired.²⁷ TDOC facilities do provide HIV tests on request, for high-risk populations, when clinically indicated, and following incidents of sexual assault.²⁸

Statewide Overview of PREA Audits

Auditors should be objective third-party contractors, well-versed in PREA and the issues, but it is in their practical interest to fully pass facilities. They interview inmates and staff, walk through facilities, and compare written policies and practices with the PREA standards. Auditors review a selection of the investigation documentation, and the number of allegations, types, and determinations made by the facility. The final audit is public and does not include identifying information, details on investigations, determinations, or associated inmate demographics. Every public and private facility met, and rarely exceeded, PREA standards in their final audits. Any corrective actions and responses from facilities that addressed preliminary citations for noncompliance were noted. Audits may provide an impression of a facility's culture around sexual abuse, but there are too many limitations to know the prevalence or infer the risk for inmate victimization based on at-risk group status in Tennessee.

This brief reviewed 15 Tennessee state prison facilities' most recent PREA audits, issued from 2022 to 2025. Refer to Table 1 for summaries of inmate census, sexual abuse and sexual harassment allegations, and substantiations. Individual facility data has been suppressed for inmate safety in this brief. In total, 21.1% of the 191 sexual abuse allegations were substantiated and only 4.3% of sexual harassment allegations were substantiated. Only 7 of the 164 combined sexual harassment allegations for all facilities were substantiated. Some audits refer to transgender inmates using inappropriate language in multiple facilities. One auditor made notes on best practices for trans and intersex inmates and used accurate language. Across all facilities, fewer than 60 inmates were identified as TGNCI, approximately 0.3% of the total prison population and none were reported by

four facilities. A few discrepancies reported no TGNCI inmates, but auditors noted interviewing TGNCI inmates. Given the potential transfer between facilities, some inmates could have been missed or counted twice. However, TGNCI census' are highly likely underestimates because of fear to disclose.

Public Facilities PREA Audits

Across 11 public facilities, a very small number of inmates were identified as LGB (1.4%) or TGNCI (0.23%). There were 27 substantiated allegations from 104 total reports of sexual abuse by other inmates and staff. Although 134 allegations of sexual harassment were reported, only 4.5% were substantiated and five facilities had no substantiated reports. Refer to Table 1 for a summary of findings. Notable facility summaries follow:

Morgan County Correctional Facility LGB and TGNCI inmates are at risk and experience solitary confinement. There were more allegations of staff-on-inmate sexual abuse and sexual harassment than by other inmates reported, compared to every other public facility. It had the highest substantiation rate (45.5%) and all 5 of the substantiated reports were staff-on-inmate allegations. Trans and gay inmates reported spending time in solitary confinement at their own request for safety from other inmates. One trans inmate was in solitary for assaulting another inmate.

Northeast Correctional Complex, Northwest Correctional Complex, Turney Center Industrial Complex This houses both men and juvenile boys adjudicated delinquent or convicted of adult crimes. It identified 28 LGB inmates and 12 TGNCI inmates but did not list how many were adults

Table 1. Tennessee State Adult Prison PREA Audits, All Facilities, 2022 -2025. Source <https://www.tn.gov/correction/state-prisons/prison-rape-elimination-act.html>

Facilities				Sexual Abuse Reports			Sexual Harassment Reports		
TDOC Adult Prisons	Inmate Capacity	LGB Inmate Census (%)*	Trans or Intersex Inmate Census (%)**	Inmate on inmate	Staff on inmate	Substantiated (%)	Inmate on inmate	Staff on inmate	Substantiated (%)
Public 11 Operations	14,857	210 (1.4%)	34 (0.23%)	54	50	27 (25.9%)	57	77	6 (4.5%)
CoreCivic 4 Operations	7,612	31 (0.41%)	25 (0.33%)	74	21	15 (15.8%)	24	6	1 (3.3%)
Grand Total	22,469	241 (1.08%)	59 (0.27%)	128	71	42 (21.1%)	81	83	7 (4.3%)

Note: Summary of findings from the most recent state PREA audits, with LGBTI census and combined total allegations and substantiated determinations for 12-month prior sexual abuse and sexual harassment reports. "Substantiated" allegations are investigated and determined to have occurred, 28 CFR § 115.72. Refer to individual audits for "unfounded" and "unsubstantiated" totals. * Self-disclosed LGB and percent of total capacity** Self-disclosed and percent of total capacity transgender, gender nonconforming, and intersex- combined by facilities. Public: Bledsoe Co. Corr., Debra K. Johnson Rehab., Hardeman Co. Corr., Lois M. DeBerry Special Needs, Mark Luttrell Transition, Morgan Co. Corr., Northeast Corr. Complex, Northwest Corr. Complex, Riverbend Max. Sec., Turney Center Industrial, Women's Therapeutic Res. Private (CoreCivic): South Central Corr., Trousdale Turner, West Tennessee State Penit., Whiteville Corr.

or juveniles. The audit noted, but did not disclose why, one transgender inmate had chosen to stop HRT and requested he/him pronouns. Northwest Correctional had 20 allegations of sexual abuse, more than every other public facility and 5 were substantiated.

Bledsoe County Correctional Complex This intake facility that processes all men entering Tennessee state prisons. This takes around two weeks for numerous screenings and assessments that determine what facility inmates will be assigned to and transported. It had 11 sexual abuse allegations by other inmates and 4 by staff, but only one was substantiated.

Lois Debarry Special Needs Facility Inmates reported 8 allegations of sexual abuse and 2 were substantiated. Inmates reported 15 of the 17 sexual harassment allegations were by staff, but only one was substantiated. This was the second highest after Riverbend Maximum Security (25 staff).

The Women's Therapeutic Residential Center and Debra K. Johnson Rehabilitation Center Both exclusively house women inmates and had the largest LGBTI populations: around 150 LGB and 10 TGNCI inmates. Both facilities had under 10 reports of sexual abuse, but DJRC inmates alleged 6 incidents by staff and 3 by other inmates (2 substantiated). WTRC reported the highest number of incoming inmates with a prior history of sexual abuse compared to all other facilities. All TGNCI inmates interviewed affirmed that the facility was compliant with the relevant standards for housing, showering, and body searches.

Private Facilities PREA Audits, CoreCivic

CoreCivic's four private prisons had the most citations for noncompliance compared to all other public facilities. They accounted for a similarly high number of sexual abuse allegations (95) versus the 11 public facilities combined (104) but a lower substantiation rate (15.8%) than all public facilities (26%). Trousdale Turner Correctional Center had the most allegations of sexual abuse (43), followed by 22 allegations at South Central Correctional Facility, and 15 each at Hardeman County Correctional Facility and Whiteville Correctional Facility. Only one of the 30 sexual harassment allegations across all facilities was substantiated. Refer to Table 1 for a summary of findings. Individual facility summaries follow:

Trousdale Turner Correctional Center It had the highest homicide rate among U.S. prisons since its opening in 2016. This facility is currently subject to a U.S. Department of Justice investigation because of rampant physical and sexual assault, staff-run drug market, under-staffing, and 188% staff turnover since opening in 2016. Among many deficiencies in the brutal Tennessee Comptroller's 2020 Performance Audit were numerous failures of leadership oversight, under-staffing, data manipulation, failures to meet PREA standards for sexual abuse investigations and documentation, and reporting.²⁹ It accounted for 37 of all 74 CoreCivic allegations of inmate-on-inmate sexual assault but less than 7% were substantiated and had the only substantiated allegation of sexual harassment across all four facilities. The violent culture and lack of staffing oversight is extremely concerning for the safety and security of the 27 LGBTI and GNC inmates at TTCC.

Hardeman County Correctional Facility Auditors found that prison staff were found to be performing “dual gender” searches for above or below the waist on TGNCI inmates; seriously non-compliant with the explicit PREA prohibition on cross-gender searches. Corrective actions included training and procedures changes. CoreCivic also operates the Hardeman County jail and was the only prison or jail where every allegation of staff sexual abuse was substantiated.

South Central Correction Facility It is an all men's facility where 8 of 22 sexual abuse allegations were substantiated. It is and home to the most self-disclosed TGNCI inmates of all prison facilities. A highlight of the audit was the “Be the Change LGBT Community Group,” cited as a best-practice for safely housing TGNCI women inmates. *Be the Change* was founded in 2014 by Varia Merritt, a Black trans woman at SCCF. The group hosts monthly meetings and support groups for trans women, recovery and addiction, weekly faith services, and linkage to services outside of prison. Medical, behavioral, and management staff are invited to the open meetings to discuss safety concerns. “It was also explained to the auditor by transgender inmates that they have developed a community within this population that allows inmates to work with staff to keep those who belong to this community safe. The auditor believes this is a best practice that allows open communication on the needs or concerns any transgender or intersex inmates may have.”

Whiteville Correctional Facility. None of the 15 sexual abuse allegations or the four sexual harassment allegations were substantiated and it shared a PREA investigator with another facility. Although these were potentially criminal and forwarded to TDOC criminal investigators, many were never investigated or followed up by staff with inmates. There were numerous PREA citations that included missed risk screenings, lapses in staff and medical staff training, inmate education, and inmate access to resources for reporting. Inmates confirmed that WCF was compliant with TGNCI relevant PREA policies and none had been held in solitary confinement.

Tennessee Local Jails

Annual Reports and PREA Audits

Local jails are also subject to PREA standards, but only risk funding for noncompliance if their facilities receive federal funding or house state prison inmates. Local governments and law enforcement administrations issue annual reports that typically include staffing, policing, and incarceration statistics. They may also choose to include PREA data but any associated demographics with allegations and determinations of sexual abuse and sexual harassment in local jails are inaccessible. This brief reviewed a total of 20 audits from the West, Middle, and East Grand Divisions. Given the limitations, it is impossible to know the prevalence or infer the risk for sexual victimization based on at-risk group status in Tennessee jails.

Personal communications with corrections staff provided valuable insight on PREA standards and the trans inmate populations in local jails. Staff said that leadership and the culture of the agency and the local politics are most influential if PREA is an embedded practice - or just paperwork. Fewer than 30 inmates self-identified as TGNCI across all local facility audits reviewed for this report. Eleven facilities reported none. Staff said these inmates are substantially under-counted in the audits, most likely because inmates may fear self-disclosure during the intake process. Verbal harassment is an extremely common experience for smaller stature and feminine-perceived inmates.

West Tennessee PREA Audits. Audits from five facilities in Hardeman, Haywood, Obion, and Shelby counties were reviewed for this brief (2022-2025). Auditors identified around 20 persons as TGNCl inmates on site. Facilities reported 25 allegations of sexual abuse by other inmates and 9 by staff in the prior 12-months. Compared to the Middle and East Grand Divisions, West had the lowest substantiations for sexual abuse and sexual assault. All four substantiated allegations from the West Grand Division were by staff and occurred at the same facility in Hardeman County, the only county jail in Tennessee operated by CoreCivic. Haywood County had no allegations of sexual abuse and two sexual harassment. Obion County had one allegation of sexual abuse and three allegations of sexual harassment.

Shelby County is the only known Tennessee jail with a stand alone policy, "Trandgender[sic]/ Gender Variant Procedures" to comply with PREA standards for managing TGNCl inmates. However, their final 2023 PREA audit noted the more than 15 deficiencies in their initial audit. The jail appeared to be disorganized and unserious about PREA standards. One PREA Coordinator was stretched thin with a single investigator for all three facilities. Relevant to trans inmates, they were performing cross-body searches (non-compliant with §115.115) but compliant with screening for housing assignments, at least on paper. Auditors heard from 41/50 random inmates who were never informed of PREA investigation determinations, or said they don't hear for months. Only two of 113 sexual harassment allegations were substantiated in the Shelby County Men's jail and the Women's jail had 4 reports each for sexual abuse and harassment.

Middle Tennessee PREA Audits. Audits from nine facilities in Davidson, Putnam, Smith, Sumner, and Williamson counties were reviewed for this brief (2023-2024). Facilities reported 41 allegations of sexual abuse by other inmates and 11 by staff in the prior 12-months. Two of the 9 substantiated sexual abuse allegations were by staff. Smith and Williamson counties reported no allegations of sexual abuse or sexual harassment. The Williamson County training LGBT-Corrections Training curriculum also includes PREA standards for cross-gender searches and internal policies to ask trans inmates for their preference during body searches. Putnam County reported 11 allegations each of sexual abuse (1 substantiated) and sexual harassment. Sumner County substantiated one of 4 allegations for sexually abuse by staff and two staff of 15 allegations for sexual harassment.

Davidson County Sheriff's Office five facilities have a 2,350 inmate capacity. They have internal policies for nondiscrimination based on gender identity for employees and inmates. The PREA compliance policy reflects the standards for managing TGNCl inmate housing on a case-by-case basis. But the auditor noted "generally assignments match the inmate's current genital status." Inmates at the DCSO Women's Correctional Facility made the most allegations for sexual abuse (19) and sexual harassment (17). The 2024 Behavioral Care Center audit listed the facility had 16 inmates on-site with 22 staff members. Because of under-staffing, auditors were unable to interview the minimum number of staff and noted the facility relied on mandatory overtime. Two of the three sexual abuse allegations by other inmates were substantiated. As a special needs facility with a small number of inmates, it is concerning that any sexual abuse is occurring.

East Tennessee PREA Audits. Locating audits for the East Grand Division was difficult. Audits and annual reports from six facilities in Blount, Hamilton, Johnson, and Knox counties were reviewed for this brief (2022 to 2024). Fewer than five inmates were identified as TGNCI from all facilities with an 2,769 inmate capacity. Collectively, facilities reported 12 allegations each for sexual abuse by other inmates and staff in the prior 12-months. There were 10 reports of sexual harassment by other inmates and 16 by staff.

Blount County inmates made more allegations for staff abuse than by other inmates compared to the other 19 facilities reviewed for this brief. There were 11 allegations of sexual abuse and 13 allegations of sexual harassment by staff, compared to 6 reports of sexual abuse and 5 reports of sexual harassment by other inmates. This facility reported all three substantiated allegations in the East Grand Division, however none were substantiated for staff abuse.

Hamilton County provided the public with limited information on PREA compliance for reporting from their audit and reported no allegations of sexual abuse, sexual harassment, or sexual misconduct from the Hamilton County Jail 2024 calendar year. It noted that they were issued final full compliance after "Current policies as well as the physical layout of the jail were considered and some changes were made in order to become PREA compliant." The Knox County Roger Wilson Detention Center, Knox County Work Release, and Johnson County facilities reported no substantiations for the 7 allegations for sexual abuse or 8 allegations for sexual harassment.

Juvenile Facilities PREA Audits

Although this report focuses on incarcerated adults, it is important to note that Tennessee's youth in custody are sexually victimized by other youth and staff/volunteers/contractors. Monthly, on average, Tennessee Department of Children's Services (DCS) has 8,000 children in custody. Black and African American children and youth are overrepresented in secure detention centers (59%) but only 21% of the state's overall population.³⁰ DCS has been under intense scrutiny for years and plagued by under-staffing, underfunding, lack of foster care spaces, and lack of oversight for foster homes and its 21 DCS managed facilities.

In 2022, the Tennessee State Comptroller issued a blistering performance audit report for the entirety of DCS and its administrative functions and operations from the 2021 calendar year. Auditors determined that DCS practices were broadly non-compliant with Tennessee policies and federal PREA standards for juvenile facilities. This brief reviewed the [Tennessee DCS FY24 Annual Report](#) section on childrens' and youths' experiences with sexual abuse in state custody. It appears to downplay allegations perpetrated by the adults charged with their care and uses visually misleading figures. Notably, instead of the number of allegations, the report states "Out of the 21 PREA facilities monitored by the Office of Juvenile Justice this fiscal year, there were no substantiated staff/volunteer/contractor on youth sexual abuse or sexual harassment cases." But allegations may be deemed unsubstantiated if there was insufficient evidence to make a final determination whether the event occurred or not. The total number of allegations increased from 2023 to 2024, by an additional 11 reports of sexual abuse and 13 more reports for harassment. However, reading from left to right in *Fig. 12. Type of PREA Investigations in Provider Facilities* represents the opposite.³¹

Presidential Executive Order Targets Trans Inmates

Since January 20, 2025, five anti-trans Executive Orders have targeted transgender, gender nonconforming, and intersex persons in education, sports, health care, military services, and carceral settings. Germane to this brief, [EO No. 14168](#) directed the Attorney General, Secretary of Homeland Security, and the federal Bureau of Prisons to violate any congressionally mandated PREA standards for trans inmate. The order reassigns existing transgender inmates and targets trans women to housing based on birth sex alone, without exception for medical transition. It additionally rescinded 14 documents that provide comprehensive evidence-based guidance to support TGNCI employees and students. It places extreme limitations on data collection across all federal agencies on LGBTI inmates, including the Bureau of Justice Statistics' National Inmate Survey (NIS). Through its actions, it violates the rights for transgender people guaranteed in the US Constitution; repeatedly affirmed by the courts. It falsely contradicts decades of evidence that supports the inclusion and protection of transgender and gender nonconforming people, including inmates in carceral housing and their access to gender affirming care. At the time of this report, multiple transgender plaintiffs who are incarcerated in federal prisons are fighting the EO in federal court, see [Doe, Jones, and Moe v. Bondi](#) and [Kingdom v. Trump](#) to prevent their transfer to men's prisons and continue receiving health care. A federal district court agreed that EO 14168 puts trans inmates at imminent risk of physical and sexual violence if they are transferred to men's prisons.

PREA Effectiveness Unknown

Since the Bureau of Justice Statistics report that nearly a quarter of inmates in state and federal prisons experience sexual violence from other inmates and 16.7% by prison staff, there has been no reported evaluation of its effectiveness at reducing the prevalence of sexual victimization among transgender inmates.¹⁷ First-person surveys and interviews from current and former TGNCI inmates to Black and Pink, The Vera Institute of Justice, Lambda Legal, Advocates for Transgender Equality, and the Sylvia Rivera Law Project have all reported on the remarkably dire experiences of TGNCI inmates with sexual violence, harassment, discrimination, and solitary confinement.⁸⁻¹¹ Inmates repeatedly emphasized the importance of case-by-case housing assignments for their own perceptions of safety, but it is rarely granted due to medical transition status. Many inmates expressed their preference for LGBTI-segregated housing, but this is specifically prohibited in the standards. Inmates describe staff as indifferent, verbally, physically, and sexually abusive. Understanding the effectiveness of PREA is extremely limited because of states' slow rollout of PREA 2012 national standards, lack of data released by the U.S. DOJ, and research publications. Other limitations to its effectiveness are that investigations are handled internally. It is unknown how many true incidents of sexual abuse are determined to be unfounded or unsubstantiated. The recent presidential executive order will make it impossible to determine if PREA has any positive impact for TGNCI inmates. Reforms to strengthen PREA could improve implementation, strengthen oversight and the audit process, and place significant penalties for noncompliance. Instead, the PREA Resource Center that serves as the U.S. national clearinghouse for PREA standards, training, audits, and other resources since 2010 was defunded by the U.S. Department of Justice in April, 2025.

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