

PREA Standards for LGBTQ+ Incarcerated Individuals

Overview

- People who identify as lesbian, gay, bisexual, transgender, or queer (LGBTQ+) are disproportionately represented in correctional facilities, and are at greater risk of sexual victimization while incarcerated.¹
- **39.9%** of transgender adults in correctional facilities and **26.8%** of transgender adults in detention facilities reported sexual victimization from 2011-12.²
- Lesbian, gay, and bisexual people in correctional facilities reported sexual victimization by another incarcerated person at a rate more than **10 times** higher than heterosexual people.³

PREA Protections for LGBTQ+ Incarcerated Individuals

- **Individual Safety Screening:** When someone enters a correctional facility, staff must assess their risk of sexual victimization or abusiveness. This screening includes whether a person identifies as LGBTQ+ or gender nonconforming because these factors may affect their safety.⁴
- **Safe Housing Decisions:** Housing decisions for LGBTQ+ individuals must be made on a case-by-case basis. Facilities must consider each person's health, safety, and the individual's own views about where they would be safest, not just their anatomy or sex assigned at birth.⁵
- **Search Protections:** Staff cannot search a transgender or intersex person solely to determine their genital status. If this information is necessary, it should be obtained through conversation, medical records, or a medical examination when appropriate.⁶
- **Staff Training:** Staff must receive training on communicating professionally and respectfully with LGBTQ+ individuals and responding appropriately to reports of sexual abuse.⁷

LGBTQ+ Definitions⁸

- **Gender Identity:** A person's internal sense of their own gender, such as being a woman, a man, both, neither, or another gender.
- **Gender Nonconforming:** A person whose appearance, behavior, or expression does not align with traditional expectations associated with their assigned sex or gender.
- **Intersex:** A person born with sex characteristics, such as chromosomes, hormones, or reproductive anatomy, that do not fit typical definitions of male or female.
- **Sexual Orientation:** A person's emotional, romantic, or sexual attraction to other people.
- **Transgender:** A person whose gender identity differs from the sex they were assigned at birth.

¹ Jones, Alexi, "Visualizing the unequal treatment of LGBTQ people in the criminal justice system" (2021). Prison Policy Initiative. Retrieved June 2026 from <https://www.prisonpolicy.org/blog/2021/03/02/lgbtq>

² Beck, Allen J. et al, "Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12" (2014). Bureau of Justice Statistics. Retrieved June 2026 from https://bjs.ojp.gov/content/pub/pdf/svpjri1112_st.pdf

³ Beck, Allen J. et al, "Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12" (2014). Bureau of Justice Statistics. Retrieved June 2026 from https://bjs.ojp.gov/content/pub/pdf/svpjri1112_st.pdf

⁴ "§115.41 Screening for risk of victimization and abusiveness and Obtaining information from residents" (n.d.). National PREA Resource Center. Retrieved June 2026 from <https://www.prearesourcecenter.org/standard/115-41>

⁵ "§115.42 Use of screening information and Placement of residents" (n.d.). National PREA Resource Center. Retrieved June 2026 from <https://www.prearesourcecenter.org/standard/115-42>

⁶ "§115.15 Limits to cross-gender viewing and searches" (n.d.). National PREA Resource Center. Retrieved June 2026 from <https://www.prearesourcecenter.org/standard/115-15>

⁷ "§115.31 Employee training" (n.d.). National PREA Resource Center. Retrieved June 2026 from <https://www.prearesourcecenter.org/standard/115-31>

⁸ "Glossary of Terms: LGBTQ" (n.d.). GLAAD. Retrieved June 2026 from <https://glaad.org/reference/terms>