

PUBLIC RECORDS REQUEST RESPONSE

REFERENCE # R008088-042622
DATE OF REQUEST: 4/26/2022
DATE REQUEST WAS RECEIVED: 4/26/2022
REQUESTOR'S NAME: Mike Howell
ADDRESS: 214 Massachusetts Ave NE
CITY, STATE, ZIP CODE: Washington 20002
REQUESTOR'S TELEPHONE NUMBER: -- Ext.
REQUESTOR'S FAX NUMBER:
REQUESTOR'S E-MAIL: oversightproject@heritage.org
REQUEST RECEIVED VIA: Web

THE FOLLOWING RECORDS WERE REQUESTED: I respectfully request the following records (or records containing the following information) regarding transgender female inmates (defined as inmate who identifies as male to female transgender): 1) all records on the number of male-born inmates who identify as transgender female; 2) all records on the number of male-born inmates who identify as transgender female AND they have at least 1 conviction of a sexual abuse offense or a sexual assault offense; 3) all records on the number of transgender female inmates, who applied for a transfer to a facility for female inmates or to a female section of a prison; 4) all records on the number of transgender female inmates, who applied for a transfer to a facility for female inmates or to a female section of a prison AND they have at least 1 conviction of a sexual abuse offense or a sexual assault offense; 5) all records on the number of transgender female inmates who were approved AND transferred to a facility for female inmates or to a female section of a prison; 6) all records on the number of transgender female inmates who transferred to a facility for female inmates or to a female section of a prison AND they have at least 1 conviction of a sexual abuse offense or a sexual assault offense; and 7) all records on the number of transgender female inmates who identify as transgender female AND were charged with a sexual abuse offense or a sexual assault offense while in prison.

RESPONSE:

This is a Complete response to your Public Records Request

County location of records: Dane

SECTION 1: EXISTENCE OF RECORD

A portion of the record(s) requested does not exist

3) all records on the number of transgender female inmates, who applied for a transfer to a facility for female inmates or to a female section of a prison; 4) all records on the number of transgender female inmates, who applied for a transfer to a facility for female inmates or to a female section of a prison AND they have at least 1 conviction of a sexual abuse offense or a sexual assault offense; 5) all records on the number of transgender female inmates who were approved AND transferred to a facility for female inmates or to a female section of a prison; 6) all records on the number of transgender female inmates who transferred to a facility for female inmates or to a female section of a prison AND they have at least 1 conviction of a sexual abuse offense or a sexual assault offense;

SECTION 2: RIGHT OF ACCESS

NA

SECTION 3: ACCESS TO RECORD

Entire request granted.

SECTION 4: PROHIBITED FROM ACCESS

NA

SECTION 5: FEES

NO FEES

SECTION 6: ADDITIONAL COMMENTS

Office of Public Affairs
OOS-OPA
08/08/2023

YOUR APPEAL RIGHTS: If your request was made in writing and all or a portion of the request was denied, you may appeal the denial by writing to the Office of Records Management, Department of Corrections, P.O. Box 7925, Madison, WI 53707-7925 or by sending an email to DOCPublicRecordsappeal@Wisconsin.gov within 30 calendar days of the date of the denial. Include a copy of your original request as well as a copy of this form. If the Office of Records Management upholds the denial decision, you can further appeal by petitioning the Wisconsin Circuit Court for a writ of mandamus ordering release of the record(s), or you may apply to the Attorney General or the District Attorney of the county where the records are held.

Transgender Women in WI DOC Prisons (as of 07/21/2023)

<i>Question</i>	<i>Count</i>	<i>Percentage of Total (N=161)</i>
Transgender women in WI DOC prisons	161	100.0%
Transgender women in WI DOC prisons convicted of at least one count of sexual assault or sexual abuse	81	50.3%
Transgender women in WI DOC prisons who applied for transfer to a female facility	NA	NA
Transgender women in WI DOC prisons who applied for transfer to a female facility & who had a conviction of sexual assault or sexual abuse	NA	NA
Transgender women in WI DOC prisons who were approved & transferred to a female facility	NA	NA
Transgender women in WI DOC prisons who transferred to a female facility & who had a conviction of sexual assault or sexual abuse	NA	NA
Transgender women in WI DOC prisons who were "charged" with sexual assault or sexual abuse while in prison	0	0.0%

NOTES

*Individuals self-report whether they are transgender.

*Numbers provided are based on what was true at the time of a person's admission for people currently incarcerated in the WI DOC. Having at least one count of sexual assault or sexual abuse is based on that person's FULL offense history, not just what they are currently convicted of.

*These numbers do not reflect all people with a sex offense conviction, only those convicted of sexual assault or sexual abuse.

*Numbers provided exclude any juvenile sex offense convictions.

*A person may have additional offenses for their current incarceration that are not a sex offense.

*Regarding "charged", numbers include only finalized conduct reports resulting in a guilty verdict – this mostly closely aligns with what may be considered a criminal charge by the police resulting in action taken by the courts.

*Conduct reports are not available prior to February 2019.

*A “charge” for sexual assault or sexual abuse while in prison includes a finding of guilt for conduct reports involving either DOC 303.16 Sexual assault or DOC 303.17 Sexual assault-aggravated.

DOC 303.16 Sexual assault. (1) An inmate who does any of the following with another person with force or the threat of force is guilty of sexual assault:

- (a) Has sexual intercourse.
- (b) Has sexual contact.
- (c) Commits an act of sexual gratification.

DOC 303.18 Sexual assault-aggravated. (1) An inmate who does any of the following is guilty of sexual assault-aggravated:

- (a) Causes physical injury as a result of a sexual assault.
- (b) Uses a weapon in the commission of a sexual assault.
- (c) Has sexual contact or sexual intercourse with a person who has not attained the age of 16 years.

Below is a list of statutes included to identify whether someone was convicted of "sexual abuse" or "sexual assault". The overall statute is listed, as well as some sub-statutes, but greater detail beyond that is not provided. Not all of these offenses may be represented in the data; rather, these statutes were the baseline for determining whether a person had any history of a sexual offense (e.g., to create a flag for sex offenses).

Statute	Statute Description
939.615	Lifetime Supervision - Serious Sex offender
940.203	Sexual Exploitation of a Child
940.203(1)	Sexual Exploitation of a Child
940.203(2)	Sexual Exploitation of a Child
940.203(3)	Sexual Exploitation of a Child
940.203(4)	Sexual Exploitation of a Child
940.203(5)	Sexual Exploitation of a Child
940.22	Sexual Exploitation By a Therapist
940.22(2)	Sexual Exploitation By a Therapist
940.225	1st Degree Sexual Assault
940.225(1)	1st Degree Sexual Assault
940.225(2)	2nd Degree Sexual Assault
940.225(3)	3rd Degree Sexual Assault
940.225(3M)	4th Degree Sexual Assault
940.227	Forced Viewing of a Sexual Act
940.227(2)	Forced Viewing of a Sexual Act
940.227(3)	Forced Viewing of a Sexual Act
944.01	Rape
944.02	Sexual Intercourse Without Consent
944.02(1)	Sexual Intercourse Without Consent
944.02(2)	Other Sexual Assault
944.06	Incest
944.10	Sexual Intercourse With a Child
944.10(1)	Sexual Intercourse With a Child
944.10(2)	Sexual Intercourse With a Child
944.10(3)	Sexual Intercourse With a Child
944.11	Indecent Behavior With a Child
944.11(1)	Indecent Behavior With a Child
944.11(2)	Indecent Behavior With a Child
944.11(3)	Indecent Behavior With a Child
944.12	Enticing a Child
944.15	Fornication
944.15(2)	Public Fornication
944.16	Adultery
944.16(1)	Adultery
944.16(2)	Adultery With a Married Person
944.17	Sexual Perversion
944.17(1)	Sexual Perversion
944.17(2)	Sexual Perversion

944.18(2)	Bestiality - Engage in Sexual Contact With an Animal (1st)
944.20	Lewd and Lascivious Conduct
944.20(1)	Lewd and Lascivious Behavior
944.20(2)	Lewd and Lascivious Behavior/Expose Genitals
944.20(3)	Lewd and Lascivious Conduct
948.01	Sexuall Explicit Conduct - Expose Genitals
948.02	Sexual Assault of a Child
948.02(1)	1st Degree Sexual Assault of a Child
948.02(2)	2nd Degree Sexual Assault of a Child
948.025	Sexual Assault of a Child
948.025(1)	Repeated Sexual Assault of a Child
948.025(2)	Repeated Sexual Assault of a Child
948.05	Sexual Exploitation of a Child
948.05(1)	Sexual Exploitation of a Child
948.05(1M)	Child Sexploitation - Produce, Perform, etc.
948.051(1)	Trafficking of a Child
948.055	Cause a Child to View Sexual Act
948.055(1)	Cause a Child 13-19 to View Sexual Activity
948.055(2)	Penalty - Force a Child to View Sexual Conduct
948.06	Incest With a Child
948.06(1)	Incest With a Child
948.06(1M)	Incest With a Child By Stepparent
948.07	Child Enticement
948.07(1)	Child Enticement - Sexual Contact
948.07(2)	Child Enticement - Prostitution
948.07(3)	Child Enticement - Expose Sex Organ
948.07(4)	Child Enticement - Recording
948.085	Sexual Assault of a Child in Substitute Care
948.085(1)	Sexual Assault of a Child in Substitute Care
948.085(2)	Sexual Assualt of a Child in Substitute Care
948.09	Sexual Intercourse With a Child Age 16 or Older
948.093	Sexual Intercourse With a Child Age 15 or Older, Actor Under Age 19
948.095(2)	Sexual Assault of a Student by School Staff
948.095(3)	Sexual Assault of a Child by Person Who Works/Volunteers with Child
948.10	Exposing Genitals to a Child
948.10(1)	Expose Gentials - Child as Actor/Close to Age of Actor/Child