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N.J. moves transgender woman back to men's prison, raising legal questions

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The New Jersey Department of Corrections classifies Rae Rollins as a woman, but she is currently locked up in a men's prison.

Rollins, who is 25 and transgender, was recently moved from the state's only women's facility to New Jersey State Prison in Trenton, according to online prison records. No other person listed as "female" statewide is incarcerated in a male facility, records show.

The transfer comes after Rollins went public with allegations that she was one of several women attacked by staff in January, in an incident that has since led to criminal charges against 10 officers, an outside investigation and calls for the head of the prison system to resign.

Two lawyers not involved with the case said the transfer may violate New Jersey's Law Against Discrimination.

"This is just as simple as it sounds," Celeste Fiore, a partner at Argentino Fiore Law & Advocacy LLC, said about the statute in general. "There's no stretch, there's no legal hurdles you have to jump through, there's no logic puzzles."

A state court has considered prisons to be places of "public accommodation" in the past and the law says public buildings can't discriminate based on someone's "gender identity or expression." In cases where areas are for only one sex, like bathrooms, residents should be admitted based on their gender identity.

"Just the fact that they are treating her, someone who identifies as a woman, differently from other people who identify as women just on the basis on genitalia — that certainly, arguably, could violate the LAD," said Alexis Karteron, associate professor at Rutgers Law School in Newark, using the acronym for the discrimination law.

Rollins said the new location made her feel unsafe, and federal surveys have shown that transgender prisoners report dramatically higher rates of sexual abuse behind bars.

The state has wrestled with this issue before.

In 2019, a transgender woman said in a lawsuit she endured abuse and harassment from staff and other prisoners as she was shuttled between men's facilities. Officials eventually agreed to move her to the women's prison, but the decision received pushback from corrections unions, who argued that there weren't clear policies for how to search or supervise transgender prisoners. That case is ongoing.

Other transgender women have been recently held at the Edna Mahan Correctional Facility for Women, according to advocates and current and former prisoners.

Rollins entered the prison system on a robbery charge almost two years ago, according to state records. She was initially in a men's prison but was moved to Edna Mahan in October, she previously said in an interview.

Weeks after the January incident, another altercation with officers led to her hospitalization for a concussion. Her lawyer and a prison spokeswoman previously said that encounter was under investigation.

Prison and union officials have disputed parts of her account. Rollins was the aggressor in the latest incident and four officers and a supervisor had to be treated for "minor injuries," William Sullivan, president of NJ PBA Local 105, previously said.

Rollins sued in March, saying she felt unsafe at the women's prison and asking to be transferred to a county jail.

Ten women under state supervision are in county jails, according to prison records. Three other women are also held in facilities out of state.

But in April, officials instead decided to move her back to a male prison.

In a message to NJ Advance Media, Rollins said she is now kept "in a cell all day as a punishment." She said she had "no say" over the transfer and was "restricted" from "attending a meeting about me" concerning the move.

The transfer was the result of her "speaking up" and made her "5 times" more vulnerable, she wrote.

In one federal survey, more than a third of transgender adults in state and federal prisons reported sexual abuse. In contrast, less than 5% of prisoners overall reported abuse during the same period, according to a U.S. Department of Justice report.

The decision to move her was made by the Prison Rape Elimination Act Accommodation Committee, an internal group that decides who is housed where, according to court records. The committee decided April 23 that she "should be housed in accordance with her assigned sex, male," a prison official wrote.

She was moved a few days later to a facility that housed nearly 1,300 men at the start of the year.

Another official disputed that Rollins was blocked from weighing in.

"Prior to the meeting, Rollins was afforded the opportunity to present her views, but declined to participate," James Haas, a corrections analyst, wrote in a court document.

“Rollins was also afforded the opportunity to participate in the meeting via telephone, but again declined to participate.”

A prison spokeswoman declined further comment.

We “do not provide information on the reasoning for someone’s transfer,” Liz Velez wrote in an email.

The state attorney general’s office, which represents the prison system in court, initially asked that Rollins’ lawsuit be dismissed because she was moved out of the women’s prison, according to public records.

Rollins’ lawyer, Oliver Barry, pushed back and asked a judge for more time to discuss the transfer.

The attorney general’s office agreed and the two sides are now discussing Rollins’ case, according to spokesman Leland Moore.

NJ Advance Media staff writers S.P. Sullivan and Joe Atmonavage contributed to this report.