

TRANSADVOCATE

Gender Nation: Justice Served for Davia Spain

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https://www.transadvocate.com/gender-nation-doj-fibs-trans-troops-2-2_n_21643.htm

Abstract

Gender Nation is a bi-weekly column by Gwendolyn Ann Smith, the founder of the Transgender Day of Remembrance, reviewing news affecting the trans, intersex, and genderqueer community. Justice Served for Davia Spain San Francisco will not be filing charges against Davia Spain, a trans woman who was arrested on the 19th of January for domestic violence, [...]

Article



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Justice Served for Davia Spain

San Francisco will not be filing charges against Davia Spain, a trans woman who was arrested on the 19th of January for domestic violence, battery, and burglary. The case led to an online petition signed by nearly 2000 people calling for her release, as well as a gathering at San Francisco's Hall of Justice on Bryant Street, demanding her release.

Spain is a 23-year-old filmmaker and performance artist who works at the San Francisco LGBT Center as part of their Trans Employment Program. She is a native of the Bay Area and has been involved in the

local community for some time.

The SF LGBT Center issued a statement of support for Spain, saying, “Davia Spain is a valued employee of the Center. We know that people of color and trans folks are often targeted for violence in prisons and the criminal justice system.” They further urged people to sign the petition demanding her release.

Friends of Spain say that she was not the aggressor, and was defending herself during a confrontation over an alleged sexual assault against Spain. Witnesses on scene gave conflicting reports to police, and both Spain and the unidentified victim had minor injuries.

After her arrest, Spain was placed in a holding area for men but was moved to an area specifically for transgender women. This is a common issue for incarcerated trans women, and often a situation that leads to unsafe conditions for transgender people held behind bars.

It is also common for transgender prisoners, particularly trans women of color, to be assaulted in prison. In a joint report from the Task Force and the National Center for Transgender Equality, titled *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, it was noted that 38% of black trans women faced sexual assault while in jail. Denial of health care also figured high, with 16% being regularly denied such care.

Issues surrounding transgender incarceration are heating up, too, with struggles brewing over religious and moral objections to transgender women in women’s prisons.

After a preliminary investigation, San Francisco Public Defender Jess Adachi was confident that the case was one of “self-defense,” and the District Attorney’s office was inclined to agree. Alex Bastian, speaking for the DA’s office, stated, “We make charging decisions based on the law and this case will not be charged.”

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