

# Correctional Transgender Policy in Canada's Federal Prison System

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## Abstract

Since December 2017, Canada's federal correctional system provides prisoners the opportunity to be assigned to living units according to their self-identified gender. Still organized around sex, conceptually and spatially, prison policies and procedures surrounding transgender prisoners require navigation to adhere to the rights of all prisoners. Based on interviews conducted between October 2019 and October 2021 with 74 correctional officers (COs) from the Canadian federal prison system, we discuss how correctional officers view and operationalize Canada's transgender policy to understand its unintended consequences for both prisoners and prison staff. Unintended consequences revolve around the potential risk for prisoner victimization, prisoner pregnancy, lack of adequate housing, strip search complications, officers' fear of being labeled transphobic, and uncertainty and discretion; all having effects on staff wellness. The policy, although well-intended, may potentially compromise prisoner safety, making correctional work even more stressful.

## Keywords

transgender prisoners, prison placement policies, correctional officers, prisoner victimization, prisoner vulnerability

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## Introduction

Transgender prisoners are found to face substantially higher rates of discrimination and threats to both their well-being and safety compared to the general prison population (Brömdal et al., 2019; Zinger, 2019). Often, transgender prisoners manage discomfort or distress emerging from the mismatch between their biological sex and gender identity and vulnerabilities that result from a history of abuse and violence. Transgender prisoners have unique needs that involve mental health support, physical health treatment, and medical privacy (McCauley et al., 2018; National Center for Transgender Equality, 2018). Thus, policies accommodating transgender prisoners have become a necessity to ensure their well-being and rehabilitation. In this article, we discuss Canada's federal prison placement policy for transgender prisoners (Correctional Service Canada [CSC], 2017b). Canada's prison placement policy, *Interim Policy Bulletin 584—Bill C-16 (Gender Identity or Expression)*, hereafter referred to as the "transgender policy," includes several guidelines created to protect transgender prisoners from gender and sexual discrimination by giving transgender prisoners the right to choose whether they want to be placed in prison according to their self-identified gender or sex assigned at birth (CSC, 2017b). In these discussions, sex refers to a combination of innate biological characteristics (e.g., chromosomes and genitalia) that range from immutable to very changeable. Meanwhile, gender refers to socially constructed roles, behaviors, expressions, and identities. With this lens, the policy also regulates not just sex and gender but numerous aspects of prison life, such as strip search and sex reassignment surgery (now called gender-affirming surgery) (CSC, 2017b; it is important to note that *Commissioner's Directive 100: Gender Diverse Offenders* has now replaced CSC's (2017) Interim Policy, as discussed below).

Based on correctional officers' (COs) accounts confirmed by media reports (DiManno, 2020; Lourenco, 2022), the transgender policy leaves prisoners vulnerable to violence and pregnancy, and raises stress levels among prison populations and staff. Noteworthy, in prison, individual acts of violence can quickly spread and scale, compromising institutional security. Moreover, transgender women with male anatomy can be harassed sexually by residents. The policy also seems to raise stress levels among prison workers, particularly COs (Matychuk, 2019; Zinger, 2019).

As Mincke (2017, p. 236) indicates, human rights and prisons "were conceived in the same epoch . . . but have always been in tension. Accordingly, thinkers and policy-makers have constantly had to re-examine and consolidate the legitimacy of the latter [with the former]." In effect, we are not suggesting that we reject the policy out of hand, for it is a many-sided phenomenon; nonetheless, it may be premature to think that key questions about transgender prisoner safety have been resolved with a policy that, similarly to policies in the United States and Australia (Brömdal et al., 2023), gives transgender prisoners a choice of where to be housed but no guarantee of a safe environment. As a result, the existence of a transgender policy and potential biases must be understood not only by those experiencing the policy but also by those working in prison environments and how they experience implementing the policy itself. Moreover, the context of viewpoint is necessary; indeed, as authors, we traverse

identities of gender, age, social class, and sexual orientation. As such, intersectional lenses and perspectives must always factor into delicate conversations surrounding marginalization, incarceration, and policy, allowing us to shine a light on the changes to be made for the better. Acknowledging these views carves open possibilities for correctional transgender policy to become better attuned to reconsidering both the pains of incarceration for incarcerated individuals on one hand, but also as they intersect with the pains of employment for staff on the other (Ricciardelli & Power, 2020; Turner et al., 2023).

### *Canadian Policies: A Brief History*

In Canada, until the late 2010s, transgender individuals were pathologized, meaning that they had to undergo medical treatment (i.e., gender-affirming surgery) to have documentation and access to the rights of their identifying gender (Hébert, 2020). The challenge was bottom surgery was required for placement in a women's prison for transgender women—which could be viewed as coercive. Advocates pushed for depathologization, leading to law reforms with more inclusive requirements for changes to identity documentation between the early 2000s to late 2010s.

In terms of transgender prisoner policies in Canada, the decision of the Canadian Human Rights Tribunal in *Kavanagh v. Canada* in 2001 is often cited as the start of transgender prison reforms (*Kavanagh v. Canada*, 2001). In this case, Synthia Kavanagh, a transgender woman, filed complaints to the Canadian Human Rights Tribunal because CSC prohibited her from continuing her use of hormone therapy, denied her conditionally approved gender-affirming surgery, and placed her in a male institution. The Tribunal found that CSC had discriminated against Synthia Kavanagh on the grounds of “sex” and “disability” (*Kavanagh v. Canada*, 2001). This case led CSC to change its policy surrounding transgender medical access; however, preoperative transgender prisoners were still to be placed in an institution based on anatomy rather than gender identity.

In January 2017, in response to the introduction of Bill C-16, which altered the Canadian Human Rights Act to prohibit discrimination based on “gender identity and gender expression,” CSC adopted a new procedure that assesses transgender prisoners' accommodation requests on a case-by-case basis (Harris, 2017). These accommodation requests include placement in prisons based on gender identity rather than genitalia. This new procedure adoption came just days after releasing a policy amendment, entitled *Health Service Policy Guidelines 800-5—Gender Dysphoria*, which allowed transgender prisoners to be considered for gender-affirming surgery but housed transgender prisoners based on genitalia (CSC, 2017a).

In December 2017, almost a year after the introduction of *Guidelines 800-5*, CSC released a new policy entitled *Interim Policy Bulletin 584—Bill C-16* (the policy in force during data collection for this study), which allowed transgender prisoners in Canada's federal prison system the right to make decisions over their prison placement (CSC, 2017b). This interim policy bulletin listed 14 policy directives that were under review by CSC to provide “a safe, inclusive and respectful environment for everyone,

including staff, offenders, contractors, volunteers and visitors” (CSC, 2017b). The introduction of the interim policy also indicated that amendment directives for gender-affirming surgeries (CSC, 2017a) were revoked; however, criteria related to gender-affirming surgery remained. Canada’s transgender policy provides transgender prisoners several rights beyond placement according to gender, particularly individual accommodations (CSC, 2017b).

Individual accommodations include, among other rights, frisk and strip-searching with officers of the same gender, use of preferred names and pronouns, and private showers and toilets (CSC, 2017b). Individualized accommodations can be difficult to interpret and implement because transgender prisoners have different and unique physical conditions despite being often generalized into a uniform population category. For example, transgender prisoners have the right to decide the gender of the COs conducting their strip searches. However, the Correctional Training Program, at least prior to 2022, to our knowledge, does not train COs on how to strip search individuals of the opposite sex. In addition, CSC, at recruitment and training, does not include strip searches of individuals of the opposite sex as a job requirement. Moreover, familiarity with anatomy, male or female, does create a semblance of greater comfort in an inherently awkward situation, thus, ensuring people have the same biology when searching is foundational to more humane conditions. In part for these reasons, many COs try to refuse to or are not comfortable strip-searching body parts of the opposite sex. In addition, quite often, prisoners with body parts aligning with both sexes request to be strip searched by COs of two different genders. Although COs comply with the request, this solution can be operationally challenging and risky from the security standpoint as COs are taken away from their posts without much planning to perform strip searches and individuals can reposition contraband between searches performed by different COs. Strip searches are performed by two officers for security and liability reasons—one to control for potential contraband and two to witness in case of allegations. Furthermore, Canada’s transgender policy does not provide guidance on how to develop individualized accommodations, making it difficult for prison staff to provide appropriate accommodations to transgender prisoners.

In effect on May 9, 2022, the *Commissioner’s Directive 100: Gender Diverse Offenders* intends to foster an environment where gender minorities feel safe (CSC, 2022a). This new policy replaces *Interim Policy Bulletin 584—Bill C-16*, revoking all associated guidelines and directives (CSC, 2022b). The directive requires correctional institutions, among other actions, to regulate, facilitate, and expedite the institutional transfer of transgender prisoners. More importantly, the directive orders correctional institutions to involve prisoners in the transfer decision-making process. The directive also gave prisoners who disagree with transfer decisions or the security level associated with transfer decisions the right to submit a “high-priority grievance” to the “national level” (i.e., the Regional Deputy Commissioner and potentially the Assistant Commissioner) (CSC, 2022a). While trying to further improve the environment for transgender prisoners, the directive may amplify intended and unintended consequences associated with the transgender policy.

## *Policies for Transgender Prisoners Beyond Canada*

Australia was one of the first countries to take into account the social or self-identification of gender in their prison policies (Wilson et al., 2017). Starting in the late 2000s, four states in Australia, which includes New South Wales, Victoria, the Australian Capital Territory, and Tasmania, have adopted such policies, allowing transgender prisoners to be housed in facilities based on their gender identity unless their safety and security could be compromised (Lynch & Bartels, 2017; Wilson et al., 2017). Australian policies surrounding transgender prisoners continued progressing to better address transgender needs; however, research on the topic remains limited (Lynch & Bartels, 2017).

In the United States, transgender prisoners were predominately placed in facilities based on their genitalia (Au, 2016). In 2009, 6 years after Congress implemented the Prison Rape Elimination Act (PREA), the National Prison Rape Elimination Commission (NPREC) released a report calling for intake screening and prison fitness assessment of female transgender prisoners as they were at a higher risk for sexual abuse (National Prison Rape Elimination Commission, 2009). In 2012, the Department of Justice acted on NPREC's report, requiring federal-funded correctional facilities to screen lesbian, gay, bisexual, and transgender prisoners to determine their prison fitness, allowing space for gender consideration in prison placement affairs (Au, 2016). Despite the Department of Justice's requirement, most states across the United States continued to place transgender prisoners in facilities based on their anatomy; five states even refused federal funds to avoid reconsidering the placement of transgender prisoners. In July 2018, Connecticut became the first state in the United States to pass legislation guaranteeing the right of transgender prisoners to be placed according to gender identity (O'Hara, 2018). This law also gave transgender prisoners the right to be addressed by their preferred pronouns and searched by a correctional worker of the same gender. The policy also required transgender prisoners to have access to gender-appropriate education, programming, and commissary items.

In the United Kingdom, a policy for transgender prisoners in England and Wales from 2011 authorized the placement of transgender prisoners according to gender (Beard, 2018). However, following two deaths of transgender prisoners, the policy was deemed harmful to transgender prisoners and silently discontinued (Beard, 2018). In November 2016, the transgender prisoner placement policy was revised and reinstated. In Scotland, since 2014, transgender prisoners can be placed in institutions in accordance with their identifying gender regardless of their Gender Recognition Certificate (Beard, 2018). In Northern Ireland, although there were no cases of transgender prisoners as of 2015, transgender prisoners must be accommodated on a case-by-case basis to best address their needs (Beard, 2018).

## *Previous Research on Transgender Prisoner Policies*

Research on transgender prison policies is still limited. A study in the United States examined the "dilemma of difference" experienced by female transgender prisoners

and correctional staff working in a men's institution (Sumner & Sexton, 2016). While correctional services may believe they were treating transgender prisoners the same as any other prisoner, transgender prisoners did not believe this. Instead, transgender prisoners were often being sexualized and placed in units that typically house prisoners who are a risk for engaging in sexual activity rather than focusing on their gender differences (Sumner & Sexton, 2016). Another study in the United States examining the experiences of female transgender racialized prisoners found that transgender prisoners were being placed in units for sex offenders and prisoners with mental health needs (McCauley et al., 2018). Furthermore, transgender prisoners were being harassed and abused by both other prisoners and correctional staff, and the institution was not addressing these concerns, thus allowing their mistreatment to continue.

In Canada, studying the early implementation of CSC's transgender policy, Hébert (2020) examines policy documents and interviewed correctional staff and transgender prisoners in federal prisons. Hébert's findings, which are relevant to this study, demonstrate both correctional staff and transgender prisoners struggled with balancing accommodations and risks. Hébert's findings also indicate CSC's transgender policy was unclear, ambivalent, and difficult to implement—which is not surprising, given he collected his data when the policy was first introduced. With the introduction of the transgender policy in CSC affecting more than just transgender prisoners, Adorjan et al. (2021) examine CO recruits' perceptions of potentially working with transgender COs. Although recruits were supportive of transgender COs, they were concerned about their risk and safety on the job. Ricciardelli et al. (2020), another study that is relevant to the current article, examine CO recruits' perceptions of concerns related to the transgender policy and revealed that despite being supportive of transgender prisoners, they were uncertain of their role in their care, where transgender prisoners should be housed, and how to ensure the safety of transgender prisoners.

### *The Current Study*

Our study contrasts with the scholarship available (see Hébert, 2020; McCauley et al., 2018; Sumner & Sexton, 2016), which focuses, despite a few exceptions, on the dilemmas and experiences of transgender prisoners. Unlike the studies available, this study analyzes, from the CO perspective, how the transgender policy is understood, viewed, and operationalized, as well as the policy's unintended consequences for COs and prisoners (i.e., correctional work and correctional operations) from numerous institutions across Canada. Our goal is to understand how the transgender policy is being operationalized in federal correctional institutions and the challenges and obstacles that COs experience in delivering the policy. Our study draws on the assumption that work and incarceration conditions are intertwined; what affects prisoners affects prison workers, and vice-versa (Ricciardelli & Power, 2020). In the specific case of transgender policies, if they are difficult to operationalize and plagued with unintended consequences, they can further discriminate and compromise the safety and overall well-being of a population that already may suffer harm and violence, as well as increase correctional work stress.

## Method

The data supporting our analysis derives from a larger, multiyear, mixed-methods study (2018–2028; Ricciardelli et al., 2021) on the mental health and well-being of COs in Canada's federal prison system. Specifically, this larger study, which is referred to as the *Canadian Correctional Workers' Well-being, Organizations, Roles and Knowledge* study (CCWORK), draws on "appreciative inquiry"—a collaborative and participative approach that tries to change and improve organizational practices (Watkins et al., 2011) to identify individual, job-related, and organizational stressors impacting the overall occupational health of COs. Organizational stressors include policies such as the transgender policy, and their operationalization. CCWORK collects both qualitative (interviews) and quantitative (surveys) data on officers when they are recruited (i.e., baseline interviews) and annually after that (i.e., follow-up waves). Overall, CCWORK intends to inform correctional policies with evidence-based research.

The 74 interviews used in this article were conducted between October 2019 and October 2021 and include COs working in 17 of CSC's 43 institutions; they are part of the follow-up wave one dataset ( $N = 151$ ) of interviews with officers who had completed a year on the job. We selected all interviews that were ready (i.e., transcribed and coded) to be analyzed. Transcription was based on the availability and speed of the diverse transcriber team. The study is vast and thus we used completed interviews to create our dataset.

Following a semigrounded conversational format (Charmaz, 2014; Glaser & Strauss, 1967), the interviews inquired into several correctional work topics, including COs' interpretations of their professional role, occupational challenges and stressors, career expectations, views of prison, prisoners, and correctional policies, including the transgender policy analyzed here. Participant responses to four questions concerning the transgender policy created the data analyzed: (1) Have you had any experience with transgender prisoners? Please tell me about those experiences. (2) Do you feel comfortable working with transgender prisoners? (3) What are your views and opinions of the transgender policy? (4) Does having transgender prisoners in your institution pose any challenge to your job or your safety? These questions were designed to capture COs' level of comfort with the implementation of policies tied to gender diversity, which can inform correctional training and views of the transgender policy, especially any operational challenges and stressors policies may cause. Overall, interview questions were designed to support the goal of gaining insights into the high prevalence of Operational Stress Injuries (Oliphant, 2016) among COs in Canada's correctional system.

CSC facilitated data collection by assisting with recruitment activities and allowing us to interview participants during paid time. Interviews lasted about 60 minutes and were voice-recorded, transcribed verbatim, and coded by a team of research assistants. All research assistants undergo extensive training with team leads, are overseen by team leads, and are met with regularly to ensure consistency across the coding team is achieved. Coding disagreements are resolved using a group discussion format.

All participants identifying information was anonymized; participants' names were replaced with a participant identification number. Despite CSC's collaboration, participation in our project was voluntary. Furthermore, CSC has no access to primary research data.

All interviews were coded by a well-trained research assistant (i.e., the first author). To train this assistant, the authors met to pre-analyze a subsample of the data and develop a codebook that described and provided samples of each code. To ensure adherence to the codebook and analytical consistency during coding, The authors regularly to discuss coding, resolve disagreements, and familiarize ourselves with the data. The coding process entailed a three-step process: First, using the software NVivo, the interviews were coded according to a multi-item coding scheme that reflected the themes explored in the interviews. This scheme included a category labeled "transgender topics," a subcategory labeled "COs' perceptions of transgender people," and a further subcategory labeled "transgender inmates," under which the excerpts supporting our analyses were coded. Second, the excerpts were analyzed in connection with the interview topics (i.e., level of comfort with gender diversity and views of the transgender policy) and a combination of open-coding (Casco et al., 2019) and axial-coding (Kendall, 1999) were applied to tease out themes that reflected participants' experiences with transgender prisoners and their views of the transgender policy, particularly how this policy impacted prison operations. In doing so, we looked for patterns and repetitions, which were coded into keywords or key phrases, depending on the case. Interview excerpts expressing COs' level of comfort with gender diversity were coded into three keywords: "supportive," "unsupportive," and "unclear." Meanwhile, interview excerpts expressing the impact of the transgender policy on prison operations were coded into six keywords or key phrases: "risk of prisoner victimization," "risk of prisoner pregnancy," "lack of adequate housing," "strip search issues," "COs' fear of being labeled transphobic," and "uncertainty and discretion." Such operations-related themes were reported according to how frequently they were mentioned. Finally, we tabulated participant demographics and the themes emerging from the coding process using the software MS Excel and examined the data for patterns and associations involving demographics and participants' views using IBM-SPSS. As there were no associations and correlations found, no data were reported.

Participant demographics are presented in Table 1.<sup>1</sup>

## **COs' Views of Transgender Prisoners**

COs in our sample usually felt comfortable providing services, including care, to transgender persons. In most cases, COs showed sympathy for the challenges transgender prisoners face and supported sexual and gender diversity and inclusion. For instance, P134 stated transgender prisoners must be dealt with sensitively due to the problems they are likely to experience, demonstrating her awareness of the complex issues facing transgender populations: "They're [transgender prisoners] probably going through a lot more than anybody else in the institution." On a similar note, P25 said: "I want to support people. I want everyone to feel comfortable in their own skin."



**Table 1.** Participant Demographics.

Demographics	<i>n</i> (%)
Gender	
Male	44 (59.5)
Female	30 (40.5)
Age	
19–24	21 (28.4)
25–34	39 (52.7)
35–44	9 (12.2)
45<	5 (6.8)
Highest degree of education completed	
University certificate, diploma or degree at bachelor's level or above	21 (28.4)
College, CEGEP or other nonuniversity certificate or diploma	33 (44.6)
Trades/vocational	3 (4.1)
Secondary (high) school diploma or equivalency certificate	16 (21.6)
Not reported	1 (1.4)
Ethnicity	
White	57 (77.0)
Indigenous	7 (9.5)
Visible minorities	8 (10.8)
Not reported	2 (2.7)
Sexuality	
Heterosexual	67 (90.5)
Homosexual	2 (2.7)
Other	2 (2.7)
Prefer not to say	3 (4.1)
Prior corrections experience	
Yes	18 (24.3)
No	56 (75.7)

P430 indicated that she enjoyed the diversity that is involved with working with transgender prisoners: “I love talking to them and hanging out with them and learning about their perspective and what’s important to them.” Other officers commented on being accepting of transgender prisoners as they are friends with transgender folks outside of prison. For instance, P13 said: “I’m an ally of the LGBTQ [lesbian, gay, bisexual, transgender, queer] community. I have several friends that happen to be in that community.” Complementing P13’s view, P27 said that he has an outside view of the experience of transgender persons because he had transgender friends and that his house is a “safe space,” which is demonstrated by “the rainbow flag” flying outside his house. However, despite being comfortable working with transgender prisoners and supporting the transgender cause, COs showed serious concerns about the transgender policy and the prioritization of gender in prison placement—particularly when placement left other residents feeling unsafe or less comfortable in their own living spaces.

In addition, even when participants' personal views did not support transgender identities, they showed respect toward transgender prisoners, as they considered working with whole people, including transgender people, a part of their job. For instance, putting aside his personal views, P104 stated: "I may not believe in this like in my personal beliefs, but again this is the job, and you still respect." On a similar note, despite not agreeing with such "progressive societal norm," P106 stated: "It's not my job to judge. I'm not here to make anybody's life more difficult, so you know what? I'll treat you as an individual human being." Regardless of personal opinions, in all cases, lack of support for gender placement resulted from a concern for the safety and security of all prisoners.

## **COs' Views of the Current Transgender Policy**

Most COs were either unsure about (44.6%) or unsupportive (33.8%) of CSC's decision to prioritize gender identity over birth sex when placing prisoners. Only 21.6% fully supported such prioritization. Not supporting the prioritization of gender in prison placement did not necessarily mean opposing sexual and gender diversity, rather, some were concerned about specific decisions made and had witnessed challenges with placement that violated other residents. The notion however was not all transgender prisoners are the same and individuality was necessary in policy use.

## **Concerns and Rationales**

Irrespective of how COs viewed transgender prisoners and the policy, every participant, except for one person, believed the policy posed risks to transgender prisoners. Most concerns involved prisoner victimization (79.5%), risk of prisoner pregnancy (30.1%), lack of adequate housing (41.1%), strip search issues (38.4%), COs' fear of being labeled transphobic (8.2%), and unclarity and discretion (35.6%).

### ***Prisoner Personal Vulnerability***

A repeated concern among officers when discussing the vulnerability of prisoners was the risk of sexual assault (79.5%) transgender prisoners experienced, a situation that can jeopardize both prison security and prisoner safety while impacting staff well-being as COs are responsible to intervene in such altercations. In addition, this risk can lead to the issue of prisoner pregnancy (30.1%). Furthermore, such a risk was aggravated by another concern, the lack of safe housing to accommodate transgender prisoners (41.1%).

***Risk of Prisoner Victimization.*** Participants feared transgender men and women can be victimized by incarcerated men when they are placed in men's institutions. Discussing the placement of transgender men in a male institution, P10 said: "It will be bad, in my opinion." When asked why, P10 said the following, suggesting male prisoners view transgender men as women still: "Men get raped by other men, then you get a legit

female. Oh man.” P158, discussing the same topic, put herself in the shoes of transgender men prior to gender-affirming surgery in a male institution, saying she would be afraid for her personal safety: “If that were me, I would constantly be in fear of sexual predators just for my, my [female] biological parts.”

Not only did officers have concerns about transgender prisoners being victimized, but also transgender prisoners being the perpetrators of violence. P106 believed that placing transgender women in a women’s institution is “a recipe for disaster,” even when they had undergone gendering-affirming surgery: “It potentially changes the aspects of what a potential physical assault or rape would look like.” This was exacerbated by the strength of transgender men and women due to the testosterone and different biology. Meanwhile, P158 recalled most women in women’s institutions have a history of abuse and trauma that includes being sexually assaulted by men, touching on one of the main problems of the transgender policy, that is, the risk it creates for women’s revictimization: “[The policy] is risky because many of our inmates have had traumatic past experiences with the opposite sex.” P158 went on further to say for those with a traumatic past, the presence of transgender women in women’s institutions “poses a risk to their mental and physical well-being.” P325 was particularly concerned about the placement of transgender prisoners who had gone through puberty as a male in women’s institutions. He said: “The ability to do harm is very high” because the female transgender prisoner will have a “larger bone structure” and “muscle mass,” making them stronger than the average female prisoner. P45’s concerns paralleled P325 in that she worried about the physical strength of a female transgender prisoner in a women’s prison as a danger. She said that although placing a female transgender prisoner in a male population may not necessarily address their personal needs, such placement would be safer as “you got to look out for everybody as well as for the individual.”

Officers also feared that sexual predators could potentially misuse the transgender policy to victimize women. Most officers noted prisoners are smart and will take advantage of the transgender categorization to receive their desires. For instance, P228 asked in a rhetorical fashion: “What if they [transgender women] were a predator? Who’s to say this individual [transgender woman] wouldn’t victimize one of them or two of them [incarcerated women].” P77 had similar comments about the possibility of transgender prisoners sexually assaulting other prisoners, suggesting CSC should carefully examine the transgender prisoner’s history before allowing any transfer. She said: “They’ve got to look at their history” when making decisions on their placement to “make sure that they’re safe and the other inmates are safe too.”

Not only does taking advantage impact COs, but also prisoners who are authentic in their transgender identity. For instance, P26 believes a sex offender at her institution is “full of baloney” when it comes to gender identity: “[Prisoner] knows policy well enough to know that if they identify as transgender, they’ll be patted down by a female officer.” Some officers are already uncomfortable with the idea of having to strip search a transgender prisoner, but when they view prisoners as inauthentic in their identity as transgender thus, using it to benefit from strip searches, there is more discomfort and apprehension among officers. P33 also discussed a situation involving

misuse of gender identity to benefit from strip search: “[He was] trying to claim that he is transgender and wants women to have to do the searches of his top.” She said that psychologists are trying but encounter great difficulty when working with the prisoner: “Even the female mental health professionals don’t want to talk to him” as they are uncomfortable in his presence. P33 added other prisoners also disapprove of the prisoner’s behavior, which resulted in the prisoner having to be held in protective custody for his own safety: “He is assaulted by other inmates on a regular basis because he’s such a POS [“piece of shit”].” When discussing strip searches, officers recognized there is a greater degree of comfort when people involved have the same degree of familiarity with the anatomy of the person being searched. Thus, officers felt strip searches would be less uncomfortable and awkward if anatomy aligned, particularly recognizing some transgender women are uncomfortable with their bodies—particularly given the weight gain that often occurs in prison spaces.

Select COs believed or have experienced some prisoners trying to change their gender identity to be transferred to a women’s prison, which they often deem less strict. P13 said a prisoner at his institution, after being placed in segregation for trying to stab someone, was overheard saying that if he identified as a female, he could be transferred to a women’s facility and “get treated better.” The prisoner allegedly filed a request to change his identity, but once the other prisoners started calling him by a female name, “he got really mad” and then retracted his request. P13 said that despite everyone knowing that he was “full of it,” no one said anything negative about the prisoner during the time he wanted to transition, thus showing respect for his gender diversity. P308 expressed similar concerns about transgender prisoners not being authentic in their identity to transfer to a women’s institution. He said those who are “trying to manipulate the system” make it “awkward” to navigate working with transgender prisoners. While P308 does not believe every transgender prisoner is trying to “use things to their own accord,” he said there is the possibility that some prisoners do and “wouldn’t rule it out as a possibility.” After highlighting gender reclassification often means risk classification in the prison system, P99 said male prisoners planning to escape could misuse the policy to move to a women’s institution, where fences are lower, and there is less security (i.e., an unarmed parameter).

Regardless of specific reasons, all officers agreed the transgender policy made sexual assault involving transgender prisoners, either as victims or as offenders, inevitable. P109’s comments summarized everyone’s concern regarding the increased vulnerability of prisoners saying that sexual assault is “not a question of if” when housing prisoners with biology that does not align with gender in the same institution. Instead, it is a question of when. This reality was laced in narratives of experience to adverse events when transgender prisoners or other residents were targeted by sexual acts, even aggression.

**Risk of Prisoner Pregnancy.** Humans have sex, and sex involving a penis and a vagina can lead to pregnancy, regardless of the act’s nature (that is, consensual or forced, the latter referring to a criminal act). Numerous officers raised concerns of how the transgender policy can lead to an increase in the number of pregnancies behind bars. For

instance, P134, when discussing the possibility of transgender women having sex with females, said: “[The idea] that a female inmate gets pregnant while she’s incarcerated. I mean, holy geez.” P185 said officers are aware of consensual sexual acts in prison. However, he feared sex involving males and females because of pregnancy: “If you have biological male, biological female and they’re having sex. . .you’re opening up the door to pregnancies,” which he believed would jeopardize the rehabilitative processes of all involved.

While discussing the potential for pregnancy as a factor affecting placement, P414 suggested a “plan” is needed for transgender men such that they are kept separate until gender-affirming surgery: “Once you go for a surgery and then you . . . can put them together.” Other officers had more drastic suggestions on how to avoid pregnancy, which they see as a “liability.” P27 believed transgender men, if they are “committed to the transition,” should subject themselves to “chemical castration” while they wait for gender-affirming surgery. According to P27, castration would not be a big deal because once the transition is completed, “there’s no reproduction anyways.” P134 shared the view of P27, suggesting transgender women with penises and testes should be “made incapable” of getting female prisoners pregnant before moving to a women’s institution.

*Lack of Adequate Housing.* The lack of a safe place to house transgender prisoners suffering violence threats or struggling with mental health also concerned participants. Often, Structured Intervention Units (SIUs) (CSC, 2019a) become the only place to secure transgender prisoners who ask for isolation, despite SIUs’ inappropriateness. SIUs replaced solitary confinement in Canada and are deemed by CSC as a more humane form of segregation; however, others argue that SIUs have been misused and that this new model of incarceration is just solitary confinement “rebranded” (e.g., Doob & Sprott, 2020; West Coast Prison Justice Society/Prisoners’ Legal Services, 2020). Findings involving the transgender population seem to corroborate those preliminary arguments involving SIUs. For instance, P89 revealed transgender prisoners, when threatened in the general population, often prefer to stay in SIUs, in the absence of a better place. P104 echoed P89, saying most transgender prisoners at his institution “volunteered” to be placed in SIUs or other protective custody units to ensure their safety. At P104’s institution, there are enough transgender prisoners for them to transform the SIU into “their own” community.

P17 reported transgender prisoners at his institution were initially placed in open population, but, after receiving threats, they usually ask to go to SIUs. According to P17, transgender prisoners are not well-liked: “[Other prisoners] don’t like them very much.” P35 discussed how a transgender woman, a sex offender, with a history of victimizing women is often placed in SIUs because COs have no other way to ensure the prisoner’s safety: “[We are] having a hard time trying to find a unit for the inmate to live.” P35 added prisoners are especially aggressive toward transgender women who have a sex offense conviction, which makes housing transgender prisoners even more difficult: “They’ve been run out of every other unit.”

Disappointed by prison conditions offering limited and inappropriate solutions to protect transgender prisoners, participants often offered possible suggestions for the problem. Many COs brought up the idea of separate housing or even a separate institution specifically for transgender prisoners. When giving her opinion, P172 said that CSC “needs to make like a transgender prison or like a transgender unit” for safety reasons. While she believes everyone should be “accepted and integrated,” it’s “not reality.” Although it may not be feasible to have a transgender institution, P172 believed placing transgender prisoners in units and institutions without the support of other people in their situation can be “isolating.” P80, like P172, said he believes having a wing or institution for transgender prisoners would be beneficial for transgender prisoners as a source of support, saying that “they would have a lot in common.” P80 also had issues with the safety of the institution, saying although the transgender prisoners in his institution are “respectful,” there are still safety concerns: “It’s not just the offender’s safety risk but also the inmates and the guards. Everybody in the system.” Such discourse, we caveat, is reductionist in that the discussion creates a liminal state for transgender prisoners, where they are stuck in a “transitioning” identity rather than recognized as the gender with which they identify.

Complementing P80, P87 thought placing transgender prisoners in their own prison would be beneficial as it would be void of “any prejudice” from the other prisoners as they would all be going through a similar process. He believed it would be a “good compromise” for the safety of transgender prisoners as male and female prisoners are segregated, asking, “why is the safety of male inmates and female inmates important but not transgender inmates?” P87 went on to say transgender prison placement is going to continue to be a gray area “until something happens really serious,” such as a transgender prisoner dying while in the care of an institution. P69 had similar safety concerns relating to the placement of transgender prisoners stating there should be another institution built to place transgender prisoners “while they’re undergoing the process until it’s complete.” He fears transgender prisoners will be “violated” by other prisoners. P69 mentions the CO job is “to make sure you are safe during your sentence,” but placing transgender prisoners who have not yet undergone gender-affirming surgery with prisoners with biology that does not align “jeopardizes the safety” of the institution and puts COs “in an awkward position”—even at risk. Moreover, COs could be investigated for their actions toward transgender prisoners, which adds layers of stress and can result in compromised mental health.

### *Correctional Work*

The transgender policy impacted important aspects of correctional work: strip-searching (38.4%); COs’ interactions with prisoners and their fear of being labeled transphobic due to involuntary misgendering (8.2%); and COs’ ability to exercise discretion and work in a clear regulatory environment (35.6%).

*Strip Search Issues.* Searchers of transgender prisoners often require two conditions: First, officers from different genders, who alternate during the search, to accommodate

any anatomic diversity the prisoner may have. Second, matching the prisoner's preference regarding the gender of the CO performing the search and the officer's willingness to perform the search of body parts of the opposite sex. Often, officers from different genders are not available due to short staffing or staff arrangement. Thus, other officers must be called from their posts to perform the search, which creates strain in the system and compromises security. Fulfilling the prisoner's request regarding the CO's gender is also difficult, especially when a transgender woman who has not had gender-affirming surgery yet wants to be searched by a female officer. Correctional training teaches COs to perform searches on prisoners of their own sex. Thus, many COs do not feel comfortable or skilled in searching body parts of the opposite gender. Moreover, such searches are beyond the purview of the responsibilities COs agree to when enrolling in the occupation. Again, we caveat that strip searches performed by officers with familiarity with the residents' anatomy would increase everyone's comfort with the awkward and uncomfortable act.

P313 described the process of strip-searching a transgender prisoner at her institution as a "two-part search" in which the prisoner is never "fully completely naked." Two female officers would be required to "do the top of the body," and then two males would have to "come in and do the bottom." Not only does this compromise the strip search, but it "ties up four staff for one strip search" in an institution that is short-staffed. P113 voiced similar concerns relating to the strip search policy for transgender prisoners. She said that there is a "disconnect" between policy and reality as the male COs have to step out before the top half of the search, damaging "the integrity of the search." P113 went on to say that there is "a constant interpretation battle" for how to support the other half of the search as the prisoner can hide something in their pants that they initially had hidden in their shirt when redressing between the searches, which nullifies the point of the search and can compromise safety.

Multiple COs discussed the issue of discomfort in searching transgender prisoners. Forced to do a job they were not trained for and without a clear protocol to regulate their actions, several officers take the organization of strip searches into their own hands. For instance, P49 discussed how she and another female CO volunteered to strip search a transgender prisoner rather than allowing new female COs to conduct the strip search as this prisoner was a sex offender looking to "victimize us as female officers." Despite volunteering to conduct the search to protect other female officers, P49 said: "I unfortunately saw things that I never thought I'd have to see in a male institution, but it is what it is." Further discussing the strip search policy, P49 said she felt management "took the inmate's side on that one." P10 had similar beliefs about "inmates' rights are valued higher" than CO discomfort, citing a moral injury due to the feeling of being dis- or under-respected. He says strip-searching transgender prisoners is a gray area because although the female officers at his institution have been doing the strip searches thus far, they "could technically get in trouble" if they refuse to strip search a transgender prisoner. P10 goes on to discuss how if the roles were reversed and there was a female prisoner who identifies as a male, he would feel uncomfortable "having to see this female naked."

*COs' Fear of Being Labeled Transphobic.* While misgendering was not discussed as frequently as other themes, it was a major concern among those who brought it up. A few officers fear involuntarily misgendering prisoners and facing accusations of being transphobic. After accidentally misgendering a transgender prisoner, P158 apologized but, shortly after, accidentally misgendered another transgender prisoner who reacted much more severely. Despite her “best efforts” to assure the prisoner that she and the other officers try to properly gender all prisoners, the transgender prisoner asked: “What about me physically, is it so hard for you to see that I’m a woman?” P158 believed in having “direct, clear and honest communication” with the prisoner, replying to the prisoner despite thinking she was “being set up for failure.” P158 explained her “upbringing,” “biological things” made it “difficult” for her “brain to see” the prisoner as a woman. She also explained it was her “personal experience,” suggesting to the prisoner she was aware of her responsibility to treat all prisoners with respect. As a result of her response, the prisoner filed a grievance with the prison warden. P158 reported that “nothing came of it,” but fear of retribution for accidentally misgendering transgender prisoners spread among her colleagues. To avoid such situations, which seem to be common, P306 said he asks transgender prisoners what they would like to be called rather than “not addressing the situation” as it is “the mature way to approach it.” He believes it is best to properly address the situation otherwise, “if I address him in a way that he feels assaulted, that’s a valid claim that he could put against the crown to me.” Of course, misgendered is also more plausible when a CO (or any person) previously knew the transgender person as having a different gender identity. Such situations are a result of habit, which can be hard to break, but the resulting misgendered, even when unintentional, can be interpreted as disrespect.

Another potential cause of misgendering transgender prisoners has to do with the language of one’s region. For example, P5, a CO originally from the Atlantic region, described a situation where he was interacting with a transgender prisoner and said, “hey, how you doing buddy?” Although his dialect uses the term “buddy” as a non-gendered term, he did experience how individuals unfamiliar with his dialect may misinterpret his comment as being transphobic. P5 said “it didn’t go over well” with the transgender prisoner, but once he explained what he meant, they “got a kick out of it.”

*Uncertainty and Discretion.* The transgender policy was deemed unclear, which compromised COs’ ability to exercise their discretion when making decisions about routine work. P38 mentioned that while transgender prisoners do not necessarily make his job more complicated, COs “have to find different ways to do stuff.” He stated, while not impeding on his job, the policy “just presents new challenges” as working with transgender prisoners sometimes results in having to stop the work routine to “check with management” to follow the proper protocols. P97 reported there are “different policies and guidelines” when working with transgender prisoners, such as having private showers. He said the additional policies tied to transgender prisoners results in “a little bit of added stress” as they have to change their routine and “change the way you’re currently doing something” for that specific prisoner, then change it back again



for the “mainstream population.” P90 described a specific case of the work routine changing “probably weekly or every second week” for a transgender prisoner. He said, “on top of having specific needs because they were transgender,” they also had mental health needs that required temporary policies to be put in place. The specific policies for this transgender prisoner were changing as “frequently as policies within CSC themselves were changing to deal with transgender individuals,” and P90 said: “it was a lot to keep up with.”

The topic of strip search was also marked by uncertainty. P21 discussed how the officers were given “conflicting instructions” from “management to keepers” on how to approach strip-searching transgender prisoners. When the transgender prisoner first arrived at the institution, the female officers were sent an email asking if any of them wanted “a refresher” on how to conduct strip searches. Although P21 replied to the email willing to learn how to strip search transgender prisoners, which historically was not taught in the Correctional Training Program (at least before 2020). Despite never receiving the training, she was placed in the situation of having to strip search the transgender prisoner without the proper training, saying “nobody knew” what to do and the situation “was hard” for her. P143 highlighted contradictions involving rules on strip search, which enhances uncertainties and compromises the COs’ ability to do their job:

It’s written somewhere that if the inmate asks for a female, a female needs to do it, but it’s written somewhere else that the female can refuse and then it’s written somewhere else that the female can be like, ‘I’m just going to do the top and male is going to do the bottom cause they still have their male genitals. (P143)

Officers also brought up how a few transgender prisoners take advantage of policy unclarity to leverage their power against COs. For instance, P143 expected that more written rules would shield COs from unfair accusations by prisoners:

I guess we really need to have more rules written on how we should be dealing with transgender prisoners’ issues because it’s going to happen more and more. I don’t mind that they’re here, I really don’t, but it’s just it needs to be black or white. There’s no grey area in this, there cannot be, it’s making them pissy about it, and it’s making us in trouble because if we refuse to do it, then we get in trouble, but if we do it, then we also get in trouble with the other officers. (P143)

The uncertainties and other problems with the transgender policy challenged participants’ confidence in their ability to ensure the safety and well-being of prisoners, which COs usually view as their primary responsibility. P314, for instance, said she would feel uncomfortable with transgender prisoners being in her prison for “their own safety.” She said COs “can only protect them so much” as they are not always in earshot or able to see what is happening in certain areas of the prison. She worries about other prisoners “taking advantage of them” as it is her “job to protect them and to make sure that they’re safe.”

## Discussion

Policies express social changes and guide how to operationalize societal transformations. Ideally, policies should improve accountability, responsibility, fairness, transparency, and overall quality of life in organizations and societies. However, if not properly designed, policies result in unintended consequences that can aggravate the problems they intend to address (Chollete & Harrison, 2021). CSC's transgender policy aims to ensure that gender-diverse prisoners are safe in federal prisons. On its surface, the policy appears as a source of innovation and progress toward recognizing gender identity and expression in federal correctional services, which is progressive and remarkable. However, the policy possibly embodies challenges that have compromised its efficiency. Policy concerns have also impacted employee support, as over a third of participants did not support the policy, voicing concerns about violence, pregnancy, and harmful consequences. Based on research findings, such problems, which we list below, include potential risks to prisoners and COs in varying degrees.

By allowing prisoners the right to choose prison placement according to their gender identity, CSC transfers to already vulnerable transgender prisoners risks and liabilities they cannot bear alone. Prisoners may not have enough organizational knowledge to make an informed decision on placement matters nor the means to allocate the necessary resources to arrange for their housing and safety at the institution of their choosing. For instance, incarcerated transgender men may not realize their risk of sexual assault if transferred to a men's prison. They also may not realize COs have no means to guarantee the prisoner's safety. Giving prisoners autonomy to make decisions about prison placement may also impact prison security as the opportunity to transfer between institutions may be weaponized, in extreme cases, for gang activity or escape purposes.

The policy not only allows individuals of different sexes to mingle in a space that is built for sex segregation but also appears to limit the tools of prison staff for preventing sexual violence—which affects CO's well-being. COs do not want to be responsible for failing to prevent or intervene in prisoner-on-prisoner violence. Moreover, prisons fail to offer a safe place to accommodate transgender prisoners under threat in the mainstream population. Findings demonstrate that SIUs have been used to protect transgender prisoners from violence regularly. Although SIUs are also meant to protect prisoners under threat from other prisoners (Corrections and Conditional Release Act, 1992), these units are not equipped to be used as a long-term solution to protect prisoners from transphobic (or other) violence.

As indicated by most participants, the policy is thought to pose physical and emotional risks for incarcerated women. In their view, the policy offers no plan of action to prevent sexual offenders from transferring to a women's institution to gain access to a new pool of victims. Considering the high percentage of sexual offenders in the federal prison system (between 46% and 60% of prisoners; Public Safety Canada, 2020), such a risk cannot be disregarded. We caution here, we are not painting prisoners with a homogeneous brush; we are simply stating that all prisoners have rights, and no one's rights (no matter how they identify) should undermine those of another. A

delicate balance is needed and must be struck, then, when rights, recognitions and safety are at the heart of correctional policymaking.

The policy seems to evade the possibility that humans can have sexual relationships regardless of gender and sex and that intercourse between individuals of the opposite sex can result in pregnancy. Although transgender prisoners have the option to undergo gender-affirming surgery, they also have the ability to keep the genitals they were born with rather than those congruent with their identifying gender; therefore, the availability of gender-affirming surgery is not a definite solution. By allowing the placement of transgender prisoners who have not undergone gendering-affirming surgery yet with the opposite biological sex, the policy paves the way for prisoners with vaginas to conceive and give birth while in prison, which presents serious implications for child welfare (Walker et al., 2021; Wismont, 2000). A policy that fails to account for the possibility of parenthood in prison may represent a liability for CSC, as the agency is not equipped to provide care to the children of prisoners.

The transgender policy potentially creates an impasse for COs and prisoners during strip searches. While the policy allows prisoners to choose the gender of the COs performing the strip search, the policy disregards how strip search training is organized around sex, instead of gender. The policy also disregards how COs feel about performing these searches, as many may be uncomfortable or harmed in the process. In other words, COs do not receive training on how to perform a strip search on transgender prisoners and may have histories of sexual trauma that evade their comfort when searching someone from a violating sex. Performing a strip search on an individual of the opposite sex is not a requirement during recruitment either. Thus, the policy creates an expectation regarding strip searches, as well as frisk searches, that CSC cannot deliver because of operational limitations. Furthermore, the policy also overlooks the fact that select prisoners may weaponize their autonomy over strip searches against officers by trying to force female COs to perform a strip search on a male body, a situation many officers view as uncomfortable, even psychologically harmful. Furthermore, the autonomy given to prisoners over strip searches can threaten prison security. As strip-searching a transgender prisoner often entails a two-phase activity, in which officers of different genders enter the room consecutively to search different body parts, prisoners can take advantage of staying alone in the room to shift the position of drugs and other contrabands. Also, when COs of the requested gender were not available or not willing to perform the search, which is too often in prisons struggling with short staffing, COs responsible for the search have no other option but to request colleagues to leave their posts and help. In addition, the policy does not address how the potential for increased comfort with anatomy can, in particular circumstances, reduce some of the discomfort transgender prisoners and COs alike may experience in the process of strip-searching.

The policy appears to assume COs and prisoners know how to navigate interactions with individuals identifying as transgender. Thus, instead of promoting training and education on gender for all actors in the prison system, the policy fosters a regulatory environment that encourages punishment and fear instead of understanding and reconciliation around transgender topics. Participants have indicated involuntary misgendering and

misunderstandings around the gendering of prisoners can become a source of stress for prison staff, who fear doing anything that can be genuinely perceived or weaponized as transphobic, resulting in investigation, consequences, reprimand, and even unpaid leave. In addition, the policy makes discomfort with a transgender prison—a unique human—appear as transphobia rather than an interpersonal challenge. Not everyone will see eye to eye or get along, independent of gender identity.

Participants indicated the policy is unclear in the sense that it does not contemplate the realities of prison. That is the case, for example, with strip searches. The lack of clarity around how to proceed when there are no COs available to perform a search leave officers uncertain about how to balance two imperative necessities—the need to accommodate transgender prisoners and the need to ensure the security of the prison. Unclear rules and uncertainty may facilitate the manipulation of officers by prisoners, a common feature of the officer-prisoner relationship (Liebling et al., 2011). Unclear rules also make COs vulnerable to disciplinary actions, as they must make decisions in a context where protocols are either unfeasible or open to multiple interpretations. In general, unclear rules make any policy, including the transgender policy, extremely hard to operationalize. Our findings regarding the difficulties that prison workers face in operationalizing the transgender policy due to its unclear nature converge with a previous study based on interviews with 36 prison workers in CSC that occurred when the policy was first implement before the nuances around the policy emerged (Hébert, 2020).

Overall, our findings indicate the transgender policy, in principle, advances a wish to create a safe environment for transgender prisoners in federal prisons; however, the policy, in practice, offers no solution to the obstacles that prison staff face in housing and protecting transgender prisoners. The policy, by mixing individuals of different anatomy in the same facility, aggravates the risk of violent incidents involving prisoners—but a solution is not to segregate prisoners who identify as transgender either. The topic is, and remains, complicated (Ricciardelli et al., 2020). The policy leaves COs, as one participant put it, in an “awkward position.” Instead of enhancing the officers’ ability to keep prisoners safe consistently, at times, the policy diminishes it, becoming a source of frustration, fear, and stress for an occupational group that already experiences a high incidence of operational stress injuries (Carleton et al., 2018).

The challenges of transgender policy appear to result from several issues pertaining to the policymaking process. First, policymakers, perhaps urged by the political need to respond to Bill C-16, may have disregarded the characteristics and dynamics that underpin prison society when designing the policy and evaluating its potential outcomes. Such characteristics include the prison’s sex-based organization (see Ricciardelli & Bartlett, 2022). For instance, the organization of showers, accommodations, rehabilitation programming, and staff training follow a binary sex-based logic. Prison subcultures involve strict gender norms, gang activity, violence, and drug use and abuse. Furthermore, prison populations struggle with high levels of mental health disorders (Beaudette et al., 2015; Brown et al., 2018). Practically, the policymaker may not have considered the impact of strip searches on hiding contraband or how cisgender women could feel uncomfortable living with individuals with penises and testes. Moreover, there needs to be consideration of the comfort provided to residents

when their anatomy aligns with that of the officer conducting the search. Second, the transgender policy, both in principle and in practice, does not reconcile the needs and interests of cisgender women and transgender women, placing both, arguably, in danger. Third, the processes and information underpinning the transgender policy are unclear. For instance, none of the documentation released with the policy (CSC, 2017b; Harris, 2018) presents evidence supporting the policy. As there is no public information on the number of transgender prisoners housed in federal prisons nor reports on the issues they face, we surmise this policy may be more politically inclined instead of grounded in empirical-scientific evidence and, as such, is largely being enforced on CSC. Furthermore, the current policy seems detached from understanding how the policy affects the mental health, safety, and well-being of staff.

Motivated by the goal to advance transgender policies that are congruent with the rights and duties of prison workers and all prisoners, we recommend reconsidering the policy's elements based on research and supported by evidence that considers the needs, health, and safety of all prisoners and all staff. A re-envisioned policy should focus on rebuilding incarceration conditions, including physical infrastructure, that helps COs to ensure the safety of vulnerable prisoners. To ensure the success of this new policy, CSC should first research, understand, and publicize the issues affecting transgender prisoners in a systematic fashion, allowing stakeholders, interest groups, and academics to contribute to the process—and CSC should be listened to—not politically overturned by opinions without evidence. An effective policy should also consider the input of COs and prisoners, as they, better than stakeholders and academics, understand the difficulties that transgender prisoners and prisoners in general experience in prison living. In particular, based on CO accounts of sexual predators using the transgender categorization when they do not authentically identify as transgender, an augmented policy should require careful examination of transgender prisoners' history before allowing any transfers to protect both women and those who are authentic in their transgender identity. Most importantly, policy should align actions and goals, allowing for future evaluation. Any transgender prisoner placement policy should be accompanied by staff training in the policy and practices. We recommend CSC revise its Correctional Training Program (CSC, 2019b) to include modules on gender and sexuality, as well as on protocols for strip-searching transgender prisoners—once these processes are determined. Modules on gender and sexuality must discuss discrimination, bullying, and violence against members of the 2SLGBTQI+ community (i.e., Two-Spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex). For instance, the portrayal of transgender women as “sexual predators” or “perpetrators of violence” must be called into question and deconstructed based on empirical evidence during correctional training—it is an injustice to perpetuate a stereotype or false understanding of any person, including a transgender prisoner. Officers' responsibilities should be revised to include the strip search of transgender prisoners. Such a revision should accompany rigorous on-the-job training; tenured officers who refuse to perform strip searches on transgender prisoners should be accommodated—as this element was not in play when they first entered the occupation. These recommendations can help change the prison's structure from binary to gender fluid from bottom-up, as opposed to top-down.

Our study includes an important limitation; we build our analysis on the views and experiences of COs. Although all COs interviewed share the commitment to advance the safety of transgender prisoners, all prison actors must be heard for a complete analysis of the study topic. Thus, future research should investigate the perspectives of prisoners, especially women and transgender prisoners. Future studies should also examine the impact of the new policy, *Commissioner's Directive 100: Gender Diverse Offenders*, which came into effect in May 2022 from the perspective of both staff and prisoners. Overall, academics, policymakers, and stakeholders cannot discount how policies impact mental health and well-being; such effects must be considered from all perspectives and underpin all policies constructed.

## Conclusion

The discussion of correctional transgender policy continues to take place beyond this article, even if such thoughts about the policy exist only in the imagination of the cautious reader. In reconsidering correctional transgender policy, there is always room to re-evaluate safety and security in light of differing views. While this article may not resolve the complexities and machinations of correctional transgender policy, hopefully, with permission of the reader, it is closer to a more fulsome exploration of the opportunities and challenges of implementing correctional transgender policy within unsettled, cisgender correctional institutions, and the interdigitated spaces a correctional transgender policy shares with socio-carceral dynamics.

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## Data Availability Statement

Data sharing not applicable to this article as no datasets were generated or analyzed during the current study.

## Note

1. The research's ethics protocols received approval from the Research Ethics Board of the Memorial University of Newfoundland (File No. 20190481).

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