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Transgender Protection and Best Practices in the Prison Setting

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Walden University

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Jessica Byrd

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Walden University
2020

Abstract

Transgender Protection and Best Practices in the Prison Setting

by

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MSW, University of Cincinnati, 2015

BS, Urbana University, 2011

Project Submitted in Fulfillment
of the Requirements for the Degree of
Doctor of Social Work

Walden University

November 2020

Abstract

While the importance of equal protection for all offenders has been established, prison officials often do not provide adequate protection for or effectively address the unique needs of transgender inmates. In this qualitative action research study, prison officials' perceptions regarding their responsibility to provide protection and equal treatment to transgender offenders were evaluated as well as to what extent they are congruent with those stated in policies and procedures. The expectation was that linkages could be drawn between prison officials' level of knowledge regarding their responsibilities and the various types of maltreatment that transgender offenders experience as well as the frequency at which they are subject to such maltreatment. Prison staff, employed by the Department of Corrections in the southeastern U.S. state, were recruited through fliers posted in local public libraries and relevant social media platforms. Data were collected from a focus group of 7 prison staff. Findings, determined through a coding process, suggest that the personal biases of prison staff and a lack of accountability from supervisors and managers were the most apparent causes for the maltreatment of transgender offenders occurring in the prisons. The study has implications for correctional management, staff training, and policy.

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Section 1: Introduction

It has been frequently observed that the lesbian, gay, bisexual, and transgender (LGBT) community faces discrimination and various forms of abuse in activities of daily life in the workplace, schools, public venues, and more (Becker, 2014; Stohr, 2015). One particular place where the LGBT community experiences this increased maltreatment is in the prison setting (Schneider, 2016). While the treatment of lesbian, gay, and bisexual offenders is gradually improving (Jilani, 2019), there is not as much progress being made regarding transgender offenders. The discrimination against and intolerance for facing transgender offenders in the prison settings is ongoing as it is for transgender individuals in the free world (Glezer, McNeil, & Binder, 2013).

Studies have shown that prison officials are not adequately trained or educated regarding the transgender community and protecting this community's rights and safety (Simopoulos & Khin Khin, 2014). Perhaps if prison officials, such as correctional social workers, correctional officers, teachers, program coordinators, and nurses working in corrections, were more familiar with and more educated about the transgender community, they would better understand how to respect and protect the rights and safety of those transgender offenders they serve. The continued elevated rates of maltreatment that transgender offenders experience may lend support to the notion that prison officials are not receiving sufficient education and training on working with transgender offenders. Singer (2015), for example, spoke to the importance of health care professionals serving LGBT inmates receiving LGBT inclusive education in order to provide effective and culturally sensitive healthcare to these individuals. Shah (2010) also explained that

transgender offenders are often unfairly housed in administrative segregation for their “protection” as a result of prison officials’ lack of education and training on their proper placement. Administration segregation units are generally used for punishment, housing most often those that have committed some sort of crime or infraction while incarcerated (Labrecque & Mears, 2019). Those housed in administration segregation have fewer privileges and are isolated from the general population (Labrecque & Mears, 2019).

In this action research study, I explored the perceptions of prison officials regarding their responsibility to provide protection and equal treatment to transgender offenders as well as what policy states regarding the responsibilities of prison officials in this matter. Another focus was to identify how the potential difference between staff perception and actual policy impacts the various types of maltreatment that transgender offenders experience and the frequency at which they experience it. Another aim was to assess the ethical merits of current practices affecting transgender individuals in prisons using the NASW Code of Ethics (COE) as the main barometer. The systems theory and minority stress theory were explored in an effort used as a lens through which to develop a more thorough understanding of the problem of discriminatory and unjust treatment of transgender offenders in the prison setting and explore potential solutions. Finally, I collected prison staff’s views on how policies and practices can be enhanced to better serve transgender inmates and prevent some of the abuses they are currently being exposed to in certain prison systems.

Problem Statement

The transgender community experiences various types of maltreatment at extremely high frequencies (Carroll-Ferrary, 2006). This maltreatment includes, but is not limited to, verbal abuse, discrimination, emotional abuse, physical abuse, and sexual assault (Carroll-Ferrary, 2006). The transgender community is also often denied their constitutional and civil rights. For example, transgender individuals are sometimes denied education or employment because colleges/universities and employers are still legally able to deny a person enrollment or employment solely for being transgender (Becker, 2014). This abuse and maltreatment occurs in many places, such as schools, public venues, the workplace, and prisons/jails (Glezer, 2013). While incarcerated, transgender offenders experience maltreatment not only at the hands of other offenders but also by prison officials, such as nurses, doctors, teachers, or correctional social workers (Schneider, 2016). I have worked with transgender offenders who have experienced this maltreatment from peer offenders as well as prison officials. Types of maltreatment transgender offenders are subject to include, but are not limited to, sexual assault, public humiliation, denial of necessary medical care related to their gender transition, physical abuse, and verbal abuse (Scott, 2013). This is not only a moral and ethical concern but also an issue with strong legal and policy ramifications.

Federal law notes the importance of equal protection of all offenders regardless of race, ethnicity, age, gender identity, sexual orientation, or disability (Carroll-Ferrary, 2006). Still, prison officials often do not appear to be sensitive to the needs of transgender offenders. It is imperative that prison officials recognize and understand the

need to take into account various unique vulnerabilities associated with transgender inmates in their interactions with them.

An initial review of the literature revealed that many prison officials are not receiving sufficient training on working with transgender offenders (Simopoulos & Khin Khin, 2014). There is also limited accountability for the maltreatment of transgender offenders (Mintz, 2013). While the importance of providing equal treatment to and protection for all offenders is established, it is questionable whether prison officials are receiving sufficient training or being held accountable for providing such service to transgender offenders. In this qualitative action research study, I further explored this question.

Numerous lawsuits have been filed by transgender offenders regarding the abuse and maltreatment they experienced while incarcerated, such as the case of Ashley Diamond (Abeni, 2015). Ashley Diamond is a transwoman who was incarcerated in various men's prisons in Georgia until her unexpected release in August 2015 (Abeni, 2015). Ms. Diamond was originally sentenced to 11 years but was granted a parole certificate after experiencing repeated discrimination and abuse during her first 3 years of incarceration from 2012–2015. In 2015, Ms. Diamond won a class action lawsuit against the Georgia Department of Corrections, settling for her release and an undisclosed financial payment due to the maltreatment and discrimination she experienced while incarcerated (Abeni, 2015). Not only was Ms. Diamond denied hormone therapy that she had been receiving for 17 years prior to her incarceration, but prison officials failed to

adequately provide protection as she fell victim to rape on multiple occasions (Abeni, 2015).

Purpose Statement and Research Questions

As seen in the case of Ashley Diamond, prison officials' lack of understanding and accountability for providing equal treatment and protection to transgender offenders can lead to serious harm being caused to that offender and others. The maltreatment of transgender offenders while incarcerated is not a newly emerging issue. It is a concern that has been present for quite some time (Halbach, 2016), but steps are being taken to address the issue. Cases such as that of Ashley Diamond have led the Department of Corrections in the identified state to implement various training opportunities, such as *sensitivity training*, and also review their current policies relevant to transgender offenders (Abeni, 2015). The Department of Corrections in the identified has also since revoked their "freeze frame" policy, which only allowed offenders receiving hormone replacement therapy prior to their incarceration to continue treatment while in prison (Abeni, 2015).

Research Focus

The purpose of this action research was to study, by the use of a focus group, the level of knowledge of prison officials in a southeastern U.S. state on providing protection and equal treatment to transgender offenders while incarcerated. Another focus of the study was to examine how the identified knowledge level of prison officials influences the various types and frequency of maltreatment observed. The hope was that the data would reveal emerging themes that could be used to help improve training and/or policies

implemented regarding the equal treatment and protection of transgender offenders. In an effort to assess to what extent current policy shapes practice in this field, I also reviewed current policies and procedures in place regarding the equal treatment and protection of transgender offenders as well as how prison officials' perceptions of their responsibilities are or are not congruent with those policies and procedures in effect.

The following research questions guided this study:

1. Based on policy, what are the responsibilities of prison officials in a southeastern U.S. state regarding the equal treatment and protection of transgender offenders in the prison setting?
2. How knowledgeable are prisons officials in a southeastern U.S. state about their responsibilities regarding the equal treatment and protection of transgender offenders in the prison setting?
3. What are the prison staff's perceptions about the frequency, etiology, and typology of transgender inmate maltreatment?
4. How does prison officials' level of knowledge regarding their responsibilities in the equal treatment and protection of transgender offenders influence the various types of maltreatment that transgender offenders experience and the frequency at which they are subject to such maltreatment?
5. What solutions does the prison staff recommend for improving the living conditions of and treatment received in prison settings by transgender inmates and what prison policy amendments or changes may be necessary to better achieve this end?

Addressing these research questions helped to provide additional knowledge on and insight into the culture at prisons in a southeastern state pertaining to the equal treatment and protection of transgender offenders.

Operational Definitions of Prison Officials and Transgender Offenders

Gender dysphoria: A state of distress brought on by a disconnect between a person's biological sex and gender identity (Agbemenu, 2015). Organizations that operate within a binary gender system can contribute to the severe distress that those who do not fit neatly into a male or female category experience. Legal representatives often argue that gender dysphoria constitutes a serious medical need because those suffering often resort to a suicide attempt or other self-harming behavior, such as genital mutilation (Psicothema, 2018). A concern with using a gender dysphoria diagnosis as an argument for the need for particular treatment is that an individual should not have to resort to such life-threatening measures before being provided necessary medical treatment. Another concern is that not all individuals who identify as transgender suffer from gender dysphoria (Agbemenu, 2015). However, although these transgender individuals are not at the same level of risk for suicide or self-harm as those diagnosed with gender dysphoria, there is still a medical necessity present. It can be extremely harmful, or even lethal, to abruptly stop medication or medical treatment previously received (Agbemenu, 2015). Not only can abruptly stopping any medical treatment lead to serious physical health issues but neglecting to provide certain treatment, such as hormone replacement therapy (HRT), to a transgender individual can lead to serious mental health issues (Agbemenu, 2015).

Prison officials: Any official prison staff or officers, including correctional officers, correctional counselors, teachers, nurses, and doctors. These are the prison staff who have regular contact and interaction with the offenders, including transgender offenders. This is also the staff charged with a high level of responsibility to ensure the equal treatment, protection, and well-being of all offenders (Halbach, 2016).

Transgender: Individuals whose gender identity differs from the sex they were assigned at birth (Dargie et al., 2014). It should be noted that a person *perceived* to be transgender is often subject to the same discrimination and maltreatment as those who actually identify as transgender, and for that reason, persons perceived to be transgender were treated as transgender individuals in this study.

Equal Treatment and Protection

The concept *equal treatment and protection* refers to the ideal respect and care with which the transgender offenders should be treated. Transgender offenders should be treated with the same respect, care, and concern as straight, cis-gender offenders. This concept also relates to transgender offenders' civil rights. All offenders are protected from cruel and unusual punishment under the Eighth Amendment of the U.S. Constitution (Halbach, 2016). Cruel and unusual punishment is somewhat of an umbrella term that can encompass many things, such as torture, deplorable conditions, denial of access to needed medical treatment and failure to protect. Prison officials are expected to protect all offenders, including transgender offenders, from all harm.

Policy and Procedure

When answering to what extent prison officials' perceptions about their responsibilities to transgender inmates are congruent with those stated in policy and procedure, a key construct is policy and procedure. These terms refer to any current rules or plans set in place at the prisons in a southeastern U.S. state at the local, state, or federal level for handling situations involving transgender offenders (e.g., the manner in which a transgender offender's housing assignment is determined upon his or her arrival).

Types of Maltreatment and Frequency

Although there is not a single or universal definition of maltreatment, it can be commonly understood to include cruel and poor treatment as some of its key characteristics. Maltreatment can be seen in various forms, such as physical abuse, emotional abuse, sexual assault, and more (Ferguson, 2009). When discussing frequency in this study, I looked at how often transgender offenders are experiencing each type of maltreatment during their prison sentence.

Nature of the Doctoral Project

In this action research study, I gathered the perspectives of seven prison officials employed in a southeastern U.S. state. Possible participants were invited to participate in the current action research study by fliers posted in various public venues, such as local public libraries and public social media platforms, such as the public Facebook page for the respective state's Department of Corrections. Potential participants were invited to participate in a discussion about their understanding of current policies and procedures regarding the equal treatment and protection of transgender offenders and their

perceptions of their responsibilities in providing equal treatment and protection to transgender offenders. I also asked participants to discuss their perceptions of their colleagues' understanding and acceptance of current policies and procedures regarding the equal treatment and protection of transgender offenders. Participants also discuss the maltreatment of transgender offenders that they had witnessed. This discussion topic was necessary because participants may have been resistant to truthfully discuss anything that may be perceived as maltreatment for which they were at fault themselves; however, it may have been more apt to discuss incidents or issues that they had witnessed.

I used a set of open-ended questions to determine a specific level of understanding that prison officials had regarding their responsibility to provide equal treatment and protection of transgender offenders. These open-ended questions were developed after a review of available literature on transgender discrimination as well the literature on transgender discrimination specifically in the prison setting.

Significance of the Study

I hope that the findings of this study will help prison administrations develop a beginning understanding of the level of knowledge of their current prison officials on transgender offender treatment and protection issues as well as their attitudes and dispositions towards transgender offenders. In turn, I also hope that this knowledge will help prison systems to craft training and educational programs to help prison officials improve the quality of their work and care for transgender inmates.

Another hope is that the findings of this study will also add to the generic social service research literature pertaining to prison systems by identifying the different types

and frequencies of maltreatment experienced by transgender inmates, the knowledge level that prison officials have about protection and well-being issues pertaining to transgender inmates, and the response that is provided by prison officials based on the type of maltreatment experienced by transgender inmates. The findings of this study can help to initiate the development of new and improved policies and procedures in prison systems that better support the equal treatment protection of transgender offenders.

Theoretical/Conceptual Framework

In an effort to support a more thorough understanding of the maltreatment and lack of protection of transgender offenders, I used the systems theory to help indicate how the interrelated systems involved in providing equal treatment and protection for transgender offenders in the prison system function. In the general systems theory, Von Bertalanffy (1968) defined a system as “a complex of elements engaging in dynamic interaction among each other” (p. 30). Moreover, in systems theory, it is argued that the various subsystems affecting a system only see from a perspective specific to their individual functions and may be indifferent or oblivious to the perspectives of any other subsystems perspective (Michailakis & Schirmer, 2014). Consider the two main subsystems in prisons: security and care and treatment. These two subsystems often times find themselves in conflict. For instance, the security function may argue that in an effort to reduce the risk of assault amongst transgenders offenders, the latter should be housed in segregation. On the other hand, the care and treatment function may argue that a transgender offender should be housed with the gender with which they identify and be afforded the same comfort as other offenders. Being housed in segregation units is

typically perceived to be a punishment (Labrecque & Mears, 2019). In most segregation units, offenders are confined to their cell for a majority of the day, have no cell mate, and have limited interaction with their peers in the facility (Labrecque & Mears, 2019).

I also used the minority stress theory to bring a better understanding of how transgender offenders' unique circumstances and challenges have a significant impact on their overall well-being. Although this concept is sometimes referred to as the minority stress theory, it is actually not a concept founded or rooted in a single model. The minority stress theory is inferred from numerous social psychological theories (Meyer, 2003). The minority stress theory was originally focused primarily on racial minorities and sexual minorities in the LGBT community; however, the theory has more recently been expanded to include other populations, including the transgender population (Tebbe & Moradi, 2016).

In the minority stress theory, it is argued that minorities experience elevated levels of chronic stress, which ultimately lead to physical and mental health complications as a result of social prejudice and discrimination (Tebbe & Moradi, 2016). When applied to the identified problem, the minority stress theory supports the idea that failing to provide necessary treatment and protection to transgender offenders leads to the decline of their overall safety and well-being. Living in constant fear of physical abuse, sexual assault, or other forms of maltreatment while incarcerated can contribute to physical and mental health complications. For instance, Lefevor et al. (2019), completed a study on a sample of 3,568 college students at the Center of Collegiate Mental Health, and of this sample, those identifying as "genderqueer" experienced higher rates of traumatic experiences

related to their gender identity. This appeared to also correlate with much higher rates of not only psychological distress but also medical complications.

Values and Ethics

Careful consideration of each principle and value in the NASW COE is critical to the development and implementation of an ethically sound research study (NASW, n.d.). Some particular values or principles may be more relevant than others in this particular area of study; however, all of the ethical values and principles should be well known and followed. The COE guides clinical social work practice in this area of practice by making clear social workers' ethical responsibilities to serve others, maintain professional demeanor as opposed to personal bias in practice, treat others with respect and dignity, and so on (NASW, n.d.).

Service is one value of the COE that was relevant to this action research study (NASW, n.d.). Participants in this action research may not personally agree with or understand the journey of a transgender person. Professionally, however, it is critical that all involved develop enough of an understanding to serve, advocate, and take action for the rights and well-being of transgender inmates regardless of personal beliefs or biases. Another value of the COE is social justice (NASW, n.d.). Social workers have a responsibility to seek positive social change on behalf of others, especially vulnerable populations such as prisoners (NASW, n.d.). Prisoners who identify as transgender have unique vulnerabilities associated with their identity and proclivity to discrimination. Finally, competence is another value of the COE (n.d.) that is highly relevant to this action research. As a researcher, I needed to ensure that I showed respect to the

participants and make them feel safe enough to honestly share their experiences with transgender inmates. I expected that my ability to interact competently with the study participants and protect their anonymity as well as maintain confidentiality concerning all information shared would have a strong impact on the quality of data that I gathered from the focus groups. Moreover, I needed to ensure that the study did not in any way personally expose any of the participants or any transgender inmate to prevent them from suffering any negative ramifications as a result of this study.

The social work values of the selected southeastern U.S. state are evident considering the training, policies, and procedures that they do have in place. Each prison in this southeastern U.S. state has a zero-tolerance policy for sexual assault regardless of race, sex, age, disability, sexual orientation, or gender identity. These prisons also have training in place in an effort to educate employees about LGBT offenders, their unique vulnerabilities, and their need for protection.

This project supports the values and principles of the COE because it will help this southeastern U.S. state to better identify exactly what their shortcomings are regarding the treatment and protection of transgender offenders and how they can improve in those areas. Assessing prison officials' level of knowledge and competence regarding their responsibilities will assist this southeastern U.S. state in recognizing and understanding the need for additional and improved methods of providing training and education.

Review of Literature

The primary database used to identify relevant academic material was Academic Search Complete. I selected this multidisciplinary database because it contains many sources including peer-reviewed journals, books, newspapers, papers, magazines, and more. To complete my search, I used a series of different combinations of the following key terms: *transgender offender*, *transgender inmate*, *transgender in prison*, *LGBT in prison*, *gender dysphoria and incarceration*, and so on.

Upon reviewing the relevant literature, I observed that in many research studies the transgender community is grouped together with the LGBT community. However, the focus of the current review was placed solely on transgender individuals in sources published between the years 2008 and 2019 in an effort to ensure that themes and information gathered from the literature were current and closely relevant to the present study.

Access to Needed Health Care

Transgender offenders have been denied medical treatment related to their transition, such as HRT, for a very long time (Schneider, 2016). The resulting severe medical and mental health complications from such denial have led many to consider it “cruel treatment” and, therefore, a violation of offenders’ Eighth Amendment rights (Schneider, 2016). However, as a result of the efforts of researchers, legal personnel, and advocates, there has been some progress made in both state and federal prisons towards better medical treatment for transgender offenders. These efforts have included arguing for offenders’ constitutional rights and reporting ethical violations (Schneider, 2016).

Some states have even begun reviewing and revising their policies related to providing HRT and sex reassignment surgery (SRS) for transgender offenders (Schneider, 2016). Although this positive shift is occurring, transgender offenders still face great barriers to receiving necessary medical care as a result of the lack of education and training that prison officials have on working with the transgender community (Schneider, 2016).

Many transgender offenders are denied HRT while incarcerated because it seems of little importance (Schneider, 2016). Some transgender offenders, however, have found a loophole that allows them access to HRT during their incarceration (Maruri, 2010). Referencing the Diagnostic Statistical Manual IV (*DSM-IV*)'s classification of gender identity disorder as a mental illness causes prison officials to have to provide HRT in order not to violate the transgender offender's Eighth Amendment rights (Maruri, 2010). Appealing to gender identity disorder, however, can be a double-edged sword for transgender offenders because it gives them access to HRT, but it also attaches to them the label of mental illness.

Lack of Education, Sensitivity, and Specialized Training for Prison Staff

Today, there is little research available regarding transgender offenders, their specific prison needs, and their overall treatment by direct service staff and administration in correctional settings (Glezer et al., 2013). To my knowledge, there appears to be research primarily regarding the medical treatment, or lack thereof, of transgender offenders and whether it is ethical to deny them HRT or SRS while incarcerated. However, there is very little current research focusing on the lack of education and specialized training available to prison officials serving transgender inmates. Researchers

does, however, argue that there is, in general, a lack of education and training among prison officials regarding the LGBT community (Thoreson, 2016).

In some states, such as Alabama, educators must teach that homosexuality is not an acceptable alternative lifestyle let alone living as a transgender individual in society (Thoreson, 2016). The lack of education and training starts with the youth in U.S. school systems. Educators are not knowledgeable themselves or adequately trained to teach youth to be tolerant and competent regarding the LGBT community (Case & Meier, 2014). Additionally, educators have pointed out that the little LGBT-focused training they do receive only mentions the transgender community as an afterthought and sometimes not at all (Case & Meier, 2014). Some researchers have even noted that students are receiving less than 4 hours of LGBT-focused education while in medical school, which is unacceptable considering the likelihood of these professionals having to work with transgender patients (Singer, 2015). It may be argued that this lack of education and workplace training available regarding the LGBT community, and more specifically the transgender community, contributes to the intolerance, discrimination, maltreatment, and lack of sufficient protection for transgender individuals, including those incarcerated.

The abuse and neglect of transgender people who are incarcerated is not just an issue in the U.S. state where this study took place; this is an issue that is well documented in many states across the country (Brown, 2014). However, the root causes and contributing factors leading to the discrimination against transgender inmates could vary from state to state because they may be defined very specifically by the socio-cultural context within which it takes place (Brown, 2014).

Effects of Discrimination and Maltreatment

The high rates of discrimination, neglect, and sexual assault that transgender individuals experience in prison systems and other settings and lack of equal opportunities for upward social mobility often times leaves them feeling as if prostitution is the only feasible method of survival, which ultimately lands them back into a prison or jail (Nadal, Davidoff, & Fuji-Doe, 2014). The transgender population has a significantly increased rate of suicide compared to the cisgender population (Virupaksha, Muralidhar, & Ramakrishna, 2016). Additionally, they are at increased risk for alcohol abuse, tobacco abuse, and mental illness (Virupaksha et al., 2016). These increased risks for the transgender community have largely been attributed to the abuse, rejection, and discrimination that the transgender community experiences in various facets on their lives, such as in school, the workplace, home, and more (Virupaksha et al., 2016).

Hostile/Unresponsive Judicial Systems

Countless transgender offenders have lost lawsuits regarding prison officials' constitutional duty to provide a safe environment for offenders (Au, 2016). Many of these lawsuits have been lost because although prison officials are required to protect inmates from sexual assault, this only applies to when and if they have knowledge that there is even a considerable risk to that inmate (Au, 2016). Some may argue that it is quite difficult to prove that a prison official knew of an inmate's significant risk of harm and then deliberately disregarded that risk. For instance, if a transgender male was housed at a male facility and was masculine presenting, prison staff may permit that inmate to shower with other inmates as in normal operations. If that staff member, however, did not know

that this particular inmate was transgender and still had female genitalia, he/she may not have realized that he is at increased risk of harm and should be showering alone or under increased supervision.

Managerial Accountability

Some have argued that it is not just a lack of education and/or training and problematic policies that are to blame for the maltreatment and lack of protection for transgender offenders but also the lack of accountability by executive management and the justice system (Au, 2016). The main assumption of this school of thought is that prison officials are adequately educated and trained on the unique needs and vulnerabilities of transgender offenders but choose to deliberately disregard these needs and vulnerabilities because of certain personal biases. In this nexus, deliberate intolerance or discrimination towards the transgender community is often defined as transphobia. Transphobia is “an emotional disgust towards individuals who do not conform to society’s gender expectations” (Nadal et al., 2014, p. 171).

Proposed Practices for Work with Transgendered Inmates: Are They Effective and Ethical?

Some researchers, advocates, and prison officials have suggested possible solutions to the issue of maltreatment and unequal protection of transgender offenders. Some of these recommended solutions included placing transgender offenders in segregation units, single man cells, or mental health units (Von Dresner, Underwood, Suarez, & Franklin, 2013). These solutions are controversial and can be also seen as undue punishment to transgender inmates. Offenders are typically housed in segregation

units for disciplinary reasons and are only permitted outside of their cells for 1 hour per day (Von Dresner, Underwood, Suarez, & Franklin, 2013). Offenders housed in single man cells are usually believed to be unable to live with others (Von Dresner, Underwood, Suarez, & Franklin, 2013). Offenders housed in mental health units generally have some sort of mental health diagnoses and are incapable of functioning in the general population (Von Dresner, Underwood, Suarez, & Franklin, 2013). One institution, Riker's Island in New York City, even opened its separate dormitory that was exclusively for those offenders identifying as or perceived to be part of the LGBT community (Eleveld, 2006). That LGBT housing unit has since been closed, reportedly due to a need to improve security.

Arkansas, for instance, does not have any written policies targeted at managing transgender offenders, and practices are decided solely on the person's genitalia (Andasheva, 2016). So, an offender who was born male and has started transitioning by undergoing HRT and had breast implants, but still has a penis, will be housed in a male facility. Similarly, an offender who was born female and has also started transitioning by undergoing HRT and had their breasts removed, but still has a vagina, will be housed in a female facility. Similar policy is followed in Australia (Howell, 2009).

Many believe that Denver's extremely liberal policy is the way to go and should be used as a national model (Andasheva, 2016). Denver's policies allow offenders to indicate on a statement of preference form which gender they identify as, what name they prefer (regardless of any legal name change or lack thereof), which pronouns they prefer, and where they feel they should be housed (Andasheva, 2016). Following this process, a

Transgender Review Board deliberates over the offender's preferences and any other contributing factors, such as psychological factors and charges, to make a final decision on their housing (Andasheva, 2016).

The story of Jackie Tate, however, demonstrates how procedures for managing transgender offenders can vary. Tate, who was sentenced in Sacramento and housed at the Sacramento County Jail while she awaited her trial, did not have the option to self-identify and have an input on their housing assignment like the procedures in Denver (Smith, 2012). Although she was only 5'6", 125 pounds, had developed breasts, and had been dressing and living her life as a woman, she was classified to a male institution (Smith, 2012). This decision was based on the fact that Tate was preoperative and still had male genitalia (Smith, 2012). Additionally, Tate was classified as a *total separation* inmate, which comes with a lack of interaction with other inmates, loss of religious services, limited access to showers and recreation, and more (Smith, 2012). All inmates who identify as a transwoman (i.e., born biologically male and transitioned to a woman) is considered a total separation inmate at the Sacramento County Jail (Smith, 2012).

Recent Policy Against Transgender Inmate Harassment

The Prison Rape Elimination Act (PREA), which was signed into law in September 2003, has brought a lot of attention to not just sexual abuse and harassment in prisons but also specifically to the sexual abuse and harassment to transgender people who are incarcerated (Jenness & Fenstermaker, 2016). A primary purpose of the PREA was to curb or reduce sexual assault and harassment of those in custody through a zero-tolerance policy (Jenness & Fenstermaker, 2016). Information regarding the facilities'

zero-tolerance policy is to be discussed upon inmate arrival to a facility, during inmate orientation, upon the start of the hiring process, and during employee trainings (Jenness & Fenstermaker, 2016).

In addition to prevention tactics, response procedures are outlined in the PREA as well. Each facility houses a Sexual Abuse Response Team (SART) which comprises a compliance manager, investigator, mental health personnel, medical personnel, security personnel, and retaliation monitor (Au, 2016). The SART team is expected to thoroughly investigate all allegations of sexual assault or harassment (Au, 2016). National prevention standards were developed that cover areas, such as management of juvenile offenders, cross-gender searches, employee training, inmate reporting, and victim and aggressor screenings, and each and every secure facility is required to uphold them and audited to ensure compliance with these standards (Au, 2016).

The PREA also requires that prison officials receive training and education that includes which incarcerated populations are at higher risk for sexual assault (Au, 2016). This means that prison officials have an ethical and professional responsibility to be knowledgeable and aware of transgender inmates' significant and increased risk of harm. Some studies have revealed that not only does there appear to be a trend of increased rates of sexual assault and a lack of protection for transgender inmates, but there also appears to be a trend of a lack of accountability for the law enforcement and criminal justice personnel who does not comply with protective legislation (Stotzer, 2014).

Conclusions

Overall, the available research regarding the abuse and neglect of transgender offenders presents common themes. The available literature supports the notion that transgender people have historically experienced higher rates of discrimination, oppression, maltreatment, and a lack of protection; this holds true not only in the free world but also in the U.S. prison system. A significant contributing factor to the maltreatment and unequal protection of transgender offenders is the lack of sufficient training and education provided to prison officials, which can contribute to the sexual, physical, and mental abuse of transgender offenders by prison officials and other offenders as well. One positive finding is that many institutions are at least making an effort towards better recognizing and addressing this issue (Thompson, Nored & Dial, 2008). This is evidenced by the development and implementation of policies, such as the federal PREA that was enacted in 2003 by then President George Bush. PREA requires prisons across the United States to follow specific protocol in an effort to better prevent, identify, and address sexual assault and harassment in prisons (Thompson et al., 2008).

Many institutions have tried and are still attempting to implement effective and sustainable education and training programs for their staff that will ultimately minimize the maltreatment of transgender offenders. Part of this positive social change is likely due to changing times and there being more acceptance and tolerance for the transgender community in society as a whole (Kaltiala-Heino, Bergman, Työlajärvi, & Frisé, 2018). While there has been much progress for the rights of lesbian, gay, and bisexual individuals, the fight for legal protections of transgender inmates is ongoing (Okamura,

2011). Some states, such as California, have made more progress than others, though the country still has a long way to go (Smith, 2012). These institutions would benefit from research studies that can help to determine some of the specific aspects that these education and training programs should incorporate.

Section 2: Introduction

Transgender offenders continue to fall victim to high amounts of various types of maltreatment during their incarceration, including physical abuse, emotional abuse, sexual assault, and discrimination (Sexton et al., 2009; Shah, 2010). In this qualitative action research study, I aimed to unveil the overall perceptions of prison officials regarding their responsibilities to provide equal treatment and protection to transgender offenders, what current policies and procedures state regarding prison officials' level of responsibility, and any incongruence between the two. This chapter contains a discussion regarding the research design, methodology, data analysis, and ethical procedures that were employed in this study.

Research Design

In this study, I used on a qualitative research approach that relied on the accounts of prison staff to evaluate the current treatment of transgender individuals by prison officials. The primary variables of concern were prison staff's perceptions about equal and fair treatment of transgender inmates, the frequency and type of maltreatment experienced by transgender inmates, congruence of daily prison practices with applicable policies and procedures, and potential policy and practice solutions.

Some may have differing perspectives on what the term *equal* truly mean. *Equality*, in terms of justice or morality, does not have a single or concrete definition. Achieving equality involves a complex set of principles or factors. For the purpose of the research, however, I considered equality to mean one or more people receiving identical or the same treatment, rights, and opportunities (see Gosepath, 2011).

Developing an understanding of prison officials' current knowledge, or lack thereof, regarding their ethical and policy-mandated responsibilities in working with transgender offenders should well inform potential next steps for any needed changes in policy and service design as well as illuminate new paths of research to address the needs of transgendered prisoners. As researchers have indicated, research in this field is still in its infancy, and therefore, new evidence is desperately needed to enhance the knowledge of sensitive practice with this highly at-risk, oppressed population (Wanta & Unger, 2017).

This study included an action-research component, which is a useful component when looking to improve organizational practices and fight societal oppression (Elliot, 1991). Elliot (1991) defined action research as “the study of a social situation with a view to improving the quality of action within it” (p. 69). In other words, action research is a method of looking deeper into or inspecting a practice in order to better understand the practice and determine potential methods of improvement (Tripp, 2005). Action research can be viewed as a continuous evaluation process that involves: (a) investigating or studying current practice through the collection of relevant data, (b) analyzing said data to diagnose problems or needs of current practice, (c) determining necessary changes or improvements, and (d) repeating that process (Walsh, et al., 2014).

Consider, for example, the study conducted by Ward and Bailey (2013) who utilized an action research method to look into current programs, services, and other entities within the prison that are ineffective in preventing self-harm among female offenders. Their study, along with Meyer's (2010), utilized the cycle of planning, acting,

observing, reflecting, and re-planning to develop and improve current practices in this field (Walsh, et al, 2014).

The current study incorporated action research by aiming to decipher needed practice and policy changes to meet the needs and best interests of incarcerated transgender individuals. In this study, I delved into prison staff's perceptions about the quality of treatment that this at-risk population receives in prison settings and compares their compliance with current policies and procedures. This study also served as a forum for generating solutions to the challenges presented in these settings through a staff lens. In an effort to promote social justice and help ensure the more humanistic and fair treatment of transgender inmates in these settings, I will prepare an executive summary of my findings and share it with various state and federal authorities, organizations, and advocacy groups. I am hoping that these actions will help promote better knowledge in the field and motivate individuals in power to create practices and policies that will better protect and empower transgender individuals in prison environments.

Methodology

Prior to the recruitment of any participants or collection of any data, I received Institutional Review Board approval to conduct this study on May 3rd, 2019. The Institutional Review Board approval number is 05-03-19-0616403. Prospective participants for this qualitative research study were recruited via public invitation. I posed a flier describing the study in public venues, such as local libraries, and on public social media forums, such as certain Facebook groups. The specific names of these groups are not provided to better protect the anonymity of the participants and confidentiality of the

information shared. Some of these groups are not very large and, therefore, the anonymity of the participants could have been jeopardized if the specific group names are publicized. It is the researcher's primary ethical responsibility to ensure that the study participants' anonymity and confidentiality of information shared in a study is respected and protected to the maximum extent possible (Hennink et al., 2020). This is done to ensure that respondents do not experience any type of retaliation in their work environments (Dryburgh, 2014) and to also further protect transgender inmates who may also be victims of such retaliation (Robertson, 2008).

I collected data for this study through a focus group comprised of seven selected prison officials. A focus group was an appropriate data collection method in this research study because of the need for open-ended discussion around information, beliefs, and experiences (see Nyumba et al., 2018). The use of a focus group was also suitable because there was a need for an in-depth, meaningful dialogue as opposed to an analysis restricted to numbers and lack of a narrative (see Nyumba et al., 2018). For the use of a focus group to be effective, certain stipulations need to be met (Nyumba et al., 2018). For example, the focus group participants must be a true representation of the population being studied (Nyumba et al., 2018). Having a skilled group facilitator is also an important condition in ensuring an effective focus group; the facilitator must be able to keep their personal biases out of the discussion; keep the group on topic; and address any violation of agreed upon rules, such as disrespecting another participant, etc, (Nyumba et al., 2018).

The initial pool of potential participants was eight; however, one of these individuals chose to discontinue their involvement prior to the start of the study for unknown reasons. As part of the focus group, I asked research participants to participate in a discussion regarding their understanding of current policy and procedure for the treatment and protection of transgender offenders, their perception of their colleagues' level of understanding, and relevant training and education provided as well as future training needs. Actual current policies and procedures of the selected southeastern U.S. state along with recent literature relevant to transgender offenders were also reviewed. This approach aligned with the purpose of the study by helping to gather information and identify themes on current prison officials' level of knowledge and perceptions about professional competence in direct service work with this oppressed population. This approach also supported the detection of disparities between prison officials' perceptions of their responsibilities to transgender offenders and their actual responsibilities as defined by prison policy.

The findings of this study can be used to promote positive social change by informing training and practice protocols and policy revisions that will help prison officials to provide better treatment and protection for transgender offenders. Additionally, prison leadership can enhance sensitivity about transgendered inmate issues which benefits not only to policy makers and practitioners but also (and more importantly) to the transgendered individuals themselves and the general public. Transgendered individuals can benefit substantially from policies and practices that are more empowering and in full compliance with the NASW COE. The general public can

also benefit from this new knowledge because it can be sensitized more to the needs of transgender individuals in general and learn to treat them with more respect and empathy in daily interactions. Finally, researchers can benefit from this knowledge because it can serve as a building block to formulate new research venues that can help solidify understandings pertaining to the multilayered challenges and needs associated with prison life for transgendered individuals. Ultimately, this knowledge can lead to a better society that shows with actions its celebration of diversity and that is able to utilize the strengths of all its members to be productive and innovative in order to make contributions that will perpetuate economic and socio-cultural development and growth across the entire country.

Such initiatives may also benefit transgendered individuals in other places of the world as well as foreign governments, officials, and advocacy groups who may seek to imitate such progressive models for appreciating and investing in diversity to benefit the entire society and the world in general. As scholars have frequently highlighted, one of the great benefits of globalization can be transnational influence and collaboration on the protection of oppressed groups in diverse societies (Goodheart, 2003; Kollman & Waites, 2009; Stychin, 2003; Winter et al., 2016).

Participants and Instrumentation

The focus group I collected data from in this action research study was made up of seven prison officials. At the time of the study, these prison officials held positions, such as correctional counselors, correctional officers, correctional nurses/physicians, grievance coordinators, program coordinators, and other staff working in the prison

system that have regular interaction with the offenders. These prison officials were in a position where they may witness the maltreatment of transgender offenders and even receive reports of maltreatment of transgender offenders. Additionally, as a result of their positions, each of these prison officials were expected to maintain cutting edge knowledge and professional competence in their interactions with all inmates, including transgender offenders, and provide them with equal treatment and protection at all times.

Table 1 provides a breakdown of some of the key socio-demographics of the study participants as well as their number of years on the job and with their job title. Certain demographics were not included to best protect the confidentiality of all participants.

Table 1

Demographics of Research Participants

	Gender	Race/ethnicity	Years worked in corrections	Job title	Experience with male or female offenders	*Current/former security certification
Participant 1	Female	Caucasian	6.5	Compliance specialist	Female	No
Participant 2	Female	Caucasian	10	Secretary/former corrections officer	Both	Yes
Participant 3	Female	Caucasian/Italian	13	Program consultant	Both	No
Participant 4	Female	African American	12	Senior counselor	Both	No
Participant 5	Female	African American	8.5	Chaplain	Female	No
Participant 6	Female	African American	19	Superintendent	Both	Yes
Participant 7	Female	African American	22	Superintendent	Both	Yes

*Those with security certification are those who have attended Basic Correctional Officer Training and earned their Peace Officer Standards and Training (POST) through the identified state. Those with security or POST certification are able to perform additional duties within the facilities, such as arresting powers or performing a search.

To recruit participants, I posted a flier in local public libraries in counties where a correctional agency is located. The same flier was also posted on relevant social media platforms, such as Facebook. The purpose of these fliers was to recruit all potential participants that work directly with transgendered inmates regardless of race, ethnicity, sex, age, sexual orientation, gender identity, or disability. Potential participants then had the opportunity to call or e-mail me to indicate their interest in study participation.

It is believed that a focus group of six to 12 participants is enough to reach data saturation (Fusch & Ness, 2015). Fusch and Ness (2015) stated, for focus groups it is recommended that the size of the group include between six and 12 participants, so that the group is small enough for all members to talk and share their thoughts, and yet large

enough to create a diverse group. (p. 1410). Data saturation is achieved when no new information or themes can be obtained from adding interviews or participants (Fusch & Ness, 2015, p. 1410). I expected that a larger sample was not necessary because it would have likely not led to any further themes associated with the purposes of this study given indications that data saturation is achieved much more quickly in small studies like this one (see Fusch & Ness, 2015). Moreover, it is generally recommended that focus groups used in research include anywhere between five to eight individuals (Morgan, 1997).

Data Collection Procedure and Existing Data Review

The method selected for this study was the use of a focus group. Focus groups typically consist of a small group of selected participants who come together to discuss identified topics or issues (Tong, Sainsbury & Craig, 2007). Each participant was asked to provide in writing their informed consent to an audio recording of any and all focus group discussions. The audio recording of these discussions was then transcribed verbatim. Following this, the written transcripts were provided to each participant for comment or correction. Specifically, I sent each participant individually a separate e-mail, allowing them the opportunity to review the verbatim transcript and provide feedback if they felt that their view was not accurately represented. Providing the participants with the focus group transcript ensured that each participant's experiences and perspectives was accurately conveyed. This method of ensuring the validity of the data is known as *member checking* (Stringer, 2007). Neither of the participants requested any changes to the focus group transcription. All participants expressed their approval and confirmed their perspective was accurately portrayed in the transcript. Subsequently,

I stored the audio recordings on a password protected flash drive which I kept in a locked file cabinet at my residence.

Existing data are data that exist for a purpose other than just research or studies. Existing data would include data that has been collected previously and can simply be used to support or oppose any new data collected. Data relevant to this study that exist would include investigative reports of sexual assault, discrimination, or other forms of maltreatment of a transgender offender. These investigative reports are thorough documentation of incidents that occurred, parties involved, findings, and more. The data are collected immediately upon the occurrence of the incident. These data are securely retained and stored in case the records are needed for legal proceedings or other relevant future issues that may occur. Other existing data would include offenders' mental health diagnoses. Due to the sensitive nature of these existing data, it would be rather difficult to gain access. Even if the selected southeastern U.S. state's upper administration allowed for such information to be used for the purpose of research, all involved parties would have to be willing to provide their informed consent. These data, however, were not obtained for this study in an effort to best protect the identity, safety, and well-being of the offenders involved. Offenders involved may be identifiable even without disclosing their name as the details of the report can give away who could have been involved. Moreover, offenders could possibly experience backlash or retaliation if others, especially a named attacker, realizes that the report was made or is receiving any kind of attention (DeHart, 2008).

Standard Operating Procedures

Existing data that were collected and utilized were relevant standard operating procedures of the identified southeastern U.S. state. According to the collected standard operating procedures, there are several specific statements that are outlined in these policies that dictate how prison staff should treat all offenders, including transgender offenders. Statements that are clear in policy regarding the treatment of all offenders include: no prison staff should curse at or degrade an offender and no staff should use physical force with an offender unless necessary to protect themselves or others. Even at that point, however, only the least amount of force necessary to gain positive control over the situation should be used. Additionally, there are policies that outline how prison staff should handle certain situations specifically involving transgender offenders. For example, no staff of the opposite gender is permitted to search a transgender offender. This means that if an inmate born male who still has male genitalia identifies as female and is assigned to a female facility, that inmate may only be strip searched by a female officer. Also, no prison staff should conduct a strip search for the purpose of determining an offender's genitalia. Current policy also states that transgender offenders cannot be housed in segregation or any special housing as a result of their gender identity. Just as with any other offender, transgender offenders are to be housed where they are safe but also have equal access to programs, education, and activities.

There is also policy regarding the mental and medical health of offenders, including transgender offenders. Transgender offenders that wish to continue to start hormone replacement therapy are now assessed by medical and mental health

professionals to determine their eligibility to receive such treatment. Provided that there are no medical or mental health concerns with the offender receiving HRT, the facility must provide it as it is considered an entitled medical procedure. Transgender offenders are also assigned a mental health counselor in addition to their general counselor due to the increased risk of mental health difficulties such as gender dysphoria (Agbemenu, 2015).

One thing that I noticed in many of the policies is a general disclaimer that could potentially leave a lot of room for ill intention. This disclaimer says something to the effect of "...should be handled on a case-by-case basis." While the idea of this may be for the policy statement to have enough flexibility to allow for adjustment of practices based on specific case idiosyncrasies, the inherent risk is that it is left to prison staff to determine how respectful or disrespectful the treatment can be to the transgender inmate (Liebling et al., 2010).

Statewide policy regarding the maltreatment of offenders is clear. Prison staff is prohibited from using unnecessary or excessive force with offenders, using profanity or derogatory language with offenders, engaging in a personal relationship with offenders, and giving to or receiving gifts from offenders. Prison staff is expected to allow offenders access to medical and/or mental health personnel when requested or when the need is apparent (i.e., seizures, hallucinations, and injury). Also, according to statewide policy, offenders must always have at least one reporting method available to them. Reporting methods include a verbal complaint to a staff member, written grievance, confidential e-mail provided, confidential telephone hotline, and U.S. mail. Any and all reports of

maltreatment must be thoroughly investigated. Such investigations consist of gathering any potential evidence, which may include witness statements from staff or offenders, video footage, searching inmates' property, and administering polygraph tests. When and if it has been determined that maltreatment did in fact occur, the consequence depends on the level of severity of the maltreatment. Consequences for staff can range from verbal reprimands to termination or imposition of criminal charges. Likewise, consequences for offenders can also range from verbal redirection to exposure to additional criminal charges.

Data Analysis

Once all qualitative accounts of respondents were transcribed from the recordings, I reviewed the data and identified emerging themes and patterns. During this process, I made a very conscious effort not to allow personal assumptions or biases to confound my results (Taylor-Powell & Renner, 2003). As particular themes and patterns surfaced repetitively, I assigned a descriptive word or short phrase with each common theme (Syed & Nelson, 2015). The only software that was used, Microsoft Excel, assisted me with organizing the identified themes and patterns. I then shared all my findings with the participants via their personal e-mail that they provided at the start of the study. This can add to the validity and trustworthiness of the interpretations and help to ensure that each participant's perspective is accurately portrayed (Tong, Sainsbury & Craig, 2007). None of the participants requested that any changes be made to the findings. Each agreed that the themes derived from an analysis of the collected data adequately portrayed current policy, prison staff's perception of current policy, and any discrepancies between the two.

Once all themes were identified and sanctioned by participants, I proceeded to estimate the frequency with which each theme was observed in my data set. Then I added the theme frequency for each participant and came up with a total data set frequency for each theme identified. From these frequencies, I was then able to recognize the prevalence of each theme in the entire data set by computing the percentages with which each theme appeared in the entire data set as compared to the other surfacing themes.

Ethical Procedures

One of the reasons for this particular action research study was to alert prison administration and other concerned parties to the need for better training and education for prison officials on working with transgender offenders. The goal is that the increased education and training on working with transgender offenders will lead to a decrease or the elimination of the maltreatment of transgender offenders within prison settings and elsewhere (Marksamer & Tobin, 2014). Conducting an action research study that is not ethically sound, however, can actually be counterproductive as it may create additional risks to the safety and well-being of transgender offenders. For instance, there are offenders in the prison system whose transgenderism is not well known to other offenders and some prison officials. If these particular offenders are identified in the action research study, they may be subject to more harassment and maltreatment by those who disapprove as a result. Also, if specific instances of maltreatment of transgender offenders are discussed in a research report in a way that may reveal the identity of these individuals, this could result in retaliation for the latter (Robertson, 2008). For these

reasons, any specific information that has the potential to disclose the identity of transgender offenders will not be referenced herein.

All study participants were given an informed consent form to read and had an opportunity to ask any questions they may have had prior to signing it. Signing an informed consent form is a requirement for participation in this voluntary study. The informed consent form outlined the purpose of the study and highlighted that the findings would be published anonymously and that no one would be able to identify them through the research report even though some direct quotes from their statements could be used to support the findings. The consent form also explained that they had the right to withdraw their participation in this study at any time during the focus groups but not after the data collection was completed and the interviews were transcribed. Another key reminder was that participants could not reveal the names or any other identifying information of any of their colleagues in their answers and that they should have treated all information shared as confidential not to be revealed by them to third parties outside of the study. Lastly, it was emphasized that the only time confidentiality could have been breached was when intention was reported to harm either self or others. All audio recordings included in this study were destroyed once the data were transcribed.

Summary

Providing equal treatment and protection for all offenders, including transgender offenders, is critical to the overall safety and well-being of these offenders. Still, many prison officials are not receiving adequate education and training regarding their responsibility in providing equal treatment and protection for offenders (Simopoulos &

Khin Khin, 2014). The PREA supports the notion that sexual assault is not a part of offenders' punishment for their crime. A primary goal of the United States penal system is to reduce recidivism. Offenders are likely unable to focus on obtaining their education, developing useful skills, progressing through addiction rehabilitation groups, and more, if they are constantly having to worry about being assaulted or discriminated against in their prison placement (Edney, 2004).

This qualitative action research study sought to answer questions regarding prison officials' perceptions of their responsibility in providing equal treatment and protection to transgender offenders. It was determined what current policy states regarding prison officials' responsibility. Determining the impact of any incongruence between current policy and prison officials' perception of their responsibilities can help to start and guide the development of new pre-service and in-service training on transgender inmate safety, well-being, and human rights issues to benefit prison staff and help protect better transgender inmates.

Participants' answers to focus group questions were initially recorded and subsequently transcribed verbatim. Participants then were given the opportunity to review their answers once they were transcribed for accuracy. These data were then entered into a Word file and the data were inspected for emerging themes. Even though this is a very subjective process, the literature was consulted to help facilitate the theme identification process. Moreover, practice wisdom was exercised as I have several years of direct service experience with this particular population. Once the strongest themes were recognized, the frequency with which they appeared in the data set was counted.

Subsequently, the percentage of appearance of the theme in the data set was estimated and then the themes were classified in terms of their strength of presence in the data. As with all qualitative analyses, this type of analysis can reveal important implications for practice, policy, and future research needs. Qualitative analyses were used effectively in several studies with prison staff (Greineder, 2013; Ramluggun, 2013).

Section 3: Presentation of the Findings

The maltreatment of transgender offenders in the prison setting is a problem that is not new in society today, it is one that has existed for many years (Halbach, 2016; Iyama, 2012). One of the goals of this action research study was to gain insight into the underlying reasons for the maltreatment of transgender offenders. I believed that this knowledge can be used to develop new and improve current practices and policies to better serve this vulnerable population. To develop and improve current policy, what the current policy is and how it is applied in the field must be known and understood; therefore, I obtained the standard operating procedures of a statewide correctional organization. These standard operating procedures are available to the public on the organization's website. The website is not provided in this narrative to mask the state in which the study was performed. In addition to the set of standard operating procedures, I also used a focus group interview protocol to collect the qualitative data needed from participants to answer the research questions of concern in this study. The following research questions guided this study:

1. Based on policy, what are the responsibilities of prison officials in a southeastern U.S. state regarding the equal treatment and protection of transgender offenders in the prison setting?
2. How knowledgeable are prison officials in a southeastern U.S. state about their responsibilities regarding the equal treatment and protection of transgender offenders in the prison setting?

3. What are the prison staff perceptions about the frequency, etiology, and typology of transgender inmate maltreatment?
4. How does prison officials' level of knowledge regarding their responsibilities in the equal treatment and protection of transgender offenders influence the various types of maltreatment that transgender offenders experience and the frequency at which they are subject to such maltreatment?
5. What may be some solutions for improving the in prison living conditions and staff treatment received by transgender inmates?

Data Analysis Techniques

I collected all relevant data for this study in May 2019. A set of standard operating procedures regarding the treatment and protection of transgender offenders was collected from a statewide corrections organization in a southeastern U.S. state. All documents collected are available to the public on the organization's website. It was important to keep in mind, however, that there may very well be additional standard operating procedures that are not available to the public and are strictly for state employee access and use. In addition to the policy and procedure data collected, I also conducted a focus group. A recruitment flyer was posted in various public venues near the local correctional facilities being studied as well as on various public social media platforms for the statewide correctional organization. The recruitment flyer called for any adult person working in the corrections field to participate in up to two 90-minute focus group sessions in association with the current study about the maltreatment of transgender inmates in prison settings. The second focus group session was not

conducted because participants were able to fully discuss all focus group questions within the 90 minutes of the first focus group session. I was looking for six to 12 potential participants to agree to participate in the action research study. Fusch and Ness (2015) noted that 6 to 12 participants is a large enough sample to reach data saturation when conducting a focus group. Only seven potential participants responded to the recruitment search, which met the sample size requirements preset for the study.

Once all data had been collected, I used an open coding technique to analyze the data (see Clark & Veale, 2018). Coding is a form of qualitative analysis that allows researchers to identify themes or patterns in the data (Saldana, 2013). Codes are typically a single word or short phrase that the identified themes or patterns can fall under (Saldaña, 2013).

Ensuring validity in analysis is key in any research project. Validity applies to both the design and research methods of a study and ensures that the study measures what is it supposed to be measuring (Last, 2001). Focus groups are an evidence-based data collection method for performing a qualitative study (Barrett et al., 2018). In other words, focus groups, as a data collection method, have been proven to be a valid data collection method in qualitative studies, assuming they meet certain conditions. Conditions that contribute to the validity of focus groups as a data collection method include selecting a good facilitator; ethical recruiting; and utilizing a triangulation strategy, data saturation, and more (Statistics Solutions, n.d.).

I enhanced the validity of this action research study through a process called member checking. Member checking involves checking back with the research

participants during the analysis phase as well as during the preparation of the findings to verify interpretations (Curtin & Fossey, 2007). Sharing the verbatim transcript of the focus group session with each participant and allowing them to comment on it and make any necessary corrections ensures that their stance is accurately recorded and helps promote data accuracy and gives further validity to the study results and conclusions.

I did not encounter many problems when conducting this study; however, there were a few areas in which the study could have been improved. One limitation of the study was that it was conducted only in a southeastern U.S. state. It would likely be beneficial to conduct a larger-scale action research study covering a larger region, such as the entire East Coast or even a national study. A larger-scale action research study could also study federal law and dissect the conflicts that may exist between U.S. federal law and state law. Another limitation of the study was that I was only able to review state policy that was available to the public on the organization's webpage. It is likely that there is additional, and even more descriptive, policy that exists that it is only accessible to employees. The research sample being the same gender could also be a drawback or limitation to the study. The identified research participants were all females. The perspective of male prison staff may have brought significant additional insight to the study (see Marlow, Winder, & Elliot, 2015). Some researchers have suggested that the race and gender of correction staff have a significant influence on their perceptions of various policies and practices (Griffin, Armstrong, & Hepburn, 2005). Given the small sample size of this study, it was difficult to assess the impact of racial effects on staff perceptions and the gender impact cannot be determined in any way because only female

staff participated in this study. Another important study limitation was that all participants volunteered their participation. Therefore, the participants may have been more sensitive to transgender issues while the staff with more discriminatory and/or hostile attitudes towards transgender inmates may not have volunteered their participation in the study.

Findings

All the research participants claimed that they were employed by a correctional facility in a southeastern U.S. state. All participants were female and over the age of 18 years old. Fortunately, the seven participants worked in varying areas or departments of their respective correctional facilities, including as security, chaplaincy, executive management, counseling, programming, mental health, compliance, and in support roles. Their length of service varied in years from having worked just over 6 years to being well into their 22nd year as a prison official. The professional role diversity in this group was a contributing factor to the quality of the research. Different departments have different insight into offenders' history, current status, safety, and well-being. For example, a transgender offender may have shared mental or emotional difficulties related to their gender identity to their counselor; however, a superintendent may have insights regarding the ongoing sexual harassment of a transgender offender by an officer from a confidential informant. Table 2 displays the primary themes and subthemes that were identified during the open coding process.

Table 2

Primary Themes and Subthemes

<u>Causes of Maltreatment</u>	<u>Frequency</u>	<u>Percentage</u>
Staff's personal biases/intolerance	11	29%
Management's lack of accountability for self & subordinates	9	24%
Lack of thorough staff training	9	24%
Prison's locality attributes- lack of social Progressiveness	4	11%
Unclear organizational expectations	2	5%
Lack of sensitivity/concern for inmates' needs	2	5%
Staff shortage and associated stress/burnout	1	3%
<u>Types of Maltreatment</u>		
Discrimination / Blatant hatred towards the transgender community	10	42%
Denial of needed services	5	21%
Inappropriate/Insensitive housing and segregation placements	5	21%
Currently, the state is uninformed regarding the needs of transgender offenders. However, progress is being made.	3	13%
Binary prison system. Not designed for gender spectrum.	1	4%

A review of statewide standard operating procedures (SOPs) available to the public provided useful information regarding the first research question. SOPs in the identified southeastern U.S. state showed that the presence or potential presence of transgender offenders in the correctional facilities is at least acknowledged. These documents offered clear definitions of gender and sexuality variations in offenders. In these procedures, a transgender person was defined as a “a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth.” The policy also stated that all employees are required to attend training on how to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, and gender nonconforming offenders.

There is also a screening instrument included in the SOP to be administered to all offenders entering a prison facility. This screening instrument specifically allows each offender to indicate whether they identify as part of the LGBT community or are perceived to be part of the LGBT community. This screening instrument helps staff to be aware of what specific offenders may have additional or unique vulnerabilities or may have additional needs regarding their protection and well-being due to a perceived or actual linking to the LGBT community. Allowing an offender the opportunity to self-identify is important because the policy procedure specifically highlights that no staff member, security or non-security, is permitted to pat search an offender for the purpose of determining their genital status. Allowing offenders to self-identify also helps to prevent the humiliation and cognitive dissonance that many offenders experience when incorrectly identified or classified by uninformed prison staff (Hagner, 2010). Policy also

stated that when determining whether to house a transgender offender at a male or female facility and when determining programming needs, each offender should be reviewed on a case-by-case basis to ensure the safety and health of that offender. These determinations are to be reviewed no less than once every 6 months.

Although SOPs did not specifically outline what is defined as maltreatment, the rights of offenders, regardless of sexual orientation or gender identity, are made very clear. Offenders have an Eighth Amendment right against cruel and unusual punishment, which means they cannot be punished for their race, ethnicity, sex, sexual orientation, gender identity, religion, etc. (Newman, 1992). Offenders also have 14th Amendment rights that protect them from unequal treatment and discrimination based on race, sex, religion, creed, etc. (Finkelman, 2014). Offenders have a right to have access to adequate medical and mental health care as well (Finkelman, 2014). When and if an offender feels that any of the above- rights have been denied or violated, they can report this by a grievance, confidential hotlines, confidential e-mail submission, or to any prison staff member. When and if such claims are found substantiated, all prison staff involved could face a variety of sanctions, such as suspension, pay reduction, termination, or even be criminally charged.

According to state policy, transgender offenders should be afforded the same protections as cis-gendered offenders. When and if a transgender offender makes a report by writing a grievance, filing a PREA complaint, calling the provided hotline, utilizing the confidential e-mail provided, or verbally reporting to a staff member, that incident must be investigated. The investigation includes the gathering of any relevant evidence,

which could include witness statements from staff and/or other offenders, reviewing video surveillance, medical examinations, polygraph screenings, and searching property. If the report is found to be true, the severity of the consequences will depend on the severity of the incident. For example, an offender antagonizing a transgender offender because of their gender identity will likely just be moved to a separate housing unit from that transgender offender and possibly also given a disciplinary report. Whereas, an offender stabbing a transgender offender as an expression of their intolerance for their gender identity will likely be subjected to additional criminal charges.

There were numerous perspectives, ideas, and experiences that were shared and discussed during the focus group that addressed the second research question. A few points, however, were brought up repeatedly and seemed to be focal points of the dialogue. The overall level of vulnerability of transgender offenders was the most common area of discussion during the focus group session. Participants appeared to be quite knowledgeable about the various ways in which transgender offenders are more vulnerable than cis-gendered offenders in a prison setting. For example, participants claimed repeatedly that transgender offenders are often being diagnosed with gender dysphoria and need mental health care. It was also frequently indicated that transgender offenders often require regular medical attention when going through a physical/hormonal transition and that they are more susceptible to various kinds of abuse and neglect (see Smith, 2015).

Participants were also aware of how the basic needs of transgender offenders are unique and have a significant influence on their level of vulnerability. For example, it is

important for a transman (female transitioned to male) to have access to boxers as opposed to only panties, binders to flatten their breasts and masculine hygiene products such as men's deodorant. A senior counselor who has worked with male and female inmates stated,

“It becomes a little bit more difficult, I think, for the male population that is trying to transition into a female, because now they're having these breasts and they're in a dorm where they have to take showers. Sometimes, they don't have the privacy they need.”

These basic needs are important because if a person's physical appearance does not align with how a person identifies, or views themselves, it can further complicate or exaggerate mental health concerns. A compliance specialist in a corrections facility noted that when someone is transitioning, he/she may still struggle mentally or emotionally due to not experiencing expected physical changes. This study participant gave the following example: “If you're transitioning to a male, you still might not grow a beard.” The participants, who worked in a variety of areas of the prison system from chaplaincy and counseling to executive management and compliance, were able to answer specifically and discuss what written policy expects of prison staff when handling transgender offenders' mental and medical health, housing, and more.

The 3rd and 4th research questions were examined next. Prison officials' level of knowledge in this area has a substantial influence. While it seems that prison staff has a solid foundation of knowledge on what policy requires, their personal biases and lack of integrity can and too often do interfere with carrying out the policy (see Table 2). The focus group participants almost unanimously agreed that the form of maltreatment they most often see other than discrimination or blatant hatred is a denial of services. When

asked the fifth focus group question, “What forms of maltreatment of transgender offenders have you witnessed, and how often does this occur?” a respondent who has worked in her respective facility for over 10 years specified very readily “denial of services.” Another respondent who has worked in multiple different correctional facilities then stated, “I agree; I think that’s a big one. Denial of services.” The denial of services can occur in many ways, such as refusing to send transgender offenders to scheduled mental health appointment or medical appointments. Respondents also spoke about the constant intolerance or lack of respect demonstrated by staff members. For instance, respondents recounted hearing staff members refusing to address offenders by the gender which they identify as or taunting them for openly identifying as transgender. One respondent working in the largest women’s prison in her respective state shared hearing multiple prison staff say to transmen (women transition to men), “You are a female, because you are in a female facility.”

The research participants had several ideas for improving the treatment and protection of transgender offenders in the prison setting, which is what the last research question investigated. During this discussion, the most prevalent theme was the need for management teams within the prison settings to ensure staff compliance with policy. While prison staff appears to be knowledgeable regarding the policy and procedures in place for working with transgender individuals, it is up to leadership to ensure that their respective staff is abiding by these directives and leaving its personal biases out of the workplace. Respondents shared that staff is comfortable behaving unprofessionally by refusing to follow policy and instead expressing their personal intolerance for the transgender community due to a lack of accountability. It was also argued that there needs to be clear expectations and clear consequences for unprofessional and discriminatory behavior. It is believed that if staff working in these facilities knew that there would be consequences for unprofessional behavior, regardless of its personal prejudices, it would be more likely to follow mandated policy and procedural guidelines on acceptable professional behavior.

Participants were indeed very knowledgeable about their respective facilities' policy and procedure on managing transgender populations. While, of course, there could always be improvement, it appears that the training available is adequate, employee education is sufficient, and staff is adequately prepared to properly manage the transgender population. Hence the maltreatment of transgender offenders occurs mostly due to a refusal to abide by the established standards and expectations and a lack of accountability by leadership, both of which were the most frequent themes occurring in

this line of questioning. In conclusion, the training and educational opportunities may not necessarily be lacking in information about what the unique needs of transgender offenders. Instead, the problem may be located in inappropriate staff attitudes and reluctance to apply pertinent policies as stipulated.

Jeness (2010) corroborated the present study finding that often no action is taken as a result of both prison staff and offenders perpetrating violence against transgender offenders. The refusal to follow facility standards and expectations appears to be motivated by personal biases, intolerance and a lack of integrity. Based on the data collected, the most frequently seen form of maltreatment of transgender offenders is discrimination, closely followed by denial of services. As mentioned before, much of the past research implies that the primary cause for the maltreatment of transgender offenders falls on the lack of adequate education and training for prison staff (Schneider, 2016). This idea is even further supported by responses to lawsuits such as that of Ashley Diamond, a transwoman who sued the state in which she was incarcerated for the maltreatment she experienced during her incarceration. As a result of that case, the respective state implemented a mandatory sensitivity training for its correctional staff (Abeni, 2015).

This action research study, however, suggests that a lack of education and training in by no means the only, or even the most prominent cause of the maltreatment of transgender offenders. Some prison staffs' blatant intolerance and deliberate discrimination of the transgender community is the most commonly seen cause of maltreatment. Even as improvements are made to the available education and training

resources for prison staff, the intolerance and discrimination still appear to be prominent factors.

Summary

The study suggested that there are multiple contributing factors to the kind of treatment and level of protection transgender offenders encounter. However, personal biases and a lack of accountability seem to be the prevailing themes in this context. During the course of this action research study, it was discovered that statewide policy directly and thoroughly addresses the management of transgender offenders. Also, prison staff appear to be well aware and informed regarding these policies. However, prison staff in this southeastern U.S. state still appears to have a tendency to express their lack of empathy and intolerance for the unique needs and vulnerabilities of the transgender offender population. Some prison staff members even go as far as deliberately refusing to abide by policy when it conflicts with their personal beliefs or values. It is hoped that the findings of this action research be utilized to improve current practice. These findings can serve as a springboard for additional studies that can take a more in-depth look at the identified issues and utilize a variety of research methods so that safer conclusions can be drawn about these highly disturbing observations in prison settings.

Section 4: Application to Professional Practice and Implications for Social Change

The maltreatment of incarcerated transgender offenders has been ongoing for many years (Halbach, 2016). With the implementation of correctional policies, such as the PREA, the issue seems to be garnering the attention necessary for positive change to happen in this field (Malkin & DeJong, 2018). The purpose of this study was to help continue making positive change in how the prison system manages the treatment of the transgender population.

Responsibilities of Prison Staff Regarding Equal Treatment and Protection

A careful review of the SOPs that are in place in the identified southeastern U.S. state provided clarification on the responsibilities of prison staff. These SOPs are accessible to the public on the agency's website. The SOPs explain that staff are expected to provide transgender offenders with the same treatment and protections that other cis-gendered offenders receive. Policy requires staff to be competent and informed on the vulnerabilities that are specific to transgender offenders, such as increased potential for suicidal ideation and high susceptibility to sexual assault. Regardless of personal biases, staff are not permitted to use offensive or derogatory language with offenders. For example, using a derogatory term to refer to a transgender offender or intentionally misgendering an offender is prohibited. Additionally, all staff, volunteers, and contractors must indicate their receipt of and understand of SOPs by signing an acknowledgement form that is retained in their personnel file.

There are laws in place other than local policy that contribute to the protection of transgender offenders. Offenders have an Eighth Amendment right to be free from cruel

and unusual punishment while incarcerated; therefore, offenders cannot be punished for their race, ethnicity, sex, sexual orientation, gender identity, religion, etc. (Newman, 1992). Offenders also have 14th Amendment rights that protect them from unequal treatment and discrimination based on race, sex, religion, creed, etc. (Finkelman, 2014). Offenders have a right to have access to adequate medical and mental health care as well (Finkelman, 2014). When and if an offender feels that any of the above-mentioned rights have been denied or violated, they can report this by a grievance, confidential hotlines, confidential e-mail submission, or in person to any prison staff member.

It will be important for correctional organizations to stay current on research regarding transgender offenders and their unique vulnerabilities and needs. This will help correctional organizations continue to make the necessary amendments to current policies and procedures regarding transgender offenders to render competent and respectful service to this population. As policies and procedures are updated, trainings and other educational tools for staff will also need to be updated accordingly.

How Knowledgeable are Prison Staff Regarding Their Responsibilities?

During this action research study, I determined that prison staff are quite knowledgeable regarding their responsibility to provide equal treatment and protection for transgender offenders. During the focus group session, participants repeatedly spoke to the fact that transgender offenders often require regular medical attention when going through a physical/hormonal transition and that they are more susceptible to various kinds of abuse and neglect (see Smith, 2015).

As mentioned previously, all prison staff, contractors, and volunteers are required to sign an acknowledgement form indicating their understanding of the organization's expectations, including the treatment of transgender offenders. When discussing the causes of maltreatment in the prison setting, research participants identified unclear organizational expectations only 5% of the time (see Table 2). When considering types of maltreatment, participants reported that being uninformed regarding the needs of transgender offenders was the least contributing factor at only 13%. This finding leads into the next research question addressed regarding the frequency, etiology, and typology of maltreatment.

Successful maltreatment lawsuits filed by transgender offenders against state and federal correction systems are rare; most of these lawsuits have been lost because of a lack of evidence proving the maltreatment (Au, 2016). Proving the maltreatment can be difficult because doing so requires proof that the defending staff member was informed regarding the needs of the transgender offender and deliberately neglected the transgendered inmate or contributed to his/her abuse (Au, 2016). The findings of this action research study demonstrate the need to better document prison staffs' awareness and knowledge regarding their responsibilities so that there is improved accountability for the staffs' actions even in the legal system.

Perceptions About the Frequency, Etiology, and Typology of Maltreatment

In this study, I concluded that prison staff in the southeastern U.S. state under study has reasonable knowledge of their respective facilities' SOPs and policies relevant to the transgender population. The leading type and cause of maltreatment identified in

this action research study appear to be aligned. The leading type of maltreatment identified is discrimination and a blatant hatred shown towards transgender offenders (see Table 2). For example, one participant mentioned hearing some prison staff deliberately using the wrong gender pronouns with transgender offenders. The participant mentioned hearing prison staff say, “You’re a female because you are in a female facility,” or “You were born a female and that is what you will always be.” This discrimination could be directly related to or a result of prison staff’s personal biases or intolerance, which is the leading cause of maltreatment identified in this study (see Table 2). One participant spoke to how the southeastern U.S. state that was studied is a part of the Bible Belt and stated, “...the Bible Belt and religion plays a big part in how they treat people. It really does.” Brunn, Webster, and Archer (2011) explained how traditional religious values still exist very strongly in certain parts of the southern United States. Nonconforming gender identities and sexual orientations, such as LGBT, are often not tolerated or accepted by those who refuse to expand this traditional thinking (Brunn et al., 2011).

Additionally, participants felt that there was often little to no consequences for prison staff who fail to abide by these expectations. One participant stated, “It starts with leadership.” Leadership must ensure that consequences will occur for the failure of staff members to obey policy. Not enforcing policy and having little to no follow through with consequences for the violation of policy contributes to the frequency of maltreatment occurring the prisons. Participants believed that if prison staff knew that mistreating transgender offenders would not be tolerated and consequences would certainly follow, it would at least be a deterrent to those discriminatory behaviors. Offenders can report or

alert leadership to mistreatment, but many do not because of the risk of making such a report (Sumner & Sexton, 2016). This risk occurs because the lack of accountability from leadership in taking necessary disciplinary actions leaves this population susceptible to retaliation. Additionally, the offender has no way of knowing if the person taking the report has a personal bias or lack of understanding of the transgender community that may affect that staff member's response to their needs. The lack of accountability of management/leadership for themselves and subordinates was the second leading cause of maltreatment identified in this study (see Table 2).

The Influence of Prison Staffs' Level of Knowledge

Prison staffs' level of knowledge on their responsibility to provide equal treatment and protection to transgender offenders can directly influence the types and causes of maltreatment experienced by said offenders. For instance, if prison staff do not have an understanding of the unique, but necessary, medical and mental health needs of the transgender community, those needs will not be met. As previously discussed, many within the transgender community suffer from mental illness, such as gender dysphoria (Jenness & Fenstermaker, 2016). The hormone replacement shots transgender offenders can now receive while incarcerated help them to achieve a physical appearance that more accurately aligns with their preferred gender, thus alleviating depressive symptoms of gender dysphoria (Jenness & Fenstermaker, 2016). If prison staff do not understand this, they may also not understand the importance of transgender offenders' necessary medical treatment and, therefore, will be more likely to refuse to allow them to get their hormone replacement shots or other necessary medical treatment.

Possible Solutions for Improvement

When discussing possible solutions for improvement, participants spoke heavily about the hiring process. One participant suggested that during the hiring process or as part of the interview, interviewers should be saying, "...this is our population, this is what we deal with, this is something that you'll be dealing with. How do you feel about that?" Another participant agreed, stating that during the interview process, interviewers should be saying, "...this is the population that is going to be here, and you must deal with it in this professional manner." By having conversations with potential new hires about controversial populations that they will encounter on the job, leadership will hopefully be able to more effectively gauge the nature of the interviewee's personal biases and their ability to use professional judgement despite those biases. As the research participants mentioned, it may be in the best interest of the study site state leaders to review hiring policies, procedures, and training requirements to ensure effective gatekeeping and professional preparation of prison staff. Hiring procedures could have an impact on the maltreatment of transgender offenders if implemented to ensure that hired staff understand the various communities they will be serving.

Additionally, more thorough training could be beneficial to the improvement of the treatment of transgender offenders. In fact, a lack of thorough staff training was identified as the third most likely cause of maltreatment in the current study (see Table 2). This finding directly aligns with past research that also suggests that a primary cause of transgender maltreatment in the prison system is the lack of thorough training and education (see Schneider, 2016). There has been some response to the need for additional

training and accountability, such as the implementation of PREA (Jenness & Fenstermaker, 2016). Continued and ongoing improvement, however, is necessary as more knowledge is gained about this issue. With PREA in place now, more prison staff may be held accountable for their actions because they are required to receive specialized trainings against inmate maltreatment and there is increased accountability for failure to comply with this policy as well as specific disciplinary consequences further spelled out (Jenness & Fenstermaker, 2016).

Because the underlying causes for the maltreatment of transgender offenders vary across different regions of the United States, further action research studies in other regions of the country can enhance the knowledge in this field (Brown, 2014).

Geographical areas that are determined to have minimal issues of staff personal bias and discrimination regarding their transgender offenders could then serve as a model for hiring policies and procedures for areas where the issue is occurring. One potential confounding factor could be that the cause of better treatment of transgender inmates in prisons is not due to the superior hiring practices used themselves but rather the greater acceptance of diversity in the communities where these prisons operate and from which their staff is hired.

Professional Ethics Implications and Application to Social Work Practice

In the NASW (n.d.) COE, several principles, values, and standards for engaging in any type of social work practice are outlined. One ethical principle of the NASW COE is that social workers are expected to respect the inherent dignity and worth of a person. People should be treated with respect and compassion regardless of differences in culture,

sex, age, gender, sexual orientation, and socioeconomic status. If this principle was upheld within prison settings, transgender offenders would experience less discrimination, prejudice, abuse, stress, and trauma. While every person is entitled to their own personal values and principles, professionals must abide by ethical principles for the social well-being of communities and organizations.

The principle of treating others with compassion and respect is essential at all times. Integrity is one core value of the NASW (n.d.) COE and can be described as doing the right thing even when no one else is watching. Even if social service workers understand the importance of treating others with dignity, problematic inherent beliefs and biases may still interfere with their ability to do so. It has been argued that people lack the cognitive capacity to retain all essential information about every single person; therefore, people's brains simplify this overload of information by discarding details and filtering what is left into broad categories or generalizations (Martin et al., 2014). This phenomenon may contribute to personal biases, prejudice, and discrimination (Keiffer, 2017). It is important that those individuals continue to treat others with dignity and respect regardless of their personal beliefs and biases and that they are able to separate in healthy manner their professional from their personal self because failure to do so may consequently influence practice (McDonald, 2016).

Perhaps professional policy and procedure makes it somewhat difficult to maintain ethical practice if policy does not always align with ethics. For instance, I mentioned previously that some states require transgender offenders to be housed in segregation or single person cells, as least until their level of vulnerability or risk is assessed

(Von Dresner et al., 2013). Isolating a person solely because of their gender identity seems to be an unethical practice, at least according to the NASW COE. The ethics of isolating a transgender offender solely because of their gender identity is controversial because isolation is typically used as a punishment for disobedient offenders. Those in isolation generally have less privileges, such as recreation, visitation, phone calls, television, and even interaction with other offenders. Subjecting a transgender offender to this treatment gives the impression that they are being punished for their gender identity. Another example is the state of Arkansas, whose policy does not seem to recognize or acknowledge a person's gender identity, considering their offenders are housed solely based on genitalia (Andasheva, 2016).

Research highlights the importance of prison staff and its key role in creating a safer and more just prison climate (Beijersbergen et al., 2015). The finding that the personal biases of staff are the number one cause of maltreatment of transgender offenders in the prison setting can help those working in the prison setting to better understand what needs to change to be more in line with the expectations of the NASW COE. If prison staff utilizes the NASW COE as a guide to professional practice in their respective organizations, shortcomings in the organizational policy and procedure will hardly even be noticeable. Implementing the COE into practice will empower all offenders, including of course transgender offenders, and allow them to focus on their rehabilitation as opposed to having to constantly spend their time and energy while incarcerated just fighting for their basic needs and the essential interpersonal respect they

deserve and should be entitled to. This action research study is very well in line with the COE as the purpose of this study is to promote social justice and social change.

This action research study promotes social justice and social change as it acknowledges and brings awareness to the needs of a change in the prison system regarding the treatment of transgender offenders. This study advocates for social change on behalf of a vulnerable and oppressed community, which is one of the key principles of the NASW COE (NASW, n.d.). This study provides useful information for the identified southeastern U.S. state to utilize in the development of new and improved policy and procedure. It helps identify those policies and procedures that need additional attention, such as the hiring policy. The current action research study points out that personal biases is the number one cause of maltreatment and blatant discrimination is the number one type of maltreatment in the prison system in the identified state. This supports the notion that there is a need for improved education and sensitivity training that could help prison staff be self-aware of their actions and hopefully help them overcome personal biases.

Recommendations for Social Work Practice

Positive social change can take place in many forms. However, I would recommend two action steps for bringing about the needed changes in practice with transgender offenders. The first would be additional qualitative research, in the form of focus groups, or individual interviews or a combination of research methods, with prison facilities management to determine the barriers that may exist in around holding subordinate staff accountable for following policy related to the dignified and just respectful and just treatment of transgender offenders.

There is little research evidence available currently not just on prison staff's role in the maltreatment of transgender offenders but even less knowledge on administrative or managerial staff's role (Glezer et al., 2013). From the research that is available, however, it is believed that there is a lack of managerial accountability regarding the maltreatment of transgender offenders (Au, 2016). New qualitative research is needed to determine what the barriers are for management staff in holding their subordinates accountable for their malpractice in handling transgender inmates and preventing their abuse. It is hoped that such knowledge could help eliminate those barriers and lead to a more just treatment of transgender offenders that does not violate in any way their basic human rights.

The second necessary action step involves the development and implementation of specialized sensitivity training for prison staff. This training can focus on the unique strengths, needs, vulnerabilities and challenges of LGBT offenders with a clear mindset that each of the subgroups (e.g., gay, lesbian, bisexual, transgender) involved under the generalized LGBT umbrella category of offenders may also differ significantly among each other in their priorities, temperaments, sensitivities, and causes of experiencing discrimination. Such training should provide detailed insight into the web of oppression forces that compound these groups and the processes by which their intersectionality may serve to further disempower them and make them more vulnerable to hostile environments that disrespect their dignity and needs (Utamsingh, Kenya, Lebron, & Carrasquillo, 2017).

As previously mentioned, the PREA is the only national act or movement in place to specifically address all angles of not other maltreatment of the LGBT communities, but of every offender (Jenness & Fenstermaker, 2016). PREA specifically targets prison settings. Although the primary focus of PREA is to eliminate sexual assault and harassment in the prison setting, it specifically addresses the needs of the transgender communities because those needs affect their level of vulnerability to sexual assault and harassment (Jenness & Fenstermaker, 2016). For example, if a transgender inmate is denied their hormone replacement therapy but discriminating prison staff member, they may begin to experience increased depression due to their gender dysphoria. This depression could then lead to unhealthy and unsafe behaviors such as suicide attempts or prostitution. (Jenness & Fenstermaker, 2016).

PREA consists of many standards that must be met by every prison system in the United States (Au, 2016). These standards address areas such as the prevention, detection, and investigation of sexual assault and harassment (Au, 2016). The standards also dictate the content and frequency of education and training required for anyone having contact with an offender (Au, 2016). That means not just staff members but also contractors and volunteers. Facilities are audited regularly to ensure compliance with these standards. If a facility is found not in compliance, that facility could lose funding or even be closed. PREA needs constant revamping. There are always new discoveries and new information concerning how to best manage any vulnerable community, including transgender offenders. Policies and practices should be constantly changing to align with social advancements. It is part of one of the NASW COE's core standards, Standard 1.04

titled “Competence,” that professionals should be constantly informed and competent regarding the communities they serve and settings in which they work (NASW, n.d.).

Additional policy can accompany PREA to best protect inmates in their respective prisons. For example, the enactment of PREA led to the state of California’s Sexual Abuse in Detention Elimination Act (Lara, 2010). The Sexual Abuse in Detention Elimination Act requires California prison systems to use objective systems to determine housing for all offenders that would pose them minimum risk of sexual assault (Lara, 2010). Similarly, the studied southeastern U.S. may benefit from training and policy that aligns with PREA which addresses managerial accountability of subordinates and hiring processes. This more thorough training could be exclusively for management staff and include techniques on managing subordinates that show disrespect to the transgender community. For example, when communicating with staff, one needs to be sure to make it clear that they are not being asked to change their personal beliefs but to put their personal beliefs aside while at work. While staff are not being asked to change their personal beliefs, encouraging staff to practice self-reflection and understand their biases is necessary. Biases are believed to be either implicit or explicit. Explicit biases refer to those personal biases that one is aware of while implicit biases refer to those subconscious personal biases that one may not be fully aware of (Greenwald & Banaji, 1995). Encouraging self-reflection and self-awareness to identify personal biases and then correct them within the professional setting would align with ethical standards and contribute to needed social change.

This research study has given me with a sense of urgency to take action towards positive social change in the prison setting. I can apply the findings of this study, my professional knowledge, and experience to help initiate the development of new and improved training modules and policies. For example, interview questions during the hiring process in these correctional organizations should be revised to include questions regarding the interviewees' willingness and ability to work with and provide for the needs of vulnerable communities such as LGBT offenders. Including such questions in the interview process should help reduce the amount of staff hired with strong personal biases conflicting with the needs of transgender offenders. I will also continue to encourage others to set a positive example for their peers and colleagues while taking action towards positive social change themselves. I can do my part as a supervisor by encouraging my staff to practice self-reflection and be self-aware of their own potential biases so that they can address them.

Positive social change can take many different forms for the transgender community. One example would be addressing queer criminalization. Queer criminalization is the common actions or stances against queer people because queer people are often criminalized and viewed as deviant due to stigma, unfamiliarity, intolerance, and personal bias (Buist & Stone, 2013). People do not just have prejudices or biases towards gender and sexuality, but also towards race, socioeconomic status, disability, and more. Regardless of the kind of bias or prejudice, it is our social and professional responsibility to treat others with dignity, respect, and compassion (NASW, n.d.). Therefore, conducting this research in other parts of the world, or in other

professional settings that work with similar vulnerable populations would be a contribution to positive social change.

Some correctional organizations may feel that the issue of personal bias or prejudice may exist more strongly in the studied southeastern U.S. state or regions near this state because of cultural norms. For example, certain areas of the South are known as the Bible Belt (Brunn, Webster, & Archer, 2011). Many may feel that these areas are more intolerant of unconventional or non-traditional walks of life, primarily due to religious beliefs. Therefore, personal biases and personal prejudice may not be a significant underlying cause for the maltreatment of transgender offenders in prison systems on the West Coast. To address such presumptions, it is recommended that similar studies continue to be conducted in other regions of the United States to identify any similarities and differences with the current findings. For example, a study completed about LGBT maltreatment in California detention centers found that while personal bias and discrimination were a contributing factor, overcrowding and social hierarchy were more likely causes of maltreatment (Lara, 2010). If West Coast prison systems have policies and procedures in place that effectively minimize the amount of discrimination towards transgender offenders, it would be necessary to study those policies and determine if and how they may be beneficial in the state identified in this study.

Utilizing the information produced in this action research project would be a great start for making next steps. In order to get this information into the hands of the right people, however, the dissemination process must be well strategized. There are numerous ways to disseminate research findings, however one needs to make sure that it is

affordable, timely, clear, and reaching the correct audience (Green, Fettes, & Aarons, 2010). One way that these research findings could be disseminated is to publish them. This paper would then be searchable and available to those scholars and professionals specifically looking into information related to the topic. Another potential method of dissemination is to develop a presentation of the findings. This presentation can be presented at various correctional facilities to aide their development of new policy and trainings and improvements to existing policy and trainings. One can also write an executive summary of the findings and send it to prison administration and other state leaders and policy makers. Today, we live in a world of social media. People of all ages, ethnicities, socioeconomic background, sexual orientation and gender identity utilize social media for various reasons. Different social media platforms such as Facebook, Twitter, and Instagram would be an affordable way to disseminate the findings of this study quickly. Utilizing social media would allow for the dissemination of findings to expand not just in the United States but potentially globally as well.

Implications for Social Change

Knowledge gained by this action research study could impact social change efforts on a micro, mezzo, and macro level. Only one person working in a prison setting can make micro level change by improving their own behavior, ensuring that they and those around them are always acting on behalf of the best interest of the client and within policy. These efforts can create positive change in one offender's life or even within a single correctional facility. The findings of this action research project can also be utilized to create larger change on a mezzo level. For example, this researcher could work

towards getting authorization to present the findings of this study across all the correctional facilities in the studied southeastern U.S. state. This could initiate positive change to statewide policy and procedure. The greatest level of change, or macro level, could involve Federal initiatives implemented in correctional institutions across the entire United States. A need to amend or improve the national PREA would be positive macro level change. Some will argue that the identified problem is not only a problem occurring nationwide in the United States but rather a worldwide problem occurring in other countries such as Australia and Canada (Mann, 2006; Smith, 2014).

The NASW COE indicates that we are to have a vested interest in positive social change not just in the United States but around the world (NASW, n.d.) As mentioned before, utilizing social media could be an effective method of disseminating the findings of this study around the world and creating a global discussion. Our society, on a global level, faces various similar challenges and social inequalities (Pearson, Walpole, & Barna, 2015). That being said, this action research study can be useful even on a global scale.

Summary

The purpose of this action research study was to increase awareness regarding the alarmingly high rates of maltreatment of transgender offenders in the prison system today. Transgender offenders experience a much higher rate of abuse, neglect, sexual assault and harassment, and discrimination compared to their cis-gendered peers (Glezer et al., 2013). Another purpose of this study was also to gain a better understanding of the reasons contributing to the maltreatment of transgender offenders. Relevant data were

collected during this study by investigating current policy for correctional facilities in a southeastern U.S. state. Data were also collected through one focus group that took place via audio conference call. The participants for this focus group were recruited by fliers posted in local public venues, such as public libraries, and related social media platforms, such as Facebook. All participants' identity has remained confidential. Participants had the opportunity to answer and discuss a series of focus group questions developed by this researcher to answer the identified research questions. All data collected were coded into reoccurring themes that were identified through a careful review of all data.

The study revealed that there is current policy and procedures in place to protect the rights and well-being of transgender offenders. Those policies are even still being reviewed and updated by the proper authorities as new insights are gained. The data from the focus group indicated that prison officials are receiving sufficient training and education on the proper management of transgender offenders and their unique vulnerabilities. Prison officials are still, however, choosing to place their personal biases, beliefs, and intolerance before professional policy which contributes to the maltreatment of transgender offenders occurring in correctional facilities. Additionally, there is a lack of accountability or follow through by leadership in these facilities. Little to no action is taken to address the problematic behaviors of prison staff and offenders. This lack of accountability, as well as the fear of retaliation, leaves vulnerable populations, such as transgender offenders, feeling resistant to report maltreatment they experience or witness (Sumner & Sexton, 2016).

While policy is already in place and improving, identifying more effective means of getting prison staff to abide by the mandates regarding this oppressed population and improving management accountability is crucial. Additional research that addresses the confines of this study would be a beneficial next step. For instance, a future study can include the perspective of male prison staff as well given that this study only examined females. It will also be helpful to conduct a study specifically with prison staff that fosters biases against the transgender community. One may claim that such a study sample will be difficult to form as people do not advertise their biases many times and are afraid to share them in public to avoid any potential repercussions. One way around this may be to offer a monetary incentive for study participation while also ensuring anonymity and confidentiality of the information shared. Alternatively, this study sample could be designed through a search of complaints that transgender individuals have filed against certain prison staff. In this case, both the transgender individual and prison administration will need to consent to a file review by the researcher to make this possible. However, an ethical concern with this procedure is that the identified staff may seek retaliation against the transgender inmates following the completion of the study. However, the latter concern could perhaps be mitigated if prison administration is willing to enhance the security and protection of the transgender participants by placing them in facilities where contact with the biased prison staff is no longer possible.

It is imperative to the social well-being of our society that each of us do our part, big or small, to push towards social justice. This should be a continuous effort as the world are constantly changing, growing, and learning new things. Although there are

many ways to contribute to positive social change, such as conducting research or developing policy, meaningful change can be made even on an individual level. can move towards meaningful change each day. Behaving as professionals who consistently demonstrate compassion, understanding, and integrity can help change the life of one person, who will then change the life of another. Change happens in chains, small changes lead to larger ones, in a struggle to promote social justice for all, including of course transgender individuals surviving in prison environments.

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Appendix: Focus Group Questions

Transgender Protection and Best Practices in the Prison Setting: Focus Group Questions

Prior to the start of the discussion, participants will have the opportunity to review the written informed consent form and ask any clarifying questions. Participants will be asked to sign and date the written informed consent.

This focus group will last approximately 90 minutes.

The topic that we will be discussing today tends to be a very controversial topic. I want to remind everyone that, as professionals, all dialogue needs to remain professional and appropriate. It can be easy to allow our personal values and opinions drive our actions. However, I encourage you to answer any questions asked from a professional lens and put personal biases aside for this session. This should be a safe place for anyone to share thoughts or past experiences that they may not be proud of. Please be respectful of others' thoughts and experiences.

Nothing discussed in this focus group should be shared or discussed outside of this group. It is critical that everyone's identity, as well as the information discussed, is to be kept confidential.

Avoid using the names of staff and/or inmates should you need to refer to them in the discussion.

QUESTION LIST:

- According to your state's Standard Operating Procedures, how should the mental and medical health of transgender offenders be handled?
- According to your state's Standard Operating Procedures, how should the housing of transgender offenders be handled?
- In what ways might the treatment and protection of transgender offenders by prison officials look different from the treatment and protection of cis-gendered offenders? What are some unique considerations to take into account?
- What appears to be the motivation or cause for the maltreatment of transgender offenders in the prison setting?
- What forms of maltreatment of transgender offenders have you witnessed, and how often does this occur?

- What are your ideas for improving the overall level of knowledge of prison officials regarding their responsibility to provide equal treatment and protection to transgender offenders?
- What are your ideas for improving current policy regarding the treatment and protection of transgender offenders?
- Is there anything else that you would like to discuss regarding the equal treatment and protection of transgender offenders in a prison setting?