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Transgender and Gender Nonconforming Individuals' Perceptions of the Criminal Justice System

DeLisa Shundra Hamilton
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Walden University

College of Social and Behavioral Sciences

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DeLisa Shundra Hamilton

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Walden University
2019

Abstract

Transgender and Gender Nonconforming Individuals' Perceptions

of the Criminal Justice System

by

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MS, Kaplan University, 2009

BS, Southern University at New Orleans, 2003

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Criminal Justice

Walden University

May 2019

Abstract

This study explored the perceptions and lived experiences of 10 transgender and gender nonconforming individuals who had interacted with the various sectors of the criminal justice system (i.e., law enforcement, the prison system, and the court system). The focus of this phenomenological qualitative study was providing insight into how sexual orientation and gender identity influenced transgender and gender nonconforming individuals' experiences and perceptions of the criminal justice system. Procedural justice theory guided this study by providing an understanding of how the behavior of the actors in the criminal justice system shaped the cooperation or resistance of transgender and gender nonconforming individuals. During semistructured telephonic interviews, participants were asked open-ended questions about their feelings, experiences, and perceptions regarding the various sectors of the criminal justice system (i.e., law enforcement, the prison system, and the court system). Using Moustakas's modified Stevick-Colaizzi-Keen approach, 3 themes were identified: (a) interactions with the criminal justice system, (b) thoughts about the criminal justice system, and (c) experiences with the criminal justice system. Findings indicated that the criminal justice system is not adequately prepared to accommodate or appropriately deal with transgender and gender nonconforming individuals and their unique needs. Implications for social change include the development of transgender-affirmative training programs and education for the criminal justice system and its personnel.

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Dedication

I would like to dedicate this body of work to my beautiful mother, Terry; my sons, Theron and Prince; and my daughter, Diamond. Mom, you have motivated and encouraged me to reach beyond the stars and to never limit myself. When I would dim my light, you would come right behind me and turn it back on. You have been my pillar of strength and the shoulder that I have leaned and cried on during this entire journey. You have taught me to be the woman that I am today. My children, Theron, Prince, and Diamond, you guys have challenged me to be the best mother I could be and have watched as I have continued my educational journey. I pray that you guys will be motivated, encouraged, and inspired to reach your dreams even when you want to give up and quit. I want you to know that my struggles were never in vain because they were all done for you—my three heartbeats.

I would also like to dedicate this to my dad, Hank Sr.; my sisters, Maquater and Janelle; my brothers, Hank Jr. and Kevin; my boyfriend, Joey; my cousin Brandy; my friend Eva; and my best sister friend, Angel, for letting me vent my frustrations and for sharing in all of my milestones throughout this process. You have each encouraged and motivated me through every phase of this journey in your own little way.

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Chapter 1: Introduction to the Study

Introduction

Fair and equitable treatment of individuals regardless of gender identity/sexual orientation is necessary in order to fulfill fundamental/civil rights of people within the criminal justice system. However, historically, the relationship between the transgender and gender nonconforming (TGNC) population and the criminal justice system has been rooted in violence, intimidation, and mistrust due to TGNC individuals' sexual orientation and gender identity (Buist & Stone, 2014; Miles-Johnson, 2015; Nadal, Quintanilla, Goswick, & Sriken, 2015; Noga-Styron, Reasons, & Peacock, 2012; Stotzer, 2014). When TGNC individuals are interacting with the criminal justice system as victims or offenders, the system is not prepared to appropriately handle them or respond to their unique needs and circumstances (Buist & Stone, 2014; Miles-Johnson, 2016b). Overall, their experiences with the criminal justice system have resulted in a reluctance to report crimes and their own victimization as well as reluctance to seek assistance (Nadal et al., 2015).

Many studies have explored the perceptions of lesbian, gay, bisexual, transgender, and queer (LGBTQ) individuals regarding law enforcement officers (Briones-Robinson, Powers, & Socia, 2016; Galvan & Bazargan, 2012; Miles-Johnson, 2013a; Nadal et al., 2015; Woods, Galvan, Bazargan, Herman, & Chen, 2013). However, there remains a gap in understanding the experiences and factors that influence the perceptions of TGNC individuals when they seek assistance from the various sectors of the criminal justice system without grouping them with the lesbian, gay, and bisexual (LGB) population as an

afterthought (Nadal et al., 2015; Stotzer, 2014). Little is known about how TGNC individuals perceive their experiences when interacting with the criminal justice system (e.g., law enforcement, the prison system, and the court system). This study focused on describing their lived experiences and perceptions by examining their interactions with the various sectors of the criminal justice system when interacting with personnel in law enforcement, the prison system, and the court system. Gaining insight into these perceptions and experiences may provide a better understanding of how to adequately and appropriately respond to the unique needs and circumstances of the TGNC population.

The terms *transgender* and *gender nonconforming* are used synonymously and abbreviated as TGNC throughout this document.

Background of the Problem

Throughout history, people who have failed to adhere to their societies' standards have been perceived as exhibiting deviant behavior. Individuals in the LGBTQ community have been considered sexual deviants because they have been in love with or have displayed acts of affection toward individuals of the same sex (Buist & Stone, 2014). Societal norms have led others to fear people in the LGBTQ community and to react to their sexual "deviance" with contempt, hatred, and disgust (Noga-Styron et al., 2012). Distorted images of homosexuals have resulted in members of the LGBTQ community being judged by others and discriminated against (Miles-Johnson, 2013a; Noga-Styron et al., 2012). Historically, criminal justice systems criminalized behavior coded as sexually deviant through the enforcement of antisodomy laws that targeted

individuals because of their gender identity and sexual orientation (Buist & Stone, 2014; Noga-Styron et al., 2012). Violations of earlier antisodomy laws were punishable by death (Noga-Styron et al., 2012). Although the punishments for violating antisodomy laws were greatly reduced, they continued to impact TGNC individuals well into the 20th century (Noga-Styron et al., 2012).

TGNC individuals have continued to face many forms of discrimination and harassment, as well as the fear that they may be victimized by the criminal justice system because of their sexual orientation and gender identity (Buist & Stone, 2014; National Coalition of Anti-Violence Programs [NCAVP], 2013, 2014). Buist and Stone (2014) argued that the criminal justice system is not designed to appropriately respond to the unique needs of TGNC individuals as victims or offenders. Stotzer (2014) pointed out that law enforcement has unfairly associated and profiled transgender individuals as being sex workers, which has resulted in them being stopped, unjustly detained, and subsequently arrested. The 2015 U.S Transgender Survey (USTS; James et al., 2016), which focused on the experiences of transgender individuals, reflected the responses of 27,715 transgender participants from the United States, its territories, and U.S. military bases overseas. The survey reported that 22% of respondents indicated that they had been arrested primarily because they were transgendered.

Research has shown that transgender individuals are more likely than other nonheterosexual individuals to experience violent acts, threats, and intimidation from the police, including hostile treatment, verbal abuse, slurs, and the use of biased language (Langenderfer-Magruder, Whitfield, Walls, Kattari, & Ramos, 2016; NCAVP, 2014).

Buist and Stone (2014) reported that the 2011 National Transgender Discrimination Survey surveyed 6,450 TGNC individuals who indicated the following: (a) 20% of them had been denied equal treatment by the police; (b) 29% had been harassed or disrespected by the police; and (c) 6% had been physically assaulted by police officers. Transgender individuals who identify as females were 5.2 times more likely than LGBT youth, LGBT young adults, people of color, gay men, and bisexual survivors to experience an incident of police violence when they interacted with a police officer after reporting an intimate partner violence (IPV) incident (NCAVP, 2014, p. 10). The NCAVP (2013) indicated that nearly 12% of transgender individuals reported encountering violence by law enforcement officers during IPV incidents (p. 32). Galvan and Bazargan (2012) found that 64% of Latina transgender females reported being treated unfairly when they were arrested.

When seeking assistance from the police, TGNC individuals tend to underreport their victimization or crimes against them due to lack of trust, lack of respect, and negative perceptions that police may have of them (Miles-Johnson, 2013a; Redfern, 2014a; Stotzer, 2014; Woods et al., 2013). Redfern (2014b) surveyed 62 law enforcement officers about their attitudes toward transgender individuals and reported that 19% of the officers believed that identifying as transgender was an indication of mental illness; 32% believed that the assigned sex at birth determined how transgender individuals should be treated; and 18% believed that transgender individuals should not be allowed to live according to their gender identification. Woods et al. (2013) found that 57% of Latina

transgender females reported that their interactions with law enforcement officers resulted in the officers being “aggressive, insensitive, rude, or disrespectful” (p. 387).

While in custody, TGNC nonconforming individuals continue to experience victimization and abuse by inmates as well as prison staff. Galvan and Bazargan (2012) found that among Latina transgender female inmates, 30% reported that they had been verbally assaulted by other inmates, 11% reported that they had been physically assaulted, and 10% reported that they had been sexually assaulted (p. 5). Stotzer (2014) indicated that prison staff further exacerbate reports of victimization and abuse made by TGNC individuals by failing to provide adequate protection for them. Galvan and Bazargan found that 70% of respondents reported that prison staff responded negatively to reported incidents. Their negative actions included laughing at the reported incident, taking no action, and being part of the victimization and abuse that the inmate was complaining about (p. 5). The 2015 USTS found that 20% of respondents reported that they had been physically and/or sexually assaulted by prison staff when they were incarcerated, while 22% reported being physically and/or sexually assaulted by other inmates (James et al., 2016).

Research has indicated that there is a lack of training for criminal justice personnel regarding how to appropriately interact with the transgender community. Redfern (2014b) found in a survey that law enforcement officers believed that they were adequately trained about the sensitivities regarding the transgender community. However, Redfern (2014b) reported that 71% of the officers could not recall ever receiving any training that would have provided them guidance in interacting with or understanding

members of the transgender community. Miles-Johnson (2016b) suggested that providing law enforcement officers with sensitivity training on interacting with diverse minority communities would give them necessary tools to engage with such communities professionally.

Although past researchers have quantitatively explored the experiences of TGNC individuals in the criminal justice system, a qualitative approach is necessary to provide insight into their lived experiences of interacting with the criminal justice system. This study provides a detailed understanding of the experiences of TGNC individuals and insight into how sexual orientation and gender identity may influence their experiences and perceptions of the criminal justice system.

Problem Statement

TGNC individuals have faced discrimination, harassment, and abuse by law enforcement personnel, prison personnel, and court personnel and have been the target of biased state laws and discriminatory practices by lawmakers (Nadal, Davidoff, Davis, & Wong, 2014; Noga-Styron et al., 2012). In addition, they have experienced adverse consequences in the criminal justice system because of their sexual preferences and gender identities (Miles-Johnson, 2016b). Research has indicated that the personal beliefs, prejudices, and cultural norms of society play a role within the criminal justice system, and that these stem from a normative masculine viewpoint (Buist & Stone, 2014; Miles-Johnson, 2016b). There has been a lack of studies focusing on the perceptions and experiences of TGNC individuals within the various sectors of the criminal justice system

(e.g., law enforcement, the prison system, and the court system) from a firsthand perspective.

Purpose of the Study

The purpose of this qualitative study was to understand how TGNC individuals experience, perceive, and interact with the criminal justice system and the criminal justice system's responses when they are seeking assistance and reporting incidents of crime. Stotzer (2014) suggested that there is a need for understanding and finding alternative avenues that will assist TGNC individuals in accessing and using the criminal justice system as well as in improving interactions between them and the various sectors of the criminal justice system. This study provides first steps toward obtaining a general understanding of the challenges and barriers that members of this population face when interacting with the criminal justice system. The participants in this study were TGNC individuals in the metropolitan area of Austin, Texas.

Research Questions

1. How do transgender and gender nonconforming individuals feel about the criminal justice system in general and the specific sectors of the criminal justice system (e.g., law enforcement, prison system, and the court system)?
2. What factors influence transgender and gender nonconforming individuals' perceptions of the criminal justice system?

Theoretical Framework

The theoretical framework for this study was Tyler's (1990, 2004) procedural justice theory, which is grounded on the perceptions, judgments, and opinions of

individuals and the process of fairness regarding the various sectors of the criminal justice system. The basic premise of procedural justice theory, when applied to this study, is that when transgender and gender nonconforming individuals are treated fairly and with respect by the various sectors of the criminal justice system, their value and self-worth are reinforced while their attachment to society is confirmed. Additionally, procedural justice theory provided an understanding of how the behavior of the actors in the criminal justice system may shape the cooperation or resistance of TGNC individuals during their interactions. This theory has been used in research conducted on individuals in the LGBTQ community and their perceptions of their interactions with the police and the criminal justice system (Miles-Johnson, 2013a; Nadal et al., 2015). Using this theory in this study was important for comparing the perceptions of TGNC individuals with other members of mainstream society and the LGB population.

Nature of the Study

I chose a qualitative phenomenological research approach because it allowed me to gain firsthand knowledge of the perceptions and experiences of TGNC individuals with the criminal justice system. Edmund Husserl (1967, 1999), the father of phenomenology, described phenomenology as a method to “go back to the things themselves” by focusing on what is experienced in an individual’s consciousness. To achieve this, Husserl suggested that a phenomenological attitude (known as the *epoché* process) be adopted in order to hold any assumptions and presuppositions in abeyance in order to get to the pure essence of the individual’s experience (Finlay, 2014; Moustakas, 1994). Overall, the primary goal of phenomenological research is to “determine what an

experience means for the persons who have had the experience” and “provide a comprehensive description of it” (Moustakas, 1994, p. 13).

Creswell (2007) argued that qualitative research is most appropriate when there is a problem or an issue that needs to be explored to obtain a detailed understanding instead of relying on information obtained from the literature and other research studies that have been conducted. By using a phenomenological qualitative research design to analyze the lived experience of TGNC individuals and their interactions with the various sectors of the criminal justice system, I sought to engage in rich and deep exploration of their experiences and any perceived factors that might influence those perceptions. Stotzer (2014) supported this aim by noting the need for more in-depth studies that examine the treatment and interactions between transgender individuals and the various sectors of the criminal justice system. Moreover, Briones-Robinson et al. (2016) argued for the importance of understanding the barriers and challenges that individuals in the LGBT community experience with law enforcement when reporting incidents of victimization.

Definition of Terms

Cisgender: A term used to describe a person whose gender identity aligns with that typically associated with the sex assigned to them at birth (Human Rights Campaign, 2019).

FTM: A term referring to an individual who has transitioned from a female to a male, meaning that the individual was assigned female gender at birth and now lives as a male. The term *transgender man* is synonymous with FTM (National Center for Transgender Equality, 2014).

Gender identity: A term used to refer to an individual's internal sense of being male, female, or something else (National Center for Transgender Equality, 2014).

Gender nonconforming: A term used to refer to individuals "who do not behave in a way that conforms to the traditional expectations of their gender, or whose gender expression does not fit neatly in a category" (Human Rights Campaign, 2019).

Gender transition: A term that describes the process by which some people strive to more closely align their internal knowledge of gender with its outward appearance. Some people socially transition, whereby they might begin dressing, using names and pronouns, and/or being socially recognized as a member of another gender. Others undergo physical transitions in which they modify their bodies through medical interventions (Human Rights Campaign, 2019).

LGBTQ: An acronym for lesbian, gay, bisexual, transgender, and queer (Human Rights Campaign, 2019).

Law enforcement: A term referring to police officers, correctional officers, probation officers, and parole officers.

MTF: A term referring to an individual who has transitioned from a male to a female, meaning that the individual was assigned male at birth but now lives as female. The term *transgender female* is synonymous with MTF (National Center for Transgender Equality, 2014).

Sexual orientation: A term used to describe an individual's attraction to another person of the same sex and/or a different sex, usually defined as lesbian, gay, bisexual, heterosexual, or asexual (National Center for Transgender Equality, 2014).

Transgender: An umbrella term used to refer to individuals who do not identify with their assigned sex at birth. They tend to express their gender identity differently from cultural expectations. They may also identify as being straight, gay, lesbian, bisexual, and so forth (Human Rights Campaign, 2019).

Transition: A term referring to when an individual begins to live life as the gender with which they identify rather than the gender that they were assigned at birth. This often includes changing their name and the way that they dress, as well as using pronouns that are socially recognizable as the new gender. This may also include taking hormones, having surgery, or changing identity documents (e.g. driver's license, Social Security record) to reflect their gender identity (Human Rights Campaign, 2019; National Center for Transgender Equality, 2014).

Assumptions

I assumed that all participants would be truthful and honest concerning their gender identity as TGNC individuals. I assumed that the participants in this study would be truthful and honest about their experiences and perceptions of interacting with the criminal justice system (e.g., law enforcement, the prison system, and the court system) and that they would openly and honestly answer all questions presented to them during the interview. I assumed that their participation would be voluntary.

Scope and Delimitations

This study included TGNC individuals from metropolitan Austin, Texas who had experienced interaction with the criminal justice system (e.g., law enforcement, prison system, and the court system). Their lived experiences helped to provide an

understanding of how they experienced, perceived, and interacted with the various sectors of the criminal justice system and the criminal justice system's responses when they were seeking assistance. This study was delimited in that it did not include individuals who self-identified solely as lesbian, gay, or bisexual because they did not have the same challenges or barriers that TGNC individuals have when interacting with the criminal justice system.

Limitations

A potential limitation for this study was that it involved only TGNC individuals from the metropolitan area of Austin, Texas. Another limitation for this study was the small number of participants, who might not reflect the specific perceptions and experiences of other TGNC individuals in the metropolitan area of Austin, Texas. The findings may not be generalizable to other TGNC in other parts of Texas or in other states, or to other populations in the LGBTQ community.

Significance of the Study

This study fills a gap in understanding perceptions of and experiences with the criminal justice system by TGNC individuals. This study provides an accurate picture of participants' perceptions regarding the criminal justice system. Moreover, it provides insight into how experiences affected participants' perceptions of the criminal justice system. There is a lack of empirical research in the field of criminology and criminal justice regarding the TGNC population because the members of this population have been grouped together with the LGB community as an afterthought (Nadal et al., 2015; Stotzer, 2014). Research has indicated that the criminal justice system is not prepared to

appropriately handle the TGNC community (Buist & Stone, 2014; Noga-Styron et al., 2012; Whitman, 2016). This situation has created a need for understanding TGNC individuals' experiences and perceptions in order to provide a coherent and comprehensive understanding of how sexual orientation and gender identity influence interactions between them and the criminal justice system. This understanding came directly from the perspective of TGNC individuals who provided firsthand accounts of their lived experiences in detail. Moreover, the results of this study pertaining to this specific population not only add to the criminal justice and public safety research knowledge base, but also add to the ambit of queer criminology (Buist & Stone, 2014).

Summary

In this chapter, I introduced the research problem and discussed the background of the study, research questions, and methodology. I also addressed and discussed the theoretical framework and explained the nature of the study. Important terms were defined, and the scope, delimitations, and limitations were outlined.

In Chapter 2, I provide an exhaustive review of the literature in which I explain the theoretical framework of procedural justice and police legitimacy, TGNC individuals' contact with the criminal justice system (law enforcement, prison system, and court system), and police training and education.

Chapter 2: Literature Review

Introduction

Members of the TGNC population have historically been marginalized and stigmatized by the criminal justice system. In addition, they have experienced mistreatment, discrimination, violence, and harassment because of their gender identity and sexual orientation. The purpose of this study was to understand how TGNC individuals experience, perceive, and interact with various sectors of the criminal justice system (e.g., law enforcement, the prison system, and the court system).

This chapter provides an overview of the relevant literature concerning TGNC individuals' perceptions of and experiences with the criminal justice system. The review of the literature focuses on the theoretical framework of procedural justice and police legitimacy, contact with the criminal justice system, and police training and education.

Literature Review Strategy

The literature review for this study used qualitative and quantitative peer-reviewed literature regarding the LGBTQ community and members' experiences and interactions with and perceptions of the criminal justice system. I used various databases located in the Walden University Library, including SocINDEX, LGBT Life, Nexis Uni (formerly LexisNexis Academic), Bureau of Justice Statistics, CQ Researcher, Criminal Justice Database, Taylor & Francis, and Sage Journal. In addition, I used Google Scholar to search for articles and websites. Some of the key words I used were *transgender*, *gender nonconforming*, *perspectives*, *experiences*, *criminal justice system*, *police*

training, police education, law enforcement, courts, prison system, corrections, discrimination, procedural justice theory, and police legitimacy.

Theoretical Framework of Procedural Justice and Police Legitimacy

Procedural Justice

Procedural justice is defined as “the quality of treatment and the quality of decision making that police display” (Antrobus, Bradford, Murphy, & Sargeant, 2015, p. 153). It has four key components: (a) a voice—“whether people have the opportunity to ‘voice’ their concerns before an authority makes a decision”; (b) neutrality—“whether decisions made by authorities are based on facts, not biases or personal opinions”; (c) respect—whether authorities treat citizens with “dignity and respect”; and (d) trustworthiness—“whether the motives of authorities are seen to be ‘fair’ (that is, do they act in the best interest of citizens and do they display concern for their well-being)” (Murphy, Sargeant, & Cherney, 2015, p. 721; Mazerolle, Bennett, Davis, Sargeant, & Manning, 2013).

When people encounter law enforcement, they want a chance to explain themselves and their situations by telling their side of the story (Murphy, Mazerolle, & Bennett, 2014). When they feel that they have a voice, they feel more satisfied because they feel as though they have presented all the facts to authorities before the authorities make a decision (Murphy et al., 2014). Additionally, they are more inclined to act in a positive manner when they feel that the decisions made by a law enforcement officer are based on facts and not on the officer’s personal opinions or biases (Murphy et al., 2014). Everyone believes and feels that they have the right to be treated in a respectful manner

and are more inclined to react negatively when they are not treated according to their expectations (Murphy et al., 2014). Finally, when law enforcement officers display benevolence and care toward citizens in addition to being sincere in pursuing the best interests of the community that they serve, the members of the community will be more prone to act in a positive manner toward law enforcement officers and agencies (Murphy et al., 2014). Research has indicated that there is a link between procedural justice and police legitimacy regarding citizens' encounters with law enforcement and their perceptions of law enforcement and agencies (Bates, Antrobus, Bennett, & Martin, 2015).

To obtain an understanding of what motivates individuals to cooperate with law enforcement, Murphy et al. (2015) conducted a quantitative study for which they surveyed 10,148 Australian residents primarily with an ethnic minority background — Indian, Vietnamese, and Arabic-speaking individuals. The findings indicated that (a) an individual's intention to cooperate with authorities is directly linked to procedural justice, (b) an individual's intention to cooperate with authorities is based upon the performance of the police; and (c) an individual's identity plays a role in the intention to cooperate with authorities. While the findings of this study do not specifically pertain to TGNC individuals, the authors suggested that there is a need to further investigate the relationship between an individual's identity and procedural justice. Furthermore, the study's implications for law enforcement officers and agencies are of paramount importance in strengthening the relationship between them and the community that they serve and protect. The authors suggested that law enforcement agencies need to communicate with members of their community by informing them about the strategies

that they are using to tackle crime in their community. They also suggested that officers should practice procedural justice when interacting with members of the community, especially members of ethnic minority groups.

Police Legitimacy

Police legitimacy has been defined as “the belief that the police are entitled to call upon the public to follow the law and help combat crime and that members of the public have an obligation to engage in cooperative behaviors” (Tyler, 2004, pp. 86-87; Wolfe, Nix, Kaminski, & Rojek, 2016). It has been implicated in “a number of desired outcomes, including willingness to cooperate with the police, provide information, assist in solving crime, empower the police, and obey the law more generally” (Jonathan-Zamir, Mastrofski, & Moyal, 2015, p. 847). Essentially, it is of paramount importance for ensuring that law enforcement officers and agencies have the ability to work effectively in maintaining public order and making decisions that are in the best interest of the community that they are protecting and serving (Bates et al., 2015; Wolfe et al., 2016).

When it is perceived that law enforcement officers are treating individuals fairly, law enforcement officers are more likely to be seen as legitimate in the eyes of the community (Bates et al., 2015). Trust in law enforcement’s character and motivations is considered to be a component of police legitimacy (Wolfe et al., 2016). Overall, the police are expected to (a) have integrity; (b) treat and apply the law to everyone they encounter in an equal and consistent manner; (c) uphold the morals of the community; (d) display ethical behavior when interacting with members of the community; and (e) hold themselves accountable (Hickman, Piquero, Powell, & Greene, 2016). When the police

do these things, members of the community will perceive and support law enforcement as a legitimate authority in their community (Hickman et al., 2016).

In examining how individuals' sexual identity impacts their perceptions of police legitimacy and trust in the police, Miles-Johnson (2013a) conducted a face-to-face survey with 365 participants. The author suggested that beliefs about the police are shaped by an individual's perceptions of police trust, procedural justice, quality of treatment received by the police, and levels of respect received from the police. The findings indicated that individuals' gender and age can shape their perceptions of procedural justice, the quality of treatment received from the police, the trust and legitimacy of the police, and the respect received from the police. The findings also indicated that the ethnicity of an individual can influence perceptions of the quality of treatment received by the police, trust and legitimacy of the police, and respect received from the police. The findings further indicated that individuals' sexual identity does impact their perceptions of police legitimacy and trust in the police. LGBT and intersex individuals reported more negative perceptions about police than heterosexual individuals relating to police trust and legitimacy, procedural justice, quality of treatment received from the police, and respect from the police.

In a systematic literature research that used a variety of academic databases, Peck (2015) examined the perceptions and attitudes of various racial and ethnic groups toward the police. The findings indicated that compared to Whites, Blacks, non-Whites, and members of minority groups were more likely to have negative perceptions and attitudes toward the police, especially under certain circumstances. The findings also indicated that

Hispanics, compared to Blacks, were more likely to view the police positively; however, their attitudes toward the police were more negative than those of Whites. This study has the potential to expand the understandings of researchers and policy makers regarding differences in attitudes regarding law enforcement based on race, ethnicity, gender identity, and sexual orientation.

Literature Review Related to Contact With the Criminal Justice System

The criminal justice system is designed to keep citizens safe in addition to enforcing the rights of all citizens as indicated in the Constitution. The motto for law enforcement indicates that officers must “serve and protect” all citizens and their communities. The court system provides an avenue where criminal, civil, and family matters are handled and resolved. The prison system provides the community with a sense of security by housing individuals who have been convicted of crimes and are considered a danger to society. Each of these units is important to society, and the units work together to establish a system that all citizens can count on. However, research has indicated that TGNC individuals are mistreated and treated differently when interacting with the various sectors of the criminal justice system (Buist & Stone, 2014; Galvan & Bazargan, 2012; Knauer, 2012; Langenderfer-Magruder et al., 2016; Miles-Johnson, 2015; Noga-Styron et al., 2012; Stotzer, 2014; Woods et al., 2013). The sections that follow provide information regarding TGNC individuals’ interaction with law enforcement, the court system, and the prison system.

Law Enforcement and Transgendered and Gender Nonconforming Communities

Evidence has suggested that TGNC individuals are subjected to mistreatment and abuse when interacting with law enforcement because of their gender identity and sexual orientation. In examining the experiences of 27,715 TGNC individuals, the 2015 U.S. Transgender Survey (USTS) indicated that they reported being mistreated, harassed, and misidentified as sex workers because of their gender identity and sexual orientation (James et al., 2016). The mistreatment and harassment that they received and experienced when interacting with law enforcement resulted in them being reluctant to seek any assistance from law enforcement. They reported that seeking assistance from law enforcement made them feel uncomfortable because they faced the potential of being victimized a second time by being rejected, being disrespected, and having their cases poorly handled (James et al., 2016; Stotzer, 2014).

There is evidence to support the negative experiences that TGNC individuals have with law enforcement when reporting crimes. In a quantitative research examining interactions between law enforcement and Latina transgender women, Galvan and Bazargan (2012) and Woods et al. (2013) found negative consequences of Latina transgender women's interactions with law enforcement. Both studies found that 56% of participants reported a crime to the police and were verbally harassed by the police during that process. They also found that 20% of participants reported having a positive experience during their interaction with law enforcement when reporting a crime. These results suggest that TGNC individuals are highly likely to be verbally harassed during the process of reporting a crime to the police. Consequently, Woods et al. indicated that 44%

of their participants had not reported a crime to the police. Participants provided many reasons as to why they did not report crimes; for instance, 11% indicated that there was a language barrier, 18% indicated that they feared or had mistrust toward the police, and 36% indicated that they believed that the police would not listen to, be helpful toward, or even believe them (Woods et al., 2013, p. 385). Furthermore, Woods et al. reported that 24% of their participants indicated that their past experiences of being treated negatively by the police had influenced their decision not to report crimes to the police. These results demonstrated that TGNC individuals may be reluctant in reporting crimes to law enforcement for many reasons, including a fear of being treated negatively.

Regarding TGNC individuals being mistreated by law enforcement, Galvan and Bazargan (2012) found that out of 220 individuals, only 151 individuals (69%) reported that they were not only harassed verbally, but also assaulted physically and sexually by law enforcement (p. 6). They also indicated that 41 individuals (27%) reported having filed a report regarding this matter, while eight individuals who did not file a report regarding their assault by law enforcement individuals reported filing a report for a completely different reason. Out of these 49 individuals, 31% reported that their reports had been poorly handled or very poorly handled (35%). However, 18% indicated that their reports were handled well or in an excellent manner (2%). They also found that 16% of their participants had been physically assaulted by police officers, with 8% having been assaulted by sheriffs and 7% having been assaulted by undercover law enforcement personnel (Galvan & Bazargan, 2012, p. 6). Additionally, Galvan and Bazargan found that 15% reported being sexually assaulted by police officers, with 4% reporting being

sexually assaulted by sheriffs and 11% reporting being sexually assaulted by undercover law enforcement personnel (p. 6). This research suggests that TGNC individuals are at risk of being physically and sexually assaulted when interacting with law enforcement personnel in their daily lives.

Evidence has also suggested that transgender individuals are targeted in their own communities by law enforcement personnel, as they experience high rates of arrest and incarceration, unjustified stops and arrests, as well as abuse and violence from law enforcement and criminal justice personnel (Stotzer, 2014). In examining the interactions of transgender individuals within the last year with law enforcement personnel, Woods et al. (2013) reported that 58% of their participants had been stopped by law enforcement for nothing. Of those who had been stopped, 33% reported being stopped between three and five times. Furthermore, 67% of the participants reported being stopped while performing normal activities, such as walking in their neighborhoods, waiting at the bus stop, or coming/going to the club or the grocery store (Woods et al., 2013, p. 387). Given that Galvan and Bazargan's (2012) and Woods et al.'s (2013) samples primarily included Latina transgender women who resided in Los Angeles, CA, their results may not be generalizable to locations outside California.

Miles-Johnson (2013b) examined the variations of lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals' crime reporting to the police in Australia and found that there was a difference between an individual's sexual identity and willingness to report crimes to the police. The findings indicated that LGBTI participants were less likely to report crimes to the police than heterosexual participants. The findings

also indicated that female participants were more likely to report crimes to the police than male participants. Overall, the findings indicated that LGBTI participants found it more difficult to report crimes to the police because of their strong perception of and belief in police homophobia. In this study, the findings demonstrated that individuals' sexual identity and perceptions of their treatment received from the police can determine their willingness to report a crime to the police.

In another study that examined the interactions of TGNC individuals and their reports of crimes to the police, Briones-Robinson et al. (2016) found that there were no differences between the sexual orientation of victims and victims of other types of crimes when it came to reporting crimes to the police. Briones-Robinson et al.'s findings indicated that LGBT victims who reported crimes to the police after the implementation of the Matthew Shepard Act continued to perceive the police as biased (as they were perceived before the Matthew Shepard Act). While Miles-Johnson (2013b) used a face-to-face survey at a Gay Day celebration, Briones-Robinson et al. used data from the National Crime Victimization Survey (NCVS) from 2003 to 2014—before and after the Matthew Shepard Act. Briones-Robinson et al.'s study suggested that there is a lack of knowledge regarding the types of interactions that occur between transgender individuals and the police as well as about transgender individuals' willingness to report crimes to the police. Due to the missing information in the NCVS, the authors recommended that qualitative interviews be conducted with LGBT victims who had reported crimes to the police, which might uncover their perceived mistreatment by the police and their access in adequately interacting with the police. Further research is needed on the crime-

reporting variations and behavior of TGNC individuals due to their sexual identity differences and their willingness to report crimes to the police.

To understand the perceptions that transgender individuals have regarding the police and policing, Miles-Johnson (2015) conducted an in-depth qualitative analysis that built upon previous existing research that examined the perceptions of the police by the transgender community. The findings indicated that the police were perceived negatively which was based upon a previous experience that resulted in their receiving negative treatment from the police and the policing practices that were applied toward them during that interaction. The participants expressed having feelings of anxiety and fear when interacting with the police because of their assumption that they would be treated unfairly. The participants reported that police officers were disrespectful, unprofessional, and harassing to them because of the officer's lack of awareness about their (transgender) community. Later, Miles-Johnson (2016a) conducted a quantitative research study that utilized the theoretical frameworks of Social Identity Theory (Tajfel) and the Group Value Model (Lind & Tyler). The findings indicated that the gender identities of transgender individuals significantly shape their negative perceptions of how they are treated by the police and influences their perceptions about the police and policing. Overall, Miles-Johnson (2015) posited that his findings are indicative to transgender individuals' perceptions of their intergroup differences which are fostered by their perceived contact and experiences that they have had with the police – either actual or hypothetical (p. 185). Similarly, Miles-Johnson (2016a) posited that his research data demonstrated that because of the treatment that they received from the police,

transgender individuals considered themselves to be a part of the out-group. These intergroup differences influence the attitude and perceptions that transgender individuals have when interacting with the police. The findings from both studies suggested that the intergroup differences that transgender individuals perceive regarding the police and the treatment they receive can influence (positively or negatively) how they view the police.

The Court System and Transgendered and Gender Nonconforming Communities

Research have documented the court systems' discrimination and victimization toward transgender and gender nonconforming individuals (Goodmark, 2013; Noga-Styron et al., 2012). Evidence has suggested that this type of discrimination and victimization often results in them being skeptical about the court system's ability to respond appropriately to them because of their gender identity and sexual orientation (Goodmark, 2013). Their skepticism questions the court's ability and willingness to provide any type of protection to transgender individuals who have experienced any kind of abuse or victimization (Goodmark, 2013).

In highlighting the unique experiences of transgender individuals and their interaction with the criminal justice system, Buist and Stone (2014) argued that there is a need for queer criminology which could be utilized to assist in the exploration of their experiences that they face while interacting with the criminal justice system. Buist and Stone also argued that there is an apparent need for more research to be conducted that have examined the experiences of transgender individuals as they interact with the court system as victims or offenders. Furthermore, Buist and Stone posited that the criminal justice system is ill prepared when interacting with transgender individuals in any

capacity. For example, for transgender individuals to change their gender marker on any legal documents they must first be diagnosed with a *gender identity disorder* which is a mental condition that essentially implies that something is wrong with their gender identity and sexual orientation (Buist & Stone, 2014, p. 40). This further negatively stigmatizes them because of their wish to live their lives as another gender (Buist & Stone, 2014).

In a qualitative research study, Nadal et al. (2015) examined the perceptions of lesbian, gay, bisexual and queer (LGBQ) individuals' perceptions of the various aspects of the criminal justice system (police, courts, legal processes, etc.) and how those perceptions affect their mental health and behaviors. The authors found that the participants positively acknowledged the importance of law enforcement and a need for the criminal justice system. The gay participants in the study reported that there is a need to appear more masculine while lesbian, bisexual and queer participants reported needing to appear more feminine. The findings indicated that an individuals' sexual orientation and race impacted the way that they were treated by the various sectors of the criminal justice system. For example, the white participants admitted to having a more positive experience with the criminal justice system because of their race and social class while the minority participants reported that they were mistreated because of their race and social class. The participants described that their lack of trust toward the criminal justice system comes from the historical and current discriminatory practices that have been employed toward the LGBQ community. One limitation of this study was that the transgender population was not included. The rationale for this was primarily because

they did not want to aggregate the experiences, unique challenges and potential barriers that they face in their everyday lives by placing them under the LGBTQ umbrella. This research suggested that there is an inherent need to examine the perceptions of the LGBTQ community in order to understand their differences of their interactions with the criminal justice system.

An overview of the experiences that the LGBT community has encountered in the criminal justice system, suggested that there is a culture of homophobia that has been rooted since the early colonies (Noga-Styron et al., 2012). For example, Noga-Styron et al. (2012) seemed to suggest that society beliefs about LGBT individuals are based on cultural experiences and not on personal experiences. The authors cited that homophobia was born in early colonies as a response to sodomy and other crimes that could be committed by those individuals that they deemed to be sexual deviants. Because of this, individuals who identified as LGBT were seen through a distorted lens that further alienated them from receiving the “equal justice and protection under the law” that they deserved (Noga-Styron et al., 2012, p. 375).

Historically, evidence has indicated that transgender and gender nonconforming individuals have faced inequitable treatment by judges, prosecutors, and court personnel. Noga-Styron et al. (2012) suggested that judges, prosecutors, and court personnel often exhibit “blatant and obvious homophobia” when presenting cases and making decisions when the defendant is transgender (p. 385). They argued that discretion ultimately opens the door for their prejudices to be acted upon. Noga-Styron et al. further argued that this

type of mistreatment has led to the LGBT community receiving harsher penalties and punishments for crimes than heterosexual defendants.

The Prison System and Transgendered and Gender Nonconforming Communities

As inmates, research has argued that the prison system is not designed to adequately accommodate transgender and gender nonconforming individuals. While there is no clear delineation of how they are housed and placed in a correctional institution, historically inmates have been primarily sorted based on the sex that they were assigned to at birth (Whitman, 2016). It has been reported that transgender and gender nonconforming individuals are assaulted physically and sexually by staff and other inmates upon entering the prison system and while incarcerated. For example, the 2015 USTS indicated that 20% of their respondents reported being assaulted, physically and/or sexually, by the prison staff while 22% reported being assaulted, physically and/or sexually, by other inmates (James et al., 2016, p. 191).

In examining the incarceration experiences of transgender individuals, Reisner, Bailey, and Sevelius (2014) conducted a quantitative survey utilized data from the National Transgender Discrimination Survey (NTDS) that was collected from September 2008 through March 2009. They found that transgender women of color experienced being victimized and mistreated at a higher rate than White non-Hispanic transgender women while incarcerated. In a qualitative research study that also examined the experiences of incarcerated transgender individuals, Rosenberg and Oswin (2015) found that all their participants (23 individuals) reported being laughed at or called names while

being housed in administrative segregation, also known as ad-seg, the hole or solitary confinement (p. 1276).

While in general population and ad-seg, the participants reported that they were “raped and/or sexually assaulted, sold for sex, subjected to humiliating strip searches in front of other inmates, verbally and sexually harassed, had personal property destroyed, received unfair or unprovoked disciplinary charges, and refused placement in adequate housing” (Rosenberg & Oswin, 2015, p. 1276). Their findings further indicated that all of their participants reported that they were sexually harassed and 16 of them reported that they were forced into a sexual situation due to their gender (Rosenberg & Oswin, 2015). Additionally, Rosenberg and Oswin (2015) also found that transgender and gender nonconforming individuals faced extreme gender regulation while incarcerated. Their findings indicated that 22 participants were forced to cut their nails; 21 participants were prohibited from wearing women’s underwear and makeup; and 19 participants were forced to cut their hair (p. 1276). The participants reported being instructed to act normal and were not allowed to sit down while urinating or even allowed to shave by prison staff or face disciplinary actions (Rosenberg & Oswin, 2015).

Evidence has suggested that while transgender and gender nonconforming individuals have faced and endured harassment and assaults while incarcerated, their reports have been largely ignored. For example, Galvan and Bazargan (2012) found that 30% of their participants reported being verbally harassed by prison guards in addition to 10% reported being physically assaulted and 6% being sexually assaulted by prison guards while incarcerated (p. 6). When making reports to the prison staff about the

assaults committed to them by other inmates, 33% reported that prison staff responded negatively whereas 37% reported that the prison staff did nothing about the reported incident (Galvan & Bazargan, 2012, p. 5). The participants reported that the prison staff would make things worse instead of taking an alternative approach such as moving them to another cell or even moving them away from the inmate their reported assailant (Galvan & Bazargan, 2012).

Along with transgender and gender nonconforming individuals experiencing physical and sexual assaults while incarcerated, they have also experienced medical neglect. The 2015 USTS reported that 37% of their respondents were prevented from taking any hormone supplements while they were incarcerated even though they reportedly were taking them before their incarceration (James et al., 2016). Resiner et al. (2014) also reported that 24.5% of their participants were denied healthcare while they were incarcerated. The denial of medical treatment and hormones were not just common to transgender and gender nonconforming individuals who were housed in general population but were equally extended to those who were housed in ad-seg. Rosenberg and Oswin (2015) reported that 14 of their participants indicated that they were denied medical treatment and hormones while they were placed in ad-seg. However, while incarcerated in general population, eight of their participants started or continued to take hormone supplements while seven participants were not allowed to and only three of them reported being able to use them intermittently (Rosenberg & Oswin, 2015, p. 1277).

The criminal justice system is likely to encounter transgender and gender nonconforming individuals. However, discrimination, stigmatization, harassment and

violence towards transgender and gender nonconforming individuals based on gender identity and sexual orientation have been documented in research. Due to the unique challenges that are faced by them, there is evidence to suggest that training and education are vital to improving the relationship between the criminal justice system and the transgender and gender nonconforming community. This next section will highlight the studies regarding the training and education of the law enforcement community.

Literature Review Related to Police Training and Education

Evidence has suggested that there is a disconnect between the transgender and gender nonconforming community and the law enforcement community. To improve the relationship between the two communities, many studies have recommended that law enforcement be educated and trained about responding appropriately to the transgender community (Briones-Robinson et al., 2016; Galvan & Bazargan, 2012; Miles-Johnson, 2015; Noga-Styron et al., 2012; Woods et al., 2013). For example, Sereni-Massinger and Wood (2016) examined the importance of officer training and education in building community relationships in multicultural communities. The authors recommended that annual training of police officers should be mandatory and should reflect the demands of the community that they serve. Overall, the authors posited that police officers should be trained to effectively communicate with members in a diverse society to develop a rapport with the community that they serve as well as establishing and building a relationship with those communities.

Redfern (2014a) provided practical suggestions on how law enforcement personnel can improve their interactions with transgender individuals. It was suggested

that law enforcement be open-minded when engaging with transgender individuals since their gender is fluid and nontraditional. Overall, Redfern recommended that sensitivity training be provided to law enforcement agencies to educate them on how to communicate effectively with the transgender community and to increase their awareness and appreciation of gender diversity. It was also suggested that providing law enforcement with education and training would likely avoid costly litigations for their policing agencies as well as helping them in decreasing and/or avoiding any personal biases and assumptions regarding transgender community.

To provide an understanding of how law enforcement perceived their interactions with transgender and gender nonconforming individuals, Redfern (2014b) conducted a brief survey via various social media websites and via Survey Monkey which consisted of 22 questions. The findings demonstrated that there is an inherent need for sensitivity training for all law enforcement personnel to improve their interaction with and understanding of transgender individuals. Seventy-one percent of the respondents reported never attending sensitivity training geared toward understanding transgender individuals in a law enforcement setting (p. 4). Furthermore, 36% of the respondents reported being unaware that their department had any policies or procedures on interacting with the transgender community whereas 37% reported that their department did not have any policies or procedures in writing (p. 4). The findings also highlighted that while 45% of the respondents had previously interacted with a transgender individual, 29% reported attending a sensitivity training that focused on the transgender community (p. 5). What was concerning about this study was that 19% of the respondents

reported that they believed that being transgender was a mental illness and 18% of the respondents believed that transgender individuals should not be allowed to live their lives according to the gender identity that they identified with (Redfern, 2014b, p. 6-7).

Overall, the findings suggested that while law enforcement personnel may be open-minded about the transgender community, there are law enforcement personnel who appeared to be less accommodating and tolerant of transgender individuals. Furthermore, Redfern recommended that law enforcement agencies participate in educational programs that address the sensitivities, stereotypes, and expectation of interacting with individuals in the transgender communities.

Israel, Harkness, Delucio, Ledbetter, and Avellar (2014) conducted an evaluation of 5-hour training session designed for law enforcement officers to effectively interact with the LGBTQ communities. The training was completed by 120 law enforcement officers however, 81 law enforcement officers completed the questionnaire. The findings indicated that the confidence level of law enforcement officers increased significantly when utilizing LGBTQ affirming tactics. These tactics, which are intentional behaviors and/or approaches utilized by law enforcement personnel when engaging with individuals in the LGBTQ community, may prepare law enforcement officers in effectively working with the LGBTQ community. The findings demonstrated that there was an increase in law enforcement's knowledge regarding issues related to the LGBTQ community. However, these findings are not entirely convincing since this was based on the participants' self-reported perceived knowledge. Further research on measuring the impact of training on the participants' actual knowledge is required to draw a more

definitive conclusion. Overall, the findings indicated that completion of the training session increased law enforcement personnel's knowledge relating to LGBTQ issues and their confidence in utilizing LGBT affirming tactics.

To build upon previous work, Israel et al. (2016) conducted a qualitative content analysis and a multiple case study approach that identified LGBTQ affirming tactics that were utilized by law enforcement officers when interacting with LGBTQ individuals. The authors utilized the same data set that was utilized in Israel et al. (2014) research study; however, these participants were involved in role plays and group discussions. The findings demonstrated that law enforcement officers utilized a variety of LGBTQ affirming tactics when interacting with LGBTQ individuals. Israel et al. (2016) posited that when law enforcement officers utilize these tactics consistently, LGBTQ individuals are more likely to have a positive experience when interacting with law enforcement officers. Overall, these findings demonstrated the utilization of scenario-based trainings to enhance the officer's abilities to utilize the training received in their daily job functions.

Evidence has shown that police officers are resistant to training. Miles-Johnson (2016b) examined an Australian police organization's training program that was implemented to educate the police about transgender individuals. This qualitative study utilized field notes collected during observing the participants attending the police training and utilized the Social Identity Theory (SIT) as a theoretical framework to determine the intergroup dynamics perceived by the officers. The findings indicated that the police officers reinforced and maintain their in-group membership and in-group

identity by utilizing such words as “our people”, “we”, and “us” when talking about the law enforcement community whereas they utilized such words as “they”, “them”, “those people”, and “that community” when referring to transgender individuals and their community (Miles-Johnson, 2016b, p. 114). This finding is critical when understanding the intergroup differences that law enforcement officers perceived between them and the transgender community. For example, Miles-Johnson indicated that the officers not only reinforced their intergroup differences through their shared identification but also through their classification of transgender individuals (p. 116). This demonstrated that the participants’ perceptions of transgender individuals are influenced in a negative way and their perceptions of transgender individuals are influenced by the police culture, training procedures and stereotypes of gender. The study recommended that policing agencies should have annual training courses related to the transgender community and other diverse minority groups.

To further understand police officers’ hesitation and resistance to training, Israel et al. (2017) examined the law enforcement responses to LGBTQ workplace diversity training which produced mixed findings. For example, the findings indicated that law enforcement officers were resistant and receptive to training. Law enforcement officers denied that they needed any training or that they had any biases and they challenged the information that they were given and proved to be detached from the training. Law enforcement officers indicated a reluctance in intervening on behalf of LGBTQ individuals and pursuing a crime as a hate crime. On the other hand, law enforcement

officers showed receptiveness to participating and engaging in training. They also exhibited empathy for the LGBTQ community and appreciated the training.

While there is evidence to suggest that the criminal justice system is not adequately accommodating to the transgender and gender nonconforming population (Noga-Styron et al., 2012; Reisner et al., 2014; Rosenberg & Oswin, 2015; Stotzer, 2014), there is also evidence that suggest training and educating is vital to building and restoring the relationship between the criminal justice system and the transgender and gender nonconforming community (Israel et al., 2014; Israel et al., 2016; Redfern, 2014a, 2014b; Miles-Johnson, 2016b; Sereni-Massinger & Wood, 2016).

Summary & Conclusions

It is known that transgender and gender nonconforming individuals face challenges in their daily lives when interacting with the criminal justice system which include, but not limited to, harassment, violence, stigmatization, and discrimination. It is also known that the criminal justice system is not accommodating to these individuals. What is not known, however, is their perceptions and experiences when seeking assistance from the various sectors of the criminal justice system. Research has indicated that future research is needed regarding sexual identity and its influence on the perceptions of procedural justice and police legitimacy by individuals in the LGBTI community (Murphy et al., 2015). Procedural justice may provide insight into how these perceive their interactions and experiences with the criminal justice system. This study is replicating the work conducted by Nadal et al. (2015) by utilizing transgender and gender

nonconforming individuals in examining their perceptions of the various sectors of the criminal justice system (law enforcement, the court system, and the prison system).

In this chapter, I provided an exhaustive overview of the relevant literature concerning transgender and gender nonconforming perceptions of and experiences with the criminal justice system. The literature focused on the theoretical framework of procedural justice and police legitimacy, transgender and gender nonconforming individuals contact with the criminal justice system, and police training and education. In Chapter 3, I will discuss the research design, sampling process, instruments and procedures used.

Chapter 3: Research Method

Introduction

The purpose of this study was to understand how TGNC individuals experience, perceive, and interact with the criminal justice system (law enforcement, prison system, and court system) and its responses when they seek assistance and report incidents of crime. The previous chapters detailed the experiences of TGNC individuals within the criminal justice system and provided an analysis of the literature concerning procedural justice and police legitimacy and TGNC individuals' contact with the criminal justice system as well as police training and education. This chapter introduces the research methodology that was used.

Research Design and Rationale

The research questions that guided this study and influenced the data collection process and analysis are listed below:

1. How do transgender and gender nonconforming individuals feel about the criminal justice system in general and the specific sectors of the criminal justice system (e.g., law enforcement, prison system, and court system)?
2. What factors influence transgender and gender nonconforming individuals' perceptions of the criminal justice system?

A qualitative methodology was used to examine the perceptions and experiences of TGNC individuals with the various sectors of the criminal justice system (e.g., law enforcement, the prison system, and the court system). Creswell (2007) argued that qualitative research is most appropriate when there is a problem or an issue that needs to

be explored to obtain a detailed understanding in lieu of relying on information obtained from the literature and from other research studies that have been conducted.

Additionally, qualitative research is used when there is a need to study a group of individuals or a population whose voices have been silenced (Creswell, 2007).

Furthermore, qualitative research is most appropriate when quantitative research approaches “do not *fit* the problem” (Creswell, 2007, p. 40).

Nadal et al. (2014) suggested that other qualitative analysis (i.e., secondary analysis of a previous data set) be used to examine the experiences of transgender individuals. Stotzer (2014) stated that a limited amount of empirical research had been conducted on interactions between law enforcement officers in the criminal justice system and individuals in the LGBT community. In addition, Stotzer (2014) noted the need for more in-depth studies examining interactions between transgender individuals and the various sectors of the criminal justice system. The arguments made by Creswell (2007), Nadal et al. (2014), and Stotzer (2014) supported the use of qualitative research to examine the experiences and perceptions of TGNC individuals and their interactions with the various sectors of the criminal justice system. Using qualitative research, I sought to conduct an in-depth exploration of the problem as expressed in the participants’ own words.

In this study, I attempted to gain firsthand knowledge of the lived experiences of TGNC individuals and their perceptions of the criminal justice system when seeking assistance, reporting a crime, or interacting with the system as a victim or an offender. I chose to use a phenomenological qualitative approach. Phenomenology is about focusing

on what is or was experienced in an individual's consciousness in order to get to the pure essence of that individual's experience (Finlay, 2014; Husserl, 1967, 1999; Moustakas, 1994). This research design aligned with the research questions and made it possible to capture the meaning-making perceptions, experiences, and perceived challenges of TGNC individuals who had experienced interactions with the criminal justice system. Because there had been a lack of research studies focusing on these individuals, using a phenomenological research design to analyze their lived experiences of and their interactions with the criminal justice system had the potential to provide a rich and deep exploration into their experiences and any perceived challenges or barriers that might have existed during their interaction.

Role of the Researcher

As the researcher, I served as the data collection instrument in this study (Finlay, 2013; Peredaryenko & Krauss, 2013; Xu & Storr, 2012). The aim of the researcher is to be open minded in relation to the phenomena being studied while applying bracketing (*epoché*) to any prior knowledge or preconceptions with the goal of focusing on the essence of the participants' experience and not the researcher's (Finlay, 2013). In addition, the researcher's role is to be an active listener who is fully present but does not interject his or her own ethos, instead following the lead of participants, who are considered experiential experts on the phenomena being studied (Smith, Flowers, & Larkin, 2009). In taking such an approach, I sought to uncover and provide a detailed analysis of the subjective views of TGNC individuals on their interactions with the criminal justice system when seeking assistance or reporting crimes.

I was careful not to allow any of my experiences, prior knowledge or preconceptions, or emotions interfere with this study. I was mindful of the need to be an active listener to my participants and was careful not interject my own ethos into the phenomena being studied. My role as the researcher was to ask participants to explain, in their own words, their experiences when interacting with each entity of the criminal justice system.

Methodology

Participants

The participants in this research study were 10 English-speaking individuals who self-identified as TGNC individuals over the age of 18 years who had an interaction or an experience with any of the sectors of the criminal justice system (law enforcement, prison, courts). The participants constituted a homogenous sample that was purposively selected using the snowball technique, which was appropriate because the participants shared similar social and demographic characteristics (Miles, Huberman, & Saldaña, 2014). Research suggested that the typical sample size for phenomenological studies ranges from four to 10 participants (Daniel, 2012; Mertens, 2010; Smith et al., 2009). However, Englander (2012) indicated that the primary focus of a qualitative research study is not determining “how many” individuals have experienced the phenomena being studied but uncovering the experience and the meaning of the phenomena being studied in great detail.

Because I did not have immediate access to this population, given that I do not identify as a TGNC individual, I decided to use a gatekeeper who would have access to

the TGNC community. Creswell (2007) recommended that a gatekeeper be required when research is being conducted with individuals who have been marginalized by society. I decided to recruit my participants through the LGBT Liaison Officer of the Austin Police Department in Austin, TX. After sending him an email request, I learned that he had retired and that no one had yet taken his place at the police department (see Appendix A). I then began recruitment of my participants for this study by posting flyers throughout the downtown central area of Austin, TX and on the campus of a nearby university with permission (see Appendix B). The flyers included my email address and telephone number. Participants were also recruited via word of mouth by other individuals who had seen a posted flyer, a potential participant, or a participant who had already been interviewed.

I screened potential participants for this study by asking them several questions:

1. How old are you currently?
2. Do you self-identify as a transgender individual or a gender nonconforming individual?
3. Have you had an experience or an interaction with an entity of the criminal justice system?
4. Which sector of the criminal justice system?
5. Are you willing to participate in an interview that will be audio recorded?

Participants were invited to take part in the study if they (a) were 18 years old or older; (b) self-identified as a TGNC individual; (c) had an experience or an interaction with law

enforcement, the prison system, and/or the court system; and (d) were willing to participate in an interview that would be audio recorded.

Instrumentation

I created a participant eligibility form and a demographics sheet (see Appendices D & E). The eligibility form was used to help determine if the participants met the criteria to participate in this study. The demographics sheet was used to collect participants' background information, such as gender, age, and ethnicity.

A semistructured interview guide created by Nadal et al. (2015) was used for this study with Dr. Nadal's permission (see Appendices F & G). The interview guide focused on information regarding TGNC individuals' experiences with, and their perceptions of, the criminal justice system (e.g., law enforcement, court system, and prison system). The interview guide was used to facilitate discussion in the one-on-one interview and encourage the participants to answer the questions in an open-ended format. Follow-up questions (e.g., "Tell me more about that," "How do you feel about that?") were used to clarify or further investigate the participants' responses when necessary.

Recruitment, Participation, & Data Collection

Before collecting data for this study, I obtained approval from the Institutional Review Board (IRB) at Walden University—approval # 03-08-18-0651504. Participants were recruited through flyers and word of mouth. I ensured that all participant contact was kept anonymous and confidential.

Participants were invited to participate in an individual one-on-one interview that would be conducted in a private meeting room in a local library or via telephone. To

protect confidentiality and to provide total anonymity, all participants requested that their individual interview be conducted via telephone. Each participant was read the consent form, which explained the purpose of the study, the study procedures, risks and benefits of participating, the right to privacy and confidentiality, and participants' right to withdraw completely at any point during the interview.

Participants were informed that if they experienced any discomfort during or after the conclusion of the interview, a referral list of counseling services would be provided to them. None of the participants expressed experiencing any discomfort. Each participant was provided the contact information for the research participant advocate at Walden University. As an incentive for their participation, all participants were given a \$10 gift card. Each individual interview was audio recorded and lasted approximately one and a half hours in length.

At the beginning of each individual interview, I started by establishing rapport with the participant by asking questions that were listed on the eligibility form and the demographics sheet (see Appendices D & E). Each participant was provided an assigned number code that was used on the eligibility form, on the demographics sheet, and at the beginning of each audio recorded interview.

Data were collected from each participant by using a semistructured interview guide with 14 questions and probes that was created and used by Nadal et al. (2015; see Appendix G). Questions 1 through 3 related to the participants' feeling, belief of effectiveness, and feelings about safety regarding each entity of the criminal justice system. Questions 4 through 6 related to the participants' personal experiences, whether

negative or positive, with each entity of the criminal justice system. Question 7 related to how the participant might have been affected by knowing someone employed with the criminal justice system. Questions 8 and 9 related to the participants' likelihood of seeking assistance from the criminal justice system to report a crime that had been committed against them. Questions 10 and 11 related to the participants' belief concerning how the criminal justice system deals with transgender individuals as victims or offenders. Question 12 related to the participants' experiences with the criminal justice system compared to individuals who do not identify as LGBTQ. Question 13 related to the participants' feelings about the criminal justice system's accommodations for LGBTQ individuals. Question 14 asked the participants if there was anything that they would like to say about this topic that was not covered in the previous interview questions.

Audio recordings and files (both written and computer generated) were locked in a file cabinet in my home office to which only I have access. Any self-identifying information of the participants was taken out when the data were transcribed. After transcribing the audio recordings for each individual interview, I began the process of analyzing that information. All participants were asked if they would like to review their respective transcripts once the transcripts had been produced; they all declined.

Data Analysis Plan

To analyze the collected data, a modified version of the Stevick-Colaizzi-Keen method of analysis was used (Creswell, 2007; Moustakas, 1994). There are six steps in this method:

1. Begin with a full description of the researchers' personal experience concerning the phenomenon being studied.
2. Develop a list of significant statements;
3. Group the significant statements into meaning units or themes.
4. Write a textural description.
5. Write a structural description.
6. Write a composite description of the phenomenon being studied, incorporating both the textural and structural descriptions. (Creswell, 2007; Moustakas, 1994)

Prior to scheduling and beginning each individual interview, I completed the bracketing process by writing down my experiences with the phenomenon before hearing the lived experiences of each participant. Bracketing (*epoché*) is the process of setting aside any prior knowledge or preconceptions to focus on the essence of the participant's experience, with the researcher being as nonbiased as possible (Finlay, 2013). After bracketing my personal experiences and biases, I transcribed each participant interview using Express Scribe Transcription Software and Microsoft Word. Each transcribed transcript was read in its entirety with the purpose of gaining sense of the information that was provided and identifying significant statements.

Before starting the next step, I placed and organized each transcribed interview in NVivo 12 Plus. I then began developing a list of significant statements from each transcript manually, a procedure Moustakas (1994) referred to as *horizontalization*. These significant statements related to the participants' descriptions of their experiences. The

third step involved clustering the significant statements into “meaning units” or themes. All relevant statements were recorded with their supporting quotes and page numbers. Each nonrepetitive, nonoverlapping statement was listed. These meaning units were clustered into themes that were color coded on the transcripts and placed in a table format for easier viewing. Once the themes had been identified, the fourth step of writing a textural description began. The textural descriptions came from the common themes across the transcripts and described what the participants experienced. These descriptions included verbatim quotes from the participants relating to their experiences and perceptions about the criminal justice system. The fifth step included structural descriptions that were created, which provided a detailed explanation of how the participants experienced the phenomenon (i.e., the setting and context). The final step in completing the analysis concluded with me writing a composite description of the participants’ experience. This composite description provided a better understanding of their experiences and perceptions of the criminal justice system.

Issues of Trustworthiness

To establish the trustworthiness of this research study’s process and data collection, I used four criteria: (a) credibility, (b) transferability, (c) dependability, and (d) confirmability. According to Moustakas (1994), “scientific investigation is valid when knowledge sought is arrived at through descriptions that make possible as understanding of the meanings and essences of experience” (p. 84). I ensured credibility through member checking by restating, paraphrasing, or summarizing all ambiguous information that lacked clarity during the interview process (Harper & Cole, 2012). This allowed me

to determine the accuracy of the information provided by the participant during the data collection process, which made it possible to elicit a deeper understanding of their experiences and perceptions of the criminal justice system in their own words as they experienced it. Saturation was achieved.

Transferability refers to the researchers' ability to describe in detail the participants that are being studied (Creswell, 2007). Transferability was enhanced in this study, by providing a rich, thick description that will "enable readers to transfer information to other settings and to determine whether the findings can be transferred 'because of shared characteristics'" (Creswell, 2007, p. 209). The structural and textual descriptions of the participants' experiences and perceptions with the criminal justice system provided a thick description.

Dependability refers to providing a clear, detailed, and sequential descriptions of how the data was collected so that others can replicate the research process while confirmability refers to the confirmation or authenticity of the study's findings (Ravitch & Carl, 2016). Throughout this study, I adhered to Walden University's quality standards and guidelines. The standard of confirmability was fulfilled by the phenomenological research's fundamental element of bracketing which is inherently reflexive and an essential component.

Ethical Procedures

The importance of any research study is the protection of human participants. The participants in this research study completed and was provided a consent form and their confidentiality was protected. Since the discussion of the participants' experience or

interaction with the various sectors of the criminal may cause the participant some discomfort, a sense of heightened anxiety, or emotional pain during the interviewing process, a list of counseling services was made available and provided to each participant. Throughout the study, the participants were informed that their participation is strictly voluntary and that they have the option of withdrawing from the interview at any given time without any consequences.

To protect the confidentiality of each participant, I replaced all direct and indirect identifying information pertaining to the participant with an assigned number code throughout the transcripts and prior to data validation to minimize any links between the participants and their data so that it cannot be re-identified (Drake, 2013). All the collected data, audio recordings, files, and transcripts will be stored on a password protected drive which will be kept in a locked cabinet that only I have access to.

Summary

In Chapter 3, I discussed the methodology for this study. The purpose of the qualitative phenomenological research study was to understand how transgender and gender nonconforming individuals experience, perceive, and interact with the criminal justice system (law enforcement, prison system, and the court system) and its responses when seeking assistance and reporting incidents of crime as a victim or an offender. The participants in this study were 10 English speaking, individuals who self-identify as transgender or gender nonconforming individuals over the age of 18 years old who have had an interaction or an experience with any of the sectors in the criminal justice system (law enforcement, prison system, courts).

Data was collected through a semi-structured interview guide that was created by Nadal et al. (2015) that consisted of 14 questions and probes. Each interview lasted approximately 1 ½ hours and was conducted with a purposively selected snowball sample. To analyze the collected data, a modified version of the Stevick-Colaizzi-Keen method of analysis was utilized. I also discussed the issues of trustworthiness and the ethical considerations for the participants.

In Chapter 4, I will discuss the findings and explanation of that data.

Chapter 4: Results

Introduction

The purpose of this qualitative study was to describe and understand the perceptions and experiences of TGNC individuals as they interacted with various sectors of the criminal justice system (e.g., law enforcement, the prison system, and the court system). The problem that this study explored was how sexual orientation and sexual identity may influence TGNC individuals' experiences and perceptions of the criminal justice system. A qualitative phenomenology research methodology was employed to capture the essence of this phenomenon. The research questions that guided this study were the following:

1. How do transgender and gender nonconforming individuals feel about the criminal justice system in general and the specific sectors of the criminal justice system (e.g., law enforcement, the prison system, and the court system)?
2. What factors influence transgender and gender nonconforming individuals' perceptions of the criminal justice system?

In Chapter 2, I provided an overview of the literature concerning TGNC individuals' perceptions of and experiences with the criminal justice system. I also provided a review of the theoretical framework of procedural justice and police legitimacy. In Chapter 3, I reviewed the research methodology, the ethical protection of the participants, the research questions, the number of participants, the recruitment methods, and the sampling strategy that were used in this study. In Chapter 4, I provide a

description of the research setting, participant demographics, and the data collection and data analysis process that was used in this study. I also address credibility and provide a description and explanation of the major themes that were obtained from the participants' lived experiences with the criminal justice system.

Setting

To collect data from TGNC individuals who had interacted with the criminal justice system, I posted fliers in the downtown central area of Austin, Texas (see Appendix B). I also used snowball sampling to recruit TGNC individuals via telephone interviews. I conducted telephone interviews from April 2018 to the end of August 2018. The information on the fliers included a telephone number and an email address that potential participants could use to reach me. During the telephone interviews, I was never aware of participants' physical location, which allowed participants to feel comfortable and assured their privacy to freely partake in the study. I did not physically meet with any of the participants in my study and only connected with them one time during the telephone interview.

Demographics

The study sample consisted of 10 transgender individuals—seven participants were MTF (male to female), and three were FTM (female to male). Seven of the participants self-identified as being White/Caucasian and of non-Hispanic ethnicity. One participant self-identified as being White/Caucasian and of Hispanic ethnicity. Two participants self-identified as of Latino/Hispanic ethnicity. The age, ethnicity, and gender for the 10 participants are shown in Table 1.

Table 1

Participants' Demographic Data

Participant	Age in years	Ethnicity	Gender
001	55	White/Caucasian	Transgender (MTF)
002	28	White/Caucasian Latin/Hispanic	Transgender (MTF)
003	26	White/Caucasian	Transgender (FTM)
004	43	White/Caucasian	Transgender (MTF)
005	30	Latin/Hispanic	Transgender (MTF)
006	30	Latin/Hispanic	Transgender (MTF)
007	46	White/Caucasian	Transgender (MTF)
008	32	White/Caucasian	Transgender (FTM)
009	48	White/Caucasian	Transgender (FTM)
010	57	White/Caucasian	Transgender, Lesbian (MTF)

The members of the study sample shared common characteristics, such as (a) self-identifying as a TGNC individual, (b) having had an interaction or an experience with an entity of the criminal justice system (e.g., law enforcement, the prison system, or the court system), (c) being of adult age (i.e., 18 years of age or older), and (d) speaking English. Nine adults self-identified as transgender individuals, and one individual self-identified as a transgender/lesbian individual. Seven participants had transitioned from male to female, and three participants had transitioned from female to male. The mean age of the participants was 39.5 years, with the youngest being 26 years of age and the oldest being 57 years of age. All participants spoke English and had an interaction or an experience with an entity of the criminal justice system. To ensure confidentiality and to minimize any concerns about the participants' identity, an identifier number was assigned to each participant at the beginning of the interview.

Data Collection

I began data collection after receiving approval from Walden University's IRB. After fliers were posted in and around downtown central Austin, Texas, 12 potential participants contacted me to set up an interview time. I conducted telephone interviews with 10 participants using a semistructured interview guide that was created by Nadal et al. (2015), which consisted of 14 open-ended questions (see Appendix G). The interviews were conducted over a period of 4 months (April 2018 to August 2018). This study reached saturation, and therefore no further participants were recruited. The interviews lasted between 16 minutes and 1 ½ hours and were audiotaped with the consent of the participants. A number was assigned to each participant before the interview began.

Before the start of each telephone interview, I provided a brief introduction of the study and encouraged each participant to ask questions throughout the interview. After the participant indicated acceptance and understanding of the requirements, demographic information was obtained and the interview began. During the interview process, I listened carefully to the participant's responses to determine when to probe for additional information or for clarification. After completing each interview, I labeled each recording with the identifier number that had been assigned to the participant at the beginning of the interview. The recordings were then backed up on a password-protected hard drive. After completing this process, I listened to each audiotaped recording in its entirety and then began manually transcribing each interview into a Word document using Express Scribe Transcription Software Pro. Specific names, locations, and any medical illnesses were omitted from the transcripts to further ensure the participants' confidentiality and anonymity.

All the participants were eager to share their feelings, thoughts, experiences, and interactions with the criminal justice system. Some of the participants were more detailed than others, but all participants remained on topic throughout the interview. Each participant was cooperative and freely answered all questions during the interview. At the end of each interview, the participant was debriefed and thanked for participating in the study.

Data Analysis

The data analysis process that I used for this study was Moustakas's modified Stevick-Colaizzi-Keen method (Moustakas, 1994). I used NVivo 12 Plus throughout this

research to store and organize the data by creating nodes and manually organizing them into themes. To manually analyze the data using the Moustakas's modified Stevick-Colaizzi-Keen method, I completed several steps. In the first step, I described my personal experience concerning the phenomenon being studied. Prior to conducting interviews, I worked to ensure that my experiences, thoughts, and feelings on the phenomenon were not included in the study by keeping a journal, which allowed for me to detail my feelings and thoughts about this phenomenon.

The second step consisted of developing a list of significant statements, which was done by assigning equal value and weight to all statements in the transcripts. This allowed me to develop a list of statements that were nonoverlapping and nonrepetitive in nature and kept the focus on the central phenomenon that was being studied.

The third step was grouping the significant statements into meaning units or themes. The significant statements were stored and organized in NVivo 12 Plus, and nodes were created to group those statements into meaning units or codes, which were assigned descriptive titles (e.g., "Friendly & Pleasant," "Helpful"). Initially, 65 codes were generated. I further analyzed the codes and began searching for and identifying patterns or terms that were similar and collapsed them within one code. After a careful review, there were seven codes that were generated. I then categorized these codes into three themes that allowed more focus of the phenomenon and that better supported the research questions that guided this study.

The fourth and fifth steps consisted of writing textural and structural descriptions of the participants' experiences, which included quotations taken from the participants'

transcripts. These quotations were organized and stored in NVivo 12 Plus. The descriptions of the participants' experiences represented their individual feelings, perceptions, thoughts, and lived experiences in relation to their interactions with the criminal justice system. The sixth step consisted of describing the essence of the phenomenon by incorporating both the textural and structural descriptions, which represented a rich and accurate composite description from all participants.

Evidence of Trustworthiness

The trustworthiness of this research study's process and data collection was established through four criteria: (a) credibility; (b) transferability; (c) dependability; and (d) confirmability.

Credibility

I ensured credibility in this study through member checking by restating, paraphrasing, or summarizing all ambiguous information that lacked clarity with each participant during the interview process (Harper & Cole, 2012).

Transferability

I ensured transferability in this study by providing a rich, thick description of the data by incorporating both the textural and structural descriptions of all participants' experiences with and perceptions of the criminal justice system.

Dependability

I ensured dependability in this study by providing a clear, detailed, and sequential descriptions of how I collected the data so that others could replicate the research

process. The interview guide that I adopted in this study was used with permission from Nadal et al. (2015; see Appendices F & G).

Confirmability

To achieve confirmability, I kept a journal and reviewed it prior to and after each interview to ensure that my experiences, thoughts, and feelings on the phenomenon were not included in the study.

Results

The data analysis process generated three primary themes that represented the lived experiences of the participants with the criminal justice system: (a) interactions with the criminal justice system; (b) thoughts about the criminal justice system; and (c) experiences with the criminal justice system. These themes emerged through the participants' significant statements and supported the two research questions that guided this study:

1. How do transgender and gender nonconforming individuals feel about the criminal justice system in general and the specific sectors of the criminal justice system (e.g., law enforcement, the prison system, and the court system)?
2. What factors influence transgender and gender nonconforming individuals' perceptions of the criminal justice system?

Theme 1: Interactions With the Criminal Justice System

The first theme to emerge from the data was the participants' experiences regarding their interactions with the criminal justice system. Three codes were generated: (a) emotional reactions, (b) perceptions of not being safe, and (c) help-seeking behaviors.

Emotional reactions. The first code that was generated from the data was emotional reactions. All 10 participants indicated experiencing some level of an emotional reaction when interacting with an entity of the criminal justice system (e.g., law enforcement, the court system, or the prison system). Because Participants 001, 004, 005, 008, and 010 had never personally interacted with the prison system as transgender individuals, they all agreed that the jails and prisons need some work done to them to alleviate any difficult experiences for other TGNC individuals. Details of the participants' emotional reactions and feelings are presented below.

Law enforcement. When asked about interactions with the police, Participant 001 wished that they would "change their attitude and learn to accept and not be so judgmental towards anybody." Participants 002 and 010 indicated that the police make them feel scared. Participant 002 further explained that she could not trust the police and that her heart begins to race whenever she is near them because of how scared she is. She also stated that she would be worried if she ever decided to speak against them because whatever she said could be spun around and manipulated by the police. Participant 003 explained that although he felt invisible to police officers, which was great for him, he felt afraid and nervous about the prospecting of being pulled over because he did not know what the cops would feel about a transgender person. Participant 007 stated that the

police “make me nervous. I mean it’s not the fact that you know I have a personal problem with them. They have a lot of power and it’s real easy to take advantage of people.” Participant 008 indicated that the police make them feel extremely nervous. Participant 009 indicated that they were “scared of the police to a large degree.”

Participant 005 stated that she believed that the police are needed to keep chaos levels down. Participant 004 stated,

I feel they can be helpful especially being White that if I go to them I’m not going to be harassed in any way or I don’t have to, but I have concerns about some of my friends of color that I worry about them with the police.

Participant 006 stated,

I think that some law enforcement are doing their jobs and I do also believe that they are um some cases where there are individuals who do not always follow proper procedures and protocols. Um, and I do think there is a slight um differences when it comes to transgender individuals because no police department that I’ve come across don’t know how to handle situations when it involves people who are um transgender or gender nonconforming.

The court system. Although there were some Participants (002, 004, 006, and 008) who had not had any personal experience with interacting with the courts, the six remaining participants provided descriptions of their feelings regarding their interactions.

Participant 001 indicated that she felt disrespected in court when she was called by her dead name (i.e., the name that she used as a male before she transitioned to a female) even though she had her name legally changed. She indicated that she was told

by a probation officer that “we understand that this is your new name, but we have to refer to you as this name” because she was arrested under that name. She also stated that she did not associate herself with that name anymore and believed that the criminal justice system should be more accepting:

They need to learn how to accept this and be okay with this person has changed their name and their gender marker; we need to have it changed on their records so this way when we call them, they go by this name. They learn to accept it and be able to understand it more and to deal with it better instead of throwing it under the rug.

Participant 003 indicated that her experience was frightening because she was “being subjected to the understanding of people who are primarily not like you.” She indicated that she believes that transgender or gender nonconforming individuals are not tried by a jury of their peers instead they are tried by individuals “who have a lot of opinions and are in this country not accepting or is forgiving.” Participant 010 explained that she was afraid of the court and that her experience was really tricky because “the courts in Texas tend to be extremely conservative” so “you’re unlikely to get anything there happening in the courts.” She explained that when she went to get her name and gender marker changed, the justices in the county where she lives used a legal clause to get around changing her name and gender marker, so she had to go to a neighboring county to get the process done.

Participants 005 and 007 indicated that their interactions with the courts have been fair and didn’t elaborate any further. Participant 009 indicated that he is indifferent

about his interaction with the court because when he went to court, he only had to stand before the judge when called and the judge didn't even look up at him. Since he hired an attorney to handle things for him, his belief is that the attorney actually minimized his interaction with the judge and other actors in the court system.

The prison system. When asked about their interactions with the prison system, Participant 001 stated that since transitioning to a female, she has not had to personally deal with the prison system. However, she indicated that she's heard things from other transgender individuals that they didn't get treated right such as them being looked down upon by the jailers and being refused their prescribed medications while they were in jail or prison.

Participant 002 indicated that she wasn't treated fairly because she was denied her medications. She stated that she felt threatened to report the incident to prison officials because the system would only take the side of their officers. Moreover, Participant 002 stated that she believed that the prison doctor believed that his medical advice was superior to her own medical doctor because the prison doctor considered her medicine to not be medically necessary even though it was prescribed to her by her medical doctor.

Participant 009 stated that he was scared while in jail and that he was also denied his medications while he was there. He further stated that after speaking with his attorney, his attorney was able to get his original sentence of 45 days dropped down to five days because of his medical condition and the refusal of his medications while locked up.

Participant 003 stated that he is very nervous about interacting with the prison system because his personal fear is that "most transgender people will have an extremely

difficult time and probably can't be out in prison as transgender." He also commented that in general, the prison system is for white people and since he is a white transgender male, he would consider the system to be pretty alright, but he knows that if he's placed in jail or prison, he would be placed in a women's holding cell because of he has not had his gender reassignment surgery.

Participant 007 indicated that the interacting with the prison system scares the hell out of her. She stated that she doesn't like how the prisons are and indicated that it's like a bastion of ignorance. She further explained that "we have 1930 mentality for our prison systems in the new millennium and based on ignorance which scares the hell out of me." Participant 006 stated that she was placed in a scary situation when she was arrested and placed in a male holding cell even though she physically presented as a female but had not had any type of gender reassignment surgery. She believes that the prison system needs to be redone.

Perceptions of not being safe. The second code that was generated from the data was perceptions of not being safe. All 10 participants indicated their perception of not being safe when interacting with an entity of the criminal justice system (e.g., law enforcement, the court system, and the prison system). Their perceptions are detailed below.

Law enforcement. Majority of the participants agreed that the police are unsafe because of the way that they are treated when interacting with the police.

Participant 001 indicated that she doesn't feel that the police are safe because of the way that treat people. She stated that "you have some that, oh my God, that need to be

locked up or they need to be taken off the force because of the way that they treat people.” Participant 002 stated that the police are not effective in making people of color or trans people feel safe. She stated that “the police do a great job of protecting the people they want to protect then the people that their interest lies in which would be primarily like white people.”

Participant 003 stated that “I think the police as a unit as a whole is not safe at all.” Participant 010 indicated that she thinks “the police are still safer for gay people than they are for trans people.” Participant 008 explained that he believed that the police were unsafe and stated that,

If I’ve been pulled over for like having a headlight out or something, I’ve just kind of been interrogated and treated like a criminal before it’s even proven whether I am one. Um, so, I just don’t feel like they’re on my side.

There were only two Participants, 004 and 007, who indicated that they believed that the police are safe. Participant 007 stated that “it’s not a matter of trusting the cops to keep me safe; it’s a matter of me knowing what my rights are and what I can and can’t get away with.”

The court system. Majority of participants believes that the courts are biased against transgender and gender nonconforming individuals. Participant 002 stated that the courts are not safe because they are “completely biased and set to distant people who are not people of color or are of the normative lifestyle.” Participant 003 stated that the courts are as effective if you have money and if you’re white and that other individuals “would have an extremely difficult time in America getting justice for your case.”

Participant 005 stated that the courts put transgender and gender nonconforming individuals in a dangerous situation when they make it difficult for them to legally get their name and gender marker change. She stated that she still has her driver license from another state even though she resides in the state of Texas because they allowed her to identify as female on her driver license when Texas requires a legal gender marker change before allowing an individual to change their gender marker on their driver license. Because she presents as female (dress and appearance), she stated that if she were to obtain a Texas driver license, her gender marker would identify her as male and if that information were to get into the wrong hands, it would put her life in danger referring to her gender marker.

Participant 006 indicated that transgender and gender nonconforming individuals are not given a fair shot and that she believes that the court system isn't ever going to recognize people who are transgender especially in the state of Texas. Participant 008 explained that the courts are unsafe because they are biased and depends on what judge you have presiding over your case. Participant 010 stated that the "courts in Texas is more unsafe for trans people" and that it largely depends upon the judge that is presiding over your case.

Participant 007 believes that the court system is safe because she has been to court twice and both times she was treated fairly. However, Participant 009 indicated that he was indifferent about the court system. He stated that he has not had any issues with the court because he's a trans man and believes that trans men can blend in social situations because they can grow facial hair and cover up softer features. Furthermore, he believes

that trans women are bullied and harassed a whole lot worst in the courts because “you don’t see a whole lot of women over 6 feet.”

The prison system. The majority of participants perceptions were that the prison system is unsafe for transgender and gender nonconforming individuals and cited a variety of reasons. Participants 008 and 010 agreed that the prison system was unsafe with Participant 010 stating that she believes that the prison system is much safer for homosexuals than it is for trans people. Participant 002 stated that she believes that the prison system is unsafe largely due to the masses that they incarcerate. Participant 003 stated that she doesn’t believe that the prison system is safe and that an individual would have “to adapt a certain mindset to try to survive.” Without having much experience looking at the prison system beyond being on the outside, participant 004 stated that “if people stay calm it’s safe, but if they don’t it’s not safe.”

Participant 001 stated that she believes that the prison system is dangerous because there are no protections in prison that legally protects a transgender or gender nonconforming individual. She stated that “there’s people out there that don’t agree with it and they will hurt you for being gay or whatever” and that the prison system needs to be more aware of this in order to provide protections for transgender and gender nonconforming individuals. Participant 007 indicated that she feels that the prison system is unsafe and stated that,

We’re gonna be ostracized in solitary confinement which you know is really not productive or we’re gonna be put in general pop where we’re targets. I mean the

whole prison concept is very, very terrifying in the trans community, at least, to me it is.

Participant 006 indicated that she believes that the prison system is unsafe and could have done more to protect her when she was processed. She explained that when she was being processed in a local jail, the jailers wouldn't accept her telling them that she was transgender. Instead, the jailers relied on what the officer indicated in his paperwork and she was subsequently placed in general population with males and not placed in solitary confinement which she requested. Participant 009 "didn't feel incredibly safe" because

I did have a couple of girls that wanted to, they just got real threatening and just tacky and the cop, none of the officers would say 'Hey, give it a rest'. They'd just let her do these things. I think that in any other situation they would have been like 'Man, knock it off', you know, cause you just don't want two inmates fighting arguing cause that can turn into something bad, you know. But they wouldn't stop them; they'd just let it happen.

Help-seeking behaviors. The third code that was generated from the data was help seeking behaviors based on their interactions with the criminal justice system. Half of the participants (001, 004, 005, 006 and 007) reported that they would be more likely to turn to the criminal justice system if a crime had been committed against them. The other half of the participants (002, 003, 008, 009, and 010) reported that they are not willing to turn to the criminal justice system for assistance and that they would turn to

family, friends or a non-profit organization for assistance instead. Their responses are listed below.

Willing to seek assistance. Participant 004 and 005 indicated that she would definitely turn to the police if a crime had been committed against them as soon as it occurred. Participant 001 stated, “I don’t think no matter who you are that if something happens to you, you should go to the police department to report it.”

Participant 006 indicated that there is a 70% chance that she would turn to the criminal justice system for assistance if a crime had been committed against her. She stated that there’s a 30% chance of her ending up with “some dick officer who doesn’t get it and who’s just gonna be a complete a-hole to me.” She also stated that she would probably turn to a non-profit organization for assistance if she was not likely to turn to the criminal justice system. Participant 007 indicated that she is probably as likely as any other person to turn to the criminal justice system for assistance because she doesn’t have any fears. However, she stated that if she isn’t likely to turn to the criminal justice system for assistance, depending on the situation, she has different alternatives. She stated that she would be very careful “of what I take to people because to be honest, I don’t always trust everybody to be as helpful as you know they claim to be.”

Not willing to seek assistance. Participant 009 stated that while they filed a report with a police officer once before, he “probably wouldn’t have gone because it’s a very vulnerable situation to put yourself in when I already don’t like them.” However, he did state that if it’s an immediate safety thing, he would have no other option but to call the police and take his chances.

Participant 002 stated that she wouldn't call the police if a crime had been committed against her and that she would rather take it to a local people's court. She explained that "the actual court system is actually a, you know, court system of selected jurors who don't have any criminal background who are considered mentally dead I guess to rid the society. It's essentially these people of lil value." Participant 003 believes that they wouldn't call the police if a crime was committed against them "because I would have to deal with my dead name and I don't want that" and "you would have to show your ID anytime you call the cops" and he wouldn't want to have his ID out there. However, he did state that if he could legally change his first and last name, then he would probably call the police. He also stated that he would absolutely turn to a personal lawyer or something like that if the situation was serious and needed help with it or he would turn to friends or family so he could get himself taken care of.

Participant 008 indicated that his willingness to turn to the criminal justice system for assistance depended on the severity of the crime that had been committed against him. However, he did indicate that he would probably turn to a non-profit organization or a family member if he was unlikely to seek assistance from the criminal justice system. Participant 010 stated that she would be "very unlikely" to turn to the criminal justice system for assistance unless she could prove that the crime occurred against her. However, she stated that depending on what the crime was, she would more than likely turn to her family and friends first and if it was a legal issue then she would probably seek legal counsel.

Theme 2: Thoughts About the Criminal Justice System

The second theme to emerge from the data was the participants' thoughts about the criminal justice system. Four codes were generated: (a) perceptions of effectiveness, (b) lack of accommodations, (c) lack of protections, and (d) lack of training.

Perceptions of effectiveness. The first code that was generated was perceptions of effectiveness. All 10 participants described their perceptions of how effective they believed that the sectors of the criminal justice system (e.g., law enforcement, the court system, and the prison system) are.

Law enforcement. Participants were asked how effective they believed the police to be. Participant 001 believed that the police are accepting and accommodating to transgender and gender nonconforming individuals while Participant 004 stated that "I think they can be effective if they've had the right training." However, Participant 007 stated that "just because somebody is trained to do something does not mean that that's how they're going to do it every time." Furthermore, she stated that "they don't know how to treat trans people and the ones who are just willing to treat us like they would any other human being are the ones that don't stand out."

Participants 005 believed that "social media definitely kind of affects a lot of people's judgment on that from what they see, you know, with like the police brutality and things like that." Meanwhile, Participant 003 stated that she lost faith in the police and thinks that the police see themselves in the position of power instead of helping and providing assistance in the community. Participant 010 stated that she doesn't believe

that the police are effective for helping or taking care of trans women when interacting with them.

Participants 002, 006, 008 and 009 believed that the police are ineffective for a few reasons. Participant 002 believed that the police are “really effective at suppressing minority people” and that they are more incline to protect “people who are cisgender or heteronormative and who fit a certain criteria or people that they would consider to be productive in society.” Participant 006 believed that the police are not effective because of their mindset when dealing with transgender and gender nonconforming individuals. She stated “legally, I’m still considered to be male um they don’t look at me as female.” She further elaborated by saying,

It doesn’t matter how I identify, how I dress, or how I live my life, it’s just...it’s never going to be on a, on an equal ground where, you know, I identity as this way, but law enforcement is just gonna always see me as being a male cause as soon as I show my ID, cause you have to show ID in the state of Texas – as soon as you show ID that just gives it all away and then the mindset of the police officers completely change.

Participant 008 believed that the police is effective in making people afraid and keeping them in line but are ineffective when combatting crime. Participant 009 believed that the police are “very strong majority” and are bullies with the trans community.

The court system. Participants 005, 007, and 009 believed that the court system is effective for various reasons. Participant 009 believed that the court system is effective because he feels that he was never looked at differently. However, he indicated that his

main point of contact is his lawyer and she didn't see him any differently. He never had to get up to say or do anything. Participant 007 indicated that the courts were accommodating to her primarily because they were respectful of her trans status even before she had gotten her legal name and gender marker changed on her driver license. Participant 005 believed that the court system was effective when a judge took her gender identity into factor when determining what her punishment was going to be. She stated that "instead of putting me with the rest of the males doing community service on the street picking up garbage in the hot sun and things like that, he had me more into like an elderly community center." She explained that the judge was being lenient on her when he did not put her "in the general public with people that might have made me feel really uncomfortable."

Participants 001, 002, 006, 008 and 010 believed that the court system was ineffective for many other reasons. Participant 001 believed the court system is close minded when it comes to dealing with transgender and gender nonconforming individuals. She explained that,

You don't want to go in front of a certain judge because you better be dressed as the gender you were born because if not, they're not, you're not gonna be, that judge is not gonna be happy with you. If a person goes in there dressed however, they just need to treat them a little bit better than what they treat them.

Participant 002 believed that the court system is broken when it comes to transgender and gender nonconforming individuals. She stated that the system doesn't place any value on the life of transgender and gender nonconforming individuals when a serious crime has

been committed against them. Participant 006 believed that the court system is not effective because of people's mentality. She indicated that there needs to be new laws put in place that would assist transgender and gender nonconforming individuals regarding the decisions that are made by judges in the court. Participant 0008 believed that the courts are ineffective because individuals who suffer from drug addictions and mental health issues are just being thrown in jail instead of getting the help that they truly need.

The prison system. Participants 002, 003, 004 and 008 believed that the prison system is ineffective because of how traumatic it leaves an individual and its inability to rehabilitate individuals. Participant 002 stated that the prison system can be traumatizing for all individuals because people who go in often leave with more mental trauma. Participant 003 believed that the prison system is "officially just incarcerating people" instead of effectively rehabilitating them. Participant 004 stated that "I don't feel like they're given the tools in a lot of prison systems so that when they come out, they can be more effective and not go back to crime". Participant 008 stated that the prison system fails to rehabilitate people.

Participants 005 and 006 believed that the prison system is ineffective when processing and protecting transgender and gender nonconforming individuals. Participant 005 stated that "I identify as a female and they would constantly like refer to me as 'him' and 'it' and you know things like that, you know and so that was unprofessional." Participant 006 stated that when she was placed in jail, the system placed her in general population with males instead of placing her in solitary confinement which she believes would have been safer considering that she looks female. Participant 010 stated that

“unless she’s had her name and gender marker changed, she’s gonna be treated male no matter how far she had been in her transition” which is the reason why detention centers and prisons are probably the most negative and scariest thing that a trans woman can face.

Participants 007 and 009 believed that the prison system is ineffective because of their staff refusing to provide transgender and gender nonconforming individuals their prescribed medications. Participant 007 believed that the prison system is archaic and results in transgender and gender nonconforming individuals becoming easy victims. She indicated that the mentality that governs the prison systems is very scary to her and petrifying because you’re dealing with doctors who don’t know how to treat transgender individuals. Participant 009 stated the jail staff are assholes and bullies to everybody. He indicated that the jail staff openly talked about the fact that he was taking testosterone medication and refused to give it to him. He also stated that that the jail nurse refused to provide him with his prescribe dosage of insulin with each meal and instead want to provide him with a lesser dosage for the entire day.

Lack of accommodations. All participants agreed that the accommodations in the criminal justice system are lacking for transgender and gender nonconforming individuals. Participant 009 was court ordered to attend an in-patient drug rehabilitation program. However, even though he presents as a male, he was placed with the females which prohibited him from getting help in a timely manner. He stated that he would have gotten cleaner a lot sooner had he been appropriately placed in the drug rehabilitation program.

Participant 003 and 004 talked about the name and gender marker obstacles that are faced in the criminal justice system. Participant 003 stated that the criminal justice system doesn't see transgender and gender nonconforming individuals as people and make the process of legally changing your name and gender marker difficult and expensive; it's as if "you're a transgender person and you're kind of existing." Participant 004 stated that if you're name and gender marker aren't legally changed, transgender individuals get misgendered. She stated that "when they get misgendered like that or misnamed and called their old names, it causes a lot of anxiety for them and it causes depression for them."

Participants 001, 002, 005, 006, 007, 008 and 010 talked about the lack of accommodations in the prison system. Participant 007 stated that the accommodations are sub-par and that she "don't expect to be staying at the Ritz Carlton but I do expect a certain level of decent accommodations." She stated that she shouldn't be denied medication by prison staff that was deemed to be necessary by her own doctor. Participant 002 stated that the accommodations are awful and uncaring because "they like put you in with general population and they don't care." Participant 001 stated that she believes that separating transgender and gender nonconforming individuals in the prison system would protect them so that they wouldn't be out in the general population, it equates to segregation. However, Participants 005, 006, 008 and 010 believed that transgender individuals should be placed in solitary confinement or placed according to their gender identity in the appropriate general population.

Participant 005 stated that when transgender individuals are locked up, they should be housed in a separate holding cell. For example, when she was locked up, she was placed with men who were felons and rapists. She suggested that they have “some kind of holding cell or maybe even jail cells selected for people who identify with our community just because it will make us feel a little bit more safer.” Participant 006 stated that the accommodations for the criminal justice system is poor and isn’t enough for transgender individuals. She stated that because she identifies as a transgender female and looks female, she should have either been placed in the female population or placed in solitary confinement for her protection. Being placed in general population with other males “there’s a chance I could get some pretty significant damage done to me”, she said.

Participant 008 stated that there probably are not enough accommodations for transgender individuals. Although he presents as male, when he was locked up, he was placed with females. He stated that it would have been awkward for him to be placed in the male population at that time. Participant 010 stated that the accommodations for transgender individuals are not there. She stated,

In a jail, they have to lock you up in a male or female side and they lock you up based upon your gender marker usually. So, the accommodations for a trans person in a jail are much worse than they are in a mental hospital.

Lack of protections. All participants agreed that there are no laws in the state of Texas that provide any protections for transgender individuals. Participants 006 and 008 believe that there are not enough laws to protect transgender individuals. Participant 004 stated that the laws that were created against transgender and gender nonconforming

individuals “can make it difficult if you run into somebody.” She indicated that “Texas is kind of backwards when it comes to LGBT laws” because

A lot of the ones [laws] that get passed are not laws that are meant to protect us or keep us safe. I think they’re meant to be against us and the laws that would protect us can’t get through because of our legislators.

Participant 001 stated that there are no laws that protect transgender and gender nonconforming individuals in the state of Texas. While she referenced the bathroom law in other states, she stated

even here in Texas they were trying to change the law to prevent us, transgendered people, especially children that are in school making sure that they do to the right, to go to the bathroom as the gender that they were born”.

She stated that despite what your gender marker says, “going into the restroom dressed the way you are, you can get hurt.” She indicated that the creation of these kind of laws are primarily the result of individuals beings misinformed about transgender individuals and not having any documentation or proof to back things us. She stated that “they need to educate themselves better or learn from us.” Her belief is that the laws that are being created against transgender individuals are discriminatory and stupid. She stated that she doesn’t want her rights taken away and reiterated that she believes that everyone needs to “re-educate themselves a little bit more.”

Participant 003 stated that it’s a nerve-wracking situation every day for him knowing that he’s not seen as an individual in America. He stated that “certain laws that ah which take away the rights um they just strip people of their humanity in a sense.” He

has a “sense of fear about them” and believes that this perpetuates a terrifying situation because “you have people who will want to pass that transgender bathroom bill” in Texas which are “fear based” and not right. He stated that when he thinks about the laws that are being created, he feels that “there’s no place for me to operate safely as an out transgender person” and “I don’t think that there’s anything in place that really protects me.”

Participant 005 stated that the laws “should be more leaning towards equality towards each individual” and should be a little bit more non-gender specific. She believes that the “law should not disable a person from being able to identify however they choose to identify themselves.” An example that she provided was that in Arkansas when you get a driver license, they list your gender identity and sexual orientation solely based on your appearance and not what is listed on your birth certificate like Texas does. She explained that “Texas doesn’t honor the hate crime when it comes to somebody attacking one of our community.”

Participant 007 stated that she believes that the passage of gay marriages “has pushed the conservative backlash on us” because “prior to 2015, people didn’t care that I used the restroom of the gender that I am, not the gender that I was born as.” She believes that people are allowing their fears to make laws that legislate problems that do not exist. She feels as though the laws that were in place to provide some kind of protection for the transgender and gender nonconforming individuals are being revoked by our current president thereby creating “a lot of hatred just by itself.”

Participant 002 stated that she feels attacked because “a lot of laws that don’t mention the LGBT community are the ones that affect the LGBT community the most.” She believes that the laws are awful, especially with this current administration “considering the people who are passing these laws are primarily Congress people who work at the state and federal” level. Basically, “they don’t care about us” and they only seem to care about how they appear to other people. Participant 009 stated that “we have gone so far backwards, and Obama fought too hard to give us rights that we have” that are now being taken away from them by this current administration.

Moreover, Participant 010 stated that “Texas is very biased and there’s no legal protections in Texas” when it comes to transgender and gender nonconforming individuals. She stated

The state department um under Obama came up with the way to change the gender marker and um so you can get a passport with your gender marker set properly uh with the same letter from your doctor. Under the Trump administration, um if they’re starting to revoke those passports. Yeah, they’re changing the passports from full seven-year passports to temporary two-year passports with revocation at the end of two years. So, they’re actually forcing people to go back to their previous gender marker ever after they’re fully transitioned.”

Lack of training. All participants agreed that training is necessary for the sectors of the criminal justice system regarding how they interact and deal with transgender and gender nonconforming individuals. Participant 004 stated that she believes that the police

can be effective “if they get the right training” while participant 006 asked “how are you supposed to treat these people um that do not identify as any gender and then those who do identify as a gender you don’t even recognize that at all.”

Participant 001 stated that even though the “overall majority of the police department do understand and are trying, I think if they’re educated, the better, then it would be better for everyone else.” Participant 002 stated that the “police are cold in general” and are much more stricter on trans people because “if you don’t fit into a certain box or a certain narrative that they want, then you’re essentially screwed.”

In terms of the LGBT community, Participant 003 stated that he believes that nobody has even thought of providing basic trainings for the personnel staff in the criminal justice system. He stated that his only goal is that the people in the criminal justice system “will eventually receive training on how to talk to transgender people and deal with them” and “if they can learn like the things that transgender people use like a binder and a tuck...that’s helpful” especially when they have to be pat down by the police who probably assumes that “they’re hiding things underneath.” He stated that “there’s just so much that people can do that they don’t even realize to make someone way more comfortable to like interacting with the system.” However, he stated that he believes that it may be baseless to train them because he doesn’t “think that people look at transgender people as though they’re like real people yet.”

Participant 007 explained that everything people know and learn is what they have seen on TV and that’s all they know. She stated that “if they don’t know somebody

that's like that, then they don't know, and they have no base of knowledge to work off on." She went even further and stated

You can treat transgender people however you want to treat them. You can treat them good; you can treat them bad. But at the end of the day, the people you have are human beings, okay and all human beings deserve a certain amount of respect. If you want to make things better for trans people and you want to make the world a better place, the biggest thing in my mind is probably exposure.

Theme 3: Experiences With the Criminal Justice System

The third theme to emerge from the data was the participants' experiences with the criminal justice system. Two codes were generated: (a) positive experiences and (b) negative experiences.

Positive experiences. The first code that was generated was the positive experiences that the participants had with an entity of the criminal justice system (e.g., law enforcement, the court system, and the prison system).

Law enforcement. Being taken in by a police officer and being treated as one of the family created a positive experience for Participant 003 that he explained changed his overall viewpoint of all police officers. While Participant 009 admitted to being defensive when approached by police officer, he stated that he was surprised to interact with a police officer who was pretty respectful and had normal conversation with him about being a transgender individual.

While in San Antonio attending a Pride parade, Participant 001 stated that the police department was very accepting, accommodating and supportive of the LGBT

community. There were officers talking to the parade attendees, making sure that they were safe, and that they were not being bothered by anyone being negative towards them. She also expressed how there was another time when a police officer was accepting and accommodating to her when she needed to use the public restroom and feared any possible consequences. She stated,

I had to go to the bathroom I was like okay. I don't want any trouble you know I just wanted to go in there and just do my business and get it done. I noticed a police officer there I say excuse me I go can you tell me is there a family restroom here cause I don't want no problems. And she was like ma'am, she goes, the woman's bathroom is right over there. She goes, you have the right to use that bathroom. She goes, don't worry about it she goes you're not gonna have no trouble. She goes and I'm riding around here. She goes “we, we try to understand people are different” and she goes “and I know you are transgender.” She goes “and I see that you're dress as a female and that's who you are.” She goes “go right ahead.” She goes “if anyone gives you a problem or anybody comes out and say anything”, she goes “I'll take care of it...

While riding as a passenger in a vehicle that was stopped by police, Participant 004 explained how police asked to search her purse. During the search, the officer found a bottle of medicine that had multiple pills inside and she wasn't carrying the actual prescriptions for the pills. She stated that “he said you need to carry the prescription things with you. I won't, I could arrest you for that, but I'm not going to because I

understand that you didn't know." She believed that her being "white and presenting female" helped her out in that situation.

She also indicated that when reported a theft that occurred at her apartment to police, one of the detectives that was assisting her was extremely helpful. She stated that her preferred name missed getting to that person, but he was okay with it and used the correct pronouns and everything. She stated that "he even turned around and when we found where he pawned my stuff, he went out to get it and brought it to my house because I don't drive."

The court system. When Participant 005 was sentenced to community service, she stated that the judge was fair and accommodating to her when he ordered her to do her community service in an elderly community center instead of putting her "with the rest of the males doing community service on the street picking up garbage in the hot sun and things like that."

The prison system. When Participant 001 was in jail, she stated that everyone left her alone and "the people that worked there were okay, they didn't give me no hard time." Also, while in jail, Participant 005 stated that she believed that being locked up with felons and rapists were a positive experience "because they do only let one cell out at a time to where you're not like intermingling with everybody and putting myself in more danger." While being booked in jail, Participant 008 stated that he was immediately put in contact with a nurse for his medical conditions who was really helpful. He was then brought to the infirmary to meet a doctor "and they were super accommodating."

Negative experiences. The second code that was generated was the negative experiences that the participants experienced with the sectors of the criminal justice system.

Law enforcement. During a recent arrest, Participant 002 explained that she was left feeling entrapped, humiliated and embarrassed. She stated that she felt that the police were just singling her out because she was a transgender individual and his belief that she was a sex worker. She stated

They want to go after people who barely don't have any options. Like how can we make money off the poor? Let's go after the people who legitimately have nothing because it's so much easier for us to get money off of them then to go after somebody who actually have money. Because the people who have, that doesn't have much, they're able to get everything from us. They're able to get everything from us. And, but you know...if they go after somebody that has money that's not a quick ticket for them. Because they're able to fight back cause they have money, they have power, they have privilege.

She went on to say that during that same arrest, she was charged with theft after the officer accused her of attempting to steal his laptop. She stated that “you can’t even trust what they put on you cause they’re going after the weakest of the weak.” She also stated that there was another time when a detective “victim blamed” her instead of actually helping her out. To justify his actions, she stated that “he’s like ‘I’m sorry I have to do this, but I have to get both sides to see if you’re lying’ so I have to traumatize you by scaring you essentially – real awful.”

While being processed and booked in jail, Participant 005 encountered two uniformed police officers – a male and female who were being unprofessional, in her opinion. She stated that,

They were kind of going back and forth like ‘That’s a man, you need to check him’; ‘No, that’s clearly a woman’; ‘I’m telling you that’s a man’; ‘No, it’s a woman, you have to do it’; ‘I’m not touching it’ – you know things like that. I just thought that was really unprofessional.

She expressed that it made her feel horrible because she felt as though they were treating her as an animal when she’s a human being. She stated that all of this could have been avoided if they asked her who she preferred to check her. But in the end, it scared her into not getting into any more trouble.

When working at his job, Participant 009 stated that he came across a disgruntled customer who was very threatening to him, so he immediately reported the incident to the police. He stated that after the police officer took his report, he walked off without addressing him or saying a word to him. He stated that this situation left him feeling vulnerable and indicated that this should never happen to anyone who reports a crime or an incident to the police.

While reporting an incident that happened to her while in a waiting room at a hospital, Participant 010 stated that the hospital police failed to take her report seriously. She stated that “the hospital police officer treated me like ‘that was stupid for you to do to begin with. How could you be so stupid to let some man do that to you’ so “basically, he treated me like well you’re a stupid woman who you know got groped.”

The court system. During a court experience, Participant 001 explained that her old name was utilized throughout the court proceedings even though her new name had been legally changed. She stated that “when you say that name, I don’t associate with it.” She also Participant 001 also described how a she witnessed a judge deliver a verdict in a trial that she attended where the victim was a transgender individual. She stated

He did not even say his...he did not even give the verdict from the stand; he walked away from his stand and gave the verdict of not guilty. And he said, he said that if that person wouldn't have been dressing like that person dressed and living that life, that would have never happened to that person and it was her own fault.

Participant 005 also stated that when she went to court, she was called by her old name. She stated that the judge asked for her ID card to verify her identity before he proceeded with the hearing.

The prison system. After being processed in jail, Participant 002 stated that there were feces and urine all over the walls and “whenever they stripped me, they made all the men sit around like ah sit around like along the wall and look at me while they took my clothes off while they made fun of me.” She further stated that “they made me like, like squat and cough and all these awful things in front of like these people I've never met before who they're going to incarcerate me with, which is general population.” She described this as an awful experience for her.

When she was arrested and subsequently processed to be booked in jail, Participant 006 stated that she had all of her medications with her. However, when it was

time for her to take her medicine, her request was denied because they didn't have any medical staff available that day. However, the very next day after a shift change, a correctional officer allowed her to take her medication.

Summary

The purpose of this qualitative research study was to describe and understand the perceptions and experiences of TGNC individuals as they interacted with the various sectors of the criminal justice system (e.g., law enforcement, the court system, and the prison system). There were two research questions that guided this research: (1) how do transgender and gender nonconforming individuals feel about the criminal justice system in general and the specific sectors of the criminal justice system, and (2) what factors influence transgender and gender nonconforming individuals' perceptions of the criminal justice system. The participants' responses to the interview questions were analyzed and three themes were identified: (a) interactions with the criminal justice system; (b) thoughts about the criminal justice system; and (c) experiences with the criminal justice system. Nine subthemes were also identified.

Regarding the first research question, I found that the participants felt that the criminal justice system, in general, is broken and there is a great deal of work that is needed to alleviate the negative experiences and obstacles that TGNC individuals face when encountering and interacting with the various sectors of and the personnel staff of the criminal justice system. For law enforcement, the participants felt scared, worried and nervous when interacting with the police. Furthermore, the majority of participants felt unsafe interacting with the police because of the way they were treated or the perception

of how they will be treated. The participants felt that the court system is biased against TGNC individuals because of the sitting judges and their conservative views regarding TGNC individuals.

Regarding the prison system, the participants felt unsafe because of the lack of safety protections for TGNC individuals when being placed in jail during the booking process because they are housed based on the gender and sex listed on their birth certificates and not how they presently present when being booked. Based on these findings, half of the participants indicated that they would be willing to seek the assistance of the criminal justice system when a crime had been committed against them. The other half of the participants indicated that they are not willing to seek assistance from the criminal justice system and would either seek assistance from their family, friends, or a non-profit organization as an alternative or handle the matter themselves.

Regarding the second research question, the factors that I found influence TGNC individuals' perceptions of the criminal justice system were their perceptions of how effective they believed the sectors of the criminal justice system to be; a lack of accommodations and protections for TGNC individuals; and the lack of training for the criminal justice system and its personnel staff.

In Chapter 5, I will discuss the interpretation of the findings, the limitations of the study, recommendations and the implications for social change of this research study.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

The purpose of this qualitative phenomenological study was to describe and understand the perceptions and experiences of TGNC individuals as they interacted with various sectors of the criminal justice system (e.g., law enforcement, the prison system, and the court system). The problem that this study explored was how sexual orientation and gender identity may influence TGNC individuals' experiences with and perceptions of the criminal justice system. Given that there was a lack of empirical research in the field of criminology and criminal justice regarding the TGNC population, an investigation into the lived experiences of TGNC was warranted. This research study fills that gap and contributes to the knowledge base in the fields of criminal justice and public safety as well as queer criminology by providing an understanding of the lived experiences of TGNC individuals and their perceptions of their interactions with the various sectors of the criminal justice system.

I used Tyler's (1990, 2004) procedural justice theory as the theoretical framework for this study and Moustakas's modified Stevick-Colaizzi-Keen method for data analysis. A semistructured interview guide created by Nadal et al. (2015) was used for this study with Dr. Nadal's permission (see Appendices F & G). Two research questions guided this study:

1. How do transgender and gender nonconforming individuals feel about the criminal justice system in general and the specific sectors of the criminal justice system?

2. What factors influence transgender and gender nonconforming individuals' perceptions of the criminal justice system?

The participants' responses to the interview questions were analyzed, and three themes were identified: (a) interactions with the criminal justice system, (b) thoughts about the criminal justice system, and (c) experiences with the criminal justice system. Nine subthemes were also identified.

Interpretation of the Findings

Participants in this study described their experiences with and perceptions of interacting with the sectors of the criminal justice system. The findings provide an understanding of the participants' unique experiences and perspectives, which were positive, negative, and neutral toward the sectors of the criminal justice system.

Theme 1: Interactions With the Criminal Justice System

The findings for this theme have been organized by the sectors of the criminal justice system—law enforcement, the court system, and the prison system.

Law enforcement. All of the participants in this study expressed a variety of negative emotional reactions when dealing with the sectors of the criminal justice system (e.g., scared, frightened, worried, afraid, and nervous). However, one participant expressed that her “White privilege” allowed her to feel safe because “I’m not going to be harassed in any way”. A majority of the participants agreed that interacting with the police can be unsafe because of the way that they perceive that they will be treated. For example, Participant 003 conveyed their fear of not knowing how the police would feel about a transgender individual. Participant 002 indicated that they were worried for

fear of police manipulating what was said during the encounter. Participant 007 stated that the police have a lot of power and can easily take advantage of people. This finding confirms Miles-Johnson's (2016a) finding that the gender identities of transgender individuals significantly shape their perceptions of how they are treated by the police and influence their perceptions about the police.

Half of the participants in this study reported that they would be willing to turn to the criminal justice system to report a crime if one had been committed against them, while the other half of the participants reported that they would be unwilling to turn to the criminal justice system to report a crime. For example, Participant 008 indicated that his willingness to turn to the criminal justice system for assistance would depend on the severity of the crime that had been committed against him. Participant 010 conveyed that she would only turn to the criminal justice system if she could prove that a crime had occurred against her because of a prior experience she had with a police officer who did not believe her when she initially reported a crime. This finding confirms Serpe and Nadal's (2017) finding that transgender individuals who are more inclined to feel mistrust toward the police or to have a less favorable perception of the police are more likely to be less comfortable in interacting with the police. Those individuals who are less comfortable in interacting with the police are less likely to seek assistance from the police due to an inherent fear of being victimized by the police, whereas those individuals who harbor a positive perception of the police are more likely to be comfortable interacting with the police and are more likely to seek assistance from the police (Serpe & Nadal, 2017).

The court system. A majority of the participants believed that the courts are biased against transgender individuals. Participant 005 conveyed that the courts make it difficult for individuals to legally change their names and gender markers. Participant 010 commented that when she went to get her name and gender marker changed, the justices in the county where she lived used a legal clause to get around changing her name and gender marker. Participant 001 explained that even after she legally had her name and gender marker changed, she still got called by her dead name when she appeared in court. This finding supports previous research that has indicated that the legal system is inadequate and not designed for transgender individuals (Buist & Stone, 2014; Goodmark, 2013). Furthermore, it supports Buist and Stone's (2014) assertion that the determination of an individual's sex and gender causes issues "for transgender people who do not fit into the predetermined categories" (p. 44).

The prison system. Two participants commented that while they were in jail, they were denied medications that had been prescribed to them by their primary doctor. Four participants indicated that they felt unsafe when they went to jail because they were placed in a holding cell that was based on their assigned gender at birth and not the gender that they presented as. For example, Participant 009 stated that she was placed in a males' holding cell when she presented as a female (e.g., she had breasts). This finding confirms the findings of previous research that has indicated that medical treatments for transgender individuals are often denied or withheld altogether, even though denying transgender individuals prescribed hormone medications can impair their physical and mental health (Reisner et al., 2014; Stohr, 2015; Whitman, 2014). Furthermore, this

finding also supports the findings of previous research that has indicated that the chances of a transgender individual being victimized increase while in custody, especially when a transgender woman's appearance has been feminized and she is placed in a male facility (Scott, 2013; Stohr, 2015; Whitman, 2016).

Theme 2: Thoughts About the Criminal Justice System

The belief that the criminal justice system is ineffective for transgender individuals was indicated by many of the participants in this study. For example, Participant 002 commented that the police are “really effective at suppressing minority people” and that they are more inclined to protect “people who are cisgender or heteronormative and who fit a certain criteria or people that they would consider to be productive in society.” Regarding the court system, Participant 001 indicated that the system is closed minded when it comes to dealing with transgender individuals. Regarding the prison system, Participants 005 and 006 felt that it is ineffective when processing and protecting transgender individuals. This finding confirms previous research that has indicated that the legal system is inadequate and not designed for transgender individuals (Buist & Stone, 2014; Goodmark, 2013). Moreover, it supports the assertion that individuals' “real or perceived” gender identity and sexual orientation determine how they are treated by police, the court system, and the prison system (Noga-Styron et al., 2012).

The belief that the accommodations in the criminal justice system for TGNC individuals are lacking and need to be improved, especially when it comes to the prison system, was agreed upon by all participants in this study. For example, Participant 001

stated that separating TGNC individuals in the prison system would protect them. However, Participants 005, 006, 008 and 010 believed that transgender individuals should be placed in solitary confinement or placed according to their gender identity in the appropriate general population. The findings of a lack of accommodations in the prison system support the findings of previous researchers who argued that the safety of the inmate should be a priority when housing transgender inmates (Reisner et al., 2014; Stohr, 2015; Whitman, 2016). For example, the Prison Rape Elimination Act (PERA) required all the states in the country to make decisions on where and how to house transgender individuals on a case-by-case basis in order to create a safe environment for them while they are in custody and are incarcerated (Schuster, 2014; Stohr, 2015).

There was agreement by all participants in this study that there are no laws that provide any protections for transgender individuals. Many of the participants cited the bathroom bill that the state of Texas attempted to implement as a law that was created against TGNC individuals. Participants 001 and 005 commented that this law was based on fear and is discriminatory toward TGNC individuals. This supports the findings of Knauer (2012), who argued that LGBT individuals are denied protections by policies that are biased, restrictive, and/or discriminatory in nature. Knauer suggested that policies be crafted and designed “to reduce disparities and address inequality” for LGBT individuals (p. 755).

The belief that training on the needs of TGNC individuals is necessary for the sectors of the criminal justice system was agreed upon by all participants in this study. The consensus of the participants was that criminal justice system personnel need basic

training on how to interact and deal with TGNC individuals. Participant 007 expressed the belief that everything people know and learn about transgender individuals comes from TV. Participant 006 wondered, “How are you supposed to treat these people um that do not identify as any gender and then those who do identify as a gender you don’t even recognize that at all?”

This finding supports research conducted by Miles-Johnson (2015), Redfern (2014a, 2014b), and Sereni-Massinger and Wood (2016), who argued for the importance of training and education. Miles-Johnson found that the negative techniques that are used by police officers come from their lack of knowledge and/or education. The fact that administrators and patrol officers are not effectively communicating strategies with each other can cause problems when there are no formal policies and procedures governing interactions with transgender individuals.

Redfern (2014a, 2014b) suggested that improved communication with transgender individuals can be achieved through training that should be implemented in law enforcement agencies, as well as through written policies or procedures that address appropriate methods of interacting with transgender individuals. Implementing a sensitivity training program as well as written policies and procedures would increase agencies’ knowledge of transgender individuals while providing them with greater sensitivity toward this population (Redfern, 2014a, 2014b). Providing training and having policies and procedures would also decrease the number of lawsuits and civil rights violations (Redfern, 2014a). Sereni-Massinger and Wood (2016) found that training and education that focus on interpersonal communication skills and critical thinking are of

paramount importance due to the diversity in today's society and the role of the criminal justice system.

Theme 3: Experiences With the Criminal Justice System

The participants in this study described positive and negative experiences they had with the sectors of the criminal justice system. Participants 001, 003, and 009 indicated that they had a positive experience with the police wherein the police were accommodating and respectful during an interaction. Participant 005 stated that she had a positive experience with the court system when the judge who sentenced her to community service accommodated her when he ordered her to do community service in an elderly community center instead of making her pick up garbage in the hot sun. Participants 001, 005, and 008 commented about their positive experience with the prison system, with Participant 008 explaining how he had immediately been put in contact with a nurse for his medical conditions after being processed in jail.

The negative experiences that Participants 002, 005, 009, and 010 described were about their interactions with the police. For example, Participant 002 indicated that she felt entrapped, humiliated, and embarrassed during an interaction she had with a police officer. Participant 002 stated that the officer singled her out because she was transgender and he believed that she was a sex worker. When filing a police report, Participant 009 stated that an officer took his report and walked away without addressing him or explaining the next steps in the process to him. Participant 010 stated that an officer refused to believe that an incident had occurred to her. Participants 001 and 005 reported negative experiences with the court system; Participant 005 was repeatedly referred to by

her dead name by the presiding judge. Participants 002 and 006 detailed their negative experiences with the prison system. Participant 002 commented that when she was placed in a males' facility, she was strip searched in front of men who sat along the wall and watched her take her clothes off while making fun of her.

Overall, more than half of the participants indicated that they had a negative experience with an entity of the criminal justice system. Their negative interactions included police officers who were rude and unprofessional; assumptions that they were sex workers just because they were transgender; being called the wrong name by court personnel; and being “put on display” while being searched (Stotzer, 2014, p. 273). The findings in this study support the previous findings that transgender individuals are more likely than other heterosexual individuals to experience an incident of being mistreated, disrespected, or intimidated within the criminal justice system (Buist & Stone, 2014; Langenderfer-Magruder et al., 2016; NCAVP, 2014; Woods et al., 2013). Galvan and Bazargan (2012) found that prison staff responded negatively to transgender individuals and took part in victimizing them.

Limitations of the Study

While this study provides important findings about the lived experiences of TGNC individuals and their perceptions about the criminal justice system, there were several limitations to this study. First, although the sample size in this study may be adequate for qualitative studies, it may lack generalizability to the entire transgender population (Nadal et al., 2015; Nadal et al., 2014). Second, due to all of the participants being recruited from or around a large metropolitan city in Texas, this study may not

reflect the perceptions and lived experiences of other transgender individuals in other cities, states, or parts of the country (Nadal et al., 2015; Nadal et al., 2014).

Another limitation of this study was the demographics of the participants. Although I attempted to recruit participants who self-identified as TGNC, most of the participants in this study were recruited by other participants using a snowball technique. This resulted in all of the participants in the study being transgender individuals, seven participants being MTF (male to female) and three participants being FTM (female to male)—and primarily White and Hispanic. Again, this study may not reflect the lived experiences of the entire transgender population whose members share these demographics. Despite these limitations, this study provides an in-depth account of the lived experiences of TGNC individuals and their perceptions of the criminal justice system.

Recommendations

There is a dearth of research on the lived experiences of TGNC individuals specifically examining their experiences with the criminal justice system. There is a need to understand how their experiences affect and influence their perceptions and attitudes about the criminal justice system when seeking assistance. They deserve to be treated equally and fairly regardless of their gender identity and sexual orientation.

Future research should continue to examine the unique experiences of TGNC individuals and their interactions with the criminal justice system in different geographic regions. It is important to understand the differences in how TGNC individuals in various geographic regions perceive their experiences and interactions with the sectors of the

criminal justice system. It is equally important to understand how gender identity and sexual orientation affect the perceptions and experiences of TGNC individuals when interacting with the criminal justice system. Examining the unique issues, challenges, and barriers that TGNC individuals experience could provide insight into how their gender identity and sexual orientation shape their personal experiences with and views of the criminal justice system.

Given that participants reported that the criminal justice system was in need of training, future researchers in this area should attempt to explore best practices of the criminal justice system for interacting with TGNC individuals. Incorporating sensitivity training for each entity of the criminal justice system could promote alternative and flexible responses by personnel to meet the unique needs of the TGNC community (Redfern, 2014b). There is also a need to further investigate the relationship between TGNC individuals' gender identity and procedural justice. Examining this relationship could provide findings that could be of paramount importance in strengthening the relationship between law enforcement and the TGNC community that they serve and protect. Murphy et al. (2015) supported this idea by concluding that procedural justice is important for building trust and confidence in law enforcement within the communities that it serves. TGNC individuals' personal encounters with law enforcement have been shown to directly shape their perceptions and to affect their level of trust and confidence when interacting with law enforcement agencies (Murphy et al., 2015). Procedural justice should be practiced in a consistent and fair manner when personnel within the criminal justice system are interacting with all members of the community.

Implications for Social Change

One of the largest positive social change that can potentially come from this study is bringing awareness to the unique challenges and potential barriers that TGNC individuals experience when interacting with the criminal justice system. Given that there is a dearth of literature that has explored the lived experiences of TGNC individuals because they have been grouped together with the LGB community as an afterthought, this study contributed to a gap in the literature because it provides insight and an understanding into how those experiences affect their perceptions of the criminal justice system (Nadal et al., 2015; Stotzer, 2014). The participants in this study were eager and willing to share their experiences and perceptions of the criminal justice system which revealed the need for additional qualitative research to be conducted in this area.

The results of this study will hopefully, on an individual level, contribute to provide a better understanding of TGNC individuals' experiences with the criminal justice system and how those experiences have affected their perceptions of the criminal justice system. On an organizational and community level, the results of this study will hopefully provide an insight into the necessity and importance of training and education. The findings in this study provided a description of the unique challenges that transgender and gender nonconforming individuals face when interacting with the criminal justice system. Everyone deserves to be treated in a fair and respectful manner. They are more inclined to react in a negative manner when treated in an unfair and disrespectful manner. When law enforcement displays benevolence and care towards citizens in addition to being sincere with the best interest of the community that they

serve, the members of the community are more prone to act positive toward law enforcement officers and agencies (Murphy et al., 2014). In turn, the level of trust and confidence that members of the community will have towards the criminal justice system will begin to increase.

Conclusion

The collective obligations of the criminal justice system are to “promote beneficence, justice, and respect and to prevent or minimize harm” toward the community that they serve (Whitman, 2016). These obligations should not be subjective to an individuals’ gender identity and sexual orientation. However, the relationship between the TGNC community and the criminal justice system has been wrought with discrimination and harassment to include mistrust, violence, and intimidation. Such experiences have inhibited TGNC individuals and the criminal justice system from interacting with each other in an effectively and cooperatively manner. A review of the literature revealed that there is a dearth of scholarly research available about TGNC individuals without grouping them as an afterthought with the LGB community. Specifically, as it relates to their lived experiences with and perceptions of the criminal justice system. The purpose of this qualitative phenomenological study was to describe and understand the perceptions and experiences of TGNC individuals as they interacted with the criminal justice system. The problem that this study explored was how sexual orientation and gender identity may influence TGNC’s experiences and perceptions of the criminal justice system.

While the ultimate purpose of the criminal justice system is to provide equal and fair treatment to everyone despite their gender identity and sexual orientation, the findings of this study confirms previous findings that the criminal justice system is not prepared to appropriately handle individuals in the TGNC community (Buist & Stone, 2014; Noga-Styron et al., 2012; Whitman, 2016). In addition, the findings of this study depicted an accurate picture of TGNC individuals' experiences and perceptions of their interactions with the criminal justice system and the barriers that they encounter during those interactions. Having written policies and procedures on how to interact with TGNC individuals may improve the treatment of TGNC's by the criminal justice system.

The findings in this study confirmed that there is a need for the criminal justice system to be treated and educated on how to professionally communicate and interact with TGNC individuals during interactions. Therefore, in addition to written policies and procedures, transgender-affirmative training programs and education for the criminal justice system is needed to be developed and implemented to improve the communication and interaction with TGNC individuals. Transgender and gender nonconforming individuals are entitled to being treated in a fair and equal manner when interacting with the criminal justice system regardless of their gender identity and sexual orientation.

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Appendix A: Letter to Liaison Officer

Date

Dear _____,

My name is DeLisa Hamilton and I am a doctoral candidate at Walden University. I am conducting a dissertation research on Transgender and Gender Non-Conforming Individuals' Perceptions of the Criminal Justice System. Transgender and gender non-conforming individuals face challenges in their daily lives when interacting with the criminal justice system. What is not known are the perceptions and experiences of transgender and gender non-conforming individuals when they seek assistance from the various sectors of the criminal justice system as a victim or an offender. This research will provide a detailed understanding of their experiences and will provide insight into how sexual orientation and gender identity may influence their experiences and perceptions of the criminal justice system.

Your assistance in conducting this much needed study is important. If willing, I am asking for your assistance in identifying individuals who self-identify as transgender and gender non-conforming and speak English. Once identified, I would like to meet with them to further discuss the nature of this study. The participants are free to choose whether or not to participate in this study and can terminate their participation at any time. Information provided to the participants will be kept strictly confidential.

I would welcome a telephone call from you to discuss any questions you may have concerning this study and your role in identifying participants for this research study. I can be reached at (xxx)xxx-xxxx or emailed at xxxxxxxx@waldenu.edu.

Sincerely,

DeLisa Hamilton
Doctoral Candidate
Walden University

Appendix C: Letter to Participant

Dear (Name of Participant),

My name is DeLisa Hamilton and I am a doctoral candidate at Walden University. I am conducting a dissertation research on Transgender and Gender Nonconforming Individuals' Perceptions of the Criminal Justice System. Transgender and gender nonconforming individuals face challenges in their daily lives when interacting with the criminal justice system. What is not known are the perceptions and experiences of transgender and gender nonconforming individuals when they seek assistance from the various sectors of the criminal justice system as a victim or an offender. This research will provide a detailed understanding of their experiences and will provide insight into how sexual orientation and gender identity may influence their experiences and perceptions of the criminal justice system.

I realize that your time is important to you and I appreciate your consideration to participate in this research study. To fully understand your perceptions and experiences, you will need to attend a one-on-one interview which is estimated to last for approximately one hour. The interview can be conducted via telephone or in a private meeting room in a local library. The interview is designed to learn about your experiences with and perceptions of the criminal justice system. All information gathered during the interview will be kept strictly confidential. Each participant will be assigned a number code to help ensure that personal identifiers are not received during the analysis and write up of findings.

For participating in this study, you will receive a \$10 gift card.

Please contact me at your earliest convenience to schedule a date and time for an interview. My telephone number is (xxx) xxx-xxxx. You can also email me at xxxxxxxxxxxx@waldenu.edu. I look forward to hearing from you.

DeLisa Hamilton
Doctoral Candidate
Walden University

Appendix D: Participant Eligibility Form

The purpose of this form is to identify and confirm your ability to be invited to participate in a research study that will examine how transgender and gender nonconforming individuals perceive the criminal justice system. This form will also allow me to provide an accurate description of the study sample. For the following items, please select the *one* response that is most descriptive of you or fill in the blank as appropriate.

Ethnicity:

- | | |
|--|--|
| <input type="checkbox"/> Asian or Pacific Islander | <input type="checkbox"/> Black/African-American (non-Hispanic) |
| <input type="checkbox"/> White/Caucasian | <input type="checkbox"/> Native American |
| <input type="checkbox"/> Asian | <input type="checkbox"/> Latin/Hispanic |
| <input type="checkbox"/> Puerto Rican | <input type="checkbox"/> Other, please specify |

(1) How old are you currently? _____

(2) Do you self-identity as a transgender individual or a gender nonconforming individual?
Yes No

If yes, please indicate your gender:

- | | | | | |
|---|----------------------------------|--------------------------------------|------------------------------|--------------------------------|
| <input type="checkbox"/> Straight | <input type="checkbox"/> Lesbian | <input type="checkbox"/> Transgender | <input type="checkbox"/> Gay | <input type="checkbox"/> Queer |
| <input type="checkbox"/> Bisexual | | | | |
| <input type="checkbox"/> Gender Nonconforming | | | | |

(3) Have you had an experience or an interaction with a sector of the criminal justice system?
Yes No

If yes, with which sector of the criminal justice system:

- | | |
|---|--|
| <input type="checkbox"/> The police | <input type="checkbox"/> The prison system (jails, juvenile detention centers, etc.) |
| <input type="checkbox"/> The courts (criminal/civil/etc.) | <input type="checkbox"/> TSA |
| <input type="checkbox"/> Government/state agencies (IRS, Social Security, etc.) | |
| <input type="checkbox"/> Security or other authority figures | <input type="checkbox"/> Any laws that affect LGBT people |

(4) Are you willing to participate in an interview that will be audio recorded?
Yes No

I certify that the information contained within this document is true and correct.

Printed Name: _____ Date: _____
Signature: _____

Researcher's Initials _____

Eligible

Not Eligible

Appendix F: Permission From Dr. Nadal (Email)

Re: Research study: LGBTQ people's perceptions of the criminal justice system: Implications for Social Services

DH

DeLisa Hamilton

Tue 2/28, 7:35 AM

Kevin Nadal <knadal@gmail.com>

Sent Items

Dr. Nadal,

Thank you so very much. I greatly appreciate it and upon completion of my dissertation, I will make sure to acknowledge your assistance and will provide you with a copy of it.

On Mon, Feb 27, 2017 at 7:18 PM, Kevin Nadal <knadal@gmail.com> wrote:

Hi DeLisa,

I'm sorry that my student dropped the ball. Attached is the interview protocol. Good luck.

Appendix G: Interview Protocol

Thank you for coming to join me today. My name is DeLisa Hamilton and I'll be your interviewer today.

So today we're going to be talking about Transgender and Gender Non-Conforming individuals' experiences in the criminal justice system. We'll be talking about the spectrum of the criminal justice system—from police to prison systems to government agencies and federal, state, and local laws. I encourage you to be as honest and open as possible. Please remember that the informed consent form you just signed guarantees that everything you state today will be kept completely confidential.

At this time, I would like you to introduce yourself and tell me about your initial thoughts about your experiences with the criminal justice system.

1) How do you feel about _____?

- the police
- the prison system (jails, juvenile detention centers, etc.)
- the courts (criminal/civil/etc.)
- government/state agencies (IRS, Social Security, etc.)
- TSA
- security or other authority figures
- any laws that affect LGBT people

[For all of the following, blanks filled with all of the above if it has not already covered]

2) Describe how effective you believe _____ is/are.

Tell me more about that.

How do you feel about that?

3) Describe how safe you believe _____ is/are.

Tell me more about that.

How do you feel about that?

4) Describe any personal experiences with _____.

Tell me more about that.

How do you feel about that?

5) Please describe any examples of particularly positive experiences in your life with _____.

Tell me more about that.

How do you feel about that?

6) Please describe any examples of particularly negative experiences in your life with _____.

Tell me more about that.

How do you feel about that?

7) Do you know anyone who is employed within the criminal justice system?

How has this affected or not affected your feelings regarding the criminal justice system?

Tell me more about that.

How do you feel about that?

8) If a crime was committed against you, how likely are you to turn to the criminal justice system for assistance?

Tell me more about that.

How do you feel about that?

9) If you feel you are not likely to turn to the criminal justice system, to whom/what would you turn for assistance instead? (family, friends, non-profits, etc.)

Tell me more about that.

How do you feel about that?

10) How do you believe the criminal justice system deals with LGBT victims?

Tell me more about that.

How do you feel about that?

11) How do you believe the criminal justice system deals with LGBT perpetrators?

Tell me more about that.

How do you feel about that?

12) How do you believe your experiences with the criminal justice system have been different from the experiences of those who are not LGBT identified?

Tell me more about that.

How do you feel about that?

13) What are your feelings regarding accommodations for LGBT people in the criminal justice system?

Tell me more about that.

How do you feel about that?

14) Is there anything else you would like to say about this topic that was not covered in these questions?