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Version: Accepted Manuscript

Link(s) to article on publisher's website:  
<http://dx.doi.org/doi:10.1111/hojo.12354>

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*The Howard Journal Vol 00 No 0. xxxx 2020* DOI: 10.1111/hojo.12354  
ISSN 2059-1098, pp. 1–19

# ‘It’s Complicated’: Canadian Correctional Officer Recruits’ Interpretations of Issues Relating to the Presence of Transgender Prisoner

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*Abstract:* Drawing upon semi-structured interviews with correctional officer recruits in training (n = 55), we reflect on recruit interpretations of transgender (trans) prisoner placement within federal prisons in light of recent changes instigated by Canadian Prime Minister Trudeau. Recognising that prison is a carceral and gender binary space, we assert that trans prisoner lives and experiences cannot easily be appropriately recognised or included in prison policy and prisoner management procedures. Our findings reveal that most recruits are supportive and appreciative of the complexities of trans experiences, yet some, especially those with prior experience working in prisons, describe occupational strains tied to accommodating trans prisoners.

**Keywords:** Canada; carceral geography; correctional officers; correctional work; prison studies; transgender (trans)

In an effort to recognise ‘trans rights are human rights’ (Harris 2017a, no page number) Canadian Prime Minister Justin Trudeau, in January 2017 at a town hall meeting in Kingston, Ontario, pledged to look into if transgender<sup>1</sup> [trans] prisoners could be housed on the basis of their gender identity. His commitment, a response to a trans advocate seemingly surprising Trudeau with the information that trans prisoners were housed in accordance to their current anatomy (that is, genitalia) (Wherry 2017), came only days after Correctional Service Canada (CSC) released a policy directive that confirmed the continued practice of prisoner placement based on current anatomy rather than gender self-identification. Eventually electing that the presumption of penitentiary placement should be

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3  
4 based upon gender identity, rather than anatomy, the Trudeau govern-  
5 ment committed to looking into current policies around trans prisoners.  
6 The commitment was politically timely, as anti-trans ‘bathroom bills’ were  
7 sweeping across the United States<sup>2</sup> (National Conference of State Legis-  
8 latures 2017), and interest in trans rights in Canada had been mobilised  
9 through, for instance, the proposal to amend federal legislation to in-  
10 clude anti-discriminatory protections for gender diversity (Laidlaw 2018,  
11 p.352). Meanwhile in England, public discussion about transgender people  
12 and prisons was also gaining ground, albeit discussions marked by vocif-  
13 erous disagreements about the efficacy of Ministry of Justice placement  
14 policy. The change in CSC trans-prisoner policy took place in a context  
15 where little research exists, from the perspective of those working or living  
16 within the prison, about accommodating prisoners on the basis of gender  
17 identification.

18 In this article, we offer insight into the perceptions of correctional offi-  
19 cer recruits, actively training to be federal correctional officers, in Canada,  
20 about the issues involved in working with, and accommodating, prisoners  
21 who identify as trans. We acknowledge that there is a growing literature  
22 that traces, describes, and analyses the discriminations and experiences of  
23 people in the prison system who identify as trans in the UK, Canada, and  
24 the USA (Rosenberg and Oswin 2015; Stryker 2008; Sumner and Sexton  
25 2015, 2016; Vitulli 2013), but in this article, we are not focused on those  
26 experiences and do not explore issues from the perspective of individuals  
27 who identify as trans. Instead, our intention is to provide an empirical  
28 analysis of what recruits undertaking the Correctional Training Program  
29 at the National Training Academy (NTA) say about the presence of trans  
30 prisoners in the Canadian prison space. Our main argument is: from the  
31 perspective of recruits, the presence of people who defy the binary sex  
32 segregation that characterises prison space presents an organisational is-  
33 sue for prisons (and thereby the people working (and by extension living)  
34 within them). The argument is not that trans individuals per se are ‘prob-  
35 lems’ that must be resolved, rather that the way prisons are organised  
36 creates, for correctional officer recruits, ‘problems’ and issues over which  
37 they puzzle. Our argument in this article is concerned with how recruits  
38 perceive and discuss the contradictions that they anticipate emerging when  
39 they are presented with the lived realities of working with, and caring for,  
40 individuals who, in many ways, represent the antithesis of the ‘notional’  
41 prisoner (for example, able bodied, male or female).<sup>3, 4</sup> As we will show,  
42 our interviewees offer subtle and nuanced accounts that demonstrate *both*  
43 their desire to recognise and meet the needs of trans prisoners *and* the  
44 limits placed on their capacity to do that by the very histories, rationalities,  
45 and continuing existence of sex-segregated prisons in the first place. Our  
46 analysis is shaped by theories that conceptualise prisons as carceral spaces.  
47 Yet, we do not bracket off the everyday material realities of dealing with  
48 people in prisons.

49 We structure this article as follows. First, we unpack trans prisoner policy  
50 developments in Canada. Second, we demonstrate how carceral scholar-  
51 ship helps to frame our empirical analysis of recruits’ perceptions of trans

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4 prisoners and correctional work. Here, we also introduce a few cautionary  
5 notes about the effect of discourses about ‘safety’, ‘security’, and ‘biol-  
6 ogy’, the range of everyday realities that accompany said discourses and  
7 how these are both shaped and continue to justify sex-segregated carceral  
8 spaces. In the third section, we present our method and data analysis; we  
9 show where, how, and what is anticipated to happen for correctional officer  
10 recruits when trans lives, correctional work, and the sex binary prison envi-  
11 ronment in Canada come together. In the final section, we bring together  
12 our analysis and offer some thoughts about what Canadian correctional  
13 officer recruits tell us about contemporary trans politics in the context of  
14 prisons more widely.  
15

### 16 **Prisoner Placement Policy Change in Canada** 17

18 On 18 November 2016, Bill C-16, entitled: An Act to Amend the Canadian  
19 Human Rights Act and the Criminal Code, was passed (receiving Royal  
20 Assent in 2017); making ‘gender identity and gender expression’ prohib-  
21 ited grounds for discrimination (Bill C-16, 2016). In late 2016, the outgo-  
22 ing Correctional Investigator, Howard Sapers, called for CSC to consider  
23 that trans and intersex prisoners not by default be refused placement in  
24 identity-concordant institutions (for example, to consider prisoner place-  
25 ment based on their gender identity rather than current anatomy and  
26 to review their policies tied to trans prisoners; Sapers (2016); Correctional  
27 Service Canada (2017b)). In responding to Sapers’s 2015–16 annual report,  
28 CSC committed to (and then upheld that commitment) reviewing their  
29 policies on gender dysphoria. The responding policy revisions, put forth  
30 on 9 January 2017, confirmed that prisoner placement was to be based on  
31 current anatomy, not gender self-identification, stating that: ‘pre-operative  
32 male to female offenders with gender dysphoria will be held in men’s insti-  
33 tutions and pre-operative female to male offenders with gender dysphoria  
34 will be held in women’s institutions’ (Harris 2017b, no page number; see  
35 also Correctional Service Canada 2017b). Concern around the policy im-  
36 plications were vast, including cases where trans prisoners shared cells  
37 with other prisoners, were subjected to strip searches and other gender-  
38 sensitive processes by officers of their opposite sex, and felt a need to hide  
39 their identity fearing exploitation, harassment, intimidation, and sexual  
40 violence (Harris 2017a; see also Resolution 16-07-M 2017; Sapers 2016,  
41 2017). In addition, safety concerns for trans prisoners, alleged or real, left  
42 some trans prisoners housed in segregation units or with limited mobility  
43 within and between prisons (Harris 2017a). As happened, however, events  
44 overtook such concerns, as directly following Trudeau’s aforementioned  
45 town hall meeting, CSC reversed their policy. By 14 January 2017, Har-  
46 ris reported, CSC was preparing to house prisoners on the basis of their  
47 gender identity (with consideration on a case-by-case bases).

48 The new policy, which came into effect on 27 December 2017, ensured  
49 that federal prisoners identifying as trans are afforded the same protec-  
50 tions, dignity, and treatment as their non-trans counterparts in prison (Cor-  
51 rectional Service Canada 2017a). Correctional Service Canada (2017a, no

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4 page number) acknowledged its ‘duty to accommodate based on gender  
5 identity or expression’ and in response, put forth new guidelines that: ensure  
6 communications reflect gender-inclusive language; prisoners’ gender  
7 identity remains private and confidential (stipulating that it will be shared  
8 only with those directly involved with the prisoner’s care, and when relevant);  
9 and individualised protocols are delivered for prisoners who seek  
10 to be accommodated on the basis of gender identity or expression, including  
11 spiritual ceremonies, showers and toilets, frisk and strip searches, urinalysis,  
12 decontamination showers, and monitoring under camera surveillance (Harris 2018,  
13 no page number; see also Correctional Service Canada 2017a). Additionally,  
14 prisoners’ ‘preferred clothing and personal effects will be accommodated “to the  
15 greatest extent possible”’ (Correctional Service Canada 2017a; Harris 2018,  
16 no page number). It should be noted in regards to sex reassignment surgery,  
17 that, as stated in the 9 January 2017 announcement, prisoners were no longer  
18 required to live in an identity-congruent gender role in the community for twelve  
19 months prior to their incarceration. Now, prisoners become eligible for sex  
20 reassignment surgery ‘if they have lived in . . . an identity-congruent gender  
21 role for 12 continuous months and it is recommended by a specialist physician’  
22 (Harris 2017a, no page number). Thus, a prisoner could express a new gender  
23 identity in prison, live gender identity-congruently, and then have sex  
24 reassignment surgery all while incarcerated and with CSC paying for the surgery  
25 and proceeding without delay to determine the timing of the surgery in light of  
26 CSC and medical operational procedures, as well as the prisoner’s release  
27 date (Harris 2017a, no page number).

28  
29 Arguably, these legislative and prison administrative measures are an  
30 attempt to adapt a traditionally sex-segregated prison space to better meet  
31 the highly variable, variegated and mutable gender identities of its prisoner  
32 populations. With that, it might appear that the structures and processes  
33 based on sex segregation are being, at least to some degree, challenged. As  
34 we will see in the analysis of the interviews though, the mere application  
35 of the policy of housing prisoners according to their gender identity does  
36 little to resolve the complexities and contradictions that exist within a  
37 prison space.

### 38 39 **Gender Binaries, Carceral Spaces, Boundaries and Dealing with** 40 **‘Anatomical Sex’**

41  
42 In a sex-segregated prison system that is based on the idea that sex and  
43 gender are interrelated and indistinguishable (Sumner and Sexton 2016),  
44 the housing of trans prisoners in any part of the system presents challenges  
45 for prisons (as organisations), prison staff, and prisoners (trans and  
46 non-trans, alike). As Sumner and Sexton (2016, p.617) suggest, trying to  
47 understand the issues involved ‘is more than tracing or describing how  
48 a particular demographic within prisons is further stigmatized (or not)’.  
49 Instead, the presence of trans prisoners calls into question some of the  
50 ‘foundational tenets of the carceral system: sex segregation and the insur-  
51 ance of safety and security’. With that, Sumner and Sexton (2016) opened

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4 the space for questions to be asked about how, if at all possible, individuals  
5 in a prison accommodate ‘the problem’ of those foundational tenets being  
6 called into question. As we later show, understandings of sex, sex segregation  
7 and gendered identities are inextricably tied up with notions of safety  
8 and security (or more specifically, risk and insecurity).

9 One way to understand how correctional officers think about the pres-  
10 ence of trans people in the prison is through an analysis of how boundaries,  
11 physical, emotional, or virtual, become a constitutive element in the estab-  
12 lishment of a carceral space and the perpetuation of particular norms  
13 within those bounds (Vitulli 2013; see also Sumner and Sexton (2016)  
14 regarding the challenges of constructing ‘difference’ for trans prisoners  
15 in prison; Emerton 2018; Jenness and Fenstermaker 2014; Kirkup 2018a;  
16 Mann 2006; Smith 2014). The challenge is to do this while also recognising  
17 some of the lived everyday material realities that correctional officers, pris-  
18 oners (trans or otherwise), prisons (as organisations), and governments,  
19 have to contend with and that have been used to justify sex segregation.  
20 The activity of drawing personal, social, and physical boundaries, which  
21 together can also constitute carceral boundaries, is central to how self and  
22 one’s associated relationships to others coalesce and conflict at different  
23 moments (for example, see Peters and Turner 2015). At times, bound-  
24 aries may be implicit or explicit, visible or invisible, static or dynamic, and  
25 carceral or societal. Carceral spaces, with their boundaries, are spaces ‘set  
26 aside for “securing” – detaining, locking up/away – problematic popula-  
27 tions of one kind or another’ (Philo 2012, p.4), but such spaces also are  
28 deeply intertwined in social, political, and economic structures and systems,  
29 and embedded in interpretations of power (Moran 2013; Philo 2012). A  
30 boundary, carceral included, serves as an *imaginary* – but no less effective  
31 – prop for social relations. More than simply the *setting* for social interac-  
32 tions; a boundary constantly reinscribes the very power relations that give  
33 the boundary meaning (Gacek 2019, p.80). To this end, in any context,  
34 one must question: who is drawing the boundaries, and what gives this  
35 entity the authority to draw? How are the boundaries delineated and what  
36 kinds are being delineated? And finally, what is the purpose of delineat-  
37 ing these boundaries (Brighenti 2006; Peters and Turner 2015)? In effect,  
38 boundaries, imbued with meaning, become the object of an ongoing work  
39 of enactment, reinforcement and negotiation, all of which can be ‘more or  
40 less effective, impressive, memorable, and affectively powerful according  
41 to specific circumstances’ (Brighenti 2006, p.72).

42 In general, whenever a boundary appears, its creation generates a basic  
43 discontinuity between the inside and the outside. New functions are  
44 created, pre-existing functions are reorganised, and each boundary delin-  
45 eation determines effects of deterritorialisation and subsequent reterri-  
46 torialisation. These basic operations generate and maintain an ongoing  
47 process and dialectical relationship of separation and fusion, with the two  
48 movements embedded into one another. It is clear that the territory of  
49 the prison can be imagined as serving several different functions in the  
50 pursuit of different ends. While functions may range widely, a common  
51 thread throughout is that in most cases, co-presence defines the carceral

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4 space of the prison (and in various ways; for detailed examples of presence  
5 and absence in prison see Moran and Disney (2017)). In effect, the focus  
6 of boundary-making in carceral space ‘is not exclusion from a particular  
7 area, but the creation of ordered social relations and co-presence, which  
8 are, in many cases, relations of dominance’ (Gacek 2019, p.81), shaping  
9 interactions and the informal as well as formal norms of prison living (see  
10 Ricciardelli 2014; Sykes 1958). This has direct relevance to the analysis  
11 of correctional officer recruits’ thoughts on the presence of trans people  
12 within prisons because, and as will be shown below, the main challenges  
13 presented to correctional officer recruits were challenges associated with  
14 ‘where’ people who identify as trans belong or ought to be placed within  
15 the prison estate, why they belong in that or this space and what will be  
16 the overall effect. The main ways that trans prisoners are placed is in  
17 accordance with their understandings (unsurprisingly) of sex and gender.

18 It is commonplace to assert that within the prison, the delineation of  
19 boundaries are also signs of control, conformity, and authority. Within sex-  
20 segregated prisons, though, gendered constructs act as boundaries that, in  
21 turn, create and reinforce understandings of gender-identification within  
22 a space that by its very definition allows only for a binary understanding  
23 of gender that maps on to biological sex. Such a framework permits the  
24 positioning of individuals who identify as trans in specific ways. Productive  
25 forces within carceral spaces attempt to coercively engulf all human  
26 bodies that come within their ambit, inasmuch as bodies are brought into  
27 the prison’s efforts of understanding and managing human behaviour  
28 in ways that produce control, conformity and reproduce power relations  
29 and authority (Vitulli 2013). Trans individuals are confined behind prison  
30 walls. As such, the prison relinquishes its hold over routine procedures  
31 of normalising people into ordered, docile bodies to be ‘subjected, used,  
32 transformed, and improved’ (Foucault 1977, p.136) – at least in relation to  
33 those whose bodies do not conform to the ‘notional’ prisoner.

34 Prisoners who identify as trans, however, by failing to conform to the  
35 alleged ‘norms’ of binary sex with its presumption of gender congruence  
36 that underpin former federal Canadian prisons policies and the production  
37 of prison docility *by their very existence* bring into being new forms of  
38 knowledge about the self and the carceral experience. In a metaphoric  
39 mode, the trans prisoner confounds the traditional parameters of institu-  
40 tional carceral boundaries and prisoner handling and housing proced-  
41 ures, throwing personal, social, and carceral boundaries into uncertainty  
42 and disarray. In a more literal mode, all those who inhabit prison space –  
43 and across the associated policies regulating prisoners, staff, and adminis-  
44 trators – are left to grapple with the realities of the endless variability of  
45 gender expression (and identity) and associated transitions (for example,  
46 physically, medically, and socially) in a context that has not been built with  
47 such variability in mind.

48 Yet, against this way of framing issues relating to trans, sex, gender,  
49 prisons, and segregation, other slightly more material, everyday ‘realities’  
50 also intrude. As historical accounts of the development of women’s prisons  
51 in England reveal, sex segregation is not merely because it reflects and



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4 is constitutive of hierarchies of gendered binaries. It was (and probably  
5 continues to be) seen as ‘a solution’ (of sorts) to some of the embodied  
6 complications arising from mixed sex prisons. Leaving aside questions of  
7 ‘moral’ contagion that were so prevalent during prison reform campaigns  
8 in Victorian England (and the fact that women prisoners have become im-  
9 pregnated), sex segregation is, nevertheless, seen as reducing the potential  
10 for prison pregnancies (Dobash and Dobash 2015). Sex segregation is also  
11 seen as providing a (perhaps only rhetorical) solution to the perceived risks  
12 to female prisoners’ safety and security when the reality and prevalence  
13 of male sexual violence against women is taken into consideration. Being  
14 cognisant of these issues, therefore, means that we frame our analysis of  
15 the empirical data in the following way: prisons are not just carceral spaces  
16 created in boundary making, they are sex-segregated (with the presump-  
17 tion of gender segregation). They are spaces that are primarily designed to  
18 produce docility and order so that the main organisational purpose of those  
19 spaces is fulfilled – that is, the containment of those who have lost their  
20 liberty as a form of punishment. The political and organisational lived reali-  
21 ties of prison are created within a political space that assumes the notional  
22 prisoner is the able male-bodied prisoner; it is not only individuals who  
23 identify as trans that subvert or challenge by virtue of being, the prison  
24 organisation and nuances in prison space. Trans prisoners – like almost  
25 anybody – are transgressive because the organisation of prisons assumes a  
26 notional able male-bodied prisoner and ‘real’ people seldom conform to  
27 notional people, as the early studies of women’s incarceration and more  
28 recent studies of geriatric, sick, child, disabled, mentally ill bodies in prison  
29 also attest (for example, Kupers and Toch 1999; Ripa and du Peloux 1990;  
30 Wendell 2013).

31 Matters of safety and security take precedence in how recruits imagine  
32 and think through issues relating to the placement of individuals who  
33 identify as trans. This is far from surprising as three decades of prison  
34 scholarship confirm that correctional officers’ concerns are predominately  
35 with order maintenance, and security (Hay and Sparks 1992; Liebling,  
36 Price and Shefer 2010; Ricciardelli 2019). Perhaps the one contribution we  
37 make in this article, however, is to trace these complexities in relation to  
38 gender identities and demonstrate that correctional officer recruits prefer  
39 subtle, nuanced and appreciative understandings of the issues for the  
40 prison as well as for trans prisoners.

### 41 42 **Current Study**

43  
44 The lack of attention within punishment scholarship in Canada (and the  
45 array of ad hoc policies emerging around trans prisoner placement and  
46 entitlements) provided the impetus for the current study. We look to un-  
47 derstand how correctional officer recruits – some with prior experiences  
48 working in provincial prisons with trans prisoners – interpret the divide  
49 between the categories ‘sex’ and ‘gender’ in relation to prisoners who  
50 identify as trans and the impact of navigating this in a respectful manner  
51 for their occupational role. Specifically, we first look to understand how

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4 recruits think about trans prisoners and, second, their occupational re-  
5 sponsibility to manage individuals who identify as trans in an environment  
6 that is not yet conducive, ready, or equipped (Emerton 2018; Jenness and  
7 Fenstermaker 2014; Mann 2006; Rosenberg and Oswin 2015; Smith 2014)  
8 to accommodate (that is to say, ‘deal with’) people who identify as trans.  
9

### 10 **Method**

11  
12 Correctional officer recruits (n = 55), completing the Correctional Training  
13 Program in 2018<sup>5</sup> at CSC’s National Training Academy,<sup>6</sup> were interviewed  
14 to provide their experiences and expectations of correctional work and  
15 responsibilities.<sup>7</sup> In terms of demographics, 56.4% (n = 31) of the sample  
16 were men, while the remaining 43.6% (n = 24) were women, and their ages  
17 ranged from 19 to 54 years. Most of the participants identified themselves  
18 as white (78.2%, n = 43) while the identities of the remaining participants  
19 (21.8%, n = 12) ranged from black, Indigenous, Metis, and First Nation,  
20 to South Asian, Chinese, and Japanese, respectively.

21 Interviews were semi-structured and in person, all conducted in a locale  
22 used by the National Training Academy. The primary investigator intro-  
23 duced the study to each class within the training programme. At this time,  
24 consent forms were administered, interested recruits filled out the forms  
25 and, to set up an interview, provided their contact information. Those who  
26 did not consent, less than 5%, did not provide contact information. All  
27 recruits returned the forms. Interviews were conducted in private spaces,  
28 each ranged from 55 to 120 minutes, and followed the conversational paths  
29 put forth by participants. A 39-item open-ended interview guide was used  
30 during interviews, but not strictly adhered to. The guide constituted a  
31 checklist of topics to be unpacked during the interviews, allowing ample  
32 opportunity to probe emergent **conservational** paths or topics of interest  
33 as expressed by the interviewee. Interviews were digitally voice recorded  
34 and transcribed verbatim; pseudonyms protect participant identities and  
35 any other information that could identify a participant is removed. Direct  
36 quotes are edited for readability.

37 Following a qualitative research paradigm, we situate our epistemolog-  
38 ical position within social constructionism (for example, see Berger and  
39 Luckman 1966), grounding data in the perspectives of participants. As  
40 Bogdan and Bilken (2003) argue, this approach to data collection is ‘rich  
41 in description of people, places and conversations . . . [and formulates re-  
42 search questions] to investigate topics in all their complexity’ (p.2). Our  
43 approach to coding was semi-grounded (Glaser and Strauss 1967).  
44

### 45 **Results: ‘It’s Complicated’**

46  
47 In exploring how correctional officer recruits understand their occupa-  
48 tional responsibility to provide care, custody, and control toward trans  
49 prisoners while also ensuring their safety and thereby prison security, the  
50 theme of ‘it’s complicated’ arose repeatedly. We break this down into three  
51 subthemes. First, for recruits there was concern that the category ‘trans’ was

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4 far from easy to define – not in relation to individual prisoners but rather  
5 in relation to the organisational priorities of the prison and their occupa-  
6 tional role – and being so, this led to a great deal of uncertainty in knowing  
7 how to manage themselves and their roles as officers. Second, there was  
8 uncertainty about where such prisoners ought to be appropriately housed  
9 (that is, according to their gender identity or current anatomy); and, third,  
10 there was uncertainty about how to ensure, effectively, the safety and secu-  
11 rity of trans prisoners themselves. Recruits expressed many hesitations and  
12 concerns about incorrectly managing the gender identities of prisoners in  
13 a context where recruits believed that not doing so could lead to trans  
14 prisoners being victimised by other (non-trans) prisoners. As the voices of  
15 recruits reveal, CSC emphasises that, in general, placement and protection  
16 go hand-in-hand as placement is the central mechanism through which the  
17 protection of *all* prisoners can be optimised; including those with specific  
18 gender-related needs (for example, trans prisoners, incarcerated women)  
19 living within an institution that has yet to fully figure out how to accommo-  
20 date trans people and the almost endless possibilities of diversity in gender  
21 expression.

### 22 23 **The ‘Gray Area’: Interpretations of the Diversity of Trans Identities**

24 For recruits, interpreting the divide between prisoners’ anatomical sex  
25 and gender identification is easier in theory than in application. Recruits  
26 often had limited (if any) knowledge of, and varied opinions on, current  
27 gender identity policy. While recruits’ words suggest agreement with the  
28 current legislation (that is, that trans prisoners be given the choice of which  
29 institution (for example, male or female) they be placed within), many also  
30 suggested that in practice, determining the placement of prisoners in male  
31 or female prisons needed to be done on a case-by-case basis (as noted in  
32 policies outlined in Bulletin 584). The reason for supporting a case-by-  
33 case policy was recruits’ recognition of the fact that placing individuals  
34 according to current anatomy could, in some cases, increase risk for the  
35 trans prisoner:  
36

37 It’s a very hot topic at the moment . . . I definitely understand and appreciate  
38 the trans community, I can’t say I understand what they’re going through, but I  
39 appreciate what they’ve gone through and the history of the LGBTQ2s community.  
40 I think that it kind of poses a risk, unfortunately. I believe that if they’re in process  
41 then maybe they should have to wait a little longer until they’ve fully completed the  
42 transition. (participant 38)

43  
44 I don’t know. I mean there obviously needs to be a place for them, but where that  
45 place is, I don’t know. I don’t think a woman should be in a men’s institution, no  
46 less a man be in a woman’s. If you have all the working parts, which would enable  
47 you – I mean women are going to rape women, and men are going to rape men,  
48 so it’s going to happen, but I just don’t know . . . I just think that’s going to come  
49 with a whole bunch of complications. (participant 29)

50 I feel if you’re fully transitioned and you were a man and now you’re a woman,  
51 I’m a true believer of ‘why can’t you?’ [Interviewer asks: ‘If someone’s not fully

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3  
4 transitioned?'] That's my gray area, I feel. Because I've seen it, that's why I said 'I  
5 don't want to sound jaded', but I've seen that, where guys say they're transitioning  
6 but they're not. They say it to get things. That's definitely probably not the case for  
7 every individual because I'm sure it's not. (participant 11)

8  
9 Evidenced here, recruits' interpretations of gender identity closely align  
10 with current anatomy and thus informs perceptions of risk (participant 38)  
11 and prisoner safety (participant 29). Interpretations of risk and safety are  
12 caught up in concerns about genitalia, insofar as prisoners are thought less  
13 likely to be at risk or risky depending on whether and to what extent their  
14 current anatomy aligns with the sex of prisoners in the institution in which  
15 they are placed rather than prisoners' gender identity. For correctional  
16 officer recruits, the risk, it would seem, is the grayness of those whose  
17 anatomy and gender identity are not aligned and whether such a status is  
18 an attempt to 'scam' the system. Yet the reality remains that trans prisoners'  
19 gender identity and anatomy do not always 'align', and some recruits  
20 express concerns about the placement of trans prisoners among prisoners  
21 with genitalia of a different sex. As a result of this fact, a 'gray area' exists,  
22 characterised by uncertainty and risk in the minds of the recruits.

23 In general, all recruits are asked, within their occupational role, to  
24 balance the need to ensure prison order and control while also caring for  
25 prisoners. For the respondents in this study, the challenges of achieving that  
26 balance have become compounded with the challenges of imagining how  
27 trans prisoners 'fit' (both theoretically and literally) into the sex-segregated  
28 prison space. And while some recruits felt that prisoners could, at least  
29 in theory, abuse the gender identity policy to receive special privileges  
30 (see above, participant 11), the majority of respondents suggested that  
31 they were open to learning about both the LGBTQ2s community and  
32 trans prisoner experiences. This is not to say that the recruits could fully  
33 understand such experiences (no participants in this sample self-identified  
34 as trans); nevertheless, they were able to recognise that despite the tug-  
35 of-war that necessarily exists within a sex-segregated system, variability in  
36 gender expressions ought still be able to emerge in prison. As participant  
37 13 indicates:

38  
39 We're supposed to be different. If I was that trans person I would understand the  
40 turmoil and emotional effort that would go into transitioning. I empathise deeply  
41 with the LGBTQ2s community. They struggle on so many levels . . . It just makes  
42 sense to me that someone who truly, for the rest of their life, will identify as a  
43 particular sex, it makes sense to me that they'd use that washroom, if they commit  
44 a crime that they'd be imprisoned with that gender. They're that gender.

45  
46 Empathy for the high degree of variability of gender identity provides  
47 a space in which the presence of trans prisoners in the recruits' imaginings  
48 does challenge, in varying ways, the hypermasculine prison environment  
49 which relies on highly specific ways of 'doing' masculinities (see Ricciardelli  
50 2016; Ricciardelli, Maier and Hannah-Moffat 2015). Yet, as participant 33  
51 indicates, 'the gray area' in which there is a highly diverse category of trans  
people remained a troubling area:

1  
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3  
4 I struggle with it. And I think – I don't know. I'm still learning this. My daughter  
5 teaches me every day. I am fully open. I have zero problem with trans people or  
6 homosexual people at all. I guess what I struggle with is because I've heard – and  
7 I know there must be some sort of evaluation before this can happen, right, but  
8 men are able to self-identify as women in order to go into a women's prison. That,  
9 I don't think is right. I think I would have to separate myself from that because it's  
10 not my job to identify that. But, I've got to say, I don't think it's right.

11 As participant 33's words evidence, this is a complex symbolic terrain  
12 for recruits to navigate. As a result of the policy changes regarding accom-  
13 modating prisoners on the basis of gender identity, correctional officers  
14 are forced to recognise the tensions around sex and gender that under-  
15 pin what 'trans' *means*. At the same time they are asked to question their  
16 own understandings, including the historical reasons and discourses, that  
17 account for sex-segregated prisons more generally as well as personal tol-  
18 erances and empathies regarding gender expression.

### 19 20 **Recruits' Thoughts on Placing Trans Prisoners**

21 Scholars have noted that sex and gender regulation is a standard ele-  
22 ment of social control within carceral institutions and remains 'a funda-  
23 mental aspect of the interactions between prisoners and correctional of-  
24 ficers' (Rosenberg and Oswin 2015, p.1277; see also Carlen 1983, 2013;  
25 Rodriguez 2006). All participants learn about trans prisoners during their  
26 training and some, with prior experience working in correctional services,  
27 had experiences with trans prisoners in custody. While, as previously ev-  
28 idenced, some respondents are empathetic to trans prisoners and their  
29 needs, placing trans prisoners in appropriate institutions remained an on-  
30 going concern for these correctional workers

31 Some recruits spoke at length about the value and their belief that  
32 prisoners should be placed on a unit with other prisoners of the same  
33 identifying gender. Specifically, participant 13 bluntly stated: 'They should  
34 be placed in the place that they identify', however, they quickly continued  
35 to explain that gender conforming placement, rather than anatomy was  
36 not without difficulties:

37  
38 It's going to create difficulties. You're going to get bigotry from women who say 'the  
39 person isn't a woman', from men that say 'the person isn't a man'. Ultimately, these  
40 people aren't seeing the person as a person. If a person identifies as a man, why  
41 would they go to a women's prison? If they identify as a woman, why would they  
42 go to a men's prison? ... if you put someone who identifies as a certain gender  
43 in the opposite sex prison just because of whatever anatomy they have, specifically  
44 trans woman identifies as a woman in a male prison, a lot of those males are going  
45 to look down on that person. They're not just going to get it from offenders they  
46 might get it from the staff. Even though we're trained differently. (participant 13)

47 It is perhaps worthy to note that the source of concern for participant  
48 13 is precisely the difference between an individual as a person and an  
49 individual as a particular type of anatomical body. Said in another way, they  
50 are concerned about trans people facing difficulties regardless of where  
51 they are placed in prison. Participant 13 claims that a trans prisoner might

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3  
4 not be viewed as a ‘person’ in their own right; instead their anatomy will  
5 take precedence and dictate how other prisoners (and even staff) define  
6 the prisoner. Thus, although the prisoner may be more comfortable given  
7 their placement with others of the same gender identity, they may be made  
8 to feel like an outsider and thus excluded, alone, and alienated on the  
9 unit.<sup>8</sup>

10 Participant 13 was not alone in noting the tensions and complexities  
11 when relating the placement of people according to individuals’ subjective  
12 sense and expression of their gendered identity versus their anatomy.  
13 Participant 14 said:

14  
15 Usually the person – well it affects both sides – if you take someone who is male  
16 in appearance but relates more to being a female and you put them with females  
17 they may feel they don’t belong there. So, it’s bad for the female population. But if  
18 you take him and put them with the males it hurts him because they don’t want to  
19 be there. It’s a slippery slope. They’re going to struggle with that one for a while  
20 because you [can’t] segregate them or put them in their own institution . . .

21 Participant 14’s words illustrate the discomfort that may permeate pris-  
22 oners’ experiences; gender expression informs how people are treated in  
23 prison (Jenness and Fenstermaker 2014; Ricciardelli, Maier and Hannah-  
24 Moffat 2015). As a trans prisoner, they are distinct from the notional pris-  
25 oner; yet, such distinctions, for better or worse, have the potential to reveal  
26 insecurities among and between correctional officers and prisoners. Par-  
27 ticipant 12, with experience of working in a provincial prison in Canada,  
28 also expressed:

29  
30 We had a female that had transitioned [self-identified] to a male but had facial hair.  
31 This one just identified but wasn’t in transition. Another [prisoner] was in transition,  
32 facial hair, tall, skinny. I looked at him as a man. What they did at first, he came  
33 in and we put him in seg. A lot of them [other prisoners] were uncomfortable by  
34 it. Another time he came in and it was full, so we put him on a unit. He was very  
35 uncomfortable by it because he’s a man, and he’s with the women. I found that  
36 to be a very difficult issue . . . I understand the rule [at the time] is the transition  
37 isn’t complete. He still has a vagina so therefore, he’s in a female institution. I think  
38 maybe that’s the easiest way to do it. I don’t know. It’s such a complex issue because  
39 you identify as a male but we throw you in with the men and they could rape you  
40 because you have a woman part that they haven’t seen in a while. Or, you could  
41 be at a disadvantage. I don’t know what the right answer would be but I don’t  
42 think they’re quite there yet. . . . because just to say, ‘you still have a vagina’ it’s like  
43 ‘well okay’ but that’s very insensitive to put it that way. It just seems very harsh . . .  
44 It’s definitely an issue within the penitentiary. The women are uncomfortable with  
45 the men being there and he’s uncomfortable being there but the reverse is very  
46 uncomfortable as well.

46 Participant 12’s words show the overall discomfort (that is, for other  
47 prisoners as well as trans prisoners) that can result from placement, either  
48 when oriented in anatomical sex or gender expression; perhaps a fact also  
49 tied to the inherent discomfort of sharing living quarters with strangers  
50 in custodial space more generally as much as the recognition of potential  
51 male sexual violence. The insensitivities that participant 12 described was

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4 echoed by other recruits, including those like participant 12 who had prior  
5 experiences working in provincial institutions. Participant 14 noted that:

6  
7 We're dealing with a population that's so immature, inmates are immature. They  
8 are kids. They're bullies. If it was any other environment it wouldn't be a big deal.  
9 In that immature environment it's a recipe for disaster. I don't think there's ever  
10 going to be a good solution to that.

11 In sum, these excerpts reveal that for recruits the gender identity policy  
12 posed real challenges when placing trans prisoners in carceral spaces still  
13 rigidly tied to sex binaries.

### 14 **Protecting Trans Prisoners through Prison Placement**

15  
16 Recruits' ability, as noted, to interpret trans identity and gender expression  
17 in prison does not occur without risks. For recruits, discerning whether a  
18 risk is posed through the placement of trans prisoners within and between  
19 institutions according to how the prisoner expresses their gender remains  
20 a concern. The protection of all prisoners in custodial care is paramount  
21 policy priority for correctional officers. The protection of trans prisoners  
22 presents a unique set of issues. Participant 11 notes:

23  
24 There's some that are legit transitioning and yet get beat up and abused. Where  
25 am I going to put them? Why should they have to go on secure and be locked  
26 up in a cell because they're transitioning . . . It's not fair. But I can't put them in  
27 general population because what's going to happen? They'll get taken advantage  
28 of or they're going to be doing sex acts and then it involves us and it's just . . . I  
29 don't know what they're going to do with that. They can't make a new facility.

30 Participant 11's words demonstrate the complexities around placement,  
31 specifically that placement in general population (of either sex) can add risk  
32 to the prisoner and thus unit, facility, and staff. However, it is unreasonable  
33 to suggest that a trans prisoner be 'locked up in a cell' (participant 11).  
34 Given the new gender identity policy in CSC, how to distinguish what is  
35 safest is not a simple task:

36  
37 As long as their safety is top priority. That's such a tricky question . . . Yeah. Where  
38 ever they're going to be safest. It's hard to determine that. (participant 35)

39 Participant 35's words illustrate the prioritisation of safety but also the  
40 complexities around what it means to be safe and how to constitute safety  
41 (particularly when it is someone else's safety under consideration). For  
42 other participants, the very discussion about placement was also a dis-  
43 cussion about protection and safety of trans prisoners. For instance, as  
44 participant 33 notes:

45  
46 I don't think it would be very safe for a man who's identifying as a woman to be  
47 placed – no, opposite – for a woman who's identifying as a man to be placed in  
48 a men's prison. It wouldn't be safe for him/her either. I struggle with it because  
49 I don't know where the safety feature goes for either one. And if you're having  
50 a man who is identifying as a woman but has all his parts going into a woman's  
51 prison, what's happening with birth-control, how many pregnant women are there  
going to be? If he's in there for a sex offense, is he raping anybody? Again, safety

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3  
4 concerns, right? . . . I don't judge somebody for identifying a different way. What  
5 I'm struggling with is where you're placing them for their own safety and for other  
6 people's safety.

7  
8 Earlier we noted that an analysis of recruits' thoughts regarding trans  
9 prisoners ought not be analysed merely in relation to how recruits consti-  
10 tute the prison space via the meanings they bring and imaginings they  
11 utilise. We suggested that there were some everyday material realities that  
12 intruded. Participant 33's words clearly evidence this. Despite the recog-  
13 nition of the need to accommodate and understand prisoners and their  
14 gendered senses of themselves, participant 33 also recognised that the ma-  
15 terial realities of bodies do matter, especially in relation to well-known is-  
16 sues regarding sexual violence against women and the 'gray' areas of trans  
17 prisoners. Trans people in prison continue to be complex sites of nego-  
18 tiation, circulating 'emotions, transitions, expressions, and (in)securities'  
19 between staff (for example, correctional officers) and prisoners, and be-  
20 yond the boundaries of the prisons themselves (Rosenberg and Oswin  
21 2015, p.1278). For these recruits, trans prisoners are often left in a state of  
22 limbo which makes the most appropriate procedures to assess and manage  
23 the 'risks' almost impossible to understand.

#### 24 **Conclusion**

25  
26 Among the thousands of people currently incarcerated in the Canadian  
27 federal system, trans prisoners, rather recently, became publicly visible.  
28 CSC and its staff are now more publicly tasked to confront the realities of  
29 incarcerating trans prisoners. Recruits, in our sample, had much aware-  
30 ness of the divide between anatomical sex and gender identity for trans  
31 prisoners. Although, many were not clear about how the policy changes  
32 were being enacted, specifically, what it would mean to place trans prison-  
33 ers by their gender identity or how that identification could be verified.  
34 Moreover, recruits with prior experience working in provincial correc-  
35 tional services explicitly recalled prisoners feeling discomfort, including  
36 trans prisoners but not exclusively, based on their prison placement. Re-  
37 cruits also expressed discomfort at times, their discomfort was not rooted  
38 in recognising or supporting trans prisoners, instead their discomfort was  
39 tied to the struggles of managing trans prisoners in an environment not yet  
40 conducive, ready, or equipped to accommodate trans prisoners. In these re-  
41 gards, trans individuals do present particular types of problems to and for  
42 the prison, as they did before more recent policy changes in Canadian fed-  
43 eral correctional services. Yet, what is most clear among our sample, many  
44 recruits were accepting of trans prisoners, whatever their concerns were  
45 about how to effectively and respectfully navigate trans prisoner needs  
46 while managing risk and safety within the institutional walls.

47 Among the recruits in our sample, some expressed a lack of awareness,  
48 exposure, or knowledge of trans persons or prisoners; others had much  
49 awareness about trans experiences (including those recruits who iden-  
50 tified as LGBTQ2s); and others admitted feeling slightly overwhelmed  
51 by the complexities around trans prisoners and their placements. Some



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4 recruits were noticeably uncomfortable with the idea of placing prisoners  
5 who identify as trans on their units, but recruits did not express discrim-  
6 inatory intention nor concerns about the trans prisoner. The degree of  
7 openness towards diversities in identification could be a consequence of  
8 CSC recruitment processes and the focus on hiring persons whose values  
9 align with that of the organisation.

10 By way of concluding thoughts, we know that the prison, ‘as a his-  
11 torically gendered and sexualized environment, continues to provide an  
12 ideal arena in which to examine the role of context in making sense of  
13 dynamic categorical understandings of gender . . .’ (Sumner and Sexton  
14 2015, p.2). At the same time, the incarceration of trans prisoners remains a  
15 burgeoning topic of legal challenge, policy development, and social science  
16 inquiry (Sumner and Sexton 2015, p.1). As part of efforts to address trans  
17 lives and issues within prison, our study begins to extend knowledge of  
18 how correctional officer recruits interpret trans prisoners in Canada. Our  
19 work taps into a significant and relatively undisturbed vein of knowledge,  
20 looking at officers in training who either have previous experiences in a  
21 provincial system or are new to correctional services, producing unique  
22 insights into how changing policies regarding trans individuals are expe-  
23 rienced in training to work in Canadian federal correctional services. The  
24 divide between anatomical sex and gender identity is interpreted and then  
25 managed by correctional officers who deploy a range of views of gender  
26 and sex, specifically masculinities and femininities as mapped on to partic-  
27 ular anatomy and especially given the sex segregation imposed in prison  
28 spaces. In response, any attempts to manage the ‘risk’ around trans prison-  
29 ers is fraught with tensions. The voices of our participants reveal concern  
30 about those who occupy diverse gender spaces in the realities of the justice  
31 system. More specifically, in the context of prison, where should trans in-  
32 dividuals be placed? This is pertinent not just for trans prisoners who do  
33 not conform to ideals of the notional prisoner, such as elderly prisoners,  
34 disabled prisoners, chronically sick prisoners and so on. If the empirical de-  
35 scriptions above tell us anything, there is a profound contradiction between  
36 the rules and regulations that exist for the purpose of ensuring security,  
37 safety, and care in carceral spaces and the sheer diversity of people who  
38 exist within those spaces. It also tells us that it is those working within the  
39 system who will inevitably be those who end up doing the discursive work  
40 (and actual practice) to implement any resolution of those contradictions.  
41 In relation to trans people, then, the challenges outlined above, manifest-  
42 ing in physical, social, psychological, and legal vulnerabilities will continue  
43 to inform correctional officer training and their occupational practices.  
44  
45

#### Notes

- 46  
47 1 In this article, we understand trans people as those individuals who ‘move away from  
48 the gender they were assigned at birth, people who cross over (*trans-*) the boundaries  
49 constructed by their culture to define and contain that gender’ (Stryker 2008, p.1,  
50 italics in original). For the purposes of our research, the term ‘trans woman’ includes  
51 anyone who was assigned male at birth but identifies as female, and the term ‘trans  
man’ includes anyone who was assigned female at birth but identifies as male.

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- 3
- 4 2 Following a landmark ruling in Colorado, based on a young trans girl's access to girls' toilets in a public school, 'anti-trans' bathroom bills were introduced across a number of states. Each of these bills defined access to the sex-segregated space on the basis of anatomy rather than gender identity, with the effect of forcing trans people to use the bathroom of their anatomy, rather than of their chosen gender.
- 5
- 6
- 7
- 8 3 The occupational responsibility of correctional officers, those anticipated in the course of discharging their organisational duties when each recruit is deployed to a prison, include those tied to ensuring the smooth running of the prison and the safety of the prisoners, staff, the institution, and society.
- 9
- 10
- 11 4 A necessary note on language: there is a wider contemporary cultural and social politics at play which frames discussions about trans' rights vis-à-vis women's rights. These politics involve a struggle about words and meanings and the struggle is seen partly in activist and campaigning networks as well as partly within the realm of academic debate, most especially philosophy and social theory. Moreover, these politics have created genuine complexity in what is meant by words like 'sex', 'gender', 'gender identity' and whether and to what extent we can talk about biological sex. In the UK, this struggle over meaning is most acutely seen in relation to two political slogans: 'transwomen are women' (or #TWAW) and 'sex matters' (or #sexmatters). At the risk of oversimplification, from one perspective, it is claimed that 'biological sex' is a social construct and that fluidity and mutability of gender identity renders the category 'biological sex' as, at best, no longer politically or theoretically salient and at worst an oppressive organising principle within societies (Halberstam 2018; Stonewall Trans Advisory Group 2017). However, a different political and theoretical perspective claims that whatever the case, the notion of biological sex still has salience – if not legally in relation to sex as a protected characteristic, then socially and materially in relation to recognising the difference between trans' and non-trans' women's experiences and social location (see, for instance, Allen *et al.* 2019). From both perspectives, what is at stake is the meaning of the word 'woman' and 'sex'. Given the heated nature of these political and theoretical claims, the challenge for us, as authors, is to both acknowledge these wider politics – hence this footnote – while also capturing a sense of how those in politics, academia, and campaigns think and talk about 'biological sex' and 'gender' and the relationship between the *idea* of an essential 'biological sex' and a presumed associated gender in the specific context of a prison and in relation to occupational roles. In navigating such a complex symbolic and political terrain, we will refer to 'current anatomy' (while bracketing off any essentialised meaning of these terms). But in the quoting of our participants, there is reference to 'biological sex', which interviewees invoke to refer to female, male, and sex assigned at birth. We will also refer to gender and gender identity (while bracketing off the question of whether, and to what extent, gender identity 'erases' the salience of sex). We separate out gender identity from gender expression, as the former being the socially constructed identity in which one identifies and the latter being the expression of one's gender identity. We do so always within a wider analytical field that eschews positivism within language or the idea that words have fixed meanings.
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- 39 5 The Correctional Training Program is a training programme that all CSC correctional officers are required to complete.
- 40
- 41 6 The National Training Academy is the teaching institution for CSC.
- 42 7 This article is based on preliminary findings from semi-structured interview data.
- 43 8 Of note, the participants also point out that being, for instance, a trans woman in a men's prison, would also lead to experiences of alienation.
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- 46

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Date submitted: July 2019  
Date accepted: January 2020

