

Examination of Gender Diverse Offenders

Gender diverse offenders are a heterogeneous group with high static risk and dynamic need.

Why we did this study

In accordance with Bill C-16, on December 27, 2017, the Correctional Service of Canada (CSC) implemented its interim policy for gender diverse offenders to identify operational practices that may require accommodation for these offenders, particularly regarding the placement of offenders in a federal correctional institution of their gender preference. In addition, CSC policy established the requirement to develop Individualized Protocols (IPs) for gender diverse offenders in relation to issues such as showers and toilets, frisk and strip searches, urinalysis, decontamination showers, and spiritual ceremonies. This study was undertaken to provide a profile of federal gender diverse offenders in Canada during incarceration and explore how these offenders are accommodated in other correctional jurisdictions. Jurisdictional review findings are available in the full research report.

What we did

A total of 99 gender diverse offenders (47% Indigenous) were identified in the in-custody population between December 27, 2017 and March 13, 2020. Demographic, sentence, and offence information, institutional behaviour, and post-release outcomes were examined. Additional factors examined by file coding from the Offender Management System (OMS) were: operational accommodation preferences for these offenders, abuse and trauma histories, and sex offence characteristics for those in the study population with sex offending histories.

What we found

Trans-women were the largest group (62%) of gender diverse offenders indicated, followed by trans-men (21%) and the "other" group¹ (17%). Two-fifths (40%) of the study group were serving a second or subsequent sentence; these offenders had an established criminal history and the majority (86%) were convicted of violent offences. Overall, gender diverse offenders were identified as high static and dynamic risk, with 60% having a low reintegration potential. IPs were analyzed for all gender diverse offenders in relation to staff interactions,² programming, and spiritual

activity participation. Among offenders who indicated a preference related to staff interaction, offenders were more likely to identify preferences for female staff.

In terms of institutional adjustment, almost half of the study group had a guilty disciplinary charge while two-thirds had committed an institutional incident during the study period. Behavioural-related incidents³ were most common, regardless of the study subgroup. Three-quarters (74%) of the study group completed correctional programs, with two-thirds (67%) completing moderate intensity programming. Two-thirds (62%) of offenders participated in educational interventions while almost half (42%) participated in institutional employment opportunities. Sixteen percent of offenders applied for a transfer to an institution that matched their gender identity; 64% were approved. The majority (88%) were for trans-women.

For all offenders conditionally released during the study period ($n = 27$), 37% were suspended. Trans-men had a higher proportion of suspensions (45%) compared to trans-women (16%) and the "other" group (17%).

What it means

This study provides an initial descriptive profile of federal gender diverse offenders, who accounted for 0.4% of the general offender population. With enhanced data capacity for the identification of these offenders, future research will be able to expand on this work and enhance our knowledge concerning gender diverse offenders.

For more information

Farrell MacDonald, S., Smeth, A., Cram, S., Garrel, S. & Derkzen, D. *Examination of gender diverse offenders* (Research Report R-442). Ottawa, Ontario: CSC.

To obtain a PDF version of the full report, or for other inquiries, please e-mail the [Research Branch](#).

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¹ Gender fluid, gender non-conforming/non-binary, intersex, two-spirited, or unspecified.

² Staff interactions include mental health monitoring, security search interactions (e.g., strip or frisk searches), medical escorts, or staff response to nudity.

³ Behaviour-related incidents include disruptive behaviour, disciplinary problems (fail to follow orders or disrespectful behaviour), minor disturbances (offender behaviour that impacts the routine of a unit), and major disturbances (offender behaviour that impacts the routine of the overall institution).