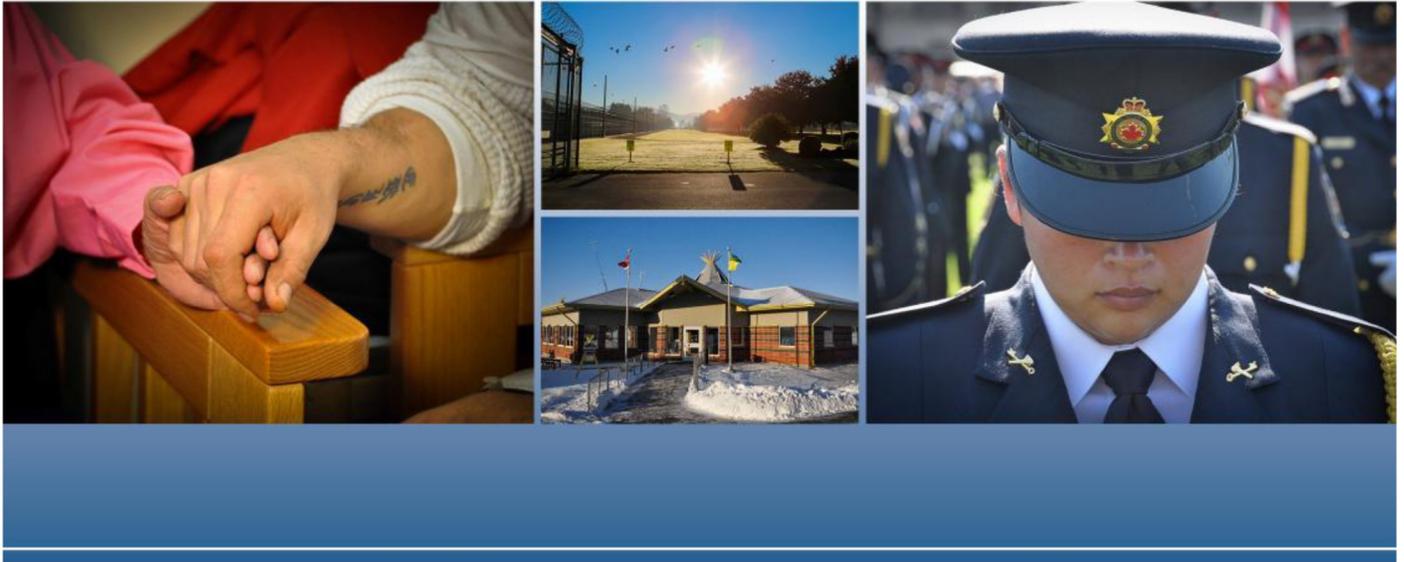


CORRECTIONAL SERVICE CANADA

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RESEARCH REPORT

Examination of Gender Diverse Offenders

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Examination of Gender Diverse Offenders

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Executive Summary

Key words: *gender diverse offenders, gender identity, gender expression, transgender, profile*

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 these 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 to explore how gender diverse offenders are accommodated in other correctional jurisdictions. A total of 99 gender diverse offenders (47% Indigenous) were identified between December 27, 2017 and March 13, 2020. Demographic, sentence, and offence information were examined, as well as institutional behaviour and post-release outcomes.

An examination of demographic characteristics of gender diverse offenders indicated that trans-women were the largest group (62%), followed by trans-men (21%) and the “other” group (17%). Two-fifths (40%) of the study group were serving a second or subsequent sentence, demonstrating an established criminal history for these offenders and the majority (86%) were convicted of violent offences. Overall, gender diverse offenders were identified as high static and dynamic risk, with 60% assessed as having a low reintegration potential at intake. IPs were analyzed for all gender diverse offenders in relation to staff interactions,¹ 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 incidents were most common, regardless of 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.

Of offenders conditionally released during the study period ($n = 27$), 37% were suspended. Trans-men were more likely to be suspended (45% versus 16%-17% of the other study groups).

This study provides an initial descriptive profile of gender diverse federal 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.

¹ Staff interactions include mental health monitoring, security search interactions (e.g., strip or frisk searches), medical escorts, or staff response to nudity.

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Introduction

Bill C-16, *An Act to Amend the Canadian Human Rights Act and the Criminal Code*, received royal assent on June 19, 2017, which amended the Canadian Human Rights Act and the Criminal Code of Canada to include rights for gender identity and expression and protection against discrimination. In accordance with Bill C-16, on December 27, 2017, the Correctional Service of Canada (CSC) implemented its interim policy for gender diverse offenders² 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 “regardless of their anatomy (sex) or gender on their identification documents, unless there are overriding health or safety concerns which cannot be resolved” (CSC, 2017). Following this policy change, this study was undertaken to explore how gender diverse offenders are accommodated in other correctional jurisdictions and to provide a profile of federal gender diverse offenders in Canada. Gender diverse offenders include offenders who are transgender, non-binary, gender fluid, intersex, two-spirited, etc. (see Appendix A for a glossary of terms related to gender diversity).

In addition to the policy change, in 2020, CSC created a Gender Considerations Secretariat to advance CSC's overarching direction, guidance and tools for the management gender diverse offenders. The Secretariat is responsible for assisting, supporting and providing guidance to operational staff by responding to and addressing their enquiries related to the management of gender diverse offenders.

Gender Diversity Practices within CSC

CSC's interim policy in 2017 established individualized protocols (IPs) for offenders who require accommodations due to gender identity or expression considerations. This policy ensures that all offenders' gender identity and expression needs are respected and protected from discrimination. The offender must be involved in the development of their IP in collaboration with CSC staff, such as their parole officer. At a minimum, IPs include the following elements: the offender's gender identity, preferred pronouns, living accommodations (i.e. access to private

² Gender diverse offenders in this research were limited to offenders who made requests for accommodation due to their gender identity or expression.

showers and toilets, double bunking or single cell), program participation, access and participation in spiritual ceremonies in consultation with Elders or spiritual advisors, application for institutional transfers, and preference for male or female staff members for mental health monitoring (medium and high mental health monitoring, and Pinel Restraint System), frisk and strip searches, decontamination showers,³ urinalysis testing, drug loo, medical escorts, and staff response to voluntary nudity. The offender may or may not request an accommodation for each element listed, which would be reflected in the IP. Other accommodations may be identified and added at the offender's request in collaboration with CSC staff.

Staff training is another important component of CSC's initiatives to ensure gender inclusivity. Through CSC's mandatory *Diversity and Cultural Competency Training*, CSC staff receive LGBTQ2+ diversity training, including training specific to Bill C-16 relating to gender identity and expression as well as an online awareness session and a one-day in-classroom session (CSC, 2018). Additionally, CSC's *Correctional Training Program* includes training related to gender diverse offenders for correctional officer recruits (CSC, 2018). Finally, CSC has created an online module entitled *Gender Identity or Expression Self Awareness*, as well as promoting the *Positive Space* initiative which supports trained workplace champions to create a safe and inclusive environment for LGBTQ2+ staff.

Gender Diverse Offenders and Practices from Other Correctional Jurisdictions

To inform this research on gender diverse offenders within CSC, a literature review of gender diversity practices in other correctional jurisdictions was conducted.⁴ These jurisdictions include the United Kingdom (UK),⁵ the United States (US), Brazil, Malta, Australia⁶ and Ontario.⁷

Management Practices

Management practices consist of offender accommodations relating to gender diversity.

³ Decontamination showers: staff supervise the offender while in a decontamination shower at intake in order to ensure contraband is not smuggled into the institution.

⁴ The official websites of each correctional system were searched using key terms ("transgender", "transgender offenders", and "gender").

⁵ In the UK, there are three correctional systems: Her Majesty's Prison and Probation Service, shared by England and Wales, the Scottish Prison Service, and the Northern Irish Prison Service.

⁶ Australia's correctional system is divided up between the territories: Victoria, New South Wales, Tasmania, Northern Territory, Queensland, South Australia, and Western Australia.

⁷ Other jurisdictions were explored but not included due to minimal information available. These jurisdictions can be found in Appendix B.

This includes but is not limited to access to gender-related health care, clothing that matches gender identity and allows for gender expression, access to spiritual ceremonies, and staff training initiatives.

The UK enacted the *Gender Recognition Act* in 2004 which allowed individuals to apply to the Gender Recognition Panel and if successful, legally change their gender identity through the Gender Recognition Certificate (GRC). A GRC is available to the general public but is also used in UK's prisons systems. In the Northern Ireland Prison Service, transfers are made on a case-by-case basis, but it is unclear if a GRC is necessary (Beard, 2018). In England and Wales, it is necessary for the offender to have a GRC in order to transfer to an institution that matches the offender's gender identity, unless they are 'sufficiently advanced' in the gender confirming process (Beard, 2018). Furthermore, all offenders who indicated that they are transgender have the right to dress and express themselves according to the gender in which they identify, while still complying with relevant dress codes (Her Majesty's Prisons and Probation Service, 2020). In Scotland, with approval from the National Health Service (NHS) Scotland Gender Reassignment Protocol, offenders are permitted to seek or continue their hormone therapy treatment, hair removal and/or pursue gender confirming surgery while incarcerated if desired (Beard, 2018). It is unclear if this also occurs in the rest of the UK. In Scotland, it is not necessary to have a GRC, in order to obtain accommodations based on their gender, the offender must obtain a diagnosis of gender dysphoria and swear an oath stating that they have lived the last two years and seek to live the rest of their life as their new gender (Beard, 2018; Cook, 2020). Accommodations include institutional transfers that align with the offender's gender identity after a risk assessment is completed (Cook, 2020). Similarly, in New Zealand, offenders can request an individualized support plan which allows them to declare their gender identity (Department of Corrections, 2018). The use of a GRC in England, Scotland and Wales or individualized support plans in New Zealand allows the offender to have their gender identity on an official government document. This is particularly important if their legal documents (i.e. driver's licence or birth certificate) do not match their gender identity and only lists biological sex.

In Northern Ireland and as of 2018 in the United States, each transgender offender is treated on a case-by-case basis (Beard, 2018; US Bureau of Prisons, 2018). Although all offenders are given the opportunity to express their gender identity at intake, Northern Ireland

Prison Service reported that there had not been any recent cases of an offender identifying as transgender (Beard, 2018). In the US, federal offenders do not have the opportunity to officially declare their gender at intake. However, on September 30, 2020, California passed a law requiring state offenders to be housed based on their gender identity and for the state correctional system to use and keep a record of preferred names, pronouns and titles (Moshtaghian, & Levenson, 2020).

New South Wales (NSW) Corrective Services in Australia introduced a Transgender and Intersex policy in 2018 (NSW Corrective Services, 2018). It states that accommodations due to gender identity can be made to procedures such as screening, searching, escorts, clothing options, medication and rehabilitation as per the offender's request.

In Italy, at least three institutions have wings or sub-wings for transgender offenders (Hochdorn et al., 2018). The Belluno-Baldenich jail and the Naples-Poggioreale prison complex have a sub-wing for trans-women, where each offender has their own cell and separate bathroom, and are permitted to wear female clothing, use make-up and continue their hormone therapy treatments (Hochdorn et al., 2018). In all Italian prisons, transgender offenders are housed within the male section of the prison, except at the Florence-Sollicciano prison, where trans-women are housed in a sub-wing within the female wing of the prison (Hochdorn et al., 2018). The management practices for trans-men within Italian prisons is not clear.

In May 2015, new regulations were introduced in Brazil that require transgender offenders to be addressed by their desired name, allow trans-women to be transferred to a women's facility, and permit conjugal visits (Associated Press of Rio de Janeiro, 2015). Additionally, transgender offenders can continue or begin hormone therapy treatment and dress according to their gender identity, through clothing and/or make-up (Associated Press of Rio de Janeiro, 2015). However, in the federal male prison "A Papuda" in Brasília, transgender offenders are housed with homosexual cis-gender men (Hochdorn et al., 2018). According to Hochdorn et al. (2018), this was not due to policy, it was the prison director's personal decision to move the transgender offenders to another cell. The policy dictates that, unless the offender has already completed gender-affirming surgery, they are to be housed according to their legal sex (Hochdorn, et al., 2018). As of 2016 in Malta, legislation passed that allowed offenders to declare their gender identity under oath at intake (Times of Malta, 2016). Frisk and strip searches are to be conducted by a staff member of the appropriate gender and offenders can be transferred

to the institution that matches their gender identity (Times of Malta, 2016).

The US Bureau of Prisons Clinical Guidance issued the *Medical Management of Transgender Inmates Guideline* in 2016, which outlines recommendations for medical treatment and management of offenders that identify as transgender. The recommendations include a comprehensive mental health assessment by a psychologist, medical assessment if the offender seeks gender confirming surgery or hormone therapy, and a plan for individualized treatment (Federal Bureau of Prisons, 2018). As of 2018, federal institutions⁸ in the United States house offenders solely based on their biological sex and only transfer offenders to an institution that matches their gender identity on 'rare occasions'. This occurs when the offender has made 'sufficient progress' in their transition and the Transgender Executive Council examines the security risk of transferring institutions, their criminal history, gender expression, mental and physical health needs, likelihood of perpetrating abuse, and vulnerability to abuse (US Bureau of Prisons, 2018). Accommodations for gender identity or expression within the institution (i.e. dressing according to gender identity) are not offered (US Bureau of Prisons, 2018).

In the UK, Australia and New Zealand, sex offenders are not allowed to transfer to an institution that houses people of the same gender as their victim(s) (Beard, 2018; NSW Corrective Services, 2018; New Zealand Department of Corrections, 2018). In 2019, a transgender wing was constructed within a women's institution in England. This was in response to a transgender offender, convicted of sexual assault, sexually assaulting two offenders following her transfer to the institution based on her gender identity (Beard, 2018; Shaw, 2019). As of March 2019, the wing houses three transgender offenders who are completely segregated from the rest of the prison population (Beard, 2018; BBC News, 2019). In a Los Angeles county jail in the US, there is also a 'transgender and gay offender wing' which was created because LGBTQ2+ offenders were assaulted, harassed and abused by the general jail population (Wagner, 2014).

In many of the jurisdictions, such as the UK, New Zealand and Australia, mandatory diversity training for staff has been implemented to help increase understanding and awareness of issues faced by the LGBTQ2+ community, particularly within a correctional setting. The

⁸ In the US, there are state and federal correctional systems. The US Bureau of Prisons focuses on non-violent offenders, such as those who committed drug offences or organized crime. Each state has their own correctional system, which deals with violent offenders, such as those who committed murder or sexual assault.

Scottish Prison Service partnered with the Scottish Trans Alliance for both consultations of transgender-specific policies and LGBTQ2+ staff diversity training in the form of interactive one-hour workshops, short presentations, and half- or full-day structured training events (Scottish Trans Alliance, 2020).

Assessment Practices

Assessment practices for offenders involve risk assessments and assessment for program referrals. Overall, there is currently little empirical evidence that validates the use of current assessment tools for gender diverse offenders due to small population sizes – this is an area in need of further research.

There are several unique considerations for assessments with this offender population. This includes but is not limited to how gender identity is categorized, the effect of hormone therapy treatment on assessment results, and potential unknown protective and risk factors unique to this population (Webb, Heyne, Holmes, & Peta, 2016). Hormone therapy has shown to impact scores significantly in general psychometric assessments and depending on when the assessment was conducted relative to the hormone therapy treatment, the results may no longer be valid after the individual has completed hormone therapy (Webb et al., 2016).

Many of the criminogenic risk assessments have not changed in any of the jurisdictions based on gender identity, however, the Static-99R has addressed how transgender offenders should be assessed with this tool. The Static-99R is a sex offender risk assessment tool that assesses the risk of recidivism (Phenix et al., 2016). However, according to the Static-99R coding rules, this tool does not apply to female to male transgender offenders and generally, male to female transgender offenders are to be still considered male, unless they have had gender confirming surgery and lived as a woman for two years or more (Phenix et al., 2016). Notably, this modification also does not take into account other gender identities, such as gender non-conforming, gender fluid, or non-binary.

In jurisdictions where correctional assessment tools have not been modified for assessing transgender offenders, such as England, Wales and Scotland, emphasis is placed on the need for staff to make assessments based on factual information, rather than the gender identity or expression of the offender (Beard, 2018; Ministry of Justice, 2016). NSW Corrective Services state that transgender and intersex offenders are provided with the same assessment and programs available to other offenders. Though when possible and particularly in the

rehabilitation process, the offender will be connected with LGBTQ2+-specific services to provide specialized support (NSW Corrective Services, 2018).

Intervention and Support Practices

Intervention practices aim to lower and manage criminogenic risk factors through positive and prosocial strategies. This can include formal or informal programming, education, and peer support groups, and could be internal or external to the correctional system.

For a gender diverse offender population, assignment and participation in correctional programs to address criminogenic risk factors can present unique challenges. A few jurisdictions within the United States, such as Maine, South Dakota, and Wisconsin, decide on interventions or ‘programming assignments’ for gender diverse offenders on a case-by-case basis while taking into consideration their gender identity, mental and physical health, security concerns (i.e., risks to offender or other offenders within the institution), and programming needs (Division of Adult Institutions, 2011; Maine Department of Corrections, 2020; South Dakota Department of Corrections, 2021).

Additional support services provided by external advocacy or support organizations have also been identified. There are a few LGBTQ2+ peer support groups, such as pen-pal programs for LGBTQ2+ offenders in Canada and other jurisdictions. The Prisoner Correspondence Project is a pen-pal program, which operates in both Canadian and American institutions and through this project, LGBTQ2+ offenders are paired with individuals from the LGBTQ2+ community outside the institution (Prisoner Correspondence Project, 2020). Similarly, in England, the Bent Bars Project, pairs LGBTQ2+ offenders with a pen-pal from the LGBTQ2+ community outside the prison (Bent Bars Project, 2011). Both initiatives aim to increase ties between the offender and the community, so upon release, offenders feel connected to the LGBTQ2+ community (Bent Bars Project, 2011; Prisoner Correspondence Project, 2020). In Ontario, Stacey Love-Jolicoeur, an LGBTQ2+ education and support worker, visits provincial and federal correctional institutions in Ontario, providing support for LGBTQ2+ offenders, and LGBTQ2+ education and training for staff (Rainbow Health Ontario, 2019).

Purpose of the Study

This study aims to create a profile of gender diverse offenders within CSC. Accordingly, the research questions are:

1. What is the current profile (demographics, sentence and offence information, criminogenic risk and needs) of gender diverse offenders? What is the profile of transgender men and women offenders, specifically (if feasible)?
 - a. Examine the prevalence of abuse and trauma histories, and if data permits, how have these experiences influenced the formation of gender identity or expression for the offender?
 - b. For offenders who committed a sex related offence, what are the characteristics of their offending?
2. What is the institutional adjustment of gender diverse offenders?
3. What are the post-release outcomes of gender diverse offenders?

Method

Participants

Data were extracted from CSC's Offender Management System (OMS), the automated system used by CSC to store decision-making and offender management data from the beginning of an offender's sentence until the sentence is complete. A total of 99 gender diverse offenders were identified between December 27, 2017 and March 13, 2020. Identification of gender diverse offenders were based on Individualized Protocols⁹ maintained in OMS, a list of gender diverse offenders provided by the Women Offender Sector's (WOS) internal tracking database, or a gender consideration need indicator in OMS. Gender diverse offenders were classified into one of three groups: (a) trans-women, (b) trans-men, and (c) the "other" group.¹⁰

Measures

Study cohort characteristics. The characteristics of gender diverse offenders were examined. This included: (a) demographic information (e.g., age at admission, marital status, ethnocultural group); (b) sentence and offence information (e.g., sentence term and length); (c) criminogenic risk and need information (e.g., static factor rating and dynamic factor rating);¹¹ and (c) an overview of the characteristics of gender diverse offenders who have a history of sexual offending.

Gender diverse offender characteristics. This section examined the information specific to the gender diversity of offenders, including operational needs (e.g. accommodation or case management requirements), programming and intervention needs, and experiences with abuse and trauma.

Institutional adjustment. Indicators of institutional adjustment included information regarding guilty disciplinary charges, institutional incidents, correctional program participation and completion, education and employment participation, institutional transfers, and structured living environment (SLE) admission for offenders housed at women's institutions.

Guilty disciplinary charges, institutional incidents, institutional transfers, and SLE

⁹ Individualized Protocols are developed in consultation with offenders with gender identity or expression considerations and they are documented in a Memo to File in OMS.

¹⁰ The "other" group includes: gender fluid, gender non-conforming/non-binary, intersex, two-spirited, or unspecified.

¹¹ Criminogenic risk and need information were derived from the Offender Intake Assessment (OIA).

admission, were examined at two time points: (a) between their admission date and the start of the study period (i.e., prior to the identification of their gender identity); and (b) between the identification of their gender identity and the end of the study period (i.e., after the identification of their gender identity).¹²

Post-release outcomes. Analyses were conducted on post-release outcomes for offenders under conditional release. This included first suspension warrants and first revocation of release for participants during the offender's current supervision period. The reasons for suspensions were also examined. A suspension may occur (a) when a breach of conditions has occurred, (b) to prevent a breach of conditions, or (c) to protect society (i.e., risk is considered unmanageable in the community).

Analytical Approach

The study employed a mixed-method approach. The quantitative components conducted were descriptive in nature (e.g., frequency distributions as well as means and standard deviation). Sub-analyses for trans-women, trans-men, and the other groups were conducted for all variables.

The analyses of the qualitative components consisted of file reviews of various OMS files, such as Individualized Protocols and decision documents. All offenders in the study cohort were coded. The coding focused on four areas:

1. Coding of the Individualized Protocol to determine gender diversity characteristics (e.g., preferred pronouns, accommodation requirements, etc.);
2. Examine the prevalence of abuse and trauma histories, and if data permits, examine how these experiences influenced the formation of gender identity or expression for the offender;
3. The characteristics of offending for those offenders who committed a sex related offence;
4. For offenders who were released and subsequently returned to custody, the impact of their gender identity on their returns to custody.

¹² Identification of their gender identity were based on either: (a) date of CSC interim policy for gender diverse offenders (December 27, 2017); (b) date tracked by WOS (earliest was September 2018); or (c) date that their gender consideration was identified in OMS.

Results

The results section is divided into three sections. First, an overview of the characteristics of gender diverse offenders. This section includes demographic information, sentence and offence information, criminogenic risk and need information, and an overview of gender diverse offenders who have a history of sexual offending. Within this section, the information specific to the gender diversity of offenders is also presented, including operational needs (e.g. accommodation or case management requirements), programming/intervention needs, and historical experiences with abuse/trauma. Second, an examination of the institutional adjustment of the study group includes information regarding guilty disciplinary charges, institutional incidents, correctional program participation and completion, education and employment participation, institutional transfers, and structured living environment assignment for offenders housed at women's institutions. The final section explores post-release outcomes for offenders under conditional release, including suspensions of release and returns to custody.

Study Cohort Characteristics

An examination of demographic characteristics for gender diverse offenders indicated that trans-women were the largest group (62%), followed by trans-men (21%) and the "other" group (17%; see Table 1). On average, offenders in the study group were 40 years of age during the study period, with trans-women being older than the other two groups (43 versus mid-thirties). Almost half of the offenders were Indigenous (47%), with trans-men being more likely to indicate Indigenous ancestry (57%; see Table 1). Two-thirds of the offenders were single at admission, with trans-men reporting the highest proportion of single offenders compared to trans-women or the "other" group (86% versus 59% and 65%, respectively). Offenders in the study group were more likely to be in the Pacific (32%) or Ontario (28%) regions during the study period with similar patterns across gender diverse subgroups. Half (52%) of all offenders were housed in men's institutions at the end of the study period/prior to release. Two-thirds (67%) of trans-women were in men's facilities, but trans-men were more likely to be in a women's facility (95%).

Table 1

Demographic characteristics of gender diverse offenders

Indicator	All Gender Diverse Offenders (N = 99)		Gender Diverse Group					
			Trans-Women (N = 61)		Trans-Men (N = 21)		“Other” Group ^a (N = 17)	
	%	(n)	%	(n)	%	(n)	%	(n)
Age at study <i>M(SD)</i>	40.0	(12.8)	42.6	(12.3)	36.1	(14.4)	35.3	(9.9)
Biological sex/legally recognized gender								
<i>Female</i>	38.4	(38)	21.3	(13)	85.7	(18)	41.2	(7)
<i>Male</i>	61.6	(61)	78.7	(48)	14.3	(*)	58.8	(10)
Gender identity								
<i>Trans-women</i>	61.6	(61)	100.0	(61)	-	-	-	-
<i>Trans-men</i>	21.2	(21)	-	-	100.0	(21)	-	-
“Other” group	17.2	(17)	-	-	-	-	100.0	(17)
Ethnocultural group								
<i>Indigenous</i>	46.5	(46)	44.3	(27)	57.1	(12)	41.2	(7)
<i>White</i>	43.4	(43)	45.9	(28)	38.1	(8)	41.2	(7)
<i>Other^b</i>	10.1	(10)	9.8	(6)	4.8	(*)	17.6	(*)
Marital status-single	65.7	(65)	59.0	(36)	85.7	(18)	64.7	(11)
Region of first admission								
<i>Atlantic</i>	10.1	(10)	8.2	(5)	14.3	(*)	11.8	(*)
<i>Quebec</i>	10.1	(10)	11.5	(7)	9.5	(*)	5.9	(*)
<i>Ontario</i>	37.4	(37)	42.6	(26)	33.3	(7)	23.5	(*)
<i>Prairies</i>	25.2	(25)	19.7	(12)	28.6	(6)	41.2	(7)
<i>Pacific</i>	17.2	(17)	18.0	(11)	14.3	(*)	17.6	(*)
Region at study period								
<i>Atlantic</i>	9.4	(9)	8.2	(5)	14.3	(*)	6.2	(*)
<i>Quebec</i>	10.4	(10)	9.8	(6)	9.5	(*)	12.5	(*)
<i>Ontario</i>	28.1	(27)	27.9	(17)	28.6	(6)	25.0	(*)
<i>Prairies</i>	19.8	(19)	18.0	(11)	23.8	(5)	18.8	(*)
<i>Pacific</i>	32.3	(31)	32.8	(20)	23.8	(5)	37.5	(6)
Facility type at the end of the study period/at release								
<i>Women’s</i>	48.5	(48)	32.8	(20)	95.2	(20)	47.1	(8)
<i>Men’s</i>	51.5	(51)	67.2	(41)	4.8	(*)	52.9	(9)

Note. M = Mean. SD = Standard deviation. ^a The “other” category included: gender fluid, gender non-conforming/non-binary, intersex, two-spirited, or unspecified. ^b Other ethnocultural group includes Arabic, Black, Latin American, South-East Asian, multi-ethnic, and not specified. *Cell counts with less than five were suppressed.

Table 2 shows the sentence and offence information for federal gender diverse offenders. Two-fifths (40%) of the study group were serving a second or subsequent sentence, demonstrating an established criminal history for these offenders, although most are on the first term of their sentence (86%). A majority of offenders (86%) were convicted of violent offences with almost two-fifths serving an indeterminate sentence and almost one-quarter serving longer sentences (more than six years). Almost two-thirds (61%) of offenders in the study group had homicide related or sex related index offences, with one-third having a history of sexual offending (including current and past offences).

Sub-analysis by gender diverse group shows that trans-men were less likely to be serving their first sentence but were serving shorter sentences than the trans-women or “other” subgroups (see Table 2). Trans-men also had a more diverse offence profile (including a higher proportion of offenders who committed drug or assault offences) and did not have a history of sexual offending. Trans-women were most likely to be serving an indeterminate sentence (51% versus 19% for trans-men and 24% for the “other” group) and to have a history of sexual offending (see Table 2).

Table 2

Sentence and offence information of gender diverse offenders

Indicator	All Gender Diverse Offenders (N = 99)		Gender Diverse Group					
			Trans-Women (N = 61)		Trans-Men (N = 21)		“Other” Group ^a (N = 17)	
	%	(n)	%	(n)	%	(n)	%	(n)
First federal sentence	59.6	(59)	62.3	(38)	52.4	(11)	58.8	(10)
First term of sentence	85.9	(85)	85.2	(52)	81.0	(17)	94.1	(16)
Sentence length								
<i>6 years or less</i>	39.4	(39)	29.5	(18)	71.4	(15)	35.3	(6)
<i>More than 6 years</i>	21.2	(21)	19.7	(12)	9.5	(*)	41.2	(7)
<i>Indeterminate</i>	39.4	(39)	50.8	(31)	19.1	(*)	23.5	(*)
Violent offence	85.9	(85)	91.7	(55)	71.4	(15)	88.2	(15)
Most serious offence type								
<i>Homicide related</i>	39.8	(39)	41.6	(25)	28.6	(6)	47.1	(8)
<i>Sex related</i>	21.5	(21)	30.0	(18)	0.0	(0)	17.6	(*)
<i>Robbery</i>	11.2	(11)	11.7	(7)	9.5	(*)	11.8	(*)
<i>Drug related</i>	5.1	(5)	1.7	(*)	19.0	(*)	0.0	(0)
<i>Assault</i>	10.2	(10)	3.3	(*)	23.8	(5)	17.6	(*)
<i>Property related</i>	5.1	(5)	5.0	(*)	4.8	(*)	5.9	(*)
<i>Other violent</i>	5.1	(5)	5.0	(*)	9.5	(*)	0.0	(0)
<i>Other non-violent</i>	2.0	(*)	1.7	(*)	4.8	(*)	0.0	(0)
History of sexual offending ^b	33.3	(33)	44.3	(27)	0.0	(0)	35.3	(6)

Note. ^a The “other” group included: gender fluid, gender non-conforming/non-binary, intersex, two-spirited, or unspecified. ^b History of sexual offending includes offenders whose current offence type is sex related but also those with past convictions for sexual offending. *Cell counts with less than five were suppressed.

Overall, gender diverse offenders had high static risk (74%) and high dynamic need (81%), with a low reintegration potential (61%) and moderate (70%) motivation for change (see Table 3). Over half of the study group were moderate to high criminal risk, based on the CRI.¹³ About two-thirds (64%) were assessed as moderately accountable for their criminal actions. Over one-third (39%) had identified responsibility issues

¹³ CRI (Criminal Risk Index) category cut-offs are assessed based on biological sex or legally recognized gender.

and three-quarters (74%) were identified as engaged in their correctional plan. They were most likely to have a moderate to high need in the areas of personal emotional orientation (95%), substance abuse (74%; 52% assessed as high severity), and attitudes (70%), although over half to two-thirds (56% to 67%) of offenders in the study group have identified needs in the other domain areas. At admission, almost all gender diverse offenders were assessed as medium (60%) or maximum (34%) security.

Comparisons across subgroups (see Table 3) indicate that the trans-men group overall had lower static risk and dynamic need than the trans-women group, although they were more likely to have identified moderate to high needs across five of the seven domain areas. The trans-men were also more likely to have responsivity issues but were more engaged in their correctional plan than the other two sub-groups. They were also less likely to be assessed as maximum security at admission than the other two groups. Trans-men, however, had a higher average CRI score than the other two sub-groups.

Table 3

Criminogenic characteristics of gender diverse offenders

Indicator	All Gender Diverse Offenders (N = 99)		Gender Diverse Group					
			Trans-Women (N = 61)		Trans-Men (N = 21)		“Other” Group ^a (N = 17)	
	%	(n)	%	(n)	%	(n)	%	(n)
Static factor rating – intake								
<i>Low</i>	3.1	(*)	3.4	(*)	4.8	(*)	0.0	(0)
<i>Moderate</i>	22.7	(22)	22.0	(13)	33.3	(7)	11.8	(*)
<i>High</i>	74.2	(72)	74.6	(44)	61.9	(17)	88.2	(15)
Dynamic factor rating – intake								
<i>Low</i>	0.0	(0)	0.0	(0)	0.0	(0)	0.0	(0)
<i>Moderate</i>	18.6	(18)	15.2	(9)	23.8	(5)	23.5	(*)
<i>High</i>	81.4	(79)	84.8	(50)	76.2	(16)	76.5	(13)
Reintegration potential - intake								
<i>Low</i>	60.8	(59)	62.7	(37)	57.1	(12)	58.8	(10)
<i>Moderate</i>	35.1	(34)	30.5	(18)	42.9	(9)	41.2	(7)
<i>High</i>	4.1	(*)	6.8	(*)	0.0	(0)	0.0	(0)
Motivation level – intake								
<i>Low</i>	17.5	(17)	22.0	(13)	4.8	(*)	17.6	(*)
<i>Moderate</i>	70.1	(68)	71.2	(42)	66.7	(14)	70.6	(12)
<i>High</i>	12.4	(12)	6.8	(*)	28.5	(6)	11.8	(*)
Accountability level – intake								
<i>Low</i>	20.2	(20)	24.6	(15)	0.0	(0)	29.4	(5)
<i>Moderate</i>	63.6	(63)	57.4	(35)	81.0	(17)	64.7	(11)
<i>High</i>	16.2	(16)	18.0	(11)	19.0	(*)	5.9	(*)
Responsivity issues								
Engaged in correctional plan	39.4	(39)	37.7	(23)	52.4	(11)	29.4	(5)
Engaged in correctional plan	73.7	(73)	70.5	(43)	90.5	(19)	64.7	(11)
DFIA-R need domains – moderate to high need ^b								
<i>Associates</i>	67.1	(49)	52.5	(21)	88.2	(15)	81.3	(13)
<i>Attitudes</i>	69.9	(51)	62.5	(25)	70.6	(12)	87.5	(14)
<i>Community functioning</i>	56.2	(41)	50.0	(20)	64.7	(11)	62.5	(10)
<i>Employment/education</i>	65.8	(48)	60.0	(24)	76.5	(13)	68.8	(11)
<i>Marital/family relations</i>	60.3	(44)	57.5	(23)	52.9	(9)	75.0	(12)
<i>Personal/emotional orientation</i>	94.5	(69)	95.0	(38)	94.1	(16)	93.8	(15)