



# CORRECTIONAL SERVICE CANADA

CHANGING LIVES. PROTECTING CANADIANS.



## Federal gender diverse offenders in Canada

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# Background

## 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 that aligns with their gender identity.
- CSC policy established the requirement to develop Individualized Protocols (IPs) for gender diverse offenders in relation to accommodation requests related to their gender identity.
- This study was undertaken to provide a profile of federal gender diverse offenders in Canada.



# Methodology

## Study participants

- 156 gender diverse offenders
- Study period: December 27, 2017 to July 20, 2021
- Sub-analysis
  - Offenders with a sexual offending history
  - Indigenous offenders

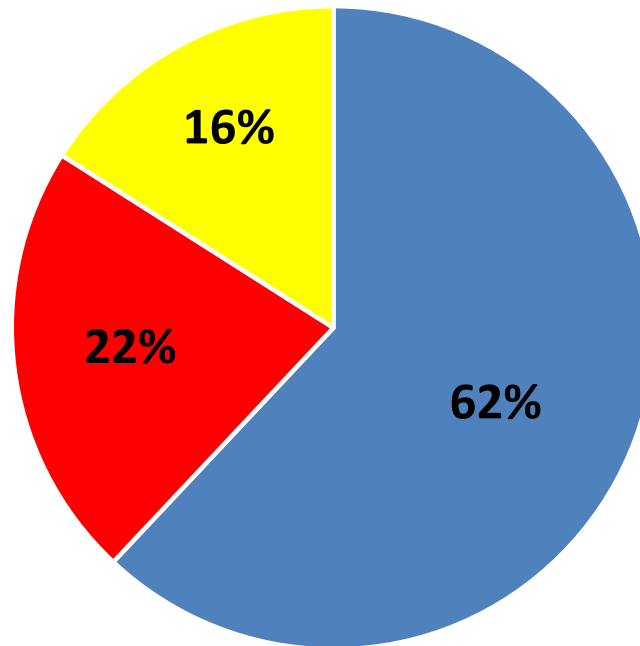
## Data source: Offender Management System (OMS)

- demographics
- indicators of gender diversity
- sentence/offence information
- criminogenic risk and need
- abuse/trauma histories
- indicators of institutional experience (e.g., institutional security or behavioural incidents, correctional programs)
- indicators of post-release success



# Gender Diversity

## Gender identity of gender diverse offenders



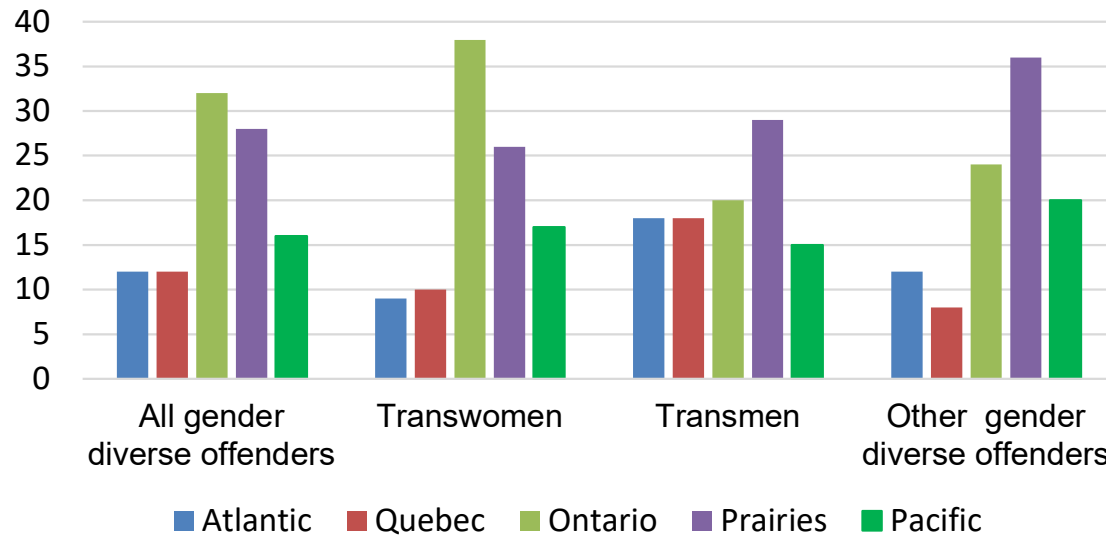
■ Transwomen   ■ Transmen   ■ Other gender diverse offenders



# Offender Characteristics

- **Ethnocultural groups**
  - 48% were Indigenous (75% were First Nations, 24% were Métis, and 1% were Inuit)
  - 42% were white
  - 10% were from other ethnocultural groups
- **Average age during the study period: 40 years old**
  - Transwomen were older than the other two groups (42 years old vs. mid-30s)

Region at admission to federal custody





# Sentence and Offence Information

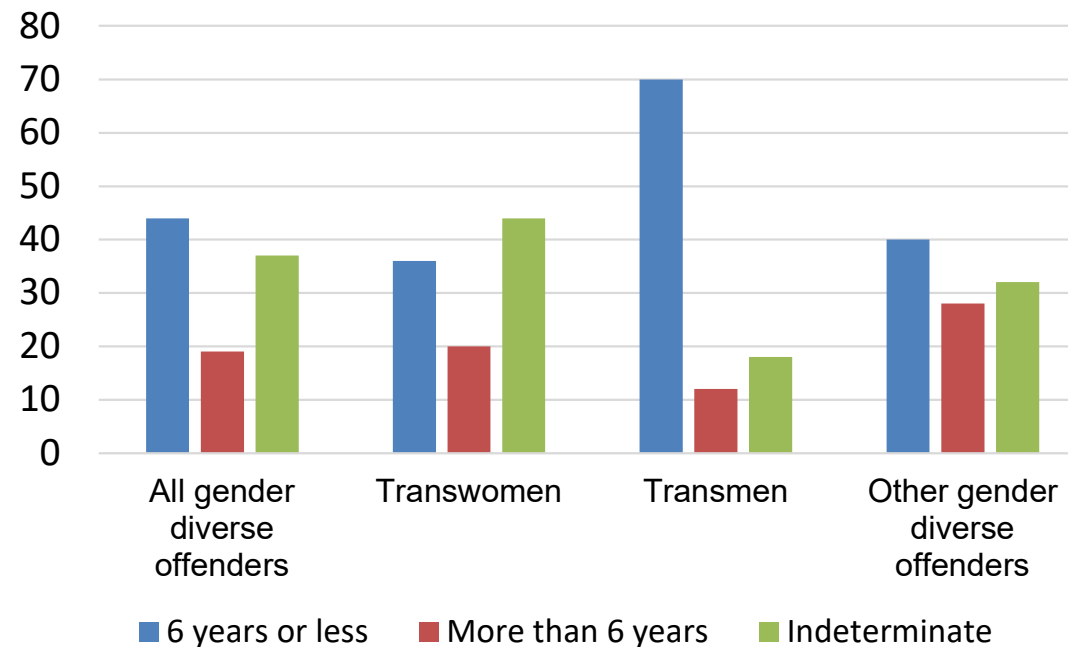
## 86% had committed a **violent offence**

- Transwomen: 88%
- Transmen: 74%
- Other gender diverse offenders: 96%

## 37% had a history of **sexual offending**

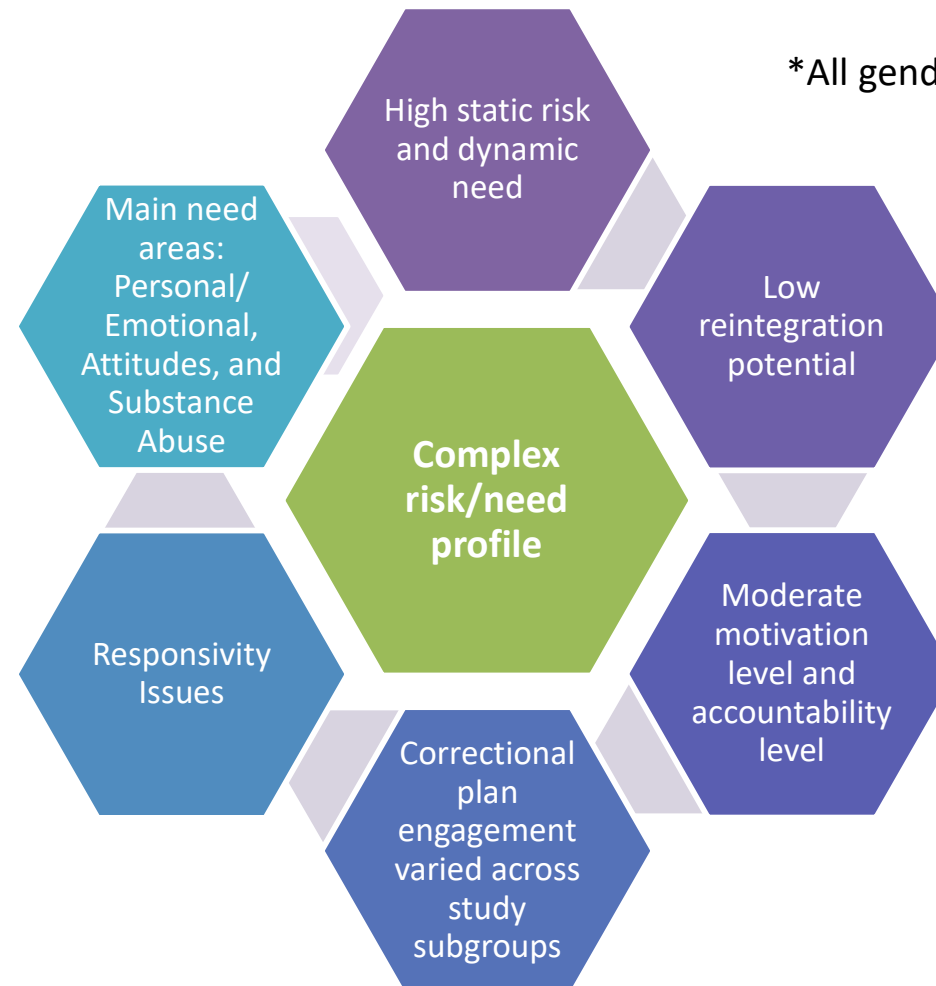
- Transwomen: 49%
- Transmen: 3%
- Other gender diverse offenders: 32%

Sentence Length





# Criminogenic Risk and Need Characteristics



\*All gender diverse offenders



# Individualized Protocols

## Accommodations areas for gender diverse offenders

|                              |  |
|------------------------------|--|
| Preferred names and pronouns | Mental health monitoring                     |
| Decontamination showers      | Search protocols                             |
| Medical escorts              | Staff responses to voluntary nudity          |
| Program participation        | Access/participation in spiritual ceremonies |
| Application for transfer     | Additional comments/considerations           |

- **Preferred pronouns**
  - 89% of transmen preferred 'he/him' pronouns
  - 96% of transwomen preferred 'she/her'
  - Preferred pronouns options varied for the other gender diverse offender group
- **Request for institutional transfer**
  - 34% of offenders in the study identified an accommodation request to reside in an institution that matched their gender identity
  - As of September 2021, 12% had a completed transfer from a men's-to-women's institution or from a women's-to-men's institution (63% were transwomen)
- **Preferences for staff interactions**
  - Among those with a preference, female staff members were most often identified for staff interactions related to accommodations due to their gender diversity





# Abuse and Trauma Histories





# Institutional Adjustment – Guilty Disciplinary Charges

|                                  | Guilty Disciplinary Charges % |            |          |                                |
|----------------------------------|-------------------------------|------------|----------|--------------------------------|
|                                  | All gender diverse offenders  | Transwomen | Transmen | Other gender diverse offenders |
| <b>Any charges</b>               | 47                            | 39         | 71       | 48                             |
| <b>Serious charges</b>           | 31                            | 23         | 47       | 44                             |
| <b>Minor charges</b>             | 42                            | 36         | 62       | 40                             |
| <b>Average number of charges</b> | 4                             | 3          | 4        | 7                              |

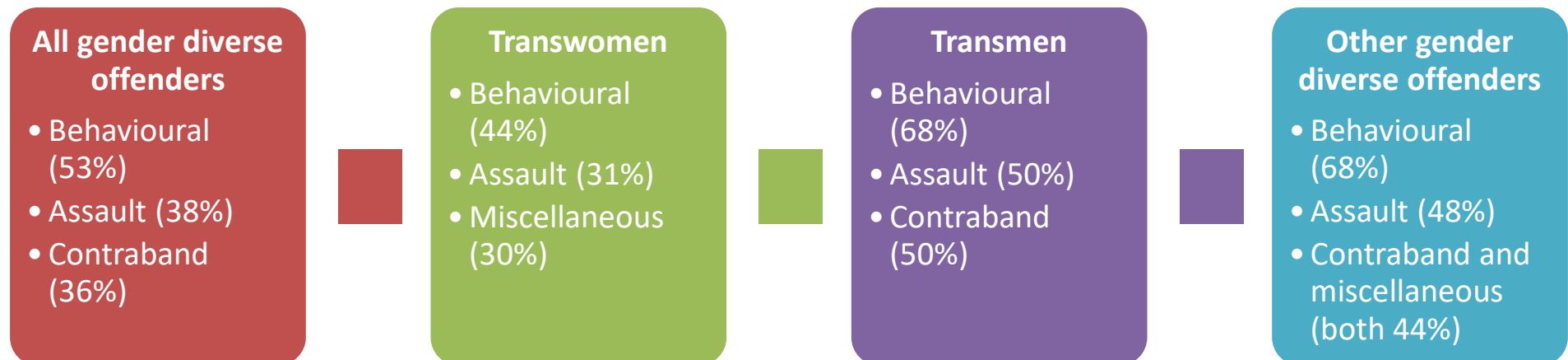


# Institutional Adjustment – Institutional Behavioural and Security Incidents

## Gender Diverse Offenders with Institutional Behavioural and Security Incidents

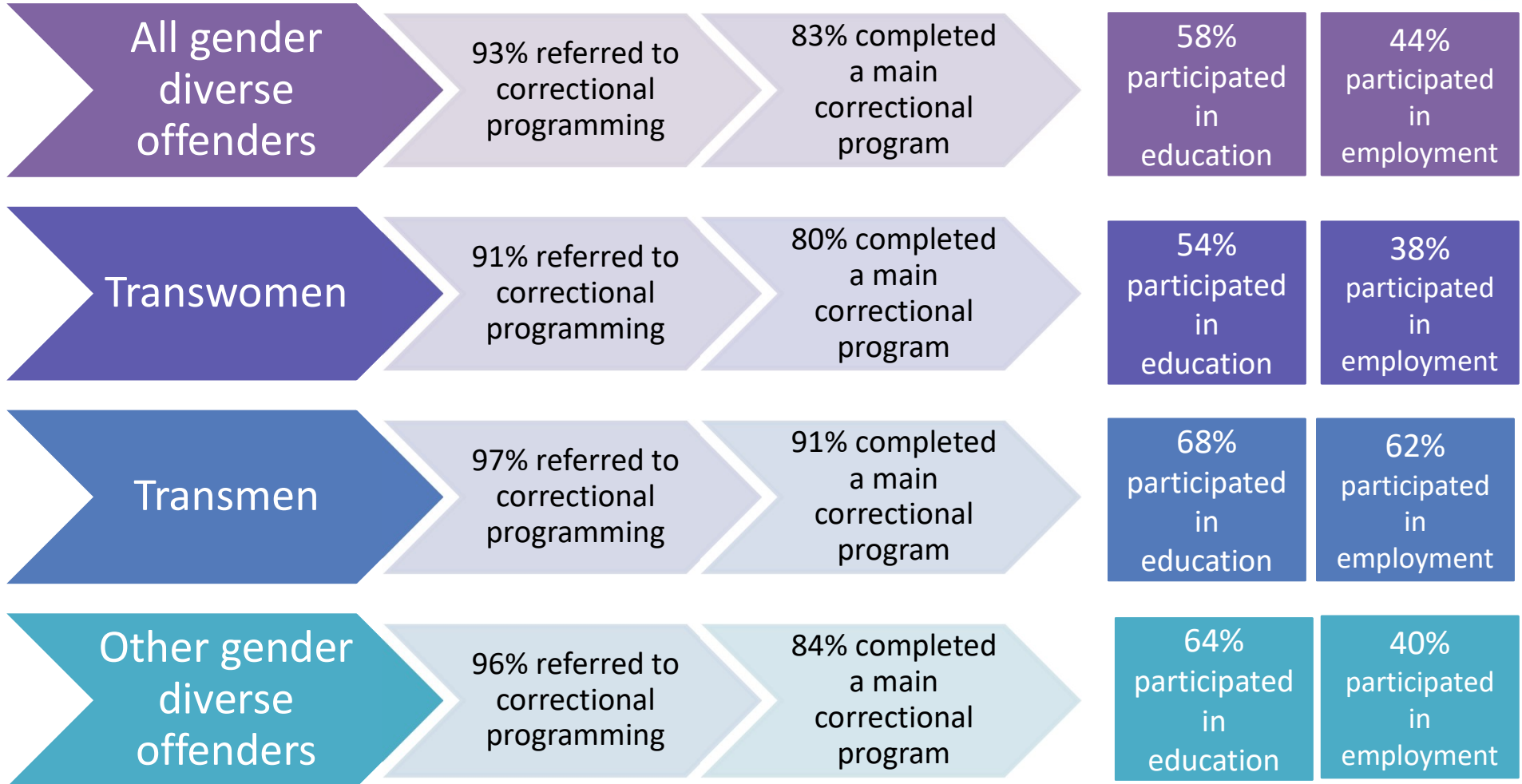


## Most Prevalent Institutional Behavioural and Security Incidents Among All Gender Diverse Offenders





# Correctional Programming, Education, and Employment

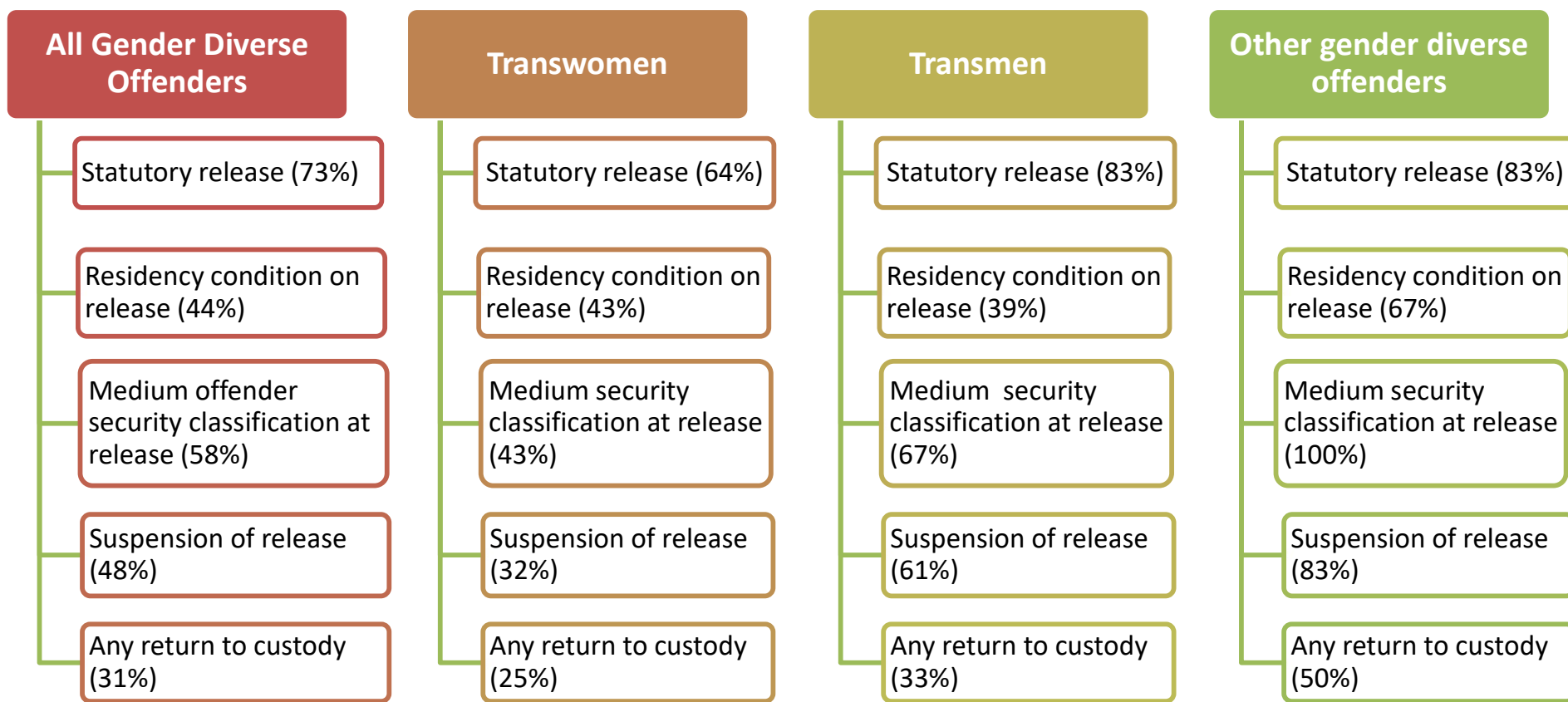




# Post-release Outcomes

**33% of gender diverse offenders were released**

(29% of transwomen, 53% of transmen, and 24% of other gender diverse offenders)





# Gender Diverse Offenders with a Sex Offence History

37% of gender diverse offenders in the study

## Characteristics

- 84% were transwomen
- 42% were Indigenous
- Average age was 42 years

## Sentence/Offence Information

- 42% serving indeterminate sentence
- 65% serving their first federal sentence
- 63% were classified as medium security during the study period

## Criminogenic Risk/Need Information

- High static risk and dynamic need
- 55% engaged in their correctional plan
- Main need domains: personal/emotional, attitudes, and marital/family

## Institutional and Post-Release Outcomes

- 68% had institutional incidents
- 86% completed a main correctional program
- 82% released on statutory release (36% with a release suspension)



# Indigenous Gender Diverse Offenders

48% of gender diverse offenders in the study

## Characteristics

- 60% were transwomen, 24% were transmen, and 16% were in the other gender diverse offenders group
- Average age was 38 years

## Sentence/Offence Information

- 37% serving indeterminate sentence
- 57% serving their first federal sentence
- 56% were classified as medium security during the study period

## Criminogenic Risk/Need Information

- High static risk and dynamic need
- 74% engaged in their correctional plan
- Main need domains at intake: personal/emotional, substance abuse, and associates

## Institutional and Post-Release Outcomes

- 76% had institutional incidents
- 84% completed a main correctional program
- 74% released on statutory release (63% with a release suspension)



# Research Implications

Gender diverse offenders are a heterogeneous sub-population with high criminogenic risks and needs, a history of abuse and trauma, and require supports related to personal/emotional orientation, substance use, and pro-criminal attitudes

Half of the study population were Indigenous however little is known about the intersectionality between their Indigeneity and gender diversity

Two-thirds of the gender diverse subpopulation were transwomen, although community samples suggest almost equal distribution between the study subgroups

About one-third of gender diverse offenders had a history of sexual offending which present unique challenges for institutional placement and correctional programming

A small proportion of offenders were released during the study period, highlighting that community reintegration remains an area for future consideration





# Current Areas of Research and Consultation

## Comparative Study

- Examining the differences between gender diverse offenders and in-custody populations in men's and women's institutions
- Demographics, sentence/offence information, criminogenic risk and need information, and institutional experience indicators (including exploring Indigenous supports and services)

## Institutional Incidents

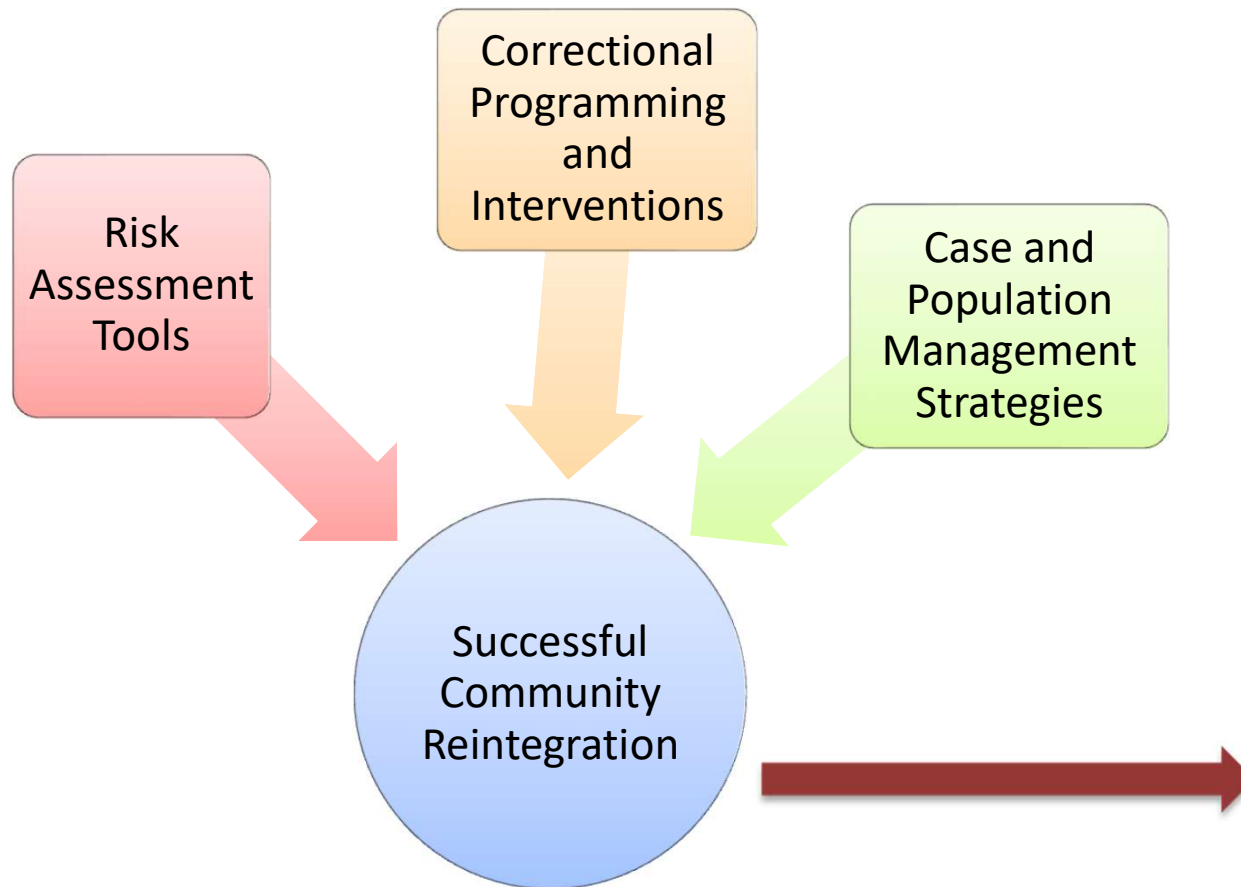
- Mixed-methods approach to understand the types of incidents and the situational context surrounding those incidents
- Quantitative comparisons of incident types across gender diverse offender subgroup (transwomen, transmen, and all other gender diverse offenders)
- Qualitative coding of incident reports to understand the situational context of the incident

## Consultation

- Identifying future research areas through consultations with front-line staff at women offender institutions, men offender institutions with identified gender diverse offender populations, and community release supervision partners
- Ensuring on-going research informs and addresses concerns raised by front-line staff



# Future challenges related to Gender Diverse Offenders in CSC



## Potential areas to explore related to the impacts on community reintegration:

- Medical service needs
- Familial or community acceptance of gender identity
- Risk mitigation strategies
- Community supports available
- Identification of release destination (home community versus destination with more supports related to gender identity)



# Resources

## Research Enquiries

[Research@csc-scc.gc.ca](mailto:Research@csc-scc.gc.ca)

## Research Publications

<https://www.csc-scc.gc.ca/research/index-en.shtml>

## Gender diverse offender publications

R-442\_E Examination of gender diverse offenders

[https://www.csc-scc.gc.ca/research/005008-r442\\_E-en.shtml](https://www.csc-scc.gc.ca/research/005008-r442_E-en.shtml)

R-442\_O Gender diverse offenders with a sex offence history

[https://www.csc-scc.gc.ca/research/005008-r442\\_O-en.shtml](https://www.csc-scc.gc.ca/research/005008-r442_O-en.shtml)

RIB 21-15 Indigenous gender diverse offenders

<https://www.csc-scc.gc.ca/research/005008-rib-21-15-en.shtml>