

Research examines an emerging issue: Treatment of transgendered prison populations

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Gina Gibbs, a UC criminal justice doctoral student who is presenting research on issues regarding transgendered prison populations. Credit: Colleen Kelley

Prison policies vary on treating transgendered inmates, which could put inmates and institutions at risk. Gina Gibbs, a University of Cincinnati criminal justice doctoral student, will present a synopsis of the legal issues posed by such inmates at the annual meeting of the American

Society of Criminology. The national conference runs from Nov. 19-22 in San Francisco.

At the center of the debate are Eighth Amendment protections against cruel and unusual punishment, widely varying policies on the treatment of transgendered populations and, Gibbs says, court crackdowns on prison systems, "ordering them to fix a problem that they don't know how to approach."

In Gibbs' paper, titled, "Protecting the Punks, the Queens and Those in Between," she states that the word "transgendered" is just now emerging in prison research and literature, despite evidence that transgendered [inmates](#) have always been a part of the [prison population](#). She states that in years past, transgendered inmates had been referred to as "punks" or "queens" by the general prison population.

"The most significant issues the transgendered pose to prison staff concern booking and processing procedures, housing selection and safety, security lockdown, daily rule infractions and health care concerns," Gibbs states in the paper. Gibbs says that includes varying policies regarding body searches, clothing allowances, segregation procedures, as well as issuing diagnosis and health care treatments. "Despite the numerous issues arising from these inmates, administrators and legislators continue to ignore them by refusing to develop cohesive policies, making employees and institutions vulnerable to costly litigation and court interference."

Gibbs says the Chelsea Manning case shed an international spotlight on the issue, when a U.S. soldier, born as Bradley Manning, was convicted of espionage in 2013 for leaking classified U.S. documents. Manning, who identifies as female, is seeking hormone replacement therapy from a military prison after receiving a 35-year sentence. Despite a diagnosis of gender dysmorphia, Manning has been refused the medically

recommended treatment and has turned to the courts for assistance.

"Gender dysmorphia is considered a medical condition," says Gibbs. "When the Eighth Amendment is applied to ignoring excessive medical conditions, prisons can be held liable. Yet it's not clear whether hormone treatments should be required, because the U.S. Supreme Court is not clear on how to define transgendered."

Gibbs adds that the majority of the transgendered population is anatomically male but identifies as female.

Gibbs says that the ultimate goal of her research is to apply her legal background to create a manual to guide prison institutions and administrators in dealing with transgendered populations. Additionally, she hopes to develop principles of effective intervention specifically designed for the transgendered population, including identifying the most effective risk assessment procedures, as well as identifying common response barriers. She also works in the UC Center for Criminal Justice Research's Corrections Institute (UCCI). UCCI works to promote effective interventions and assessments for adult and juvenile offenders. Gibbs also holds a J.D. from Catholic University in Washington, D.C.

Presenting at a conference session focused on the perceptions and treatment of transgendered populations, Gibbs hopes to start a national discussion among the research community.

"My goal is to support both sides," Gibbs says. "We have a constitutional duty to provide proper treatment for inmates. On the other hand, with these varying policies, prison administrators need to be protected from liability."

Gibbs concludes that, "Certain groups within the inmate population are

known for causing greater difficulty and therefore require clear-cut policies addressing issues specific to them. The transgendered population is one such group. Often, these separate policies are not developed until a crisis occurs, such as an inmate stabbing or violent rape, which requires administrators to act. Prior action indicates that administrators and Department of Corrections' officials will once again wait for a crisis before addressing the issues created by transgendered inmates."

Provided by University of Cincinnati

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