

# Guest editorial

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Welcome to this special edition of *JCRPP*. This special issue on Trans communities in the criminal justice system sets out to provide a sound opportunity to bridge the gap between academic knowledge and real-life practice, an overarching mission of the *JCRPP* in general. The focus, therefore, on providing a combination of academic theory papers with research informed practice papers covering criminal justice interventions is a cornerstone in terms of the aims and objectives of this special issue. Before presenting the six papers that make up this special issue, there is both importance and significance in making some observations about Trans communities in the criminal justice system more broadly.

It has been well-documented that the Criminal Justice System (CJS), in all parts of the globe, is an institution that engages with some of the most marginalised and vulnerable groups within society. Illustrated by examples such as Indigenous Communities (Porter and Cunneen, 2020), Young People (Cunneen *et al.*, 2016) and Rape and Sexual Assault victims (Leung, 2017) to name but a few, in more recent times, transgender persons have been considered to one be of the most marginalised and vulnerable groups within the CJS. While it can be viewed that since the mid-2000s up to the present day, there has been significant shifts in criminal justice policy and practice to improve the experiences of Trans communities in the CJS (e.g. see the work of: Tewksbury and Potter, 2005; Potter and Holmes, 2020), transgender persons still experience harassment, intimidation and discrimination in many parts of the criminal justice process (see this volume for examples).

There is no doubt that over recent times there has been a growth in research concerning Trans communities in the CJS. Primarily, this research can be classified into three fields of study:

1. legal studies/law in which the examination of human and civil rights of transgender persons occur;
2. public health in which violence towards transgender persons has been a focus; and
3. social science in which issues of social exclusion and advocacy for Trans communities has been explored.

This special issue journal captures these three perspectives and offers an international dimension to the consideration of transgender persons experiences across the criminal justice process. Of significance is the applied nature and implications for practice the articles presented in this special issue offer, a glaring omission in much of the published work on Trans communities in the CJS. Therefore, this special issue of the *JCRPP* has appeal to criminal justice practitioners as well as the academic community.

The first paper in this special issue focusses on the police. In this paper, Toby Miles-Johnson considers the experience of Trans communities in the CJS system as employees. Focusing on one-state police force in Australia, Miles-Johnson explores the perceptions of an all Cisgender identifying workforce with regards to working alongside transgender colleagues. Drawing on data from 742 participants who took part in an online survey, the study reveals the majority of Cisgender officers would prefer not to work with a transgender colleague. Such

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findings confirm that there is still much work to do with regards to the marginalisation transgender persons face not only as users of the system but also as providers of the system.

Following on from the examination of police officers and their reported prejudice, we enter into a new area of consideration within the CJS and the work with transgender persons in a closed setting. In this second paper, Sören Henrich provides an examination of assessment tools for gender identity in a forensic secure setting. Henrich presents findings from a systematic review in which he explores the assessment tools that yield the most promising outcome for those who are in secure settings seeking to transition. While there are several tools revealed as useful, there is no consensus on the best tool with the recommendation that further research in this area is needed. He contextualises the findings with further ethical considerations.

Staying within secure settings, Gerald Mallon and Jazmine Perez provide the third paper in this special issue, which focuses on transgender young people involved in the juvenile justice/CJS. The issue of young people transitioning and the point in which they should transition is a highly debated issue. Nevertheless, what Mallon and Perez reveal is the disproportionate number of incarcerated young people who identify as transgender. Using a mixed method approach, the experiences of these young people who are incarcerated are highlighted, exposing crucial shortcomings in detention centers. Nevertheless, the findings also provide a well-informed platform of policies, procedures and practices CJS practitioners can adopt to foster Trans affirming services and experiences for young people.

Experiences of transgender prisoners in Mexico is the focus of the next paper by Chloé Constant. Here, Constant provides an analysis of Transphobic violence experienced by Trans women prisoners in a male prison. Through this analysis, it is identified how heteronormative and patriarchal systems dominate the prison environment resulting in an unsafe environment for transgender persons. This fourth paper is a timely reminder of the importance of tackling structural inequalities in our plight for a more just society.

Extending this line of examination is the work of Ana Selene Pineda Neisa and Douglas Durán Chavarría in the penultimate paper of the issue. Reflecting on and exploring the human rights of transgender prisoners, as well as other members of the LGBTI community, in the Costa Rican prison system, Pineda Neisa and Durán Chavarría provide a deep consideration of the treatment of this cohort during the deprivation of liberty. Drawing on a qualitative framework, the conclusions of this work resonates with that of the previous paper, the prison system is based on heteronormative and patriarchal frameworks which do not benefit all groups of inmates. As a consequence, the reader is reminded how sexuality and the deprivation of liberty for transgender persons, and other members of the LGBTI community, acts as additional punishment when they come into contact with the CJS, especially the penal system.

In our final paper, Kirpal Sahota presents findings from clinical practice concerning transgender sex offenders, by doing so implications for the management of this offending cohort is offered. Recognising that transgender sex offenders are a small group, the complexities that such a specialised offending population can present is of significance. The case for the growth in research within this area is mounted by a compelling reflection on clinical practice and acts as a reminder of the strength clinical assessments offer when dealing with offenders. Through the consideration of the assessment and management of transgender sex offenders, Sahota concludes that much more needs to be known about gender dysphoria and its relationship with risk and recidivism. This final paper also reminds us that protective factors are an important feature for consideration in contemporary assessments with offenders, and as the development of work with transgender sex offenders develops such examination of both risk and protective factors must feature.

In summary, transgender persons in the CJS face unique challenges in terms of navigating and surviving the experience. Transgender persons require specialist services relating to

medical and psychological treatment as well as access to specialist criminal justice practitioners. In some contexts, and settings, within the CJS, there are also security challenges relating to Trans communities which would include the prevention of violent and/or sexual victimisation aimed at those in custody. What is apparent is the CJS, its agencies, and practitioners across the globe need to be prepared with a portfolio of services designed to meet the needs of transgender persons. What the future holds for transgender persons in the CJS is a story that is currently unfolding, but the more robust, scientific and socially conscious research that can be done, and which can directly support the work of all CJS agencies and practitioners, is a requirement. My colleague and I along with the contributors in this special issue can only hope that this body of work contributes to that plight.

## References

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