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# Trans and gender diverse offenders' experiences of custody: A systematic review of empirical evidence

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#### Abstract

Literature regarding trans and gender diverse (TGD) prisoners' experiences of prison custody is limited. Reviewing international literature enables a better understanding of these experiences and how effectively TGD policies are implemented. This systematic review employed PRISMA and ENTREQ guidelines to enhance transparency in reporting the synthesis of qualitative and mixed-methods research. Seventeen papers were included and through meta-ethnographic synthesis three overarching themes emerged: structural, interpersonal and intrapersonal. Recommendations include reducing reliance on survival strategies by TGD prisoners through implementation of policies which meet TGD prisoners' needs and to enabling better informed decision making regarding housing. Further research into lived experiences would allow for a better understanding of what currently works, how services could be improved, and identify potential training needs.

#### **KEYWORDS**

custody, gender diverse, lived experience, systematic review, transgender

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# 1 | INTRODUCTION

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According to the 2021 census, in March 2021 there were 262,000 people living in England and Wales who identified with a gender different from their sex registered at birth (Office for National Statistics, 2023). A trans woman is a person who was assigned male at birth but identifies as female and a trans man is a person assigned female at birth but identifies as male. Gender diverse is a term used to describe people who identify outside the binary regardless of the gender they were assigned at birth. Trans and gender diverse (TGD) are umbrella terminology used to describe people who experience incongruence between their sex assigned at birth and gender identity. The true percentage of the population within the UK who identify as TGD is unknown, due to the lack of robust prevalence data. For example, the UK wide LGBT survey in 2018 identified that 67% of TGD people responding stated they avoided being open about their gender identity, fearing a negative reaction from others (Government Equalities Office, 2018).

Of the 78,058 people incarcerated in prisons in England and Wales in March 2021, 197 identified as TGD (HM Prison and Probation Service, 2021), although this statistic is also likely to be an underestimation given that many people will chose to conceal their affirmed gender identity. Concealment occurs due to fears of experiencing transnegativity (i.e., discrimination, harassment and/or abuse due to someone's gender identity and/or expression) (Hebert, 2020; White Hughto et al., 2018). As prisons are gendered establishments, which assume there are only two genders, prisoners generally reside in an establishment based upon their legal gender (Newburn, 2017). Most TGD prisoners reside within an establishment which does not align with their gender identity.

Existing research indicates that TGD people in prisons are significantly more likely to experience challenges during their internment compared with cisgender (i.e., someone whose gender identity aligns with the sex they were assigned at birth) prisoners (Gorden et al., 2017; Sevelius & Jenness, 2017; Simopoulos & Khin Khin, 2014). The unique challenges they may experience include breaches of rules by wearing gender appropriate clothing and/or make-up, a risk of sexual, physical and emotional victimisation, and issues with access to health care. Evidence for these challenges is documented by Brömdal et al. (2019) who identified that prisoners residing in a prison which did not align with their gender identity were at a greater risk of verbal, physical and/or sexual abuse. Trans women residing in prisons for males are particularly vulnerable with their TGD identity increasing the risk of being raped, coerced into sexual activity, ridiculed, misgendered (i.e., being referred to by their gender assigned at birth) and receiving restricted access to gender appropriate clothing as well as gender confirmatory medical care (Drakeford, 2018; Francisco, 2021; Jaffer et al., 2016).

The difference in these unique challenges experienced may, in part, be related to the content of policies in place, hitherto the care and management of TGD prisoners within different countries and contexts. Furthermore, within some countries policies varied by state/jurisdiction, such as within Australia, Canada and the USA. At the time of writing, current policies across all Australian jurisdictions agreed that TGD prisoners should be able to state their preference for the gender of staff conducting body searches and that affirmed names and pronouns should be used. However, policies from two Australian jurisdictions set out that the correct use of names and pronouns can be ignored if there is a lawful reason to do so. Further variations between policies across Australian jurisdictions include whether TGD prisoners should have access to private showers and toilets, how segregation should be used as a form of protection, and whether personal items (e.g., cosmetics) that affirm someone's gender identity are allowed (Winter, 2023). In the USA, TGD prisoners are typically allocated to prisons based on their sex as assigned at birth, with very few

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examples of TGD people being housed in establishments which align with their gender identity (MacDonald et al., 2022). However, within California, the Transgender Respect, Agency, and Dignity Act passed in 2021 states that TGD prisoners should reside in their preferred establishment, unless security concerns prevent this. 'The care and management of individuals who are transgender' policy within England and Wales states that allocation of establishments is made based upon an individual's legal gender, although TGD prisoners without a Gender Recognition Certificate (GRC) can request to reside in an establishment which aligns with their gender identity. Consideration is then given to the risk of harm to both the TGD prisoner and other prisoners within the requested establishment. A reform to the policy in 2022 outlined that trans women with male genitalia or who are convicted of a sexual offence should not reside in the female prison estate, with TGD prisoners who cannot reside safely in either the male or female estates being held on specialist units (HM Prison and Probation Service, 2023). As can be seen there is a variation in policies both between, and even within, countries which may impact upon TGD prisoners' experiences of custody.

Despite the variations in policies and known victimisation of TGD prisoners, there is a paucity of research into the actual lived experiences of gender minorities living under supervision. Additionally, most research has been conducted with trans women residing within male prisons and within the USA, whose prison system and policies vary by state. Both of these factors limit the applicability of the findings. To the authors' knowledge, only two systematic reviews exploring TGD prisoners in custody have previously been published (Brooke et al., 2022; Gorden et al., 2017). Gorden et al. included HM Prison Inspectorate and Ministry of Justice reports from the UK, not focusing on the lived experiences of TGD prisoners but including views of staff regarding management and support. They concluded that a lack of support available for TGD prisoners was evident, appearing to be justified by the perception that low numbers within custody did not warrant individualised approaches.

The systematic review by Brooke et al. (2022) focused on trans women prisoners over the age of 18 years living in male prisons. Five themes were identified: femininity in male prison, friendships and relationships, harassment, sexual abuse and physical violence, solitary confinement and housing, and limited to no access to transgender health care. These findings led Brooke et al. to make recommendations as to how the current gender binary environment of prisons within a UK context could be addressed. However, there was limited acknowledgment of how findings, most of which came from outside the UK, could be applied to the different prison services in the UK (including HM Prison and Probation Service (HMPPS), Scottish Prison Service (SPS) and Northern Ireland Prison Service (NIPS)) and therefore whether the recommendations made could truly be applied across the UK. Furthermore, how findings from studies within adult male prisons could be applied to the wider custodial environment, including female prisons and young offender institutions, and the impact differing policies may have on these experiences was not considered, again potentially limiting how effectively their recommendations could be applied. This reinforces how TGD people are often framed as a homogenous group, applying a transnormative narrative (i.e., assumptions that TGD people follow the same linear path in transitioning from one binary gender to another) to understand their experiences (Tatum et al., 2020).

Given the limitations of previous systematic reviews, the current systematic review takes a broader approach, with the inclusion of views from TGD prisoners of any age, from more diverse custodial settings. This allows for inclusion of a broader range of articles to advance understanding of the experiences of TGD prisoners. It also takes into consideration context (such as the type of custodial setting and geographical location), relevant policies, and how these factors may impact upon TGD prisoners' experiences within custody.

The current review aims to:

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- 1. Identify previous research conducted which explores the experiences of detained TGD offenders in countries with a comparable criminal justice system (CJS) to that in England and Wales.
- 2. Identify how TGD prisoners interpret services delivered and how effectively gender diversity policies are implemented.
- 3. Develop an understanding of experiences of TGD prisoners in countries with a comparable CJS to that in England and Wales.

Specifically, we intend to answer the following research question: What are TGD offenders' experiences of being detained in countries with a comparable CJS to that in England and Wales?

# 2 | METHODS

# 2.1 | Protocol registration

The review protocol was registered with the PROSPERO International Prospective Register of Systematic Reviews on 8 November 2022 (registration number: CRD42022370415).

# 2.2 | Review method design

A systematic review process was employed, following PRISMA (Page et al., 2021) and ENTREQ (Enhancing transparency in reporting the synthesis of qualitative research: Tong et al. (2012)) guidelines. Meta-ethnographic synthesis was applied allowing for a systematic comparison of qualitative studies enabling identification of overarching themes (France et al., 2019). The Noblit and Hare (1988) stages of meta-ethnography were followed, ensuring interpretations were explicit and transparent.

# 2.3 | Search strategy

A comprehensive search strategy was employed, using different terms to capture research associated with 'gender diversity' and 'incarceration' (see Table 1). Boolean 'AND' and 'OR' operators were used for all search terms.

A structured review protocol was designed with the inclusion/exclusion criteria created in line with a modified PICo tool (Joanna Briggs Institute, 2014): **P**opulation, **I**nterest, **Co**ntext and incorporating **S**tudy design (PICS) to capture qualitative and mixed methodologies. Seven electronic databases were searched between 15 and 25 November 2022, and again on 5 January 2024 including a review of grey literature. To widen the search and limit potential publication bias, hand-searching of reference lists, correspondence with experts and search of the gov.uk website were conducted. Five government reports were found under the topic of 'crime, justice and law' and the subtopic 'prisons and probation'.

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#### TABLE 1 Systematic review search strategy concepts.

Concept 1 (OR)	Concept 2 (OR)
'gender diverse'	prison*
gender-divers*	custod*
gender*divers*	incarcerat*
'non binary'	jail
non-binary	gaol
nonbinary	perpetrat*
'gender queer'	hospital
gender-queer	offend*
genderqueer	detain*
'gender fluid'	inmate
gender-fluid	imprisonment
genderfluid	'correctional facilities'
'trans m*n'	
trans-m*n	
transm*n	
'trans wom*n'	
trans-wom*n	
transwom*n	
'trans gender'	
trans-gender	
transgender	
'trans people*'	
trans-people*	
transpeople*	
'trans individual*'	
trans-individual*	
transindividual*	
'gender nonconform*'	
gender-nonconform*	
'gender non-conform*'	
'trans masculine'	
trans-masculine	
transmasculine	
'trans-feminine'	
trans-feminine	
transfeminine	
transex*	
transsex*	
'gender incongruence'	
'gender minority'	
'gender dysphoria'	
'gender variant*'	

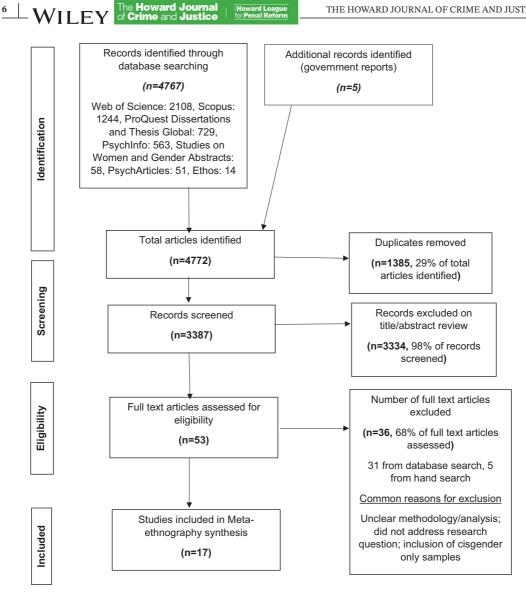


FIGURE 1 PRISMA 2009 flow diagram.

#### 2.4 Article selection

Figure 1 outlines the article selection process, including the number of records initially identified, those excluded, and the number included in the final analysis.

Full text articles were accessed and assessed for eligibility against the inclusion/exclusion criteria. Inclusion criteria outlined samples of TGD perpetrators of any age, nationality and ethnicity; settings of prison, young offender institutions, police custody, mental health hospitals and military training centres; within countries identified as comparator territories with England and Wales. These included Northern Ireland, Scotland, Australia, Canada, New Zealand, the Republic of Ireland, the United States, Finland, France and the Netherlands. Comparator countries were identified by the National Audit Office as advanced democratic nations used for a comparison briefing paper on International CJSs. These countries were identified through

analysis of published data regarding offences brought to justice, sentencing, prisons, reoffending, legal aid and CJS costs (National Audit Office, 2012).

Included studies were published between 2004 and 2023. These search dates were chosen based on implementation of legislation relevant to comparator countries, for example, Gender Recognition Act 2004 (UK), Yogyakarta Principles 2007 (EU) and Equal Opportunity Employment Commission (USA; 2009).

Fifteen studies using qualitative analysis and two mixed-methods studies were included in the meta-ethnographic synthesis. Inclusion of the two mixed-methods studies followed consideration of the emphasis on qualitative analysis within their methodologies. Both studies included interviews with 315 transgender women incarcerated in California, USA, totalling approximately 300 hours of interview data. It was considered that this provided rich information regarding their experiences of being incarcerated.

# 2.5 | Quality assessment

A quality assessment was carried out on studies included. The Critical Appraisal Checklist (CASP: Critical Appraisal Skills Programme, 2018) was used to assess all qualitative aspects. For studies using a mixed-methods design the Mixed-Methods Appraisal Tool (MMAT: Hong et al., 2018) was also utilised. Each study was categorised as high, moderate, or low quality (see Table 2). One study was rated as high quality, and three studies were rated as moderate/high quality. Eight studies were of moderate quality, four studies rated as low/moderate quality and one as low quality.

Through completion of the CASP key strengths identified related to the data analysis within studies being sufficiently rigorous (n = 8, 53%) and taking ethical issues into consideration (n = 7, 47%). Weaknesses related to the relationship between the researcher and participants not being adequately considered (n = 11, 73%).

Two studies were also reviewed using the MMAT. Strengths included an adequate rationale for a mixed-methods approach (n = 2, 100%) and components of the study were effectively integrated (n = 2, 100%). The main weakness related to difficulties identifying whether divergences and inadequacies between quantitative and qualitative elements were adequately addressed (n = 2, 100%).

# 3 | RESULTS

# 3.1 | Study characteristics

The oldest paper was published in 2014 (Jenness & Fenstermaker, 2014) and the most recent in 2023 (Greene, 2023). Of the 17 papers which met the criteria for inclusion in this systematic review, ten were conducted within prisons (Hebert, 2020; Jenness & Fenstermaker, 2014; Jenness & Gerlinger, 2020; Jenness, Sexton & Sumner, 2019; Lea, Gideonse & Haraw, 2017; Maycock, 2020; McCauley et al., 2018; Nulty, Winder & Lopresti, 2019; Sumner & Sexton, 2016; Wilson et al., 2017) and seven within the community (Brömdal et al., 2022; Clark et al., 2023; Greene, 2023, Mallon & Perez, 2020; Sanders et al., 2022; Smoyer, Divita & Perrault, 2020; White Hughto et al., 2018). With respect to the locations where these studies were conducted, 13 used US samples (Brömdal et al., 2022; Greene, 2023; Jenness & Fenstermaker, 2014; Jenness & Gerlinger, 2020; Jenness, Sexton & Sumner, 2019; Lea, Gideonse & Haraw, 2017; Mallon & Perex, 2020; Jenness, Sexton & Sumner, 2019; Lea, Gideonse & Haraw, 2017; Mallon & Perex, 2020; Jenness, Sexton & Sumner, 2019; Lea, Gideonse & Haraw, 2017; Mallon & Perex, 2020; Jenness, Sexton & Sumner, 2019; Lea, Gideonse & Haraw, 2017; Mallon & Perex, 2020; Jenness, Sexton & Sumner, 2019; Lea, Gideonse & Haraw, 2017; Mallon & Perex, 2020; McCauley et al., 2018; Sanders et al., 2022;

	<b>Overall quality</b>	
Authors	assessment	Strengths and weaknesses
Brömdal et al. (2022)	Moderate/High	Strengths
		Participant eligibility criteria outlined.
		Justification for use of Thematic Analysis.
		Inclusion of appropriate quotes to support themes.
		Clear statement of findings presented.
		Weaknesses
		No justification provided for comparison between USA and Australia.
		Relationship between the researcher and participants not adequately considered.
Clark et al. (2023)	Moderate	Strengths
		Clear statement of research aims.
		Justification for use of Thematic Analysis.
		Relationship between researcher and participants adequately considered.
		Ethical issues considered.
		Weaknesses
		No justification provided for comparison between USA and Australia.
		Very broad themes generated.
Greene (2023)	Low	Strengths
		Appropriate recruitment strategy.
		Strong links to previous research.
		Relationship between researcher and participants adequately considered.
		Weaknesses
		Ethical issues not considered.
		Unclear how themes were generated.
		Unclear why Grounded Theory was applied to address research goal.
		Details regarding data collection not included.
		(Continues)

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	Overall quality	
Authors	assessment	Strengths and weaknesses
Hebert (2020)	Low/Moderate	Strengths
		Research design appropriate to address the aims of the research.
		Weaknesses
		Data analysis not specified.
		Ethical issues not considered.
		Relationship between researcher and participants not adequately considered.
Jenness & Fenstermaker (2014)	Moderate	Strengths
		Appropriate recruitment strategy to address the aims of the study.
		Strong links to previous research.
		Weaknesses
		Data analysis not specified.
		Details of the study were not included, e.g., methodology and data collection.
Jenness & Gerlinger (2020)	Moderate	Strengths
		Adequate rationale for mixed-methods approach.
		Qualitative and quantitative components effectively integrated.
		Clear summary of findings linking to previous research.
		Weaknesses
		Unclear how themes were generated.
Jenness, Sexton & Sumner (2019)	Moderate	Strengths
		Adequate rationale for mixed-methods approach.
		Qualitative and quantitative components effectively integrated.
		Strong links between literature review and discussion.
		Weaknesses
		Interviews not audio recorded.
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	Strengths and weaknesses	Strengths	Data analysis sumetenuy rigorous. Weaknesses	Relationship between researcher and participants not adequately considered.	Findings not clearly discussed in relation to original questions.	Strengths	Ethical issues considered.	Appropriate data collection.	Weaknesses	Unclear how themes were generated.	Strengths	Appropriate recruitment strategy.	Ethical issues considered.	All identified TGD prisoners in Scotland approached.	Weaknesses	Relationship between researcher and participants not adequately considered.	Strengths	Ethical issues considered.	Data analysis sufficiently rigorous.	Appropriate data collection.	Weaknesses	Relationship between researcher and participants not adequately considered.	(Continues)
	Overall quality assessment	Low/Moderate				Low/Moderate					High						High/Moderate						
TABLE 2 (Continued)	Authors	Lea, Gideonse & Haraw (2017)				Mallon & Perez (2020)					Maycock (2020)						McCauley et al. (2018)						

TABLE 2 (Continued)

	<b>Overall quality</b>	
Authors	assessment	Strengths and weaknesses
Nulty, Winder & Lopresti (2019)	Moderate	Strengths
		All identified trans women in the prison were approached.
		Appropriate data collection.
		Weaknesses
		Unclear who completed data analysis.
		Relationship between researcher and participants not adequately considered.
Sanders et al. (2022)	Moderate	Strengths
		Relationship between researcher and participants adequately considered. Weaknesses
		Unclear why data was collected within USA and Australia and combined into
Smover. Divita & Perrault (2020)	Moderate	Strengths
		Appropriate data collection.
		Ethical issues considered.
		Data analysis significantly rigorous.
		Weaknesses
		Data collected from small urban area.
		Participants eligible if incarcerated in last 5 years, rationality not explained.
		(Continues)

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	Overall quality	
Authors	assessment	Strengths and weaknesses
Sumner & Sexton (2016)	Moderate	<u>Strengths</u> Appropriate research design to address identified aims. Appropriate data collection. <u>Weaknesses</u> Relationship between researcher and participants not adequately considered.
White Hughto et al. (2018)	Moderate/High	<u>Strengths</u> Ethical issues considered. Theoretical basis for data analysis outlined and process recorded in detail. <u>Weaknesses</u> Participants eligible if incarcerated in last 5 years, rationality not explained. Relationship between researcher and participants not adequately considered.
Wilson et al. (2017)	Low/Moderate	<u>Strengths</u> Interview guide included. Discussion of modification to investigate themes raised by participants. <u>Weaknesses</u> Details of study not included, e.g., methodology and data collection. Relationship between researcher and participants not adequately considered. Limited consideration of ethical issues.

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Smoyer, Divita & Perrault, 2020; Sumner & Sexton, 2016; White Hughto et al., 2018). Four used samples from Australia (Brömdal et al., 2022; Clark et al., 2023; Sanders et al., 2022; Wilson et al., 2017), two from the UK (Maycock, 2020; Nulty, Winder & Lopresti, 2019) and one from Canada (Hebert, 2020). Three papers used the same data set (Jenness & Fenstermaker, 2014; Jenness & Gerlinger, 2020; Jenness, Sexton & Sumner, 2019) and one paper (Clark et al., 2023) utilised datasets from two other papers (Brömdal et al., 2022 and White Hughto et al., 2018).

With respect to the methodologies applied, 15 papers used qualitative analysis (Brömdal et al., 2022; Clark et al., 2023; Greene, 2023; Hebert, 2020; Jenness & Fenstermaker, 2014; Lea, Gideonse & Haraw, 2017; Mallon & Perez, 2020; Maycock, 2020; McCauley et al., 2018; Nulty, Winder & Lopresti, 2019; Sanders et al., 2022; Smoyer, Divita & Perrault, 2020; Sumner & Sexton, 2016; White Hughto et al., 2018; Wilson et al., 2017) and two adopted a mixed-methods approach (Jenness & Gerlinger, 2020; Jenness, Sexton & Sumner, 2019). Three studies had samples of five or fewer (Nulty, Winder & Lopresti, 2019; Smoyer, Divita & Perrault, 2020; Wilson et al., 2017), with optimal sample sizes for IPA and thematic analysis (the analysis tools used) suggested to be between four and ten (Smith, Flowers & Larkin, 2022) and six and ten respectively (Fugard & Potts, 2014). Table 3 outlines the key findings extracted from the data.

Three superordinate themes were apparent relating to the structural, interpersonal and intrapersonal influences of TGD prisoners' lived experiences. The structural level refers to the influence of factors such as legislation and policies on aspects such as where TGD prisoners reside while in custody. The interpersonal level explores the relationships between TGD prisoners and others within custody, including other TGD prisoners, cisgender prisoners and staff. The third level, intrapersonal, focuses on the personal characteristics of participants and how these influence, or are influenced by, their experiences. A summary of the superordinate and subordinate themes is available in Table 4.

# 3.2 | Structural level

The first superordinate theme identified regarded how structural and systematic factors, including legislation, policies, and decisions made by prison management in relation to the care of TGD prisoners, influenced lived experiences.

# 3.2.1 | Knowledge and implementation of gender diversity policies

TGD prisoners expressed scepticism of policy implementation, suggesting that some staff exerted discretion which TGD prisoners felt resulted in limited access to their entitlements (Sumner & Sexton, 2016). For trans women, examples included access to make-up and prosthetics, which TGD participants felt were not authorised due to a lack of motivation to complete necessary administrative processes (Maycock, 2020). When attempting to meet their own needs they felt challenged by staff for policy violation, for example, wearing make-up (Clark et al., 2023; White Hughto et al., 2018). Some TGD prisoners also developed a detailed understanding of current policies to ensure an understanding of their rights and enable them to make informed decisions. For example, Brömdal et al. (2022) reported that some TGD prisoners were aware of having a choice to reside within the general population or protective custody, despite feeling that staff tended to actively encourage the latter. TGD prisoners perceived that 'policies of segregation seeking to contain trans persons in physical enclosures such as sole occupancy cells and isolation attempt to keep the whole cisnormative institution safe from being marred or blurred by trans-

TABLE 3 Data extraction.

Authors. date.	Sample and			
country	setting	Data collection	Analysis	Findings
Brömdal et al. (2022)	4 trans women (Australia) 20 trans women (USA)	Semi-structured interviews	Thematic Analysis	Trans institutionalism (self and the total institution), trans intimacy (self and relations with others) and trans bodily sovereignty (expressing femininity) were identified as factors which defined the relationships incarcerated trans women navigated when enacting their intimate citizenship.
Australia & USA	Community			Narratives illustrated self-sufficiency, and innovative and proactive ways to subvert institutional policies and practices by exerting influence over spatial assignment, embodying, expressing and enacting femininity, and engaging in socio-emotional, strategic, romantic and friendly relationships.
Clark et al. (2023) Australia & USA	9 trans women (USA) 3 trans women (Australia) Community	Semi-structured interviews	Thematic Analysis	The oppression-to-incarceration cycle developed through interviews with Black American and First Nations Australian trans women documents how trans health inequities are produced, maintained, and exacerbated by the carceral system and presents an application of the Research for Transgender Health Justice framework. This conceptual model seeks to name intersecting power relations, disrupt the status quo and centre embodied knowledge in the lived realities of formerly incarcerated Black American and First Nations Australian trans women.
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Findings	This article contributes methodologically to the conversation in transgender studies – work generally in the realm of theory and in textual and visual analyses – by offering interviews that shine attention on the experiences and subjective meanings of incarcerated trans women.	Examining incarcerated women's insurgent agency through their engagement in everyday life clarifies the multiple structures of domination. institutionalised by the prison. It is not patriarchy alone but intersections of race, gender, and class oppression that prisons consolidate and that incarcerated trans women navigate in the course of making lives behind bars.	Participants were invested in a process of balancing the possible benefits of new rights-based accommodations against their possible consequences.	Gender self-determination is one among many aspects of life in prison that TGD people have to contend with to survive.	Participants were engaged in balancing acts involving mitigating immediate threats to their safety and staff's 'arbitrary exercises of power' and managing the emotional and interpersonal dimensions of prison life.	The prison environment sets the stage for embodiment to be understood as unforgiving ('Everyone knows') and eminently deniable ('Who cares?'). Through the pursuit of the real deal, gender expectations remain and demand that the TGD prisoner's behaviour	reflects an inherent femininity.	(Continues)
Analysis	Grounded Theory		Does not specify			Does not specify		
Data collection	Semi-structured interviews		Anthropological fieldwork			Semi-structured interviews		
Sample and setting	32 trans people or within the spectrum of trans femme Community		13 TGD prisoners Prison			315 trans women	Prison	
Authors, date, country	Greene (2023) USA		Hebert (2020) Canada			Jenness & Fenstermaker (2014)	USA	

Authors, date,	Sample and			
country	setting	Data collection	Analysis	Findings
Jenness & Gerlinger (2020)	315 trans women	Semi-structured interviews	Mixed-methods analytic strategy	Participants revealed a commitment to an authentic self that is as essential as it is undeniable. They revealed considerable attentiveness to expressions of femininity as an expression of identity.
USA	Prison			Transgender women in prison perceived themselves to be more feminine while incarcerated than prior to incarceration. Feminine behaviour and their presentation of self was identified as a method whereby respect could be accrued in prison.
Jenness, Sexton & Sumner (2019)	315 trans women	Semi-structured interviews	Mixed-methods analytic strategy	Incident reports of transgender women being groped and fondled in ways that are unwanted and against their will were frequently narrated by participants as part and parcel of being TGD in prison.
USA	Prison			Sexual victimization began as a consensual relationship and evolved over time or in an instant to become recognisable as sexual assault. Transgender women orient to their experiences with sexual victimisation in complicated ways precisely because they so often occur in a context in which the pursuit of male companionship looms large and the incidents often involve the men with whom they desire to have consensual intimate, romantic, and monogamous relationships.
Lea, Gideonse & Haraw (2017) 11SA	17 cis men or trans women Prison	Secondary analysis of semi-structured interviews	Grounded Theory	Findings illuminate participants' experiences concerning how the correctional facility shaped their sexual choices and behaviours, and the HIV-risk reduction strategies they employed.
				(Continues)

AnalysisFindlingsGrounded TheoryTGD youth expressed frustration about the ignorance of the juvenile justice professionals they encountered.Grounded TheoryTGD youth expressed frustration about the ignorance of the juvenile justice professionals they encountered.Preventing TGD youth from expressing their gender identity or punishing them for doing so increases the distress they experience; undermines their emotional stability; and interferes with their care, treatment and rehabilitation.Inductive ThematicThe study looked at the 'pains of imprisonment' specifically for TGD prisoners. It identified the pains of framsitioning in custody, the pains of isolation and the pains of transitioning in custody, the pains of isolation and the pains of transitioning in custody, the pains of isolation and the pains of transitioning in custody, the pains of tareaptroachGeneral inductiveRespondents reported issues with special housing assignments and approachGeneral inductiveRespondents reported issues with special housing assignments and the use of segregation or solitary confinement.InterpretativeRespondents reported issues with special housing assignments and the use of segregation or solitary confinement.InterpretativeRespondents reported issues with special housing assignments and the use of segregation or solitary confinement.InterpretativeRespondents reported issues with special housing inprisonment.InterpretativeRespondents reported issues with special housing inprisonment.InterpretativeRespondents reported issues to adequate mental health care, and an increase in mental health symptoms during imprisonment.InterpretativeInterpret	
2	Data collection
Thematic nductive nological TPA)	Semi-structured interviews/focus
Thematic aductive trive nological IPA)	groups
nductive titive nological (IPA)	Semi-structured interviews
aductive trive nological IPA)	
	Semi-structured interviews
The ways in which TGD prisoners express their own identity, an others view them, was an important theme within the analysis.	Semi-structured interviews

TABLE 3 (Continued)

Authors, date,	Sample and	Data collection	Anolyseis	Dindings
country	Sciulty	Data collection	cickipity	
Sanders et al. (2022)	4 trans women (Australia) 20 trans women Gomhunity	Semi-structured interviews	Thematic Analysis	The paper identified that while the function of the prison cell enabled by the single occupancy policy seeks to protect the TGD person from harm, the determination towards and reliance upon uncovering the TGD person's gender origin actually puts TGD persons further in harm's way
Australia & USA				The curiosity of the Other denotes a marked departure from a space where TGD are at risk and use their body as a commodity with other incarcerated persons or prison officers to survive their prison sentence, to gain protection, to be free from various forms of punishment and victimisation, for food, canteen and other commissary items.
Smoyer, Divita & Perrault (2020)	5 (3 cisgender women and 2 trans	Semi-structured interviews	Thematic Analysis	Narratives were shared about the challenges of living in a masculine body under the belligerent and incessant gaze of the custodial officers.
USA	men) Community			A defining characteristic of the carceral experience for the transgender men was the overwhelming attention that they received from incarcerated women.
Sumner & Sexton (2016) USA	10 TGD prisoners Cisgender prisoners/staff	Semi-structured interviews/focus groups	Inductive Analysis	While respondents' descriptions of TGD prisoners implicitly addressed how this group is situated within the larger inmate culture, these descriptions were often followed by more explicit discussions about the position that TGD prisoners occupy relative to others.
	Prison			The strong stated and desired commitment to equity through equal application of the same policies and rules expressed by both staff and prisoners alike stands in stark contrast to the reality that transgender women are uniquely situated in men's prisons.

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Authors, date, country	Sample and setting	Data collection	Analysis	Findings
White Hughto et al. (2018) USA	20 trans women Community	Semi-structured interviews	Iterative and inductive approach	The study highlighted an institutional culture in which transgender women are regularly ridiculed for having a feminine gender expression.
				Participants' prior and anticipated experiences of mistreatment in correctional settings, including with health-care providers, shaped their behaviour while incarcerated. For some participants, the fear of being treated poorly by providers, custody staff, and other immates led them to conform to male gender norms and reinforced the gender binary, while others actively resisted the gender binary by maintaining and/or amplifying their feminine gender expression.
Wilson et al. &@talia	5 TGD prisoners Prison	Semi-structured interviews	Does not specify	Findings focused on experiences of sexual violence including links with violent assault, everyday harassment and coercion, diversity and ambiguities for sex, personal/individual strategies for keeping safe and upholding dignity, placement in women's prison as policy strategy for keeping safe.

TABLE 3 (Continued)

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TABLE 4	Summary	v of identif	fied themes.

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Superordinate Themes	Subordinate Themes
Structural level	Knowledge and implementation of gender diversity policies
	Living spaces
Interpersonal level	Victimisation
	Companionship
	Interactions with professionals
Intrapersonal level	Transitioning when detained within a gendered establishment
	Strategies for survival

ness' (Sanders et al., 2022, p.12). It was clear that they felt a need to have a detailed knowledge of the policies within their establishments to be able to advocate for their own rights, rather than policies working effectively to provide adequate care and management.

The majority of studies which identified difficulties relating to policy implementation were conducted in Australia and/or the USA (Brömdal et al., 2022; Sanders et al., 2022; Sumner & Sexton, 2016; White Hughto et al., 2018), where polices varied by state/jurisdiction. As noted above, some TGD prisoners developed a detailed understanding of polices to assist them in making informed decisions, therefore prisoners that may have resided in a number of prisons across states/jurisdictions may find it difficult to develop such a detailed understanding due to the variation in policy content. For example, in both Australia and the USA guidance varied across states/jurisdictions on the use of segregation, access to personal items (e.g., cosmetics) that facilitate gender affirmation, and accommodations being made for gender identity or expression (MacDonald et al., 2022; Winter, 2023).Therefore TGD prisoners may have rights within a state/jurisdiction where they were previously located which are not relevant to their current location.

When implementing policies which meet the needs of TGD prisoners, it was unclear whether staff discretion was, overall, perceived as positive or negative. TGD participants considered all decisions were subject to staff discretion (Wilson et al., 2017) and although they expressed concerns regarding policy implementation, it may be inferred they would prefer staff to exert discretion to meet individual needs and avoid being treated as a homogenous group.

#### 3.2.2 | Living spaces

Published work reviewed included views on the most appropriate living spaces for TGD prisoners. TGD prisoners within three studies perceived being placed in a male facility as positive. One reason presented by trans women included enjoying being in the company of males, which was felt to be associated with their sexual attraction towards men (Mallon & Perez, 2020). The risks of sexual and physical abuse to which trans women residing in a male estate may be vulnerable was acknowledged in one study (Wilson et al., 2017) and for such reasons TGD prisoners in male estates were offered protective custody. This did not only refer to isolation but to shared spaces with vulnerable prisoners, including sexual offenders. TGD prisoners reported that sharing living spaces with other vulnerable prisoners placed them at risk of sexual abuse (McCauley et al., 2018) and in response some refused to do so (Brömdal et al., 2022). Through refusing protective custody The Howard Journal Howard League

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Despite these concerns, some TGD participants would choose to remain in a male establishment, perceiving women's prisons as more aggressive environments. They reported the women's estate to be 'rougher' and considered they would be at greater risk of harm from other prisoners (Jenness & Fenstermaker, 2014). Concerns were also expressed by trans women regarding sharing spaces with many women due to the non-empirically supported theory that the cisgender women there would be experiencing hormonal changes at the same time because of syncing menstrual cycles. They perceived that this would cause cisgender women to behave more viciously. Trans women were torn regarding their preferred location, wanting to spend time with women but being unsure how well they would get along, potentially due to a lack of experience of socialising in a female space while in a female gender role. They were also concerned with women's prisons being an unknown environment compared with male prisons, with which they were more familiar with both the daily regime and interactions with male prisoners (Jenness & Fenstermaker, 2014; Wilson et al., 2017). Such discussions were however hypothetical, as participants who identified these concerns resided in countries where there were limited options for them to choose to reside in an establishment which aligned with their gender identity. This was due to the countries where these findings originated (Australia and USA) having policies which outlined allocation of TGD prisoners to be based on their sex as assigned at birth (MacDonald et al., 2022; Winter, 2023).

An alternative perspective regarding living spaces was presented by two participants within separate studies suggesting that all TGD prisoners should be housed together. The rationale was that this would create a harmonious environment through eliminating real and perceived gender identity based risks from other prisoners, through removing those considered to be 'at risk' (McCauley et al., 2018; Wilson et al., 2017). The views expressed suggested that TGD prisoners were a homogenous group who would 'harmoniously' live together. Such a simplistic view that removing TGD prisoners from the main prison population would reduce risks posed to them, and others, does not however address the underlying transprejudice experienced by TGD prisoners from staff and other prisoners.

With respect to the trans men included within reviewed studies, Hebert (2020) reported a risk of sexual assault if placed in a male prison, suggesting that a female establishment would be more appropriate. Concerns were also expressed regarding a risk of pregnancy and the lack of provisions to care for pregnant prisoners within the male estate. Concerns regarding pregnancy were also expressed for the women's estate, despite available provisions. Such views are reflected within the reformed HMPPS '*care and management of individuals who are transgender*' policy, which outlines that trans women with male genitalia should not reside within the women's prison estate (HM Prison and Probation Service, 2023). It is assumed that such concerns relate to trans women who have not physically transitioned based on a supposition that they could impregnant cis women. The focus appeared to relate to the biological function of prisoners' anatomy, with limited consideration of potential desires to transition, sexual orientation and/or feelings towards their anatomy.

# 3.3 | Interpersonal level

Interpersonal relationships between TGD prisoners and others (cisgender prisoners, TGD prisoners and staff) within prison were identified through all studies analysed, including how these impacted upon their experiences of custody.

# 3.3.1 | Victimisation

TGD participants across all studies reported victimisation based on their gender identity, by both staff and by other prisoners.

#### Victimisation by staff

Prisoners felt targeted by staff because of their TGD status, experiencing transphobia and misgendering. Sexual behaviour and assaults by staff were reported within four studies (Brömdal et al., 2022; Clark et al., 2023; Greene, 2023; Smoyer, Divita & Perrault, 2020). As well as direct sexual abuse, it was perceived that staff did not protect TGD prisoners from abuse by not listening to complaints or concerns for safety, and only accommodating individual needs when legally required (Mallon & Perez, 2020).

Only one account within Sumner and Sexton (2016) identified how staff positively assisted TGD prisoners, such as using discretion and being respectful; "Courtesy" of letting "girls with very large breasts ... wear a t-shirt in the shower" or taking extra care to be professional in searches in order to pre-empt the potential filing of a "grievance" (Sumner & Sexton, 2016, p.635). Although, the motivation appeared to be the avoidance of negative repercussions for staff rather than out of a desire to respect prisoners' trans identities.

#### Victimisation by other prisoners

Trans women reported experiencing violence (physical and sexual) and threats to kill both within and outside of intimate relationships within custody (Jenness, Sexton & Sumner, 2019; Sumner & Sexton, 2016). Even when isolated, a TGD prisoner reported that they were not protected as others would make unsolicited and unwanted comments and bang on their door (Sanders et al., 2022). When comparing their lived experience within custody to within the community, there were mixed reports of where individuals felt safer. For some custody was a safer environment to transition, experiencing less hate crime than within the community (Sumner & Sexton, 2016). Others experienced higher levels of transphobia within custody, making transitioning more difficult (Maycock, 2020). These experiences focused within male prisons, and although some participants felt safer within custody, this did not mean they felt safe.

A focus within the studies by Wilson et al. (2017) and Hebert (2020) of experiences within women's prisons identified that TGD prisoners did not feel scared; 'sexual violence in the women's centres is non-existent really' (Wilson et al., 2017, p.393). However, this contrasts with other accounts within Hebert (2020) which reported denigrating comments and harassment from both staff and prisoners. In general, higher levels of victimisation were reported within the male prison estate, with more varied reports from the women's estate.

# 3.3.2 | Companionship

From the studies reviewed it would appear that for some TGD prisoners, particularly those who expressed their gender identity for the first time in custody, seeking companionship with other prisoners may be a means of exploring their sexual orientation. As there is a lack of relationship between sexual orientation and gender identity, TGD prisoners may need to explore this within their expressed gender identity, as sexual orientation may change for some TGD people upon expressing their gender identity.

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Some TGD prisoners sought companionship through relationships representative of a traditional husband/wife and although participants felt supported by their partners these were not necessarily described as loving, potentially being more practical in nature to affirm their gender identity (Brömdal et al., 2022; Jenness & Fenstermaker, 2014). Some TGD participants did, however, report experiencing loving relationships (Wilson et al., 2017). They also experienced companionship through sexual relationships, although this was not sought by everyone, with some participants wanting to avoid sexually transmitted infections while others 'set particular "standards" and did not want to "bend over" for anyone as it would be "denouncing" (Brömdal et al., 2022, p.17).

Despite some TGD prisoners wanting sexual and romantic relationships there were reports of abuse, including threats, violence and jealousy. One survival strategy was the use of sex to appease male partners, such as performing oral sex as a means of calming partners or reassuring them (Jenness et al., 2019).

# 3.3.3 | Interactions with professionals

Most studies provided details regarding TGD prisoners' interactions with professionals while in custody. This focused mostly on negative interactions, including poor communication, transphobia and a lack of understanding of TGD individual's needs. When interacting with health-care staff in particular, TGD prisoners reported a lack of respect for feminine gender identity, use of male pronouns and being denied hormone treatment (Clark et al., 2023; Greene, 2023; McCauley et al., 2018; White Hughto et al., 2018). When discussing interactions with custodial officers, views of mistreatment were commonplace. TGD prisoners reported avoiding contact, where possible, with officers who negatively targeted them because of their gender identity (Mallon & Perez, 2020; Smoyer, Divita & Perrault, 2020). It was also perceived that staff misinterpreted the behaviour of some trans women who felt they needed to present as hyper-feminine to be accepted by others (Hebert, 2020), as attention seeking, being flamboyant and promiscuous (Mallon & Perez, 2020; Sumner & Sexton, 2016).

TGD prisoners interpreted their interactions with staff to be influenced by transprejudice and a lack of understanding. One respondent felt 'they have no, no special insight whatsoever into transgenders'<sup>1</sup> (Wilson et al., 2017, p.393). Some participants expressed their gratitude for staff who took time to know them and work with them effectively (Nulty, Winder & Lopresti, 2019; White Hughto et al., 2018). In response to negative interactions with staff, protocols are in place for prisoners to submit complaints. Five papers included comments by TGD prisoners on staff responses to complaints, with prisoners feeling that their complaints were either ignored or that staff did not address them due to policy restrictions. It was also considered that there would be negative consequences for TGD prisoners raising concerns, such as being made to move establishments, being placed in protective custody or staff making life difficult, such as finding reasons to suggest a failure to comply with prison policies (Brömdal et al., 2022; Maycock, 2020). These examples support concerns raised by TGD prisoners that policies either were not adhered to or could not be relied on for support and protection.

# 3.4 | Intrapersonal level

Experiences at an intrapersonal level were reported, with the analysis considering how these would be influenced by others.

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# 3.4.1 | Transitioning when detained within a gendered establishment

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Participants explored their understanding of their gender identity and experiences of transitioning within custody. It was evident that there was a contrast in what participants understood by the term 'transitioning', whether this referred to social transitioning, for example, a change in identity presentation, or medical transitioning, for example, changes endorsed by hormones or undergoing surgery.

For one trans woman understanding their gender identity included feelings of having 'tendencies as a girl' (Jenness & Fenstermaker, 2014, p.15), and recognising themselves as different from cis women due to their internal anatomy. One participant described themselves as an illusion due to presenting as female but having male anatomy (Jenness & Fenstermaker, 2014). To express femininity, prisoners identified creative means such as using everyday items to make jewellery and drawing on feminine eyebrows with pen (Brömdal et al., 2022; Clark et al., 2023; White Hughto et al., 2018). Participants in the study by Nulty, Winder & Lopresti (2019) identified that after hiding their gender identity they experienced feelings of joy and liberation when able to authentically express themselves in custody. In contrast, other studies generally reported negative experiences of transitioning in prison, including a lack of access to hormones (Maycock, 2020; McCauley et al., 2018; White Hughto et al., 2018) and feeling the only difference was a name change (Maycock, 2020).

### 3.4.2 | Strategies for survival

Across most studies was evidence of TGD prisoners adopting strategies to survive discrimination and abuse experienced within custody. Many would be considered maladaptive coping strategies, such as avoiding others, concealing their femininity, suicidal ideation and use of violence. Strategies for survival also included refusing to share living spaces or trans women not taking prescribed hormones to 'butch up' and remain within the general prison population. TGD prisoners perceived that if they showed they were willing to use violence, others would understand they were willing to stand up for themselves (Brömdal et al., 2022). Despite the expressed importance of femininity, trans women identified embracing their masculinity when beneficial 'when I'm mad, the dude part would always come out' (Smoyer, Divita & Perrault, 2020, p.180), taken to mean using aggressive behaviour. Trans women reported not wanting to fight as this went against their idea of femininity, however if physically assaulted or disrespected would be unapologetic about responding with violence to defend themselves (Brömdal et al., 2022; Greene, 2023; Jenness & Fenstermaker, 2014; Wilson et al., 2017). TGD prisoners also aimed to defend what they felt they were entitled to within custody, either challenging the system themselves or involving lawyers (Nulty, Winder & Lopresti, 2019; White Hughto et al., 2018).

To survive, TGD prisoners identified a need to remain psychologically strong through refusing to comply with inappropriate requests for sexual acts from staff and prisoners (Mallon & Perez, 2020; Nulty, Winder & Lopresti, 2019) or using the fact that 'everyone's vying for your attention ... you're literally a star' to their advantage (Sanders et al., 2022, p.17). Some prisoners became involved in relationships for protection, identifying cis males who wanted to take care of them (Greene, 2023; Jenness & Fenstermaker, 2014; Jenness & Gerlinger, 2020; Wilson et al., 2017). Although as discussed within section 3.3.2 above, some such relationships included sexual abuse, threats, violence and jealousy.

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From the literature it suggests that TGD prisoners were required to rely on their own strategies for survival. These did, however, appear to serve as short-term solutions, with more negative consequences likely to emerge for TGD prisoners in the long term.

### 4 | DISCUSSION

The aim of this article was to critically and systematically review the available international literature examining experiences of detained TGD offenders in countries with a comparable CJS to that in England and Wales. Overall, this review found that TGD prisoners generally reported negative experiences of custody at a structural, interpersonal and intrapersonal level.

The majority of studies included in the meta-ethnographic synthesis explored experiences of trans women residing in male prison establishments. Therefore the focus was on femininity with less exploration of the experiences of other gender diverse prisoners. Also as most of the research came from prisons in the USA, specifically California, there are cultural differences to consider in prison management between the USA and the UK. Prisons in the USA tend to be run through more coercive means, including allowing prison staff to carry firearms (James et al., 1997). Gorden at al. (2017) also suggest that much of the research on TGD prisoners conducted within the USA is within state prisons, described as being overcrowded with minimal purposeful activities. It is therefore anticipated that experiences reported within these studies would be more negative compared with those within the UK as, for example, the HMPPS policy for England and Wales, at the time of the study by Nulty, Winder & Lopresti (2019), in principle supported TGD prisoners residing within appropriate establishments and allowed for their gender expression. However, through review of the study it was considered that such support may not always be available. It is important to consider that Nulty, Winder & Lopresti (2019) had a small sample size from one male establishment, making it difficult to develop a clear understanding of how effectively the policy is implemented across HMPPS. Furthermore, as considered within the results, since 2022 this policy has been reformed, making it more difficult for trans women to request to reside in the women's prison estate.

As identified within the results, the variation in policies across countries, as well as within countries, potentially impacted upon the ability to compare lived experiences of TGD prisoners. However, regardless of the geographical location of the prisons included within studies, the effective implementation of policies was called into question through this analysis. For example, the use of negative survival strategies was reported throughout studies due to ineffective implementation of policies to support the needs of TGD prisoners. Developing polices which meet the needs of TGD prisoners would work towards reducing the need for survival strategies. Developing positive means of coping, such as support groups and developing positive relationships with others, including professionals, would minimise the need for TGD prisoners to put themselves at risk within abusive relationships or through protective custody.

Within the UK, TGD prisoners' living spaces is a contentious issue, not only discussed and considered by those with lived experiences but also within political contexts and evidenced through the 2022 policy reform. Decisions made are dependent upon perceptions of risk to others, with TGD participants expressing that a risk to them is managed through isolation. From the findings discussed it would appear that there is a lack of knowledge around housing policies and what factors should be considered when making decisions about the housing of TGD prisoners. Further research exploring TGD prisoners in custody in England and Wales, including their experiences, needs and risks (to themselves and others), would assist in developing such understanding. It is important that such research is used to inform policies which affect TGD in custody and training programmes for staff.

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### 5 | CONCLUSION

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As identified through this systematic review there is a paucity of research regarding TGD prisoners' experiences of prison custody, especially within England and Wales. The aim of this review was to compare experiences of TGD prisoners within CJSs comparable to that in England and Wales, to assist in developing some understanding of their experiences within these countries. As identified, there are difficulties in undertaking such a comparison due to cultural differences and variations in policies, for example.

Empirical contributions can be made however through using the findings to develop policies which more effectively support and manage TGD prisoners in countries with a comparable CJS to that in England and Wales. For example, developing staff understanding around TGD prisoners' needs and experiences would make life better for those in prison, with suggestions that reducing victimisation can increase an individual's confidence in successful reintegration into society (Cid et al., 2021). It is proposed that reviewing staff training would help ensure that it is fit for purpose and does not risk either not fully addressing/challenging prejudices and negative attitudes or is perceived as a token offering. The systematic review further highlights the importance of TGD prisoners' individual needs being met, such as having access to gender affirming items and consistent use of correct pronouns. It is therefore proposed that policies should ensure limited ambiguity or options for staff discretion, which could have negative impacts on TGD individuals. Such considerations would work towards creating gender inclusive environments.

Through review of the current international literature, whether there are consistent psychological theories underpinning policies addressing the care and management of TGD prisoners is unclear. To inform a gender inclusive environment and effectively implement policies, reviewing the psychological theories which influence the content of policies would be beneficial in understanding what informs decision making. Consideration of how theories which influence behaviour change and help-seeking behaviour, for example, could assist in developing policies, would also be beneficial.

Alongside this, further research into the lived experiences of gender diverse prisoners in England and Wales would improve understanding of what works and how the service could be improved. Existing research often frames TGD individuals as a homogenous group, applying a transnormative narrative to understand their experiences (Tatum et al., 2020). Research conducted into the experiences of gender diverse prisoners has mostly focused upon trans women residing in male prisons; however we cannot automatically assume that this would relate to all gender diverse prisoners and to those residing within women's prisons. Therefore further research should explore this under-represented group. Understanding how a minority group within custody interprets services delivered and their views on improvements would assist in evaluating how effectively gender diversity policies are implemented, suggest further recommendations for amendments to relevant policies and identify potential training needs.

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#### ENDNOTE

<sup>1</sup>Participants' own words and not terminology endorsed by the researchers.

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