

Excerpted from "Trans Rights in Canada: Toward a Commission Policy on Gender Identity" Discussion Paper Executive Summary

<http://www.msnusers.com/Montrealtransissuesgrouptalk/Documents/Trans%5FRights%5Fin%5FCanada.htm>

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Sex Segregated Institutions: Corrections Facilities and Hospitals

Institutions such as hospitals and prisons usually have gender-segregated facilities and services. These pose special challenges in adapting and accommodating to the needs of transgendered individuals. Transgendered people may be placed with those of the sex with which they do not identify. In a recent criminal law decision, a judge recommended to prison authorities that the convict, a birth assigned male who was transitioning to a female, serve time in a woman's prison.

In correctional institutions, the sex segregation of facilities is a concern for transgendered inmates, particularly when the person is pre-operative male to female transsexual. The Ministry of Correctional Services has no written policy to address this type of situation. Pre-operative male to female transsexuals may be subject to solitary confinement not because they are a threat to others but for their own protection. While this is obviously a systemic disadvantage, it is not clear what the alternatives are available in light of some of the safety issues.

The standing practice appears to be to allow post-operative male to female transsexuals to stay in women's correctional facilities, and in all other situations, to deal with transgendered individuals on a case by case basis. However, unless full sex reassignment surgery has been undertaken, the individual will be placed in a facility according to his or her birth-assigned gender in a segregated area.

A brief from PASAN to the Solicitor General of Canada pointed out that the federal correction system does not provide accommodation to transgendered individuals with respect to dress codes, hormone therapy, access to sex reassignment surgery, increased risk of sexual assault or specialised counselling.

In "Transsexuals within the Prison System: An International Survey of Correctional Services Policies," the authors reviewed survey findings of the policies of correctional facilities as they relate to transsexual inmates. The study covers Europe, Australia, Canada, and the U.S. Some of the findings include;

- 29 of 64 correctional institutions stated they would maintain existing hormone therapy provided this had been prescribed prior to admission to prison.
- 62 indicated that all inmates must wear the clothing appropriate to the institution regardless of the inmate's felt gender.

- 53 jurisdictions reported that reassignment surgery would never be considered while 11 reported that in certain specific circumstances, sex reassignment surgery would be permitted. For example, under court order or where the inmate could afford to pay the cost himself or herself.

- The perception of risk of assault and sexual assault against transsexual inmates was mixed, some estimated the risk to be higher while several estimated it was no higher than that faced by non-transsexual inmates.

As noted in this study:

Of the 64 corrections departments that responded to our survey, only 20% reported any kind of formal policy in the housing or treatment of incarcerated transsexuals with another 20% reporting an informal policy. Perhaps in itself this should not be surprising since the incidence of transsexualism within the general population is relatively small. However, given the complexities of dealing with such inmates within a prison population, one would have to wonder at the lack of formal policy planning.

<http://groups.msn.com/Montrealtransissuesgrouptalk/maletofemaltranssexualinmaleprison.msnw>

Prison officials see pre-op transsexual as a male inmate
By Bill McClellan

Shauna Godfrey celebrated her 22nd birthday earlier this month in the St. Louis County jail. Sometime this week, she'll be leaving the jail.

She'll transfer into the custody of the Department of Corrections, and she'll begin serving a two-year sentence for felony possession of marijuana.

She is concerned about her safety. That's understandable. She will do her time in an institution for male offenders. In the eyes of the state, Shauna is a man. His name is Sean.

Shauna has a very understanding mother. Here is the way her mother describes the situation: "Shauna is a pre-op transgendered female, which means that her gender is female, however she was born with a male body.

When she entered puberty is about the time she realized she was 'stuck' in the wrong body. Not knowing about SRS (sex

reassignment surgery) and feeling like a freak of nature, she escaped into the drug scene."

Those were difficult times for the family. They were dealing with the two problems at once - the drugs and the emotional havoc of having a son who was truly a lost soul. Was he gay? He didn't think so. That is, he did not feel like a male attracted to other males. He didn't feel like a male at all. His parents tried therapy. When a therapist explained that he could be a woman in a man's body, it was as if a light came on. At least, that's the way Shauna explained it when I visited her in jail Tuesday.

By the way, Shauna looks very much like a young woman. Her face is smooth, and I saw no evidence of facial hair. She is about 5-foot-7 and 140 pounds.

While it's always nice to be able to identify a problem, this was not a diagnosis you would wish on an adolescent. Hormones, surgery and then what? Would life ever be normal?

Life had started out comfortably middle-class. Sean attended the parish school at Our Lady of Lourdes and then he went to CBC high school. That's when he began having serious problems. He felt awkward, but that is hardly uncommon for a teenager.

Shauna barely got through high school, and then she was into drugs. Marijuana, cocaine, heroin. In March of last year, she was arrested for possession of drug paraphernalia and possession of pot. She had a little more than an ounce of marijuana. She pleaded guilty in January in the county's drug court. Had she been able to follow the court's guidelines, she could have avoided a prison term.

There were too many rules, she told me. She reminded me of a rebellious teen.

She said she had been scheduled for sex reassignment surgery in October, but, of course, that is now out the window. She has been in the county jail for about a month. She said she has been kept in isolation and has been treated well. While we were talking, a guard came by with pills.

Shauna said she is still taking her hormone pills in preparation for eventual surgery. A jail official cited confidentiality rules and said he could not confirm the medications that individual prisoners are receiving.

Not all the inmates have been kind. Some have been crude, she said. Some have yelled things at her and have predicted that prison life will be rough. "They'll be fighting over you, honey."

Tim Kniest, a spokesman for the Department of Corrections, said that all inmates are examined at a diagnostic center - Shauna will almost certainly go to Bonne Terre - and inmates with unusual medical situations might be temporarily placed in isolation. If there are safety concerns about a person being in general population, that person might be put in protective custody, Kniest said.

Correctional Medical Services is the company that provides health care services to the Corrections Department. Ralf Salke, CMS' regional vice president, said he cannot remember his company providing hormonal therapy to a transgendered inmate, but he said all cases are decided on an individual basis.

Shauna will be eligible for parole in about four months.

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