

04 March 2026

C209147

Tēnā koe ■

Thank you for your request of 21 January 2026 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about the Transgender Policy Practice Review. Your request has been considered under the Official Information Act 1982 (OIA).

Managing prisoners' safety is one of Corrections' core functions, and a duty we take extremely seriously. We have a range of policies, processes and tools in place to ensure that concerns about prisoner safety are identified and mitigated. This includes prisoners at risk of self-harm, at risk of harm to others and at risk of harm from others.

At any one time there are around 30 to 40 people in our prisons identifying as transgender. This accounts for a small percentage of the current total prison population of around 11,000 prisoners, however we acknowledge that transgender prisoners are a vulnerable group with complex needs.

In March 2018, Corrections introduced a strengthened policy for the management of transgender prisoners and in 2019 the Department completed the *Transgender Policy Practice Review*. In response to review findings, we strengthened our practice guidance to improve understanding of the needs of transgender people and to help staff provide, safe, professional, respectful, and appropriate care and management.

If it is established that a prisoner identifies as transgender during their initial reception process, or at any other point of their management, an alert is placed on their electronic file. This policy aims to improve staff understanding and practice to support the needs and wellbeing of transgender people and ensure they are afforded a standard of care that is professional, respectful, preserves dignity, and ensures safety and privacy.

Each transgender prisoner has an individualised support plan and is able to choose the gender of staff who conduct searches. The provision of an individual support plan does not depend on whether the transgender prisoner has legal recognition of their gender identity, or whether they have undergone medical or surgical steps.

Custodial staff are provided with training material to develop an understanding of gender diversity, with a focus on the use of a person's preferred name and pronouns, and appropriate language.

These guidelines align our approach with comparable jurisdictions internationally, as well as other New Zealand agencies such as New Zealand Police and Customs.

Corrections' policies for the placement and management of transgender people in prison are available on our website, at the following links:

https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Induction/I.10-Management-of-transgender-prisoners

https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Movement/M.03-Specified-gender-and-age-movements/M.03.05-Transgender-prisoner

Our transgender policy was implemented to support the management of transgender people in prisons. Corrections provides a flexible learning module called *Working with trans people* that raises awareness around gender identity, pronouns, support and the new policy including searching and access to items. Corrections also provides staff with *Rainbow Diversity Training*, which focuses on building an awareness and understanding of LGBTQIA+ terminology, respecting dignity, and being aware of unconscious bias.

Corrections is also committed to supporting and promoting diversity and acceptance in our workplace, and we have a Rainbow Network, which is available to all Corrections employees to join. The Rainbow Network's aims include promoting greater understanding and open dialogue about how we can make Corrections a safer place to work for LGBTQIA+ staff, in addition to empowering staff to work more effectively with LGBTQIA+ people we manage.

In accordance with our obligations under the Corrections Act 2004, all prisoners are entitled to receive a standard of health care reasonably equivalent to that found in the community. With regard to the medical needs of transgender prisoners, it should be noted that Medical Officers working in prisons assess a prisoner's condition and determine whether primary, secondary or tertiary level intervention or treatment is appropriate.

You requested:

In 2019, the Department completed a "Transgender Policy Practice Review", which was provided to the Human Rights Commission for its Prism report (see here: <https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftikatangata.org.nz%2Fcms%2Fassets%2FDocuments%2FReports-and-Inquiry%2FSOGIE-Reports%2FPRISM-Human-Rights-issues-relating-to-Sexual-Orientation-Gender-Identity-and-Expression-and-Sex-Characteristics-SOGIESC-in-Aotearoa-New-Zealand-A-report-with-recommendations-PDF.pdf&data=05%7C02%7Cinfo%40corrections.govt.nz%7C97c1ce3df3444e5cd0fd08de5894c26b%7Cfc4d60d1bb674d7b898109a1c54e91ea%7C0%7C0%7C639045593660785012%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjA>

uMDAwMCIsIIAiOiJXaW4zMilslkFOljoITWFpbClslldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=35GR79MaYmqWbRL51LiQAED9iLjpqv497Jt1Swu1lr0%3D&reserved=0

Please provide me with a copy of the report produced from the “Transgender Policy Practice Review”.

Please see attached as Appendix One, the report titled “*Transgender Policy Practice Review*”.

Please note that while we are releasing this document to you, certain information, being information relating to people we manage and internal staff contact information, is deemed to be personal information. We have considered the release of this information would impact on their right to privacy and their ability to engage fully in this review without facing any possible negative repercussions.

We are unable to release the details you have requested as we have determined that doing so would contravene those obligations under the OIA. Therefore, this part of your request is refused under section 9(2)(a) of the OIA, to protect the privacy of natural persons, including that of deceased natural persons.

In accordance with section 9(1) of the OIA, we have also considered countervailing public interest relating to the release of the information, including transparency and accountability. We are satisfied that in this case, public interest considerations do not outweigh the withholding reasons outlined above.

Please note that this response may be published on Corrections’ website. Typically, responses are published quarterly or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I hope this information is helpful. I encourage you to raise any concerns about this response with Corrections. Alternatively, you are advised of your right to raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Leigh Marsh
Commissioner Custodial Services



DEPARTMENT OF
CORRECTIONS
ARA POUTAMA AOTEAROA

National Commissioner Corrections Services

Date	11 April 2019		
Title	Transgender Policy Practice Review		
Author	Bronwyn McGovern		
Team	Custodial Practice Team		
Approval	☒	Discussion	☐

Sponsoring Manager Sign-off

Name	Nova Banaghan	Title	General Manager Integrated Practice		
Signature		Extn	9(2)(a)	Date	11/04/19

Consultation

☒ Custodial Staff ☒ Trans people ☒ Practice Managers Custodial

Recommendations

It is recommended that you:

a)	Note the findings of this review.	Yes / No
b)	Agree that Learning and Development consider the inclusion of diversity and inclusion training in the Frontline Futures programme.	Yes / No
c)	Approve the proposed next steps section of this review.	Yes / No

Ben Clark
Acting National Commissioner

Dated: 15/4/19.

Executive Summary

Prisons, as micro-cosms of society, reflect the tensions surrounding the acceptance and exclusion of others. In March 2018, the Department of Corrections' new Transgender Policy was introduced to better respect and protect the gender identity and dignity of trans prisoners while securing the safety and accountability of Corrections Officers.

The Transgender Policy Practice Review sought to gain an early assessment about how the new policy is operating in everyday custodial practice to identify any areas of concern with the overarching intent being to continually improve practice and overall service.

The review found that 62% (28/46) of staff spoken to advised they had completed the Trans Prisoner Learning e-package. This compares to 53% (2158/4053) who have completed the e-learning package nationally. Although feedback from officers reflected the benefits they understood the policy provided them in their work, 33% (9/28) of the officers who had completed the training indicated they had not found it very effective.

From a broader perspective, the review found an overall lack of knowledge regarding the new Transgender Policy reflected in people's attitudes and lack of awareness about the needs of transgender people themselves. Some requirements of the new policy were found to be not so easily implemented on the floor where there is a tendency in staff attitudes to 'always do what we've always done'.

The review produced evidence to argue there is room for improvement in how we work with trans prisoners. The effectiveness of the Transgender Policy to instruct and successfully enhance custodial practice is compromised by the number of officers who have not completed the training and/or by those who are not motivated to adapt to new and better ways of 'doing' and 'being' with this group of people in custody.

It is strongly recommended that changes are made to enhance the existing online learning available. This report recommends that all custodial staff are then actively encouraged to complete the Trans Prisoner Learning e-package. The existing training could be complemented with the introduction of diversity and inclusion training at Frontline Futures.

It is anticipated this will result in Corrections Officers working better and more knowledgeably to ensure trans prisoners are afforded a standard of care that is professional, respectful, preserves dignity, and ensures safety and privacy.

Purpose

1. The purpose of this paper is to report the findings of a custodial practice review of the Transgender Policy.

Background

2. In line with comparable overseas jurisdictions as well as other New Zealand agencies, including the New Zealand Police and Customs who have introduced a range of measures to protect the rights of trans people, Corrections has taken steps to address the issues faced by trans people under our care and management.
3. In March 2016 the Executive Leadership Team (ELT) approved an action plan to improve the Department's response to, and management of, trans people in prison.
4. Corrections' approach included, but was not limited to, consultation with the Human Rights Commission, Crown Law, the Office of the Ombudsman, Pride Committees (Auckland and Wellington), and Unions, as well as training for prison staff designed to support the implementation of the new policy.
5. On 5 March 2018, the Transgender Policy went live and the new policy became operational.
6. Due to the complexity of changes, the policy was considered open to change and continuous improvement as staff and stakeholders came to identify opportunities to clarify and improve practice. The National Commissioner requested a practice review be completed within four months of implementation.
7. This review provides a comprehensive account as to how the recently implemented Transgender Policy can be understood to play out in everyday custodial practice and in ordinary social interactions between staff and trans prisoners on the floor.
8. An early assessment identifies any issues or areas of concern that may need addressing in order to minimise any future operational disruption.
9. Equally, attaining an early assessment identifies any future steps that may need to be taken towards resolving new or residual issues impacting the custodial experience of trans prisoners.

Methodological statement

10. The Custodial Practice Team (CPT) visited six sites across the prison estate to gain insight and understanding into how custodial staff and trans prisoners perceive and experience everyday prison life, following the introduction of the Transgender Policy. A semi-structured interview process was used to explore

the individual experiences of each group in order to gain a collective and balanced understanding. A total of 46 custodial staff and 29 trans prisoners were interviewed. Observations were made of staff and trans prisoners interactions occurring in daily prison routines. Social exchanges were also noted and used to inform the findings of the review.

11. An inductive analysis developed concepts and identified common themes in the interview data, in order to understand areas that are working well, as well as any that may need improving. A critical assessment to determine the level of staff compliance and knowledge relating to the Transgender Alert and the Transgender Policy documentation requirements as set out in the policy was also carried out. (See Appendix One for an in depth discussion of the methodological approach and Appendix Two for copies of interview schedules used to guide interviews with officers and trans prisoners).

The key findings of the review¹

Trans Prisoner Training

12. 62% (28/46) of all officers interviewed reported completing the Trans Prisoner Learning e-package. The review found both good and poor staff buy in with the learning on offer.^{2, 3} For example, one site was found to have a 90% (9/10) completion rate compared with a 9% (1/11) completion rate at another among those officers who were interviewed.⁴
13. People's explanations for not having attempted the learning were said to be due to limited access to computers, not liking online learning as an educational forum, and the time commitment involved in learning.
14. The feedback from staff who had completed the learning reflected the benefits they understood the policy provided them in their work. Notably, that the policy provides clarity and a frame of reference for working with trans prisoners.
15. 57% (26/46) of officers interviewed were able to describe a time when they had found the Transgender Policy had assisted them in working with trans prisoners.
16. Among those who had completed the training, not all said they had found it very effective. For example, 44% (4/9) staff spoken with at one prison shared that despite having completed the learning, they were unable to talk about or recall the policy in any detail. The review findings further identified that 50% (23/46) of custodial staff interviewed felt that the training had not, or would not, help them in any way.

¹ Appendix Three provides an overview of themed staff/trans person perspectives shared during interviews.

² Learning and Development's (L &Ds) latest figures show that of the 4053 people enrolled onto the Working with trans prisoners learning solution, 2158 (53.24%) have completed the learning.

³ See Appendix Four, for L&D's graph illustrating the percentage of staff across all sites who have completed the trans prisoner learning package.

⁴ One other site had an excellent 82% (9/11) completion rate among the officer's interviews. Each of these sites constitutes large men's prisons.

17. The findings of this review have further established that 50% (23/46) of all officers interviewed stated they have no issues working with trans prisoners, and 85% (39/46) are comfortable doing so.
18. 32% (9/28) of officers recognised that as a result of completing the training, they had gained new awareness about the value of accepting and respecting difference in others when working with trans prisoners in custody.
19. 33% (15/46) of officers reported they were experiencing increased confidence levels in working with this population due to the policy providing a structure that was previously missing, backing the approach taken in their practice. 58% (27/46) of officers reported feeling no more confident working with trans prisoners than prior to the introduction of the new policy as they said they were already confident and had therefore not noticed any difference. Another 9% (4/46) reported remaining unconfident.
20. When staff were asked whether they found the policy a workable policy that enables them to do their job while also ensuring the maintenance of dignity and privacy of trans people, 67% (31/46) said they found the policy workable. However, this question also prompted 29% (9/31) of this group of respondents to volunteer that the searching of trans prisoners was creating issues. 33% (15/46) responded they did not find the policy a workable policy and cited the searching of trans prisoners as the specific reason why.
21. A notable lack of insight into the particular needs of trans people was evident among 15% (7/46) of custodial staff who revealed an underlying reluctance to do anything different when working with trans prisoners in their care. Similarly, 13% (6/46) conceded that in their view the policy gives trans prisoners too much say in how they are managed.

Prison Operations Manual Transgender Policy in everyday custodial practice

22. Prisons, as micro-cosms of society, reflect the tensions surrounding the acceptance and exclusion of others. Given the intent of the Transgender Policy is to direct the management of trans prisoners so that their rights are acknowledged and their dignity is respected, the interviews with officers and trans prisoners included a series of questions that explored specific Prison Operations Manual (POM) procedures and processes. These ranged from induction and strip searches to how trans prisoners are addressed in routine interactions on the floor.

Induction and strip searches

23. 30% (14/46) of the officers spoken with said they have no issue with searching trans prisoners, while another 11% (5/46) said they had learned to overcome any initial uneasiness by adjusting their practice to new processes.
24. 59 % (27/46) of all officers, however, identified the policy around the strip and rub-down searches of trans people as a significant issue. Among this number,

19% (5/27) spoke specifically of their reluctance and unease in searching a person with genitalia of the opposite sex.

25. 9% (4/46) of officers interviewed also mentioned that giving trans prisoners a choice on whether they are searched by male or female staff was causing issues given that female staff were not always on duty.
26. 13% (3/23) female officers perceived the policy around searching trans people caters to the needs of one group of people in custody at the expense of staff. Two of these female officers stated they would refuse to do either search type on a trans prisoner, with one female officer also claiming the searching aspect of the Transgender Policy could well end up becoming an issue raised with the union.
27. 22% (10/46) of officers interviewed mentioned that the preferred search choice option for trans prisoners was an issue for female officers, they also said they considered it a practice reality that ought to be unanimously accepted.
28. Among the 48% (14/29) trans prisoners reporting they had been strip searched (post policy implementation), all but 14% (2/14) said they had been searched by an officer of their preferred gender.
29. Trans prisoner's responses reflected a range of experiences around their recently conducted strip searches. While 29% (4/14) reported it was now a better experience being searched by an officer of their preferred gender and that they had been treated with dignity, most spoke about feelings of humiliation and stigmatisation. 14% (2/28) of trans women who have been strip searched since the policy was implemented also said they had not being given their female underwear back following strip searches at the receiving office.

Using preferred names and pronouns

30. The Transgender Policy supports the management of trans prisoners in a way that is individualised, preserves dignity, ensures safety and privacy, and enables the maintenance of gender identity. Language plays an important role in shaping identity with naming linked to gender identity. The use of a preferred name therefore enables trans prisoners an important way in which to maintain their gender identity. As recorded in IOMS, and stated in POM section I.10.06.1, *all staff call transgender prisoners only by their preferred name and pronouns.*
31. 43% (20/46) of officers reported using trans prisoners preferred names and pronouns. Another 30% (14/46) conceded they will sometimes use them, with 13% (4/30) explaining they were more likely to use female pronouns for feminine looking trans prisoners but less so with those they perceived more manly looking.
32. 26% (12/46) of all staff said they addressed all people in prison using their IOMS name, with many clarifying it is the person's IOMS surname only which they use in their communications with all people in custody. 26% (3/12) of these respondents reasoned that to use any person's first name could become

problematic as doing so would imply familiarity that could open the way for prisoners to address officers in the same manner.

33. 18% (5/29) of trans prisoners anecdotally reported corrections officers are using their preferred name and/or pronouns when speaking with them or about them. 41% (12/29) reported that sometimes officers use their preferred name and pronouns. 41% (12/29) reported that staff never use their preferred name or pronouns.
34. 10% (3/29) of trans prisoners emphasised that even though they have legally changed their names by deed poll, this is not recognised on the Corrections' system or by officers in their communications with them. Rather, they said staff deliberately address them by their male birth names.
35. Trans prisoners further mentioned other ways they are addressed by officers. Most notably, they described objectifying and degrading labels used by officers that they perceive are intended to publicly 'other' or 'out' them. 83% (24/29) spoke about experiencing feelings of humiliation and denigration with their very personhood and/or gender identity also undermined.

Ability to express and maintain gender identity

36. The trans policy and guidance states trans people in prison must have the ability to dress and appear in clothing and other items which fit their gender identity and be provided with access to items required to maintain the appearance of their gender identity.
37. When we asked trans prisoners whether they are able to maintain their gender identity, the theme of responses appears to suggest that while there is progress in this area, a need for improvement remains with forms of discrimination also apparent.
38. Across both men's and women's prisons, 76% (22/29) of trans prisoners reported they are using the P119 form to order from the women's canteen. Among the remaining 24% (7/29), three trans prisoners reported that they did not wish to access the women's canteen.
39. By far, one of the most pressing and distressing issues identified impacting trans prisoners ability to maintain their gender identity is that of hair removal. This problem was found to be especially prevalent for trans prisoners at one of the large men's prisons as well as for trans prisoners at one of the women's prisons where it would seem razor use is unnecessarily restricted. For example, one trans woman housed in a high security wing reported it was standard practice in her unit for people to be given a razor to use for fifteen minutes once a week.⁵

⁵ Note, the Department's criteria for issuing disposable safety razor to prisoners (POM section F.06.01) instructs, "Prisoners are to be given the opportunity each day to request the use of a single disposable safety razor". This directive includes those prisoners accommodated in a high security unit, remand unit or a youth unit.

The Staff / Person relationship

40. The trans policy guides best practice in the care and custody of trans prisoners in prison. We asked trans prisoners whether they thought the policy was changing people's behaviour towards them. Their responses reflected mixed levels of optimism, empowerment, resignation, and scepticism.
41. 14% (4/29) of trans prisoners positively endorsed the good effort they felt individual officers were making. 38 % (11/29) of trans prisoners spoke about feeling as though they were better understood with their gender identity now recognised and acknowledged.
42. 7% (2/29) of trans prisoners attributed improving attitudes not so much to the policy per se. Rather, they felt officers were becoming more used to working with trans prisoners.
43. 31% (9/29) of trans prisoners volunteered that no amount of policy or training would change some officers' behaviour towards them.
44. 71% (5/7) of the trans women housed in women's prisons, emphasised a common perception that they are treated differently to other females in custody.
45. 45% (13/29) of trans prisoners said they had not experienced improved attitudes in officers' interactions with them. Several reasoned that because officers have preconceived ideas about trans prisoners, they would never be open to knowing or thinking any differently.

Social connectedness and support

46. There are no guidelines on relationships in prison. 20% (9/46) of staff were consistent in their accounts about finding trans prisoner's relationships with all other people in custody challenging. Staff spoke about the difficulties of having trans women in men's prisons, and to a lesser degree, trans women or trans men in women's prisons. For instance, we heard from staff in men's prisons that they considered all people in custody in men's prisons should be treated as men. It was not uncommon to hear staff from across all sites speak about needing to manage 'male aggression' or 'women's behaviour' in trans prisoners.
47. Among the 46 custodial officers interviewed, 4% (2/46) suggested a separate facility for trans prisoners would effectively address such complexities, whereas another considered eligibility decisions around the placement "of men" into 'women's prisons' ought to be based on whether trans prisoners were receiving hormone treatment or not.
48. Although trans prisoner's narratives reflected high levels of resilience overall in their needing to manage discrimination when living in the prison environment, many felt that because they are misunderstood, this increased a sense of isolation. For example, 17% (5/29) trans prisoners were consistent in a view that

staff see all trans people as overly sexual. Consequently, they reported there is a tendency among officers to over-monitor their interpersonal relationships with others, which in turn affects their ability to form friendships.

49. 38% (11/29) of trans prisoners reported a common need to be able to access support from the lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ+) communities. 69% (20/29) also indicated they would like the opportunity to meet with other trans prisoners in prison in order to support one another.
50. The findings of the review identified that of the 29 trans prisoners interviewed, 7% (2/29) were double bunked in a cell together with all others housed in single cells.
51. Trans prisoners spoke about inconsistency experienced in their health care treatment. 14% (4/29) felt an ad hoc approach is taken and this has led to their hormone treatment being changed from what they had been prescribed on the outside. 7% (2/29) of trans prisoners said they had been given misinformation with one person describing how she had been warned by a prison nurse that if she did not take her hormone tablets for six consecutive days, she would be sent back to a men's prison. Trans prisoner's experiences with health care nurses have led 31% (9/29) to conclude that nurses have limited knowledge about trans pathways. 10% (3/29) of trans prisoners who are transitioning, also stated they had very limited access to any counselling alongside medical treatment.

Quality of Recorded Information

Transgender Alert

52. A further way to assess officers' knowledge and buy in to the Transgender Policy was by conducting a comprehensive search of active alerts for all trans prisoners during the review period.
53. The 'Transgender' Alert in IOMS is to be entered along with recording relevant information as part of the initial POM I.10.02 Reception process.
54. The review identified several issues are occurring in terms of the correct use of the Transgender Alert and with the type of information that should or should not be included under the alert.
55. First, the review identified a doubling up of Transgender Alerts for 38% (11/29) trans prisoners creating an accuracy issue for anyone wanting to learn the correct number of trans prisoners on any given day.
56. Second, there is a tendency by custodial staff to include very personal information, often of a health related nature, on individual Transgender Alerts where this can be viewed by all staff while having no bearing on the safe management or daily care of the person in custody.

57. Third, some information contained in the alerts does not comply with the Transgender Policy. For example, an alert for one trans prisoner informs the trans prisoner is to be strip searched by male officers but rubbed-down by female officers, whereas another instructs the trans prisoner can be double bunked with a cis gender prisoner if it is considered safe to do so.

Transgender Policy Forms

58. A review of the Transgender Policy I.10. Form 01 Confirmation of Search Choice for Trans Prisoners and I.10. Form 06 Support Plan and Information for Trans Prisoners documentation for all trans prisoners across the prison estate during the review period was also conducted. The purpose was to establish whether each trans prisoner has accurately completed this mandatory exercise with a staff member. The results of this review evidenced a 97% (28/29) completion rate (see Appendix Five). However, the dates recorded on the forms do indicate that many sites were slow to implement this policy obligation, with some sites only carrying out this task following multiple requests for the documentation.
59. Many of the forms were undated and/or unsigned, and were missing relevant information.
60. Note, that as these forms are not completed through IOMS, it was extra work for staff at each site to retrieve these forms from people's files and then scan and send what was required. As a consequence, the review team needed to follow up repeatedly on the required documentation with some sites. It would have been more time efficient for everyone involved had the review team been able to electronically extract the forms from IOMS.

Conclusions

61. This review has identified how a range of measures introduced in the new Transgender Policy aimed at better protecting the rights of trans prisoners in Corrections' care are supporting officers in their custodial practice.
62. While this review identified there are officers who are working conscientiously with policy requirements to the benefit of trans people in custody, it also identified the policy's effectiveness to enhance custodial practice is compromised by the number of officers who have not completed the Trans Prisoner Learning e-package.
63. The method of learning, currently offered as an online tool, would appear, however, to be a deterrent effectively preventing some staff from engaging with the learning opportunity available.
64. The existing e-learning module available represents an impersonal learning forum, and it is argued the learning it provides is minimal.
65. Although the trans prisoner population is only small (on average there are usually around 30 trans people in custody), it is an important policy because it is about how we work with people. As such, the emphasis in training needs to be

more evenly placed on both the 'care' and 'management' of this population. In light of these arguments, the current training could be enhanced.

66. Additionally, the auto enrol L&D training link was sent to all frontline custodial staff (corrections officers), and there has been a missed opportunity to offer the learning to wider prison staff (health care, industries, case management).
67. Including all prison staff would have reinforced that the care and management of all people (especially vulnerable groups) in prisons is the collective responsibility of all staff.
68. The findings of this review reveal that implementing policy does not always translate to good practice across the board. By extension, the identification of enduring practices that no longer serve contemporary vision, facilitate an opening for rethinking taken-for-granted practices to the benefit of all people in custody.
69. For example, the longstanding practice of many officers to 'use surnames only' when addressing prisoners, has been identified to stand in the way of a policy directive, *that all staff call transgender prisoners only by their preferred name and pronouns, as recorded in IOMS, and stated in POM I.10.06.1*. Moreover, using surnames to address people in custody reinforces a 'them' and 'us' management style that is not in keeping with the general direction and strategic approach of the Department.
70. It is not only a lack of policy knowledge, therefore, preventing consistent good practice among officers working with trans prisoners. People working in prisons are a representative group reflecting the diverse attitudes of society-at-large. As such, officers carry into the custodial role a cross section of attitudes and at times unconscious biases based on their subjective social and cultural experiences and beliefs, and these are sometimes reflected in their work.
71. The diversity and inclusion training that has been rolled out to several prisons across the estate, as well as to National Office staff (including a presentation to ELT), could contribute value. The learning is about people, the delivery style engages people, and people are encouraged to confront their beliefs, biases, and attitudes.
72. A training package of this nature modelled on the good work initiated and introduced by Theresa Peters, Senior Organisational Development Adviser, would make a valuable and significant addition to the Frontline Futures Programme and would reach new recruits as they begin their Corrections' careers.
73. It would be crucial, however, for any diversity and inclusion training to be delivered by people from the rainbow community so that the messages are imparted most credibly.
74. The findings of this review have further identified various ongoing challenges confronting trans prisoners. The need exists for actively considering the ways in

which the Department could facilitate support for trans prisoners from LGBTIQ+ communities and also enabling, where possible, opportunities for trans people to support each other in the custodial setting.

Recommendations

75. It is recommended that you:

- a) **Agree** that Learning and Development consider the inclusion of diversity and inclusion training in the Frontline Futures programme. ☒ Yes/No
- b) **Approve** the proposed next steps section of this review. ☒ Yes/No

Next Steps

If the recommendations are accepted, the following next steps will be actioned:

- 76. The CPT will consult Business Solutions to make the Transgender Policy forms available on IOMS.
- 77. An addition will be made to the Transgender Policy to instruct all staff that trans prisoners' preferred names must be their recorded name, where possible, on IOMS while they are in Corrections' custody.
- 78. The CPT will work with L&D to update wording and content on the Trans Prisoner Learning e-package per feedback provided by The Human Rights Commission.
- 79. The CPT will further liaise with L&D about how the Trans Prisoner Learning e-package could be enhanced, and about the possibility of introducing diversity and inclusion training.
- 80. A summarised report discussing the key findings of the Transgender Policy Practice Review will be distributed to those sites involved in this review.
- 81. The identified issues associated with the Transgender Alert will be addressed in conjunction with the comprehensive review of IOMS Alerts currently being conducted by the CPT.
- 82. The CPT will send out a practice reminder to custodial staff about the need for timeliness and attention to detail when completing the Transgender Policy POM forms.
- 83. The review lead will speak with the Director of Offender Health about matters raised during interviews by several trans prisoners that require additional health support.

Appendix One: Review Methodology

The Custodial Practice Team (CPT) visited six sites across the prison estate to speak with custodial staff and trans prisoners. The elected prisons were primarily selected as they house the highest concentration of trans people within them. Arohata and Whanganui Prisons, while housing only two and one trans prisoners respectively, were also included given their relative geographical closeness to National Office and because they were also considered of methodological interest in representing smaller prison sites compared with the other four. Note, however, that no South Island prisons were included because currently there is only one trans prisoner in the entire Southern region (she is housed at Christchurch Women's Prison). The participating prisons that inform the findings of this review are as follows:

- Mount Eden Corrections Facility (MECF)
- Auckland Prison
- Auckland Region Women's Corrections Facility (ARWCF)
- Whanganui Prison
- Tongariro Prison
- Arohata Prison

Review Team

The review team consisted of the review lead and one uniformed team member (at any one time) from the CPT speaking with staff and trans prisoners at each of the sites:

- Bronwyn McGovern – Principal Adviser Custody (review lead)
- Carl Sutton – Senior Practice Adviser
- Lance Alexander – Senior Adviser Operations

Members of the review team spent a full day at each of the four large sites and up to two hours at each of the smaller two sites. An early methodological decision was made to best utilise the different strengths among CPT members. The review lead interviewed trans prisoners, while the other CPT member interviewed the staff in the units where the trans prisoners interviewed were housed. The rationale for this approach held trans prisoners were more likely to engage openly with a non-uniformed person, whereas a uniformed person with a custodial background was more likely to receive a greater degree of candour and buy in from staff.

A semi-structured interview process was adopted to explore the individual perspectives and experiences of custodial officers and trans prisoners.⁶ Collectively, the custodial staff interviewed represented a cross section of the custodial role across all levels ranging from Corrections Officers to Residential Managers to Prison Directors. In order to cause the least disruption to the day-to-day running of

⁶ Appendix Two provides copies of the interview schedules used to guide staff and trans people feedback. The questions were designed to receive insights into individual perspective and experience, while also encouraging participants to reflect and provide nuanced, layered responses to more basic policy related research questions.

units, most staff were interviewed in guard rooms and lunch rooms as opportunities presented. Therefore, although some interviews were conducted on a one-to-one basis, the method sometimes used was that more akin to a small focus group as this allowed for capturing as many views as possible in the time available without compromising staff routines. Alternatively, some senior or managerial custodial staff were able to be interviewed in their offices. In total, feedback was received from 46 staff members (23 male and 23 female) across the six sites.

At the time site visits were conducted, there were 33 trans prisoners in Corrections' custody, of which 29 were individually interviewed for this review. The sampling comprised 28 trans females and one trans male. Again, a semi-structured interview process was employed to gain insight into the everyday experiences and perspectives of trans prisoners. Face-to-face interviews were conducted on a one-on-one basis in spaces made privately available, for example, in staff offices. Each interview averaged 30 minutes duration, although a handful extended slightly longer. Three of the interviews were carried out using a non-contact approach given the maximum security classification of some trans prisoners. Among the three booth visits, one trans prisoner was interviewed in an Intervention and Support Unit due to her self-harming behaviour at the time. As well as discussions with staff and trans prisoners, observations of trans prisoners and staff interactions were also noted.

In addition to interviewing 75 officers and trans prisoners, copies of POM I.10.Form 01 Confirmation of Search Choice for Trans Prisoners and POM I.10.Form.06 Support Plan and Information for Trans Prisoners were requested for review from the field from all prisons housing trans prisoners by 01 June 2018.

An inductive analysis of the interview data was undertaken developing concepts and identifying common themes and issues. This method supports an analysis that goes beyond identifying what happened towards explaining why it happened with the overarching intent being to continually improve practice and overall service.

The transgender search choice and support plan paperwork was checked to ascertain all transgender people have completed these with a staff member in line with policy requirements. The dates were checked to see when these were completed with each trans prisoner. The content of each form was cross-referenced with the corresponding trans person interview data to check staff practice aligns with the choices selected and recorded in the POM form documentation. The paperwork was also assessed for practice accuracy and consistency.

Appendix Two: Interview Schedules

Schedule One: Sessions with Custodial Staff

Staff name:

Unit and Position:

Length of Service:

Interview Guide

Response

1. Have you completed the trans prisoner learning package? ○ How helpful did you find it??	☐ Yes / ☐ No
2. How are you finding working with trans prisoners? ○ Are you comfortable?	
3. Is the transgender policy a workable policy that enables you to do your job, while also ensuring you're able to maintain the dignity and privacy of trans prisoners?	
4. Is there anything that doesn't work with the policy?	
5. Can you describe a time that you were pleased to have the transgender policy and CPM guidance to assist you in your work with trans prisoners?	
6. Have you noticed any difference in how you interact with this group of people in custody?	
7. Do you feel more confident working with trans prisoners?	

8. Is there anything you'd like to add that you think would be helpful for us to know?	
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Notes: Interviewers' observations and reflections

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Schedule Two: Transgender people

Prison:	
Unit:	
Trans Prisoner Interview Guide	
How long have you been in this unit?	
Were there any issues for you when arriving at prison and being inducted, how did that go for you?	
Have you completed I.10.Form.01 Confirmation of search choice for trans prisoners regarding your preference for gender of officer to conduct a rub down or strip search of you?	☐ Yes / ☐ No
○ Were you told you could complete the form again if you changed your mind at any time after a current search or drug test was completed?	☐ Yes / ☐ No
Can you tell me about your search experience?	
○ Were you treated in a professional and respectful manner? ○ Were you given sufficient time and privacy to remove any items worn that assist you to present in your identified gender?	
Were you placed in a single cell initially?	☐ Yes / ☐ No
Are you still in a single cell?	☐ Yes / ☐ No
Do staff call you by your preferred name and use your preferred pronouns?	☐ Yes / ☐ No
Have you got a support plan (I.10.Form.02 Support Plan and Information for Trans Prisoners)?	
○ Has the PCO reviewed your support plan with you?	
Do you think the policy is changing people's behaviour towards trans prisoners?	
○ If so, who and why?	

Would you say you are managed in a way that is individualised? And in ways that; ○ Preserve your dignity, safety and privacy? ○ Enables the maintenance of your gender identity? ○ Are not dependent on the gender of person the prison you are in usually houses?
Is there anything else you think would be helpful for me to know, anything at all about being a trans person in prison?

Notes: Interviewers' observations and reflections

Appendix Three: Representative selection of staff / person in custody perspectives as told in interviews

Trans prisoner training (Custodial staff)

"I can see how it allows us to be mindful of how trans prisoners want to be seen and treated" (Female CO, 18 mths. service).

"I never thought about it from their angle. I used to think they were sick, now I'm more accepting. This was something I never had to think about before" (Male CO, 33 yrs. service).

"The policy makes it clear what the Department is trying to do. If guidelines are clear, it's easy to follow. It brings the working partnership closer together, trans feel respected" (Male SCO, 33 yrs. service).

"If you apply this policy you will never go wrong" (Male PCO, 26 yrs. service).

The new trans policy (Trans prisoners)

Heaps! It's actually 'a thing' now, exists on paper. Before we only had our voices but no one was listening" (Trans woman in a women's prison).

"The policy is making a huge difference to prison life. We now have something backing us up" (Trans male in a women's prison).

"I get the feeling some staff are very anti the transgender policy" (Trans woman in a women's prison).

Induction and strip searches (Custodial staff)

"Personally if they can't step up and do strip searches, they're in the wrong job. We should be more concerned with each others' safety" (Male SCO, 14 yrs. service).

"The job has changed; we work with the new policy" (Male SCO, 32 yrs. service).

"The rub downs are awkward, the top of the body is okay, but the bottom is not good as I don't want to touch men's parts" (Female CO, 14 yrs. service).

"I'm not comfortable and nor are a lot of other women officers. I would draw the line at a strip search, don't need willies at work. It's all about prisoners' rights and sometimes we staff get silenced in this process. We staff need a preferred choice, too." (Female CO, 2.5 yrs. service).

Induction and strip searches (Trans prisoners)

"It was okay, have had three or four now since March and I've been given privacy to remove my bra and female underwear" (Trans woman in a men's prison).

"Instead of just two staff, there were four or five watching and being nosey because I'm trans. I felt violated" (Trans woman in a men's prison).

"I didn't say anything, thought they should know. Never said anything later, they'd never believe me. There's vulnerability around being a prisoner, you're fighting a losing battle, but, it's not okay for anybody to feel like this (Trans woman in a men's prison – on being searched by an officer not of her preferred gender).

The use of preferred names and pronouns (Custodial staff)

"I prefer to use preferred first names and female pronouns because they are females" (Female CO, 2 yrs. service).

"If they look feminine I will, but the two in our unit look male so this is difficult" (Male CO, 22 yrs. service).

"I use surname as per IOMS. Having difficulty getting used to preferred names" (Male SCO, 35 yrs. service).

The use of preferred names and pronouns (Trans prisoners)

"With me, because I'm so out there, CO's use my preferred name" (Trans woman in a women's prison).

"In this unit the staff call me faggot, ugly, and 'it'. 'It' is dehumanising – I am an object" (trans woman in a women's prison).

"I'm constantly correcting pronoun use as my whole identity is being trashed" (Tran's woman in a men's prison).

"They call me by my male name over the loud speaker which singles me out as a male in a women's prison" (Trans woman in a women's prison).

Ability to express and maintain gender identity (Trans prisoners)

"I'm all good here, I'm even wearing an underwire bra which was a no go in the last prison I was in" (Trans woman in a men's prison).

"Stubble freaks me out, even three hairs and I'll hide in my cell" (Trans woman in a men's prison).

"We're only given razors twice a week. I prefer to shave every second day. So I'll rip up the sheet on my bed and thread with cotton instead" (Trans woman in a men's prison).

The staff / person relationship (Trans prisoners)

"Positive change here. COs seem to be more acceptable, not tangible, just feels that way" (Trans woman in a men's prison).

"I've worked hard to build a relationship with the staff here" (Trans woman in a women's prison).

"My dignity is intact by the staff and all the girls like me" (Trans woman in a woman's prison).

"Last night I was upset and the officers were taunting me and telling me I was sounding like a man" (Trans woman in a men's prison).

"One female CO always has to point out that I'm still a male. One way she does this is to high five me and say stuff like, "oh look at your manly hands. Oh yeah that's right, you're a tranny"...this kind of attitude brings up self judgement and lowers my self esteem" (Trans woman in a women's prison).

The staff / prisoner relationship (Custodial staff).

"No problems, generally they are very compliant" (Male PCO, 26 yrs. Service).

"Trans can switch, go from woman to man if they need to 'go there', will step you out (Male SCO, 12 yrs. service).

"To me, these prisoners are males, I've seen 'it' in action, heard 'it', and seen the manly behaviour" (Female CO, 2 yrs. service).

"They have totally different mannerisms to women...a different demeanour. Sometimes they are quite ladylike, and other times the male comes out when they're not getting their own way and then you're working with a man in a women's jail" (Female CO, 2 yrs. service).

"... sometimes if they are on hormone pills, they can be moody...or bitchy..." (Male CO, 35 yrs. service).

"We need to be aware of where the trans are, what they are doing, how many feet there are in the shower" (Female CO, 6 mths. service).

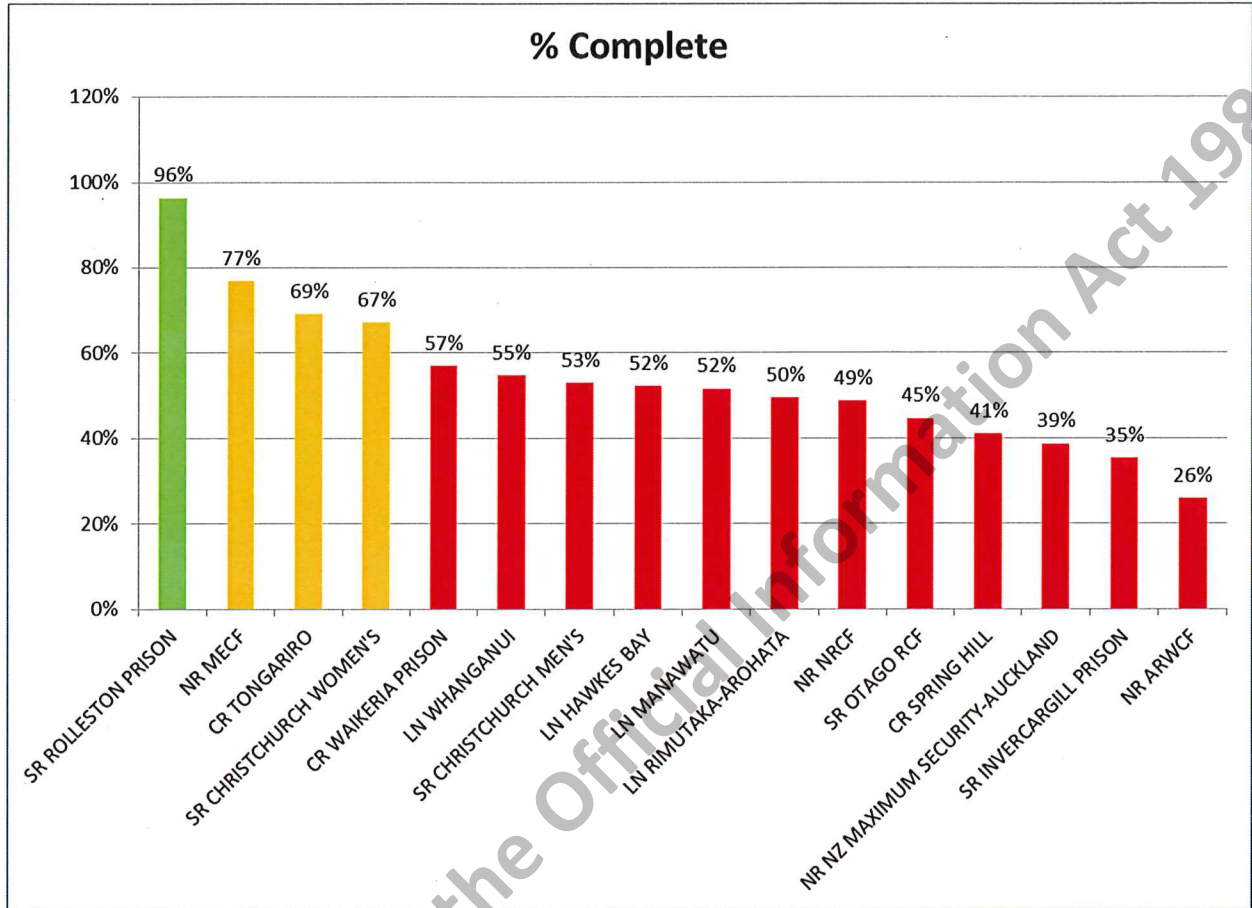
Social connectedness and support (Trans prisoners)

"If any other prisoner gets friendly with me they get teased by staff for wanting to hang out with me. This isolates me even further in a place where it is hard enough to make friends, let alone acquaintances. Guards seem to think all trans people are promiscuous so it must be sexual" (Trans woman in a men's prison).

"Five guys might be sent off for a health check and I'd just be sent with them as the policy would not be the first thing that flashed into staff minds" (Trans woman in a men's prison).

"All us trannies from all the units used to meet once a week for a coffee and chat. I wish they'd start this up again" (Trans woman in a woman's prison).

Appendix Four: % Complete Trans Prisoner Learning (L&D)

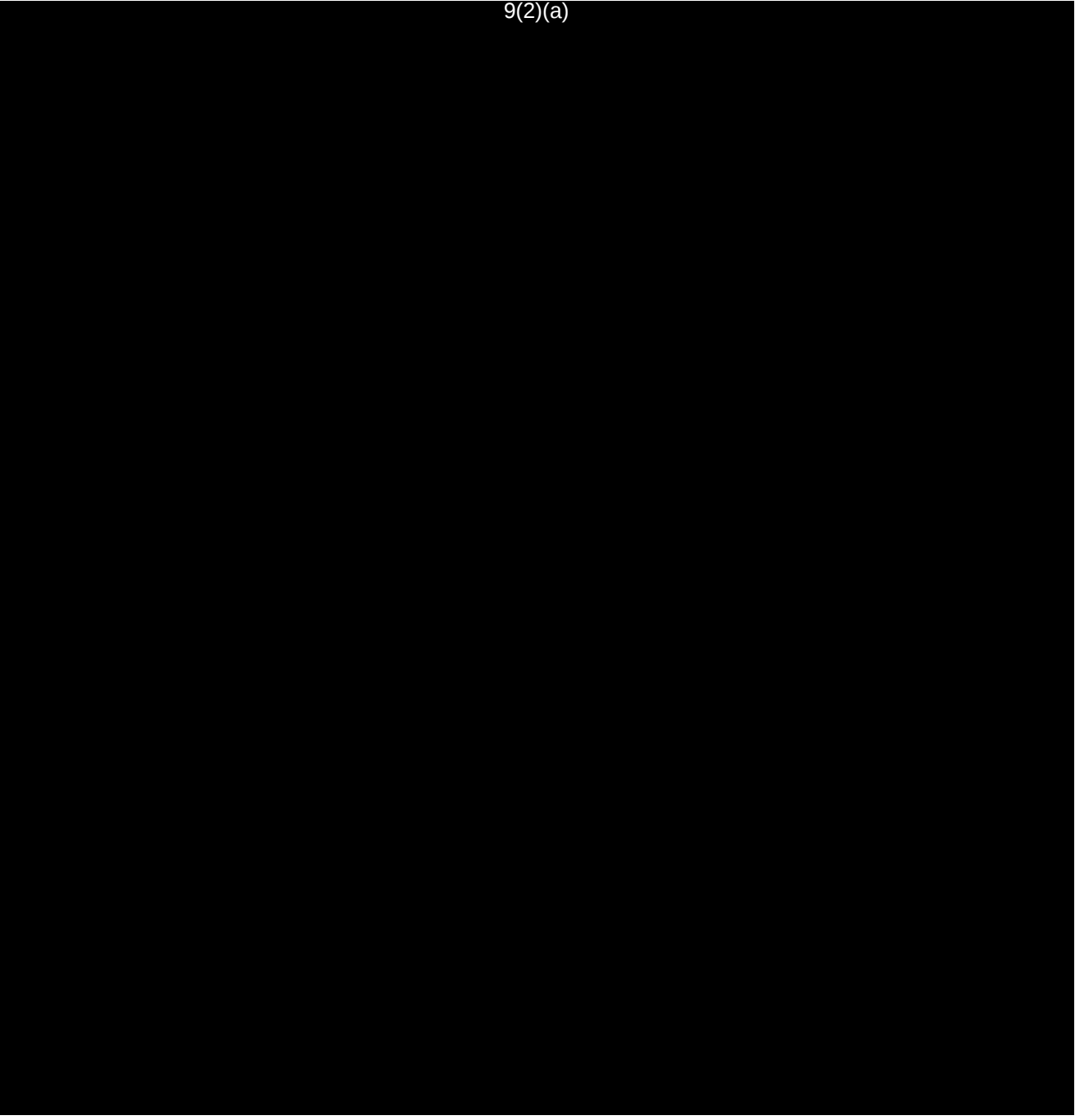


Appendix Five

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