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Law enforcement and criminal justice personnel interactions with transgender people in the United States: A literature review

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ABSTRACT

This literature review examines research exploring the interactions between transgender people and law enforcement and criminal justice (LECJ) personnel in the U.S. to better understand the experiences of transgender people who come into contact with the criminal justice system. A search of existing academic literature, public health reports, and advocacy group publications revealed 33 studies that contained information about transgender people's interactions with LECJ personnel. Results highlight how large percentages of transgender people experience arrest and incarceration, unjustified stops and arrest, disrespect and poor case handling, and abuse and violence from LECJ personnel while in their communities. Large percentages of transgender people in institutional settings also reported abuse committed by criminal justice personnel, including harassment, assault, and a lack of protection from other inmates. This review also highlights evidence of discriminatory and abusive treatment when transgender victims seek assistance from the legal system. Taken together, this study suggests a need for further work to de-stigmatize the legal and criminal justice systems.

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1. Introduction

Transgender people experience many forms of discrimination and violence in the United States. Documented issues include employment discrimination (Badgett, Lau, Sears, & Ho, 2007; Dietert & Dentice, 2009), discrimination in housing (Grant et al., 2011; Herman, 2013), and bias-motivated violence (Stotzer, 2009), among others. There is also evidence of discriminatory and violent behaviors among those who should be offering assistance and support, such as among social and health service providers (Stotzer, Silverschanz, & Wilson, 2013). An additional area of concern that has been less well documented is the discrimination and violence perpetrated against transgender people by law enforcement and criminal justice (LECJ) personnel.

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Mogul, Ritchie, and Whitlock (2011) argued that there is evidence of very little justice in the criminal justice system for lesbian, gay, bisexual, and transgender (LGBT) people. However, empirical evidence has lagged behind advocacy groups' claims of high rates of unjustified arrest, discrimination in case handling, and violence perpetrated by LECJ personnel among transgender adults (e.g. Amnesty International, USA, 2005; Bassichis, 2009) and youth (Majd, Marksamer, & Reyes, 2009). Estimates of prevalence and rates of negative encounters with LECJ personnel have been collected from a variety of public health studies, community needs assessments, and academic studies. This review focuses on the available empirical evidence on the interactions between transgender people and LECJ personnel in the United States, to more clearly describe experiences when transgender people a) are interacting with LECJ personnel as potential criminal suspects, b) are incarcerated or otherwise detained by LECJ personnel, and c) come to law enforcement personnel looking for assistance.

2. Background

"Transgender" is a contested term that is defined differently by medical professional, advocates, social scientists, and among transgender people. However, it is most commonly used as "an umbrella term for people whose gender identity and/or gender expression differs from their assigned sex at birth" (Fenway Health, 2010, p. 13–14). This term includes many subgroups of people (e.g., transsexuals, people with intersex conditions or some disorders of sexual development, dragkings/queens, cross-dressers, genderqueers, gender non-conforming people) and can include people who may or may not identify themselves as transgender but may present in ways that are not consistent with their gender. In contrast to the transgender umbrella, the term "cisgender" has entered the lexicon to denote those people whose biological sex match their gender identity/expression, or "non-transgender" people.

Although research is sparse, existing evidence suggests that LGBT adults (e.g., Mogul et al., 2011) and youth (e.g., Hunt & Moodie-Mills, 2012) are overrepresented and/or receive unequal treatment in the criminal justice system. For example, the 2007 National Inmate Survey, gay men were found to be 2.3% of the inmate population (but 6% of the overall U.S. population) and lesbian women were 11.7% of the inmate population (but 5% of the general U.S. population; Dennis, 2014). It is also estimated that although LGBT youth make up 5–7% of the general U. S. population, they make up 15–17% of the youth involved with the juvenile justice system (Hunt & Moodie-Mills, 2012). In fact, for most of the 20th Century in the U.S. sexual "deviance" (being LGBT) was presumed to indicate overall perversion, sexually predatory behavior, being "sex criminals," and being diseased (Dennis, 2014; Noga-Styron, Reasons, & Peacock, 2012). Not until the late 20th Century did the concept of LGBT victims began to compete with the idea of LGBT perpetrators (Dennis, 2014).

Contact between LGBT people and LECJ personnel is often dictated by a systematic need to reinforce what is normative, such as in police raids of gay bars, prosecuting same-sex public sexual contact while dismissing heterosexual public sexual contact, illegal stops of people who are "deceiving" others by wearing clothes different than their natal sex would indicate is appropriate, etc. Inequality based on sexual orientation or gender identity in the criminal justice system has also been documented in terms of discriminatory treatment in child custody decisions (Erich, Tittsworth, Meier, & Lerman, 2010; Grant et al., 2011), upholding exclusions from civil protections (Currah & Minter, 2000), and blocking youth from taking steps toward transition (Kennedy, 2008). As stated by Mogul et al. (2011), "The policing of queer sexualities has been arguably the most visible and recognized point of contact between LGBT people and the criminal legal system" (p. 47). For transgender people, contact with law enforcement may be exacerbated by decreased opportunities for employment, housing, and well-being, which leads a disproportionate number of transgender people to engage in the "shadow economy" of sex work and drug sales and other survival crimes (e.g., Bassichis, 2009; Weinberg et al., 1999).

Empirical evidence of transgender people's experiences with law enforcement and criminal justice systems has been understudied. Advocacy groups have made valiant strides in bringing attention to the issue of discrimination and violence in the legal system from theoretical and anecdotal perspectives as well as by interviewing the experiences of trans-advocates and trans-supportive legal personnel (e.g., Amnesty International, USA, 2005; Bassichis, 2009) rather than empirical approaches that directly survey transgender people. Similarly, many legal scholars have examined the constitutionality of frequently problematic policies instituted by jails and prisons in regard to how they handle transgender inmates' safety (Sumner & Jenness, 2014). Despite the importance of this body or work, these law review articles do not offer empirical evidence of the treatment of transgender people during incarceration. In empirical studies exploring LECJ personnel interactions with LGBT people, transgender people have frequently been collapsed together with lesbians, gay men, and bisexual men and women in most reports (e.g., Wolff & Cokely, 2007), when, in fact, these groups may face unique interactions with the law. This methodological issue creates challenges to identify, and thus address the needs of, transgender people. To address these limitations, this literature review examines available research on transgender people's interactions with LECJ personnel in order to provide estimates on the scope of the problem, and to gain a better understanding of how and when transgender people are at further risk of discrimination and violence when interacting with the legal and criminal justice systems.

3. Methods

Multiple steps were utilized to gather studies for this literature review given the scarcity of empirical studies related to transgender people and criminal justice-related topics. First, primary academic databases were searched, using combinations of words related to gender identity, such as "gender identity," "transgender," "transsexual," "gender nonconforming" etc. paired with LECJ-related words, such as "arrest," "incarceration," "police," "law enforcement," etc. Primary academic databases that focused on social science and legal/criminal justice were utilized, including Academic Search Premier, Google Scholar, and JSTOR. Second, given that many studies that have focused on transgender people have been developed and implemented by advocates and social service organizations, including departments of health in many cities, Google web search was also used with the related search terms to uncover community reports and other nonacademic publications. In addition to the wide search in academic and public reports, extensive reference mining was also utilized by examining all the references in relevant articles for clues to additional references that may be out of print or not on the web (e.g., McGowan, 1999). Authors were contacted when possible to get access to resources not available in electronic format. This search recovered over 300 studies. From these, further exclusion criteria were applied. Studies that were exclusively case studies, were based on expert opinions, or were primarily theoretical (such as law review articles) were excluded. Last, studies that lacked clear empirical quantitative evidence of interactions with LECJ personnel were excluded.

Due to the fact that most research on transgender populations has been funded through health mechanisms (e.g., HIV/AIDS funds, substance abuse funds), available research has asked little about experiences with law enforcement and criminal justice. However, 33 studies met the inclusion criteria (see Table 1). In some cases, a single study has produced multiple publications and products, including peer reviewed and public and/or governmental briefings, reports, and fact sheets. However, the products from any given study that specifically discuss variables related to law enforcement and criminal justice are

Table 1
Overall study samples and demographics.

Study	Location	Recruitment	Sample size	Sample gender identity	Other sample demographics
Bassichis (2009)	New York State	Interviews using targeted identification through networks Target: currently or formerly incarcerated transgender people & advocates	22	12 respondents were current of former incarcerated transgender people and 10 were advocates for transgender people.	No other demographics available
Bettcher, Brown, Buckman, Davis, and Dueñas (2010)	Los Angeles, CA	Recruitment through community-service providers, street advocates, and transgender bars, clubs, and eateries. Target: Transgender people who had interacted with the Los Angeles Police Department	100	62% transgender female 16% transgender male 9% genderqueer/Gender variant 8% male 6% female	41% Hispanic/ Latino(a) 21% Black/Non-Hispanic 19% multiracial 8% White/Non-Hispanic 7% Asian 3% Native American 1% other 35% 10–24 years old 39% 25–36 years old 11% 37–45 years old 13% 46 or older
Carson (2008)	Philadelphia, PA	Paper and internet surveys recruited through partner organizations Target: Transgender people	127	83% male at birth 17% female at birth 38% transgender 22% transsexual 15% FTM 17% MTF 11% gender queer 16% female 15% male	63% African American 9% White 11% Hispanic 7% API 9% mixed race 1% other 32%: 18–24 years old 23%: 25–34 years old 24%: 35–44 years old 22%: 45+ years old
Clements, Katz, and Marx (1999), Clements-Nolle, Marx, Guzman, and Katz (2001), Clements-Nolle, Marx, and Katz (2006)	San Francisco, CA	Targeted sampling, respondent-driven sampling, and agency referrals Target: Transgender people	515	392 MTF 123 FTM	37% White 23% African American 23% Latino/a 11% Asian/Pacific Islander 5% Native American 1% other 13% <25 years old 87% 25 years old
Cohan et al. (2006)	San Francisco, CA	Data from screening of sex workers at an infirmary Target: Sex workers	783 (total)	53.6% female 23.9% male 16.1% male-to-female transgender 6.5% other	40% White/ Caucasian 18% African-American 31% Latino/a 14% Asian/Pacific Islander 3.2% Native American 19% mixed/other
Emmer, Lowe, and Marshall (2011)	Pennsylvania	Community-based research model utilizing strategic networks to distribute surveys Target: transgender and gender variant people who are, or who were recently, incarcerated	59	Can choose more than one: 19 transgender 11 transsexual 11 Trans woman 9 femqueen 6 MTF/M2F 6 woman 5 genderqueer 5 men 5 transvestite/crossdresser 4 drag queen 11 other	68% Black or of mixed identity who primarily identify as Black 20% White 1.5% Asian/Pacific Islander 3% AI/Alaska Native (14% identified as ethnically Latino/Hispanic)
Erich et al. (2010)	Not clearly stated	Network-based recruitment through known transsexual	33	22 MTFs 11 FTMs	48.5% African American

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Table 1 (*continued*)

Study	Location	Recruitment	Sample size	Sample gender identity	Other sample demographics
		persons, and via invitations sent to support group and informational websites. Target: Transsexual people of color			27.2% Latino/Hispanic 15.1% Mixed race/ethnicity 6.1% Asian/Pacific Islander 3.1% Native American 33.3% < 29 years old 24.2% 30–39 years old 18.2% 40–49 years old 18.2% 50+ years old
Escobar (2007)	San Francisco, CA	10 interviews and 21 surveys recruited by agency staff at an agency that serves transgender sex workers Target: Transgender sex workers	21	100% male to female	47% Black 9% White 28% Latina 9% Native American 9% Other 4% 18–24 years old 18% 25–40 years old 70% 41–50 years old
Galvan and Bazargan (2012)/Woods, Galvan, Bazargan, Herman, and Chen (2013)	Los Angeles County, CA	Recruitment for interviews through community based organizations, support groups, social events, community outreach, and referral Target: Latina trans women	220	100% MTF	100% Latina 53% undocumented immigrants 28% <30 years old 36% 30–39 years old 36% 40+ years old
Garofalo, Deleon, Osmer, Doll, and Harper (2006)	Chicago, IL	Convenience sample from community agency Target: ethnic-minority transgender youth 16–25 years	51	100% born anatomically male, 53% now identified as transgender and 37% identified as female	57% African American 16% Latino/a 2% Asian/Pacific Islander 22% multiracial 4% other
Girshick (2011)	California	Interviews conducted at Central California Women's Facility and valley State Prison for women Target: masculine-identified women who are incarcerated	22	14 aggressives 3 masculine 4 studs 1 butch 1 gender nonconforming 4 transgender male, transman, man trapped in a woman's body	10 African American 1 Black Cuban 1 Haitian/ Dominican 4 Hispanic 1 Chicano 2 non-Hispanic white 1 Native American 1 Pacific Islander 1 Mixed race person Mean age: 39
Gorton (2011)	34% New England States, 16% Northeastern States, 6% CA, 9% Ohio, 24% other states	Internet survey through a statewide transgender advocacy organization Target: Transgender people	148	100% transgender or gender variant 37% MTF 11% FTM 14% gender queer 9% cross-dressers 6% intersex or other	No other information available
Grant et al. (2011)/Harrison, Grant, and Herman (2012)	USA	Paper survey distributed to trans-serving organizations and internet survey distributed via transgender networks Target: transgender and gender variant people	6436	60% male at birth, 40% female at birth 26% currently identify male 41% currently identify female 20% identify as part time one gender part time	76% White 11% multiracial/ other 5% Hispanic/ Latino 5% Black 2% Asian

Table 1 (*continued*)

Study	Location	Recruitment	Sample size	Sample gender identity	Other sample demographics
				another 13% gender not listed here	1% Native American 19% 18–24 years old 52% 25–44 years old 17% 45–54 years old 11% 55–64 years old 2% 65+ years old
Green (2012)	Anchorage, AK	Snowball and web-based sampling for an internet survey Target: LGBT people	268	14 MTF (5.2%) 10 MTF (3.7%) 1 other transgender (.4%) 136 (50.7%) cis-gender male 107 (39.9%) cis-gender female	Of transgender people: 80% white, 20% multiracial (4.2% identified as Latino/a) 24% 18–24 years old 20% 25–34 years old 28% 35–49 years old 24% 50–64 years old 4% 65+ years old
Jenness (2009)	California	Face-to-face interviews Target: Incarcerated transgender inmates	315	76% identify as female 14% identify both male and female 3% neither male/female 3% male 4% other	28.3% Hispanic 28% White 34.6% Black 0.9% Asian/Pacific Islander 2.7% American Indian 5.4% other
Kuehnle and Sullivan (2001)	Northeastern City in the USA	Self-reported incidents to a victim program Target: LGBT people who were victims of crime	10 Trans people (plus other LGB men and women)	10 (4.1%) transgender people 52 (21.6%) women 179 (74.2%) men	83.6% White 5.6% African American 5.2% Latino/a 6% other 6.3% 18–22 years old 19.2% 23–29 years old 60.3% 30–44 years old 14.3% 45+ years old
McGowan (1999)	New York, NY	Mixed methods with consumer surveys, consumer focus groups, one-on-one interviews, and provider surveys Target: transgender people	111	39 assigned male at birth and were gender variant but primarily identified as male 44 assigned male at birth with primary gender role as female or intersex 11 assigned female at birth with primary gender role as male, non-gendered, or intersex	19% African American 22% Latino/a 54% White 3% Asian/Pacific Islander 2% Native American 28% 0–30 years old 30% 31–40 years old 26% 41–50 years old 12% 51–60 years old 3% 60+ years old
Melendez et al. (2006)	Los Angeles, CA; San Francisco, CA; New York, NY; Milwaukee, WI	Baseline data from a clinical trial intended to reduce sexual risk behaviors among HIV+ persons Target: Male-to-female transgender person who are HIV positive	59 (+300 cis-gender people)	100% male-to-female transgender persons who are HIV positive	66% African American/Black 15% Latino 9% White 10% other Mean age 36.8

(*continued on next page*)

Table 1 (*continued*)

Study	Location	Recruitment	Sample size	Sample gender identity	Other sample demographics
Minter and Daley (2003)	San Francisco, CA	Recruited through transgender social service providers or community groups Target: transgender people	155	Checked all that apply: 50% Transsexual 32% MTF 28% FTM 21% genderqueer/variant 10% third gender 10% none of these terms 7% effeminate male 7% cross-dresser 6% masculine female 5% drag queen/king 5% other	Check all that apply: 57% White 21% Latina/o/ Hispanic 12% Black 7.5% Asian/Pacific Islander 5% Native American 3% Other 8% <23 years old 30% 24–35 years old 30% 36–50 years old 11% 51+ years old
Munson and Cook-Daniels (2005)	Midwestern USA, primarily Wisconsin,	Survey (recruitment information not available) Target: transgender people plus significant others, friends, family, and allies	265	77 (30.2%) male at birth now identify transgender 7 (2.7%) born male, do not identify transgender 121 (47.5%) born female now identify as transgender 44 (17.3%) born female do not identify transgender 6 (2.4%) born intersex now identify transgender	77.3% White 10.3% Multiracial 3.3% Hispanic 1.7% Black 7.4% other 6.5% under 21 years old 35.5% 22–30 years old 22.0% 31–40 years old 22.0% 41–50 years old 13% 51+ years old
Murrill et al. (2003)	New York City, NY	Venue-based surveying of the House Ball community Target: members of the House Ball Community	504	67% male 14% female 18% transgender	Transgender sample: 55% Black 40% Latino/a 2% white 3% other 29% 15–19 years old 53% 20–29 years old 13% 30–39 years old 5% 40+ years old
Nemoto, Bodeker, and Iwamoto (2011)	San Francisco, CA	Recruited through street outreach and referrals Target: transgender women with a history of sex work	573	39.2% female gender identity 32.8% preoperative transgender or transsexual 12.8% other	41% African American 19% Latina 19% Asian/Pacific Islander 21% white Mean age: 35.1 years old
Odo and Hawelu (2001)	Hawaii	Data pulled from case files of a transgender-serving program Target: native Hawaiian transgender women	100	100% male-to-female transgender people	Age range: 12–46 100% Native Hawaiian (in whole or in part)
*Reback, Simon, Bemis, and Gatson (2001)*and*Simon, Reback, and Bemis (2000)*	Los Angeles, CA	Participants recruiting to a prevention study and whom completed baseline interview Target: transgender people	244	56% female/woman 20% transgender 18% transsexual 2% cross dresser 1% drag queen 3% other/don't know	49% Hispanic/ Latina 21% API 15% Caucasian/ White 7% African American/Black 8% mixed 54% less than 30 years old 35% 30–39 years old 11% 40+ years old
Rodríguez-Madera and Toro-Alfonso (2005)	Puerto Rico		50		

Table 1 (*continued*)

Study	Location	Recruitment	Sample size	Sample gender identity	Other sample demographics
		Mixed method, first phase quantitative, second phase qualitative. Recruited through key contacts Target: trans men		74% transsexuals (no other information available about gender identity)	No race/ethnicity data available, no age data available
Sevelius, Reznick, Hart, and Schwarcz (2009)	San Francisco, CA	Data collected as a part of the HIV testing survey, recruitment through social service networks, local bars and street locations Target: Transgender women at risk for HIV infection	153	100% transgender women	27% Latina 26% African American/Black 18% Asian 10% Native American 19% white 20% 18–24 years old 32% 25–34 years old 30% 35–44 years old 18% 45+ years old
Sousa (2001)	San Francisco, CA	Recruited through trans-serving agencies and organizations to complete a survey Target: transgender people	44	50% female, 50% male at birth Now: 25% men 32% women 14% both male & female 4.5% neither male nor female 25% something other than male or female	2/3 were between 20 and 39 years old 59% Caucasian 14% African American 5% Latino/Hispanic 7% Asian
Stotzer (2013)	Hawaii	Recruitment through social media invites to online survey, email with invitation to online survey via advocacy group listserv, and venue-based recruitment with paper and pencil version of survey. Target: LGBTQI people living in Hawaii	710 (total)	48.6% LGB men 7.3% GNC LGB men 2.4% Trans men 27.5% LGB women 9.0% GNC LGB women 4.2% trans women 1% androgynous/genderqueer	53.4% White 12.0% native Hawaiian 6.9% Japanese 6.3% Mixed race/ethnicity 5.0% Filipino 4.0% Latino/Hispanic 3.3% Mixed Asian 9.1% other Mean age: 43 years old
TransCEND (2006)	Boston area	Snowball sampling with peer recruiters Target: transgender women	100	100% transgender women	35% African American/Black 37% white 26% Latina 8% Asian/Pacific Islander 3% Native American Mean age: 37 years old
Weinberg, Shaver, and Williams (1999)	San Francisco, CA	Structured interviews of sex workers recruited from the street Target: sex workers	140	46 women 46 men 48 transgender women	Of transgender participants: Mean age: 29.7 years old 55% racial/ethnic minority
Wilchins, Lombardi, Priesing, and Malouf (1997)/Lombardi, Wilchins, Priesing, and Malouf (2001)	USA	Face-to-face distribution of surveys at conferences, distribution of paper surveys to volunteers who passed them on to known transgender people, and web-based surveying. Target: Transgender people	402	26.9% crossdresser, drag queen/king 20.9% FTM 20.1% MTF 19.7% transgender male 6.0% transgender female 2.5% intersex 4.2% Other	70.9% White 14.2% Native American 5.5% multiracial 4.2% African American 1.5% Latina/o 1.0% Asian/Pacific Islander 14.7% <29 years old 44.5% 30–44 years old 40.3% 45+
Xavier (2000)	Washington DC	Snowball sampling Target: transgender people	252	69% transgender 14.7% woman	39.9% 13–24 40.4 25–36 16.3% 37–48

(*continued on next page*)

Table 1 (*continued*)

Study	Location	Recruitment	Sample size	Sample gender identity	Other sample demographics
				12.7% man 3.6% other	4.0% 49–61 69.4% African American 21.8% Hispanic/ Latina/o 4.4% White 1.6% Native American 2.8% other
Xavier, Honnold, and Bradford (2007)	Virginia	Targeted recruitment through service providers, transgender support groups, and informal peer networks. Target: transgender people	350	41.8% transgender 25.5% woman 19.5% man 4.9% androgynous 3.2% gender queer 2.0% questioning 3.2% other	62.2% white 25.4% African American 6.9% multiracial 4.3% Latino/a 1.2% other 24.0% 18–24 years old 32.7% 25–34 years old 20.6% 35–44 years old 20.9% 45–54 years old 10.8% 55+ years old

Overall study produced peer-reviewed journal articles.

listed in Table 1. For example, the study of transgender Virginians was originally made available as a public report (Xavier et al., 2007), and included a diverse collection of variables. Subsequent to the publication of the public report, peer review articles were published out of this same data (e.g., Bradford, Reisner, Honnold, & Xavier, 2013). In this case, the peer-reviewed article was not included in Tables 1–4 because the LECJ variables from the original study were not reported or utilized in the research question and analysis in the peer-reviewed publication.

Table 2
Incarceration, arrest, and unjustified stops.

Study	Incarceration		Arrested		Unjustified arrest	Unlawful stop
	Ever	Last year	Ever	Last year		
Clements, Katz, and Marx (1999), Clements-Nolle, Marx, Guzman, and Katz (2001), Clements-Nolle, Marx, and Katz (2006)	MTF: 65% FTM: 29%	MTF: 31% FTM: 5%				
Odo and Hawelu (2001)	7%					
Reback et al. (2001); Simon et al. (2000)	58%					
Melendez et al. (2006)	81%					
Escobar (2007)	66%					
Grant et al. (2011)	MTF: 21% FTM: 10%				MTF: 11% FTM: 4% GNC: 4%	
TransCEND (2006)	35%		65%			
Rodríguez-Madera and Toro-Alfonso (2005)	23%		35%[a]			
Stotzer (2013)	MTF: 27% FTM: 29%		MTF: 39% FTM: 47%			
McGowan (1999)	17%			15%		
Bettcher et al. (2010)		15%[c]		24%[d]		
Murrill et al. (2003)			53%	24%		
Galvan and Bazargan (2012)/Woods et al. (2013)			71%	29%		17%[b]
Garofalo et al. (2006)			67%			
Cohan et al. (2006)			72%			
Sevelius et al. (2009)				24%		
Wilchins et al. (1997)/Lombardi et al. (2001)					7.7%	
Kuehnle and Sullivan (2001)					0%	
Xavier (2000)					2.0%	
Green (2012)						12%

[a] Arrested for prostitution specifically.
[b] Stopped in the last year.
[c] Detained in the last two years.
[d] Arrested in the last two years.

Table 3
Abuse by law enforcement personnel outside of custodial settings.

	Discrimination or unequal treatment	Harassment or verbal abuse	Physical Abuse	Sexual abuse	"Assault" or "abuse" generally	Bias crime
Minter and Daley (2003)	26%					
Carson (2008)	47%					
Grant et al. (2011)	20%	MTF: 20% FTM: 26% GNC: 29%	MTF: 6% FTM: 6% GNC: 6%	MTF: 3% FTM: 1% GNC: 2%		
Galvan and Bazargan (2012)/Woods et al. (2013)		65%	21%	22%		
Bettcher et al. (2010)		31%	12%	1%		
Reback et al. (2001)		37%	14%			
Green (2012)		12%				
Nemoto et al. (2011)		65.5%				
Sousa (2001)		MTF: 45.5% FTM: 18.2%				
Munson and Cook-Daniels, 2005				5%		
Jenness (2009)				15.2%		
Wilchins et al. (1997)					8.1%	
Gorton (2011)						8.0%

However, to clarify those studies that have received at least some form of peer review, studies in Table 1 that either *are* peer reviewed publications, or are studies that *resulted in* peer reviewed publications have been italicized.

As can be seen by the brief snapshot presented in Table 1, these studies represent many diverse transgender communities. This research is dominated by samples from the East and West coasts, particularly from California, and more specifically, almost a third of the studies included samples from San Francisco, California. In particular, data from the south, southwest, and mountain states are notably limited. Sample sizes also tend to be small, with most studies having fewer than 100 transgender respondents, but ranging from 10 transgender people to over 6000. Most studies utilized some type of survey or interview strategy, with recruitment falling most heavily upon connections with transgender-serving community organizations or agencies. The vast majority of studies asked yes/no questions about different types of interactions with LECJ personnel, such as "have you ever experienced an unjustified arrest" or "have you ever been harassed by the police," which permits frequency reporting, but little in-depth analysis.

Based on the way that questions were asked and the available data provided by these 33 studies, results fall into three main areas. The first section addresses studies that asked questions related to transgender people as potential suspects in crime, such as percentages of participants who have been arrested, incarcerated, and experienced unjustified stops or arrests. Studies which presented data on the experiences of transgender people while in custody and in institutional settings are grouped together to form a picture of custodial settings in the second section. Although transgender people face discrimination and violence from other inmates in institutional settings, this section focuses only on data available on discrimination and violence committed by LECJ personnel. The third section focuses on studies that provided information about the experiences of transgender people seeking help after they have been victims of crime, and how these experiences, along with those experiences discussed in the first two sections, can help explain low rates of reporting victimization to law enforcement. Although the experience of transgender people in courtroom settings is important to consider, no empirical data were located that contained empirical data on the experiences transgender people in the courts.

Just as "transgender" is an umbrella term, these studies used a variety of terms to describe the populations they targeted. Most studies pooled results together under the term "transgender", while a handful differentiated between some of the subgroups. Terms include "MTF" (people born male who identify as female, hence "male to female"), "FTM" (people born female who identify as male, hence "female to male"), and "GNC" ("gender noncomforming" — those who do not fit the gender binary and who do not label themselves as traditionally male or female, such as butch women, feminine men, androgynous people, etc.). More recent studies have seen a trend toward using the terms "trans man" instead of FTM and "trans woman" instead of MTF, and using the term "cisgender" for those people whose gender identity matches their assigned sex (also "non-transgender" in some studies). Due to the fact that some studies used these terms purposefully, while

Table 4
Abuse by law enforcement officials in custodial settings.

	Discrimination	Verbal abuse	Sexual harassment	Physical assault	Sexual assault	Harassment or violence generally
Minter and Daley (2003)	14%					
Escobar (2007)	49%					
Bassichis (2009)		100%				
Emmer et al. (2011)		79.7%	44.1%	27.1%	27.1%	
Galvan and Bazargan (2012)Woods et al. (2013)		30%		16%	6%	
Grant et al. (2011)				MTF: 9% FTM: 8% GNC[a]: 2%	MTF: 7% FTM: 4% GNC[a]: 4%	MTF: 40% FTM: 29% GNC[a]: 29%
Jenness, 2009					13.6%[b]	
Girshick (2011)						>50%

[a] GNC = gender nonconforming.
[b] While presenting as female.

others appeared to use terms loosely, this review will use the terms "trans women," "trans men," and "gender nonconforming people" (unless another population is specified) for consistency.

4. Results

4.1. Transgender people as criminal suspects

When examining the overall percentages of incarcerations and arrests (see Table 2), one can see the high level of contact between transgender people and law enforcement. Depending on the specific sample targeted in the study, the study location, and recruitment methods, responses ranged from 7 to 81% of transgender respondents reporting that they had been incarcerated at some point in their lives. Arrest history showed a little less variability, with 35–72% of respondents reporting that they had ever been arrested. Four studies (McGowan, 1999; Murrill et al., 2003; Sevelius et al., 2009; Woods et al., 2013) found that one in four (15–29% of respondents) had been arrested in the last year.

Samples that targeted transgender women who engaged in sex work (Cohan et al., 2006; Escobar, 2007) reported some of the highest percentages of individuals who had been arrested or incarcerated. One might assume then that the cause of arrest or incarceration is sex work, but in a study of female, male, and trans women sex workers in San Francisco, Cohan et al. (2006) found that trans women sex workers were more likely to have a history of arrest and conviction on sex work related charges than either male or female sex workers. As discussed in Section 2, this heightened risk of being engaged in illegal activities as a means of survival does not completely explain the heightened rates of contact between transgender people and law enforcement. For example, Human Rights Watch (2012) found that in four U.S. cities transgender women who are stopped and found in possession of condoms are frequently arrested for solicitation, no matter what activity they were engaged in. Bettcher et al. (2010) is the only study to explain types of contact with law enforcement, and the many ways that people can have contact with LECJ personnel, 16.7% had been pulled over, 19.5% had been ticketed, 14.5% had been arrested, 14.5% had been stopped and questioned (but not jailed), and 15.4% had been detained in a jail.

Other studies have offered different types of comparisons that demonstrate that these percentages of incarceration and arrest suggest a particular vulnerability for transgender people. The House Ball Study in New York (Murrill et al., 2003) found that 24% of transgender participants (as opposed to 12% of cis-gendered men on the scene) had been arrested in the last year. Among Native Hawaiian māhūwahine in Hawaii, 7.0% were ex-inmates, compared to 0.3% of the general Native Hawaiian population in the state (Odo & Hawelu, 2001). In a more recent needs assessment of LGBT people in Hawai'i, Stotzer (2013) found that trans women and trans men were reporting higher percentages who had been arrested (39% and 47% respectively) than cisgender lesbian/bisexual women (14%) and cisgender gay/bisexual men (19%), and gender nonconforming gay/bisexual men (27%) and gender nonconforming lesbian/bisexual women (17%). Grant et al. (2011), Stotzer (2013) and Clements et al. (1999), Clements-Nolle, Marx, Guzman, and Katz (2001), Clements-Nolle et al. (2006) compared reports of incarceration between trans men and trans women. Grant et al. (2011) and Clements et al. (1999), Clements-Nolle, Marx, Guzman, and Katz (2001), Clements-Nolle et al. (2006) found that higher percentages of trans women reported being incarcerated than trans men in a national sample and a sample from San Francisco, respectively, while Stotzer (2013) found very similar percentages of trans men and trans women reported having an incarceration history in Hawai'i. Taken together, these results suggest that transgender people are experiencing arrest and incarceration in percentages higher than many other vulnerable groups, and that although survival crimes may explain part of the high percentages, it does not completely explain the high percentages of arrested and incarcerated transgender people.

4.1.1. Unjustified stops and arrests

In the study with one of the highest quality sampling strategies and implementation, Xavier (2000) found that 2% of transgender respondents in Washington D.C. had experienced unjustified arrests. Galvan and Bazargan (2012) and Woods et al. (2013) found among transgender Latinas living in Los Angeles that 58% of those women who had been stopped by police felt they had been stopped unjustly in the last year by law enforcement when they were engaged in activities such as waiting for the bus, buying groceries, etc. Of those who had been stopped in the last year, 31% had it happen once, 25% twice, 33% three to five times, and 11% six or more times. In a study from Illinois, 10% of transgender people had their civil rights violated by an agent of the government, and in 3 of those 4 cases, there were cases of arrest without cause and jailed without charge or on false charges (It's Time, Illinois, 1998). In Wilchins et al. (1997) and Lombardi et al. (2001), 7.7% of 402 transgender people across the United States reported a history of unjustified arrest, 3.0% reported police entrapment, and 1.0% had experienced a police raid. Only one study found that transgender respondents reported fewer unjustified arrests than others: Kuehnle and Sullivan (2001) found that among 10 transgender people zero had experienced unjustified arrest, while 7(3.9%) of 177 gay or bisexual males had experienced unjustified arrest. In another study with a small sample size, 3 (12%) of the 25 transgender respondents reported being stopped by Anchorage (Alaska) police based on sexual orientation or gender identity without other justification for the stop, compared to 8.8% of gay/bisexual cisgender men and 4.7% of lesbian/bisexual cisgender women. In the only study that compared among gender variant peoples, Grant et al. (2011) in a national sample of over 6000 transgender people found that higher percentages of trans women (11%) than trans men (4%) or gender nonconforming men and women (4%) reported experiencing unjustified arrest.

Clearly, not all transgender people engage in sex work, but they are not free from the law enforcement association that transgender = sex worker, which may help explain the high percentages of respondents reporting unjustified arrests or stops. Amnesty International, USA (2005) highlighted from interviews among activists, transgender people, and law enforcement personnel that transgender people are frequently profiled as sex workers, regardless of their activity. Many law enforcement officials assume that there is no other reason for transgender people, particularly transgender women, to be visible in public. Qualitative responses in many studies have highlighted the challenges of being transgender and encountering LECJ personnel. "The police assume we are on the street to do sex work. Why else would a transgender be on the street? Lots of transgender people are academics and have college degrees, but they are totally ignorant of it" (Amnesty International, USA, 2005, p. 15). Similarly, Sousa (2001) found that harassment from police often came in the form of profiling someone as a sex worker: "In one of those instances, the respondent was waiting on the sidewalk for her husband to pick her up from work. Upon the husband's arrival, the police searched him for drugs because they thought he had stopped to pick up a prostitute" (p. 48). Illegal stops can take the form of being questioned about their purpose for being at their destination, but also can end up with being illegally frisked, which can often include inappropriate groping of genitals to "establish their true gender" (Minter & Daley, p. 21). Minter and Daley (2003) also highlight the experiences of some respondents who call for help and once their gender identity is revealed, police consider them not credible because they lied about their "true" gender. This can lead to the police leaving when a transgender caller needs help, additional harassment or abuse, or finding a reason to arrest them in domains where law enforcement have higher levels of discretion (Minter & Daley, 2003).

4.1.2. Harassment and assault from police

Many of the 33 studies highlighted how law enforcement officials targeted transgender people for victimization. Questions about negative

interactions with law enforcement personnel outside of custodial settings ranged from broad questions about "assault" or "abuse" to more specific types of treatment such as physical or sexual assault (see Table 3). Despite the wide range of question types, harassment and verbal abuse seem particularly common, with 12–65% of respondents indicating that they had experienced this type of negative interaction with law enforcement personnel. Only two studies offer any type of comparisons to contextualize these reports; a) Sousa (2001) found that higher percentages of trans women (45.5%) than trans men (18.2%) reported harassment or verbal abuse, and b) Green (2012) found that among LGBT people in Anchorage, Alaska, a higher percentage of transgender people (12%) reported being harassed or verbally abused by police compared to 11% of gay/bisexual cisgender men and 4.7% of lesbian/bisexual cisgender women.

According to the National Transgender Discrimination Survey (NTDS), 22% of transgender people who interacted with police reported harassment, while 6% reported physical assault, and 2% were sexually assaulted by officers (Grant et al., 2011). Similarly, the FORGE (Munson & Cook-Daniels, 2005) report found that victims reported that 4.9% of incidences of sexual violence were perpetrated by police. Discrimination or unequal treatment also appeared a common issue for transgender people, with three studies showing between 26 and 47% of respondents having these experiences. In the study with the most specific questions as to type of harassment, Woods et al. (2013) reported that among 220 trans-Latinas who had been stopped by police, 82% had negative interactions, such as having law enforcement officers referring to participants as male (65%), being rude or derogatory (7%), and making the assumption that they were sex workers (8%). The use of the wrong pronoun or name was also a common issue in Los Angeles highlighted by Bettcher et al. (2010), with 27% of respondents saying that during encounters with law enforcements they were repeatedly called the wrong pronoun or name.

When asked in general about treatment from LECJ personnel, the NTDS (Grant et al., 2011) reported that among transgender people who had interacted with police, 68% felt that "officers generally have treated me with respect." A higher percentage of trans women reported being treated respectfully (74%) compared to trans men (61%) or gender nonconforming people (52%). Although this is a promising finding in this national sample, that still means between one quarter and one half of transgender people in the US are being treated in ways that are disrespectful. A study specific to Los Angeles found that only 15% felt that they had been treated professionally and with respect, and another 18% felt their experience had been handled somewhat professionally and respectfully (Bettcher et al., 2010).

Other studies asked questions in unique ways that do not allow comparisons across studies, but that still indicate some concerns about how law enforcement personnel are interacting with transgender people in harassing ways. In a study from Illinois, of the four cases in which transgender people reported a civil rights violation, two individuals reported being harassed or beaten by an arresting officer (It's Time, Illinois, 1998). Cohan et al. (2006) also found that among those who had experienced sex work related violence (53.2%), 17.5% reported that the perpetrator had been the police. Similarly, Xavier (2000) found that 2.4% of transgender respondents in Washington, D.C. reported being victims of police entrapment and 2.0% were victims of police sweeps, though no motive was clearly assigned to these police actions.

Sausa, Keatley, and Operario (2007) reported in a mixed methods study that among racial/ethnic minority transgender women who had been or were currently engaged in sex work in San Francisco, many had experienced violence and harassment from police officers, though they did not report specific percentages, and thus were not included in the 33 core studies of this literature review. However, qualitative responses from participants highlight some of the challenges that law enforcement personnel pose, such as one transgender woman who stated, "The police see you on the sidewalk, they will snatch your hair off your head, if you have on a wig and they will call you 'boy', loud, so everybody can hear over the speaker phone." Another participant reported being sexually exploited by a police officer: "The policeman told me he was going to arrest me…I never thought that we were going to a place and that I [was going to] have oral sex with him…He told me, 'I am not going to arrest you if you do it.' I had to do it…he made me do it" (p. 774).

As specified by Mogul et al. (2011), "Queer engagement with law enforcement cannot be accurately described, much less analyzed, as a stand-alone, generic "gay" experience because race, class, and gender are crucial factors in determining how and which queers will bear the brunt of violence at the hands of the criminal legal system" (p. xviii). There is also mounting evidence that transgender people of color bear a disproportionate amount of law enforcement harassment violence. The National Coalition of Anti-Violence Programs 2010 (2011) report found that transgender people of color were at particular risk of abuse from police. Similarly, the NCAVP report from 2011 found that transgender people were 1.67 times more likely to experience police violence than non-transgender LGB people (NCAVP, 2012, 2013). In Los Angeles (Galvan and Bazargan, 2012; Woods et al., 2013), 42% of Latina transgender women had been sexually solicited by police officers, though it is unclear in what context (e.g., personal solicitation, part of a sex work sting, etc.). More research exploring multiple vulnerabilities among transgender people (such as race/ethnicity, socio economic status, educational attainment) is needed to further understand vulnerability within and among transgender populations.

4.2. Transgender people in custody

The potential for abuse increases greatly when people are in custody. Perhaps due to the difficulty of researching incarcerated people in general, there were fewer empirical studies that examined the experiences of transgender people in custody. However, existing research suggests that transgender people face more risk of abuse and harassment than other inmates. This danger includes a risk of victimization from other inmates as well as staff. For example, Grant et al. (2011) found that 16% of transgender respondents who had been in jail or prison reported being physically assaulted and 15% reported being sexually assaulted by staff *or* inmates. It is reasonable to argue that these experiences of abuse and discrimination are common among all inmates. However, in a study of inmates in the California Prison system, 59% of transgender inmates reported being sexually assaulted by anyone, a rate that was 13 times greater than the randomly selected cisgender inmates (4%) while in prison (Jenness, Maxson, Matsuda, & Sumner, 2007). In addition to sexual assault, 13.6% of transgender respondents reported being physically assaulted during their entire incarceration history while in the California Prison system (Jenness, 2009).

Abuses start as soon as transgender people enter the institutional setting. For example, Emmer et al. (2011) found that 49.2% of transgender and gender nonconforming respondents had been laughed at during the search process, 47.5% had been "put on display", 45.8% had been called names, 33.9% had been groped or felt up, 11.9% had been physically hurt on purpose, and 1.7% had their property damaged. Galvan and Bazargan (2012) also found that when asked about the detention and search process, 35% of trans women reported being treated unfairly and 39% reported being treated very unfairly.

As can be seen in Table 4, transgender inmates report a variety of negative experiences committed by LECJ personnel while in custody. Although she did not provide a specific percentage, Girshick (2011) reported that "most" of the male-identified prisoners in a women's prison reported that male staff were the main perpetrators of violence and harassment, not other prisoners. The NTDS (Grant et al., 2011) is the only study to date that has examined these experiences of violence and discrimination in custodial settings while taking into account different populations of transgender people. In their national study, they found that more trans women reported experiencing sexual and physical assaults as well as harassment or violence generally from LECJ

personnel in custodial settings when compared to trans men or gender nonconforming people. Staff abuses of power to facilitate assault are particularly troubling, such as one MTF respondent who said that one corrections officer "snuck me out of the cell and told me I had to blow him and swallow his cum or he'd write me up. I love sex, all of it, but not like this, not rape" (Emmer et al., 2011, p. 22).

4.2.1. Discrimination and unfair treatment

Studies have varied in their indicators of unfair treatment in custodial settings. Utilizing a broad question, Escobar (2007) asked those transgender respondents who had ever been arrested and put into jail about their overall treatment by criminal justice system workers (including both police and correctional officers). The majority reported being treated unfairly (28%) or somewhat unfairly (21%). More specifically, Grant et al. (2011) found that harassment was *more* frequently committed by correctional officers (37%) compared to other inmates (35%). In addition, when asking about how gender identity leads to being held by LECJ personnel, the NTDS found that 7% of respondents had been incarcerated or held in a cell due to the gender identity/expression alone, and that those rates were much higher among Blacks (41%) and Latinos (21%) than the overall sample (Grant et al., 2011).

A study of transgender ex-inmates from Pennsylvania prisons reported a high percentage (over 50%) who had been given the choice of being in the general population or being in administrative segregation, suggesting at least some awareness of safety issues for transgender people among those criminal justice personnel (Emmer et al., 2011). Whether or not either of those options was meaningful or offered greater safety is certainly debatable, but giving inmates those choices demonstrated awareness of safety risks for transgender people, even if the facility did not have better policies for justly handling transgender inmates.

More disturbing was an additional finding was that while only 18% of the general inmate population had to serve their maximum sentence, one study found that 57.1% of transgender inmates served their entire sentence without any kind of conditional release (Emmer et al., 2011). Although not linked to an offense or conviction, the NTDS (Grant et al., 2011) found that trans women served more time than trans men overall, and that transgender respondents served longer *and more* sentences than gender nonconforming respondents.

In another domain of unfair treatment, many transgender people report being denied both basic health care and access to hormones while incarcerated. For example, in the NTDS (Grant et al., 2011), 16% of MTFs, 7% of FTMs, and 2% of gender nonconforming people reported being denied regular health care while incarcerated. Also, 24% of MTFs, 9% of FTMs, and 3% of gender nonconforming people were denied hormones. Of those respondents from Pennsylvania, 23.7% were also denied hormones, 8.5% were denied medical treatment, and one person reported being denied food and was informed "that lying faggots don't get to eat" (Emmer et al., 2011, p. 23). In addition, Jenness (2009) found that transgender inmates were at much higher risk of experiencing sexual assault than cisgender inmates overall, and were then much less likely to receive medical attention when needed.

4.2.2. Responses to harassment and violence while in custody

Only two studies included in this literature review asked about how officials responded to transgender people's reports of being harassed or abused while in custody. These studies suggest that the transgender people in custody are not sufficiently protected from other inmates, and are not supported by staff when they seek assistance in handling experiences of violence. For example, Galvan and Bazargan (2012) found that among the 70% of transgender Latinas in Los Angeles who had experienced harassment or assault from other inmates in jail, 33% reported that staff responded in a negative manner, and 37% reported that staff did nothing when they reported their victimization. A transgender ex-inmate in Pennsylvania said "I was raped at [facility name] and the warden and staff said I brought it on myself because of my sexuality" (Emmer et al., 2011, p. 22).

Emmer et al. (2011) found that 27.1% of cases of physical assault and 18.6% of sexual assaults occurred with staff's permission or encouragement. One transsexual women who had been housed in a men's jail stated that "many times when a CO [correction's officer] knows you are being bothered…they will encourage the inmate to keep on bothering and harassing you" (p. 31). An additional 59.3% of verbal abuse and sexual harassment instances and 27.1% of physical assaults and sexual assaults occurred due to staff's failure to intervene. Emmer et al. (2011) also inquired about the utility of filing a grievance against staff who had harmed them. Of the 69.5% who had filed a grievance, only 19.5% saw their situation improve. 48.7% said nothing was done, and 39% said that what was done was not satisfactory. In addition, 58.5% of those who filed reported some type of retaliation. There were no comparison groups, such as cisgender inmates, to determine if this response was unique to transgender inmates or was rather a reflection of a systematic issue in the criminal justice system, and thus must be interpreted with caution.

4.3. Transgender people seeking assistance from law enforcement

Besides being potential suspects in criminal activity, another way that transgender people may come into contact with law enforcement officials is when they are victims of crime and choose to report those crimes. Transgender people have cause to request assistance from law enforcement, as they are frequently victims of violence and discrimination (e.g., Grant et al., 2011; Stotzer, 2009). However, current evidence suggests that many transgender people do not report their victimization to law enforcement officials, and when they do, they often face bias in case handling (e.g., NCAVP, 2011, 2012, 2013). In addition to the experiences of violence at the hands of law enforcement and criminal justice personnel discussed in Sections 4.1 and 4.2, this discrimination in case handling and the prejudicial responses received when reporting may help explain the pattern of low crime reporting rates identified in the literature.

4.3.1. Low reporting rates

A troubling indicator of the shaky relationship between transgender people and law enforcement is the low rates of crime reporting among transgender people. For example, Xavier et al. (2007) found in the Virginia Transgender Health Initiative Study (VTHIS) that 83% of victims of sexual assaults did not report any of the incidences of sexual assault to the police, and 70% of victims of physical assault did not report to police. The FORGE Transgender Sexual Violence Project (Munson & Cook-Daniels, 2005) found a similar statistic — that only 9% of victims reported their sexual assaults to police. Over half of trans Latinas reported being victims of crime, but only half of those (56% of victims, 31% of total sample) reported to police (Galvan & Bazargan, 2012). In the first national study of violence against transgender people (Wilchins et al., 1997), 41.3% never reported any of their harassment of violence experiences, and Sousa (2001) found that among transgender people who experienced criminal victimization, only 25% reported to police. Taken together, these studies suggest extremely low rates of reporting harassment, physical violence, or sexual violence to law enforcement officials among transgender people.

Very few studies have directly asked *why* transgender people chose not to report their victimization to police. The NTDS (Grant et al., 2011) found that 46% of transgender and gender nonconforming respondents reported being uncomfortable seeking police assistance. Similarly, Carson (2008) found that among transgender people in Philadelphia, 24% said that they felt very or somewhat uncomfortable around the police. Among respondents who did not report to police, 11% responded that they did not report because of fear of abuse by the legal or medical systems (Witten, 2003), and other reported a fear of discrimination, ridicule, that the report would not be taken seriously, or had previous

negative experiences that dissuaded them from reporting again (Galvan & Bazargan, 2012). In addition, 71% of trans Latinas in Los Angeles reported that police interactions overall with the trans community was negative (Galvan & Bazargan, 2012).

4.3.2. Case handling

Among those transgender people who choose to report victimization experiences to law enforcement, there are concerns related to being treated with respect, having the case processed properly and satisfactorily, and in having law enforcement take reports seriously. For example, one respondent in a qualitative interview explained that "I got raped at 18 because they wanted to set me straight. I went to the police and the police said to me, 'he who lays with dogs should expect to get fleas,' that's what I got. So from that moment on I knew the police were never gonna help me" (Moran & Sharpe, 2002, p. 279).

Witten (2003) found that among those victims of crime who reported to authorities, 35% were satisfied with action taken in the case while 65% reported dissatisfaction. When reporting general crimes to law enforcement, 57% of transgender Latinas in Los Angeles reported that they had been treated poorly and 22% reported very poorly (Galvan & Bazargan, 2012; Woods et al., 2013). Although not a direct measure of satisfaction with case handling, Grant et al. (2011) found that 20% of respondents reported being denied equal service by police. Gorton (2011) found that among 10 incidences report to police, in four cases, victims had negative encounters with the police, and, in only three instances, the police had any follow through to their report. Erich et al. (2010) found that 2/3 s of transsexual people of color in the study who reported experiencing gender identity-based discrimination from police, 36% reported that the discrimination was either "very" or "extremely" upsetting/aversive. Respondents of color have also found to be more likely to describe police attitudes as indifferent to their victimization; 48.3% of transgender people of color reported law enforcement indifference, compared to 32.1% of survivors who identified as *either* transgender or of color, and only 7.7% of cisgender LGB whites (NCAVP, 2011).

There are also some positive signs of change in law enforcement officials' responses to transgender people. For example, Wolff and Cokely (2007) found that although negative experiences still make up the majority of interactions between LGBT and law enforcement, the number of positive experiences showed a 30% increase over the nine year period of the study (though they did not break out changes related to treatment of transgender people). Among respondents in the NTDS who had interacted with police (over 3000 people), 68% reported that "officers generally have treated me with respect", while a third said "officers generally treated me with disrespect" (Grant et al., 2011). Other researchers have suggested that negative experiences with police may vary by location, such as areas with a higher frequency of visible transgender people having better trained and more responsive police compared to areas with a less visible transgender community, such as "in the past, the asked me for my real name. Now they ask me how I would like to be referred to, and they accept it" (Galvan & Bazargan, 2012, p. 7).

5. Methodological limitations

As is the case with research with vulnerable and hidden populations, drawing conclusions from various studies is challenged by methodological limitations of the studies themselves. In summarizing the findings about transgender people's experiences with LECJ personnel in the community and in custodial settings in Section 4, four main research issues emerged; a) sampling of the most vulnerable transgender people, b) failure to disaggregate diverse transgender populations, c) studies lacking a focus, and thus depth, on LECJ issues, and d) a lack of studies that examine the interactions between LECJ personnel and transgender people from the perspective of LECJ personnel.

First, there are currently no random samples of transgender people available that inquire about LECJ issues. Most studies that target transgender people are focused on the most vulnerable transgender people, such as people engaged in sex work, who are HIV positive, or who have other risk factors that bring them into contact with medical or social service agencies such as drug use, homelessness, unstable employment, or disability. Thus, most available research is reflective of at-risk transgender populations, rather than being generalizable to the entire population of transgender people. Given that many of these studies found that increased education and income levels resulted in decreased interactions with LECJ personnel (e.g., Bettcher et al., 2010; Grant et al., 2011), ensuring high quality sampling strategies is essential for an improved understanding of interactions between LECJ personnel and transgender people. Another common sampling strategy was to go through advocacy organizations that may be tapping into a broader cross-section of the transgender population, but only those who are connected through electronic mediums to these advocacy organizations. Given the challenges of advocacy and organizing at the national level in the transgender community, and some transgender people's distrust of larger national LGBT organizations that have often prioritized issues related to sexual orientation over gender identity (e.g., Lev, 2007), these samples are more likely accessing people who are well-connected to the transgender community rather than more marginal members. In particular, it is unclear if these studies are able to reach people who may no longer consider themselves transgender because they are living in a post-transition (whether surgical or not) gender, or those who "pass" more readily and may not be as strongly affiliated with the transgender community. Although identifying the needs and challenges of the most vulnerable transgender people is clearly of critical importance, creating multiple avenues for reaching a broader range of transgender people will become increasingly important to understand challenges to the entire community overall, and in regard to the LECJ systems.

Related to sampling issues, the second prominent methodological issue in this literature review was how frequently studies collapsed a diverse range of gender identities under the umbrella term "transgender" without disaggregating the different groups. Often this is due to small sample sizes. When studies have not collapsed multiple populations, they have more frequently focused on transgender women rather than any other members of the transgender community. Although presenting data about transgender people overall is an important first step, collapsing trans women, trans men, and other gender nonconforming people together ultimately obscures differences among these groups. Research with larger sample sizes is critical to attaining large enough samples to see how criminal justice issues are impacting various subpopulations of the transgender community. Alternatively, encouraging current criminology data collection efforts of the federal government (such as the National Crime Victimization Survey) to include more diverse options in the sex/gender portion of the survey could help provide the random sample of sufficient enough size to gain a better understanding of how transgender people are experiencing crime and interacting with the LECJ systems.

Third, many of the studies included in this literature review were community needs assessments or other types of broad surveys in which questions about interactions with LECJ personnel were only a small portion of the survey, or at times only a single question. Only two studies were designed specifically to examine transgender people's interactions with LECJ systems and personnel in depth, and provided clear summaries of findings (Emmer et al., 2011; Galvan & Bazargan, 2012; Woods et al., 2013), along with Jenness and her colleagues (Jenness, 2009; Jenness et al., 2007) who have produced some of the highest quality research on the experiences of transgender inmates, with the specific purpose of researching interactions with the LECJ systems. The studies presented in this literature review can provide an overall picture of some of the issues around LECJ interactions with transgender people, but more research that specifically focus on this topic are needed. In particular, no studies were found that critically examined the interactions of transgender people in the courtroom. As stated by Mogul

et al. (2011) "the word of a queer defendant – already marked as dishonest and perverted – is pitted against the word of law enforcement officers, whose testimony is generally afforded more credibility than that of civilians" (p. 76). Future research should also inquire about experiences with the court system.

Last, although the high percentages of transgender people experiencing negative interactions with LECJ offers some evidence of prejudice, bias, or negative attitudes among LECJ personnel or procedures, there are few studies that have directly examined LECJ personnel. For example, in a study of 222 sworn officers, Bernstein and Kostelac (2002) found that prejudicial behaviors toward lesbians and gay men were not directly linked to negative attitudes about lesbians and gay men, but had complex relationships with policy subculture, individual demographics (such as marital status and race/ethnicity), and attitudes about other issues like civil liberties. This literature review did not find any studies that had a similar methodology or that targeted LECJ personnel as the sample to determine attitudes toward transgender people and any correlates with behavior. The limited research currently available on LECJ systems and personnel specifically does not allow for an analysis of agencies that utilize different type of law enforcement models, or if training in LGBT issues makes an impact in case handling and overall interactions with the transgender community. More in-depth studies would help to determine if the higher percentages of justice-involved transgender people and the disrespectful treatment found in this literature review are a reflection of prejudice and bias, or more a symptom of a lack of knowledge or sensitivity.

6. Discussion and conclusion

This review demonstrates the empirical evidence that transgender people in the United States face many challenges with both law enforcement and criminal justice personnel. These provide evidence that suggests that transgender people are targeted for abuse, illegal stops, and harassment by law enforcement in community settings. While some of these high percentages of reported arrests and incarcerations may be due to high numbers of transgender people who are involved in survival crimes, comparisons to other sex workers suggested that transgender sex workers still were arrested and convicted more often than other sex workers. Multiple studies suggested that the pernicious association that *all* transgender people are sex workers, and thus deserving of additional scrutiny, may underlie the high percentages of arrest, incarceration, and unjustified arrests and stops. This finding suggests both a need for training LECJ officials to break the association between sex work and transgender identity, and that programs addressing other parts of the systematic oppression of transgender people, such as employment and education discrimination, need to be addressed. Additional research also should look more closely at the causes for stops, arrests, and incarcerations to more closely discern when and where bias is impacting the legal and criminal justice processes.

Existing studies also suggest a high frequency of abuse by criminal justice personnel, or the condoning of violence committed by inmates by criminal justice personnel, in institutional settings. Although limited by the number of studies that explored this area, existing studies suggest that transgender people may be more vulnerable to experiencing harassment, abuse, and unfair treatment, than cisgender inmates. Given the complexities of studying gender identity, and the challenges of studying institutionalized populations, advancing the knowledge base about transgender inmates poses an ethical and logistical challenge. However, additional research is needed to shed light on the unique experiences of transgender inmates and their interactions with LECJ personnel while incarcerated.

Last, the results also highlighted the challenges for transgender people of going to law enforcement for assistance when victimized, given the high potential for secondary victimization at the hands of LECJ personnel. These studies built tentative links between a history of rejection and poor treatment at the hands of LECJ leading to a lower percentage of transgender people seeking assistance from LECJ personnel when they are victims of crime. Given the frequency with which transgender people are victims of crime (e.g., Stotzer, 2009), finding ways to improve these interactions is critical for improving transgender people's access to, and utilization of, the legal and criminal justice systems.

Unfortunately, trouble with law enforcement is not a unique concern for transgender people in the United States. There is consistent albeit limited data across the globe that demonstrates the negative experiences of transgender people interacting with law enforcement, such as in Sri Lanka (Nichols, 2010), Australia (Moran & Sharpe, 2004), the Dominican Republic (Cascante, 2007), England (TREC, 2010), and Honduras (Nieto, 2009). Although this review focused on evidence of discrimination and violence at the hands of LECJ personnel in the U.S., more research needs to examine how this problem is a global issue, not just an issue unique to the United States.

The high levels of reported victimization, and revictimization, for transgender people while engaging with LECJ personnel also highlights a need for increased training and community work to lessen, and potentially eliminate, stigma against transgender and gender-nonconforming people. Many of these studies reported issues, such as improper pronoun/name use, perceiving that a transgender person is "lying" about their gender, etc., that could be addressed through education and training of LECJ personnel. Evidence of advocacy groups working with local law enforcement to develop appropriate procedures and even best practices for LECJ to work with transgender populations have begun to emerge (e.g., Bettcher et al., 2010), and studies have suggested that LECJ behaviors can change over time (Galvan & Bazargan, 2012; Wolff & Cokely, 2007), with training and increased visibility of transgender populations.

Last, this literature review highlights the need for more rigorous studies, including those with better sampling strategies, a focus on criminal justice related topics, that include LECJ personnel as respondents, and that can disaggregate diverse populations of transgender people are critical for refining our understanding of how LECJ personnel interact with transgender people. Although these 33 studies offer evidence of negative treatment in the community and in institutional settings, additional research is an important next step to first define, and then alleviate, the inequalities faced by transgender people in the legal and criminal justice systems.

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