CHAPTER 4

Navigating Microaggressions, Overt Discrimination, and Institutional Oppression: Transgender and Gender Nonconforming People and the Criminal Justice System

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Throughout American history, lesbian, gay, bisexual, transgender, and queer (LGBTQ) people have been targets of violence. As the United States formed, LGBTQ people (or individuals who were suspected of being LGBTQ) were killed, assaulted, or harassed for their presumed sexual orientations or gender identities; if they were granted a trial and found guilty of sodomy, they were jailed or suffered violent punishments (Crompton, 1976). In the early 1900s, police officers in metropolitan cities regularly raided gay bars and arrested LGBTQ people for sodomy (i.e., the act of engaging in oral sex, anal sex, or sex with an animal); cross-dressing (wearing clothes considered untraditional for one's birth sex); or for no illegal reason at all (Bronski, 2011; D'Emilio, 2014).

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The uprisings at Compton's Cafeteria in San Francisco in 1966 and Stonewall in New York City of 1969 (which were led predominantly by transgender women of color) marked the beginnings of the LGBTQ Civil Rights Movement in the United States (D'Emilio, 2014; Nadal, 2013). For the first time in history, LGBTQ people organized themselves—declaring their right to exist and to express their sexual orientations and gender identities without tyranny or persecution.

While many LGBTQ people have become more visible and vocal over the past five decades, both individuals who are out and those who are closeted continue to live in fear. Coming out publicly has elicited fears of rejection, harassment, or violence—particularly due to the number of hate crimes committed towards LGBTQ people. The murders of people like Marsha P. Johnson, Harvey Milk, Brandon Teena, Matthew Shepard, Sakia Gunn, Gwen Amber Rose Araujo, Mark Carson, and Islan Nettles have signaled a need to be hypervigilant, to conceal one's sexual or gender identity, or both. While transgender and gender nonconforming (TGNC) people in general are targeted most by hate violence, Black and Latina transgender women are targeted most and at disproportionate rates (Dinno, 2017).

Systemically, there have been many federal, state, and local laws that directly affected the rights of LGBTQ people. Sodomy was viewed as illegal under federal law until the *Lawrence vs. Texas* Supreme Court (2003) decision, which ruled that state sodomy laws were unconstitutional. LGBTQ people could be fired from their jobs if their sexual identities were discovered; in fact, President Eisenhower signed Executive Order #10450 in 1953—which called for LGBTQ people to be fired from jobs in the federal government (Hillman & Hinrichsen, 2014). Sexual orientation and transgender identity were not protected classes under federal hate crime law until President Obama signed the Matthew Shepard and James Byrd Jr. Hate Crimes Act in 2009. Lesbian and gay people were not allowed to serve in the military until President Obama repealed Don't Ask, Don't Tell; and same-sex couples were not legally allowed to get married across all fifty states until the Supreme Court Decision of 2015 (Nadal, 2018).

While many laws have changed to protect LGBTQ rights, and though public opinions about LGBTQ people have become generally more favorable, research has found that LGBTQ people are still susceptible to various types of microaggressions—or subtle, more unintentional forms of discrimination (Nadal, 2013; Nadal, Rivera, & Corpus, 2010). Over

the past ten years, multiple scholars have described the various microaggressions faced by LGBTQ people, as well as the negative impact of these microaggressions on LGBTQ people's mental health (see Nadal, Whitman, Davis, Erazo, Davidoff, 2016 for a review). Several themes of LGBTQ microaggressions have been identified including: (a) the use of heterosexist or transphobic terminology; (b) the endorsement of heteronormative or gender normative culture and behaviors; (c) the assumption of sexual pathology, deviance, or abnormality; (d) exoticization; (e) discomfort with/disapproval of LGBTQ experience; and (f) the assumption of a universal LGBTQ experience.

Further, numerous studies (e.g., Nadal, Skolnik, & Wong, 2012; Nadal et al., 2016) describe common microaggressions encountered by TGNC people. Examples of these types of microaggressions include:

a. the use of transphobic terminology (e.g., a colleague misgenders a TGNC person with an incorrect pronoun or uses a transphobic slur to describe someone);
b. the endorsement of gender normative culture and behaviors (e.g., a cisgender family member proclaims that a TGNC person should conform to gender expectations of their assigned sex at birth or should identify as binary);
c. discomfort with or disapproval transgender experience (e.g., a stranger stares at a TGNC person in disgust or uneasiness);
d. exoticization (e.g., someone wants to date or be friends with a TGNC person only because of their gender identity);
e. assumption of sexual pathology, deviance, or abnormality (e.g., an acquaintance presumes that a TGNC person is a sex worker or is sexually promiscuous);
f. assumption of universal transgender experience (e.g., someone presumes that all transgender people must transition into the gender opposite to their sex assigned at birth);
g. denial of the reality of transphobia (e.g., a professor or supervisor says that transgender people are too sensitive or paranoid about discrimination);
h. denial of bodily privacy (e.g., an acquaintance or stranger asks transgender people about their genitalia or whether they have had any medical surgeries).

Specific to the criminal justice system, emerging studies have uncovered different types of heterosexist and transphobic discrimination within the criminal justice (CJ) system, as well as how those perceptions impact how people perceive or experience the CJ system. Nadal, Quintanilla, Goswick, and Sriken (2015) describe the many ways that lesbian, gay, bisexual, and queer (LGBQ) perceive the police, courts, and other legal venues. Participants revealed issues related to gender presentation, intersections with race and class, and microaggressions they encounter as a result of their sexual orientation and other identities. Results indicate that stereotypes and perceived bias affect whether LGBQ people would feel comfortable seeking help from police officers, as well as how much they would trust different sectors of the justice system. One limitation to this study is that it focused solely on LGBQ people, without understanding how gender identity may impact one's perception of, and experiences within, the CJ system.

In order to investigate transgender experiences in the criminal justice system, Fiani and colleagues (2017) used a qualitative method with a group of 11 self-identified TGNC adults in the US. Participants shared several themes of microaggressions within the CJ system, including:

1. Dehumanization (e.g., a correctional officer who refers to a TGNC person as "it" instead of her gender pronoun);
2. Assumptions of Criminality, Pathology, or Abnormality (e.g., a trans woman who is presumed to be a sex worker for no other reason than her gender identity);
3. Use of Derogatory Language (e.g., being referred to as a "she-male" or a "tranny");
4. Second-Class Citizenship (e.g., a TGNC person who is put into solitary confinement or denied healthcare because the prisons refuse to validate their gender identities);
5. Intentional Misgendering (e.g., a prosecutor who intentionally calls a trans woman "Mr." during a trial, despite being corrected numerous times on her pronouns);
6. Microinvalidations (e.g., officers who laugh at a TGNC person who file a police report or discourage TGNC from seeking help);
7. Invasion of Bodily Privacy/Exoticization (e.g., a TGNC person who is groped or excessively frisked during an arrest); and
8. Systemic Microaggressions (e.g., a TGNC person whose legal identification cards are not viewed as valid because they list their assigned sex at birth, instead of their current gender presentation).

While Fiani and colleagues (2017) describe the microaggressions or subtler forms of discrimination TGNC people encounter, it is important to explore TGNC people react to, or cope with microaggressions, overt discrimination, and institutional discrimination.

The purpose of this chapter is to uncover how TGNC people perceive and experience the criminal justice system. We will primarily focus on the types of discrimination and bias TGNC encounter and how those experiences impact their perceptions and interactions with different sectors of the CJ system. Utilizing a Qualitative Secondary Analysis (QSA) from the data from Fiani and colleagues (2017), we employed the following exploratory research questions:

1. How do TGNC people react to microaggressions and other forms of discrimination in the CJ system?
2. How do TGNC cope with microaggressions in the CJ system cognitively, emotionally, and behaviorally?
3. What recommendations do TGNC people have for improving the CJ system?

Method

Participants

Participants ($N = 11$) included adults who self-identified as transgender or gender nonconforming (TGNC); their reported ages ranged from 23 to 51 (Mean = 32.9). Participant demographic characteristics were assessed via a free response self-report format. One participant responded to socio-demographic items describing race/ethnicity, sexual orientation, gender identity, and religion/spirituality as “All,” and self-reported an occupation of “Mystic.” The majority of the remaining 10 participants self-identified their race as White ($N = 7$), followed by Black ($N = 2$) and Latina/o/x ($N = 1$). Diverse ethnic identifications were reported, including Jewish-American, White, African-American, Puerto-Rican/Sephardi, American, Irish/Italian, and African. Sexual orientation comprised a similarly diverse distribution, including identifications of Queer ($N = 3$), Bi/Queer ($N = 1$), Gay ($N = 2$), Bisexual ($N = 2$), and Heterosexual/Straight ($N = 2$). Participants described and reported a number of gender identities,

including Male ($N = 1$), Female ($N = 1$), Transgender ($N = 2$), Trans ($N = 1$), and FTM or female-to-male ($N = 1$) as well as composite identifications including GNC Queer Woman, Male/Neutrois, and Transmasculine Genderqueer. See Table 4.1 for detailed socio-demographic information.

Participant recruitment drew from a community sample in a metropolitan region of the Northeastern United States. To participate, volunteers responded by email to posts in the volunteer section of the website Craigslist.com, as well as a series of e-mails sent to the research team's networks. Participants were each provided with $20 at the conclusion of the focus groups as an appreciation for their time and contributions. To protect participant confidentiality and promote feelings of safety, participants provided either pseudonyms or their initials throughout the research process, rather than their names or other identifiable information. In our results section, we removed any identifiable demographic information.

Table 4.1 Participant socio-demographic self-identifications

Age	*Race*	*Ethnicity*	*Sexual orientation*	*Gender identity*	*Occupation*	*Religion*
51	White	Jewish-American	Queer	GNC Queer Woman	Writer	Jewish
31	White	White	Gay	Male	Student	Jewish
34	White	–	Gay	Female	Chef	Atheist
28	All	All	All	All	Mystic	All
28	Black	African-American	Heterosexual	Transgender	Student	Buddhist
30	Latino	Puerto-Rican/Sephardi	Bi/Queer	Male/Neutrois	Freelance writer/artist	Jewish
27	White	–	Queer	Transmasculine Genderqueer	College writing instructor	Unitarian Universalist
39	White	American	Queer	Trans	Student	Agnostic
25	White	Irish/Italian	Bisexual	FTM	Government	Wicca
23	Black	African	Straight	Transgender male	Customer service rep	Christian
46	White	–	Bisexual	–	–	Jewish/Buddhist

Researchers

The research team included five research assistants trained and experienced in conducting qualitative research and in data analysis using Consensual Qualitative Research (CQR) (Hill, Thompson, & Williams, 1997). This team was comprised of one cisgender male professor, two cisgender female doctoral students, two genderqueer/gender nonbinary Master's students, and one cisgender female undergraduate student. Additionally, coders reported sexual orientation identities including queer, gay, asexual, pansexual, and heterosexual. The racial/ethnic distribution of coders included White, Asian, Asian-American, Latina, and Mixed. All researchers and research assistants were members of the same university psychology department, studying Clinical and/or Forensic Psychology. As per the recommendations of Hill et al. (1997), coders met prior to coding inception to explore their own personal reference groups, expectations, and biases related to TGNC identities and experiences and related to the criminal justice system. This preliminary exploration occurs in hopes of minimizing the later impacts of researcher bias upon data analytic processes and results.

Measures

Participants engaged in a semi-structured, in-person, focus group interview in addition to completing the aforementioned demographic questionnaire. After informed consent was acquired, the demographic questionnaire was completed, followed by the focus group interview. The demographic questionnaire assessed the following characteristics: age, race, ethnicity, sexual orientation, gender identity, occupation, and religion.

The semi-structured focus group interview protocol included 14 facilitator-directed questions, each with two identical prompts for elaboration: (1) "Tell me more about that" and (2) "How do you feel about that?" Structured interview items pertained to participant experiences with and perceptions of the criminal justice system (i.e., police, prison systems, juvenile detention centers, courts, and government and state agencies). Participants were asked to describe both their beliefs regarding the criminal justice system (e.g., thoughts on its effectiveness and safety) and personal experiences with this system.

The semi-structured nature of the focus group interview allowed for the generation of novel themes and concepts not previously demonstrated in extant research or hypothesized by the researchers. It also gave participants a chance to express themselves in their own words as opposed to canned/multiple choice responses via a survey. The degree to which participant discussions deviated from the structured portions of the protocol varied by focus group. This semi-structured protocol is exploratory and appropriate—given the preliminary nature of this research, and the sparse nature of such investigations in extant literature. Thus, the present investigation allowed for the generation of both novel and hypothesis-driven conclusions, therefore providing a foundation upon which future research may readily expand.

Procedure

This study utilized a qualitative methodology comprised of semi-structured focus group interviews. Based on the convergence of participant and research team availability, three focus groups were held. Each group was attended by 1–2 (co)facilitators, one observer from the research team, and 3–5 TGNC participants. The observer identified non-verbal behaviors (e.g., gestures, facial expressions, and body language) and dimensions of group dynamics (e.g., conformity, dissent, and processes of groupthink) which qualitative methodology experts have asserted is often not readily apparent to the facilitator(s) (Krueger & Casey, 2014). Each focus group lasted 60–90 minutes, and took place in a private conference room at an urban public college. Participants reviewed and signed the informed consent document, and they were made aware of and agreed to audio recording of the group discussion to aid in the later stages of the research process. The audio recording began as the facilitator(s) reiterated a brief summary of the informed consent information, highlighting the importance of confidentiality and the voluntary nature of the study.

A semi-structured interview protocol was utilized, beginning with the prompt: “How do you feel about the police?” Subsequent questions focused on other sectors of the criminal justice system—including courts, prisons, and others. To encourage group discussion and secure robust research, participants were prompted to elaborate upon their responses with open-ended directives (e.g., “Tell me more,” “How did you feel about that?”, etc.). Participants were asked about their beliefs on the effectiveness, safety, and treatment of LGBTQ victims and incarcerated

LGBTQ people within the criminal justice system. Upon conclusion of the last structured discussion item, the facilitator(s) prompted participants to provide closing thoughts. After participants gave their final thoughts, a brief concluding discussion took place in which the facilitator(s) attempted to summarize the groups' sentiments and asked for their corrections or agreement of the summation. When the concluding discussion ended, the audio recording was stopped. Participants then received their monetary compensation ($20) as well as a document listing TGNC-competent, identity-affirming, counseling referrals. After participants departed from the focus group location, the facilitator(s) and observer met to process reactions to the focus group and their discussions. These research team reactions were not transcribed or coded, but rather informed later research investigations and research team training protocols.

Analyses

Because we were interested in further understanding how TGNC people coped with microaggressions in the CJ system, we utilized both a QSA and CQR approach (see Hill et al., 1997). Utilizing the data collected by Fiani and colleagues (2017), we used a QSA—which is used when previous data is reanalyzed to investigate new questions, to apply a fresh perspective to unanswered questions, or to expand on existing phenomena (Gladstone, Volpe, & Boydell, 2007; Heaton, 2004). We also used a CQR approach to ensure that multiple coders and analysts were considered in understanding our data.

All focus group discussions were audio recorded to maintain the accuracy of data analysis. Research assistants within the primary investigator's lab transcribed each audio recording into a distinct focus group transcript, from which the coding team drew their conclusions. Data analysis consisted of four research assistants meeting on five separate occasions to analyze the three transcripts via CQR. As previously mentioned, the first meeting consisted of a discussion and self-reflection among the coding team regarding assumptions and expectations about the research and TGNC experiences and identities.

Prior to the second team meeting, coders individually examined all three transcripts, and sorted participant quotes into preliminary sets of coding domains. This starting list, composed by the research coordinator to reflect existing empirical frameworks, yielded five categories:

Criminal Justice Category (e.g., police, courts, government agencies, etc.); Affective Experiences Related to Discussion; Reactions to Criminal Justice Experiences (Cognitive, Affective, and Behavioral); Categories of Experiences (e.g., random searches, microaggressions, etc.); and Intersectionalities (e.g., grasping how one's experiences were related to one's gender identity, race, socioeconomic status, age, and other identities).

During meetings three through five, the coding team discussed individual preliminary classifications, and constructed novel domains as appropriate. The remainder of the coding process consisted of discussion and revision of domains (both the conceptualization of each domain's contents and sorting of all participant responses into appropriate domains). Consistent with CQR, all coding decisions required group consensus. Thus, group dissent produced a discussion of the rationale of each party's perspective, which continued as long as necessary to reach consensus. Group consensus produced seven descriptive domains of TGNC experiences with the criminal justice system as well as one domain of TGNC reactions to personal experiences with said system.

Following final consensus among the coders, an external auditor reviewed the aforementioned eight domains of experiences with the criminal justice system and various reactions to those experiences. The auditor (an expert in both CQR methods and research with TGNC populations), is an expert in both qualitative research and CQR; the auditor's role was to manage potential biases that may have emerged within the original coding team (e.g., groupthink and group polarization). Moreover, the auditor provided feedback to the coding team regarding the naming and conceptualization of domains as well as the quotes which comprised them. He also provided recommendations for the organization of the final coding document. After the coding team received this feedback, they met to review and address said recommendations, again reaching consensus for each decision. The final four domains and subsequent themes presented were approved by the external auditor.

Results

Fiani and colleagues (2017) described the most robust domain that emerged from the data—the types of microaggressions TGNC people encounter in the CJ system. For this study, we describe the four other domains that emerged from the participants' narratives. These domains

include: (1) Points of interactions with the CJ System; (2) Beliefs/Thoughts About the Police; (3) Reactions to Experiences with CJ System; and (4) Intersectionalities. Themes emerged under each domain, and original and representative quotes are provided to elucidate each theme.

Domain 1: Points of Interactions with Criminal Justice System

The first domain encompasses participants' narratives about their interactions with different law enforcement agents, agencies, or both. Among others, some of the agencies mentioned include police departments, prisons, and jails. Three themes emerged under this domain: (1) Arrests, Apprehensions, and Custodies; (2) Seeking Assistance from Police; and (3) Protests and Demonstrations.

Theme 1: Arrests, apprehensions, and custodies. Participants shared narratives of being arrested and being held in custody in prison or jails—describing the overt and subtle discriminatory treatment that they had received. Some participants shared incidents during the booking process. Others described the experience of being an inmate in these facilities. Stories about microaggressions, trauma, marginalization, violence, and prejudices were shared. One participant said, "I was arrested, like falsely arrested, and instead of asking me anything, when I finally said to them 'I'm Trans,' all the cops said was 'Yeah, I thought there was something weird about you.'" Participants who were arrested and held in custody shared anxiety and constant worry surrounding the idea of gendered cells and bathrooms at these facilities, as well as anxiety regarding potential violence that may occur.

Theme 2: Seeking assistance from police. Some participants discussed instances in which they felt it necessary to reach out to law enforcement for help. Consistently, participants recognized the negative effects that having to reach out to these systems to get support or assistance had on their lives. An example of one of these incidents was being a witness to or survivor of a hate crime. Participants shared an array of emotions regarding help-seeking with police, with one participant who revealed: "I've had experiences where I've had to call the police to diffuse situations and it felt like they were always turning it, somehow, against me as being the aggressor." Across all groups, participants revealed their experiences with police officers to be consistently negative—sharing hesitance about engaging with police officers; most

participants disclosed past histories of maltreatment and injustice by officers when reaching out for support. Despite these negative encounters, the majority of participants vocalized that reaching out to the authorities was considered the legitimate formal process. Even if they felt harassed or invalidated, they continued to engage with police in order to seek justice.

Theme 3: Protests/demonstrations. Some participants shared narratives about interacting with police officers as a result of their involvement in collective actions, political protests, and other demonstrations related to social justice activism. In these encounters, many participants mentioned narratives of maltreatment and injustice towards civilians. Participants perceived that the police held animosity towards protestors and activists engaged in organizing and attending these events—which often resulted in aggressive or hostile actions towards protestors.

Domain 2: Beliefs/Thoughts About the Police

Participants reflected upon their personal ideas, judgments, and opinions about the police, focusing specifically on the functionality and efficiency of police departments. Four themes emerged from this domain: (1) Police as ineffective, (2) Police as selectively effective, (3) Police as discriminatory, and (4) Police as unjust.

Theme 1: Police as ineffective. Participants shared narratives and anecdotes related to incidents or moments in their lives when the police underserve them as civilians. The intersection of social class, race, and sexual orientation were discussed in connection to the treatment certain people receive. Participants expressed negative emotions and opinions about the police and police treatment in their communities. One participant shared: "…in my community—in the GBLT community and my community in the south Bronx they are, in fact, ineffective."

Theme 2: Police as selectively effective. Across groups, participants endorsed the idea that the police protect and serve only a specific group of people, and if one is not part of that group, one does not benefit the same way from police protection. In some cases, this theme explored the idea that privilege fuels how people will treat you and the fair treatment you will receive from the police or the criminal justice system. Participants expressed that this inequality is a systemic issue stemming from social stratification where the police is but one party implicated in upholding and protecting the status quo. One participant described,

"They are they are incredibly effective doing what the system is set up for the police to do, which is to protect White privilege, White power… I think they are doing a great job doing that." This quote exemplifies the beliefs that many of the participants shared in regard to the systemic influence over individual police officers' behaviors—particularly in acknowledging how biased beliefs exist within a larger social system and are manifested through policing.

Theme 3: Police as discriminatory. Participants identified more overt and undisguised beliefs in regard to how police officers maltreat, marginalize, underserve, and exclude certain groups of people based on their perception of group identification. Participants discussed the beliefs they have seen police officers express towards marginalized groups. For example, participants shared blatant and microaggressive instances of how racist, sexist, cissexist homoantagonist, and transantagonist that police have been. One participant shared: "I feel that they discriminate a lot with the LGBT community and I know a few years ago some [transgender people] died from bashing and the police, um, you know, sometimes they joke about it." This participant's quote speaks to the idea that police officers are insensitive or invalidating of TGNC people and that systems of transphobia perpetuate and even fuel these beliefs.

Theme 4: Police as unjust. Participants discussed the unjust and unfair treatment that TGNC people experience with the police. This theme again explores both overt and blatant forms of injustices perpetuated by the police, as well as microaggressions. For example, one participant described feeling dehumanized by police, when trying to file a report:

> I'm treated like a number. I'm treated like an individual who can't afford anything. I'm treated like an individual who has to take what is in fact being given to them. Um. Whatever deal is in fact being given to them because I don't have anyone to fight for me.

Many participants discuss the intertwining of the systemic and individual perpetuation of injustice, with some recognizing the underlying problems of systemic transantagonism and transmisogyny. One participant shared: "It makes me physically sick to think that this is a system that's supposed to protect us and it's doing the complete opposite." Another added, "Your mouth got busted open and because you are in fact transgender…it almost feels like the police officers give the

other individual—the one that committed the assault—a thumbs up." Through these quotes, participants identify how systemic transphobia is both insidiously and overtly infused into how police treat TGNC people.

Domain 3: Reactions to Experiences with CJ System

Participants shared narratives or past lived experiences involving how they reacted when they encountered aspects of the CJ system. Most of these reactions were negative or ambivalent—filled with wariness and skepticism. Three themes emerged: (1) Loss of Trust; (2) Cognitive and Behavioral Reactions (with four subthemes: Cognitive Avoidance, Behavioral Avoidance, Learned Helplessness, and Self-Reflection); and (3) Emotional Reactions (with three subthemes: Unsafe/Vulnerable, Anger/Frustration, and Mixed Emotional Response).

Theme 1: Loss of trust. Participants described how they lost faith in the criminal justice system, specifically describing a level of disconnect and lack of discomfort in the presence of police officers and a larger system. Their reactions to confronting the criminal justice system seem to be very cynical and cautious, with sample quotes including: "You know we cannot trust the police," "It's sad that I have to go in…assuming that I can't trust them," "I don't trust that justice would be served," and, "If you can't trust the police then who can you trust, you know?"

Theme 2: Cognitive and behavioral reactions. Participants shared ideas or behaviors when they interacted with law enforcement and other sectors of the CJ system, with four major subthemes that emerged.

Subtheme 1: Cognitive avoidance. Many participants shared how they tried to repress or disassociate from any memory regarding their experiences with police and how they intentionally try not to think about certain possibly traumatic experiences. One participant shared: "I'd rather not go into that because it doesn't serve a purpose other than to disturb me."

Subtheme 2: Behavioral avoidance. Some participants described how they altered behavior to evade any violence or discomfort. They avoided certain practices or circumstances they imagined could lead to awkward or distressing situations for them and others. Participants constantly made decisions to avoid confrontations in the face of politically incorrect (and sometimes even aggressive) language or behavior. If they reacted in the way they wanted to, they felt their safety would be compromised and could lead to more trouble. One person revealed:

> It challenges my safety because I want to defend myself… but in the same sense, like, my own personal safety means, like, at some points you have to pick and choose your battle… I [tend to] just kind of like shrink and curl up. And just like act very defensive and just like to be self-protective, instead of, even though I want to be kind of defiant. I think I'm usually just kind of like more concerned about both of our wellbeing.

This quote demonstrates how participants were changing their behavior and their actions in order to avoid uncomfortable or potentially hostile situations; TGNC people often choose not to confront these issues in order to avoid more dire and serious consequences.

Subtheme 3: Learned helplessness. Some participants revealed a sense of losing their personal power because of the continuous obstacles they face. Some participants seemed to have been pushed so far that they give up hope and optimism, as they see the systemic issues as being too deeply embedded and engrained to endure or change. One participant stated:

> I feel like, do we spend our energy trying to mend the system that we can't get rid of or trying to over throw it. And what like, what, what do um these small steps—like you know getting rid of solitary confinement for youth—like what does that really do in the long run?

Subtheme 4: Self-reflection. Participants identified ways they increased their own awareness and consciousness about the contributing factors affecting their lived experiences, as well as how they cope with systemic oppression. Most participants acknowledged that privilege, or lack of privilege, modifies how they navigate the world. One participant opined, "Before this whole stuff happened… I was almost like, what's the phrase, willfully ignorant. I really wanted to believe it wasn't this systemic or as systemic as it is." This illuminates some participants' desire to keep self-reflection at bay because of the emotional burden of acknowledging the perceived inequality of the CJ system. However, participants reported that self-reflection allowed them to cope with the reality of and actual engagement in this unfair system.

Theme 3: Emotional reactions. Participants described an array of feelings and emotional reactions they experienced when interacting with the CJ system. Three major subthemes emerged.

Subtheme 1: Feeling unsafe/vulnerable. This subtheme described the lack of safety and constant vulnerability participants faced when navigating a heteronormative world. Participants discussed everyday issues they understood could potentially be threatening to their wellbeing and safety; they described ways in which they have learned to be hypervigilant when living their lives, particularly in relation to police officers. One participant disclosed, "Every day, I see the police. I feel as if… I'm being…if—not that I'm being protected, that I'm being the one who is, in fact, looked at to be the suspect." This feeling of lack of safety relates to the hesitation around police injustice and discrimination as well as how the police have perpetuated these systemic "isms" that affect transgender gender nonconforming people.

Subtheme 2: Anger/frustration. When describing the injustices of the CJ system, feelings of anger and frustration were frequently expressed. While one participant expressed specific instances in which they feel "rage and anger," another described how they constantly "feel pissed. I just feel really angry." This highlights the development of consistent, negative emotions participants must navigate when interacting with an unfair CJ system.

Subtheme 3: Mixed emotional responses. Participants expressed many other emotions—predominantly negative or ambivalent at best—with some responses conveying two or more feelings. Some participants shared disdain, anxiety, and sadness in thinking about the current status quo. When failing to confront a microaggression, one participant shared: "I really do feel like, I don't know, like disappointed—a little ashamed of myself for not doing something." These mixed emotional responses show the complexity of reactions TGNC individuals have regarding microaggressions and overt discrimination in the CJ system. There is not just one, singular reaction to employ, but a myriad of emotional reactions TGNC people grapple with.

Domain 4: Intersectionalities

Similar to the various emotional reactions elicited by microaggressions and overt discrimination, intersectional identities are at play too. Participants discussed how their multiple identities affected their interactions with the CJ system—including the police and the CJ system as a whole. Four themes arose from this domain: (1) Gender identity/presentation and multiple identities; (2) Gender identity/presentation

and race; (3) Gender identity/presentation and age; and (4) Gender identity/presentation and class/socio-economic status.

Theme 1: Gender identity/presentation and multiple identities. Participants expressed their different experiences with the criminal justice system when they were perceived to have many identities or belonging to many groups (e.g., being a Black, transgender, queer male with a physical disability). Participants also shared their beliefs that these multiple identities shaped how they were treated by the CJ system. They believed that multiple identities could yield greater victimization via discrimination or microaggressions. One participant shared a stark conversation with their father:

> [It] has just been my own personal experience growing up with being transgender and or identifying as homosexual at one time in my life where my dad would tell me you got three strikes against you kid. I'm letting you know that right now at the door. You are black, and you're gay, and you want to be a girl. Oh My God. They are going to destroy you.

Moreover, participants also agreed that the roots of overt discrimination and covert biases (via microaggressive remarks or actions) were harder to decipher, as it is confusing to disentangle which identity was being attacked. However, they also believed that some identities were more present than others. For example, one participant explained, "You know it depends a lot on your wealth. And being gay is a factor. Being queer or trans is a factor. But, I feel like maybe money and skin color is more of a factor there."

Another participant echoed these sentiments. They elaborated, "The court system… I believe is just as biased as the police officers. And you—I know I keep referring to my ethnic background—you know me being African American, it doesn't even matter what judge it is that you get; I cannot afford an attorney and based on that I am often railroaded by the judicial system." While it is sometimes unclear which identity is being discriminated against within the CJ system, participants agreed that their multiple identities coalesce to elicit many types of discrimination and microaggressions. So, while many of their identities can be targeted, it appears that some identities are more prominent than others.

Theme 2: Gender identity/presentation and race. Another theme that emerged under the Intersectionality domain was that race was a salient identity that affected one's experiences. Race was something most

participants could pinpoint as clear reasons for discrimination when traversing the CJ system. For example, one participant revealed that while detained by police, their racial identity was part of their experience: "Just like earlier in the week I was taken in for prostitution and I was treated with racial slurs and all of that."

White participants were also able to recognize how their racial identity may give them privilege in how they are treated. A White participant was in accordance with the aforementioned belief that race is a prominent marker of treatment in the CJ system. They stated, "I think that um, like, racial privilege somehow trumps cis privilege in a way. So, like I feel like as, like, as a White, genderqueer person, like, I'm still safer than a cis-person of color." However, despite a feeling of safety in being White, other identities can arouse feelings of impending discrimination by the CJ system. One White participant explained this well:

> I was at a street fair and we passed like, my girlfriend and I passed… five cops. And I whispered to her and I was like: "Why am I so fucking angry right now, what do I have to be afraid of, I am White. She turned to me and she is like what? You are something to be afraid of, you are gender nonconforming. I was like, "Yeah but, like, the intersections of like vulnerability, you know, do not cross as thickly for me as for others.

Theme 3: Gender identity/presentation and age. Age was another prominent identity that affected one's experiences. Most participants agreed that age was a significant factor in how they were treated- particularly regarding discrimination. Participants believed that younger—or seemingly younger—people were targeted by police than older ones. One participant opined, "In my experience they seem to target people who are younger, people who dress a little differently."

Further, some participants claimed that their age presentation was more of a targeted identity. For example, one participant clearly articulated this when they said: "I get picked on my age more you know my appearance as far as age is concerned more than my identity." These statements further illuminate the compounding and complex effects of intersectionality on discrimination within the criminal justice system.

Theme 4: Gender identity/presentation and class/socioeconomic status. Lastly, participants also acknowledged how the interplay of gender identity and socioeconomic status (SES) affected their interactions with the CJ system. They were quick to describe ways in which they are

treated like second-class citizens by police and the judicial system based on their economic standing and gender. For example, one person shared "I feel like within the LGBT community, [police] are more helpful towards some people than others. You know, like the wealthier people out here in [this posh neighborhood] maybe have a better time with the police." Relatedly, another participant shared a personal struggle regarding government identification: "I don't have the money to change my documents right now or even my name so it's so frustrating you know, like there is this discrepancy." Most participants described beliefs regarding how they would be treated if they had more money. Many participants seemed troubled that SES could so greatly affect their treatment, particularly when formerly believing that government and other systems should offer equal protection for all citizens.

Discussion

The purpose of this study was to gain a better understanding of the TGNC people's perceptions of the criminal justice system, particularly in exploring how they respond to microaggressions and other forms of discrimination. As hypothesized, many people held unfavorable opinions regarding the police; including perception of police as largely ineffective, unjust, discriminatory, and selectively effective dependent upon specific circumstances. Many TGNC people shared how unpleasant interactions with the police led them to hold unfavorable views about them. This finding is consistent with extant study regarding how people are more likely to hold negative opinions of the police after an unpleasant interaction with them (Brown & Reed Benedict, 2002; Weitzer & Tuch, 2005).

The majority of participants reported direct, first-hand experiences with the criminal justice system and could identify a number of microaggressions that typically occur. These experiences are in agreement with past research findings which suggest that TGNC people report relatively higher levels of contact with the criminal justice system in comparison to the national statistic (Grant et al., 2011; Stotzer, 2009). Participants engaged in contact with the police through three main ways in our study: (1) seeking help; (2) being arrested/apprehended; and (3) participating in protests and demonstrations. Extant findings suggest TGNC people come into contact with the criminal justice system through much more diverse means than cisgender people- via courts, prisons, jails, immigration, and streets (Grant et al., 2011).

With regards to orientation toward seeking assistance, many participants shared that they did not want to report to the police and many stated they would only contact the police conditionally. Because TGNC people are often discriminated against in the criminal justice system, it is understandable as to why many would be hesitant to contact them for help. Studies conducted on crime reporting behaviors suggest that people who hold unfavorable views of the police are much less inclined to report crimes (Tyler & Fagan, 2008).

Our findings bolster past research findings regarding discrimination from the police as a common shared experienced between TGNC people, especially for LGBTQ people of color. Results indicate that we must continue to consider intersectionality when examining experiences of microaggressions and discrimination with TGNC people. In our study, themes regarding the intersectionalities between gender identity and race, age, gender identity presentation, and class socioeconomic status all emerged—supporting past studies that suggest intersectional identities affect peoples' experiences with microaggressions (Nadal, Davidoff, et al., 2015, Nadal, Quintanilla, et al., 2015).

Our study also demonstrated the stress of microaggressions and discrimination on TGNC people's mental health. In some ways, TGNC and other historically marginalized people must undergo several psychological processes to evaluate microaggressions or discriminatory acts; to modulate their reactions; and to respond in a way that enhances their safety. Our research team interpreted this process to be both draining and demoralizing; TGNC people are forced to gracefully navigate microaggressions for their safety and comfort, while also being mindful of how others will react. Meanwhile, perpetrators of microaggressions are given free rein to unapologetically express themselves, offend, or both.

Finally, our study aligns with previous studies which have found that enduring microaggressions and other forms of discrimination can have deleterious effects on individuals' mental and physical health (Anderson, 2012; Nadal, Griffin, Wong, Hamit, & Rasmus, 2014; Pascoe & Smart Richman, 2009). While not all of the participants articulated this directly, most of our TGNC participants described their feelings of anger, exhaustion, and defeat when dealing with microaggressions and other forms of discrimination in the criminal justice system. Participants seemed more burdened when they held multiple marginalized identities, demonstrating the need to further examine intersectionalities in understanding the physical and mental health effects of microaggressions.

Implications

This study yielded various implications for future research regarding TGNC people and the criminal justice system. Findings from this study affirm how TGNC people are highly marginalized and are systemically discriminated against. In addition, the current study suggests that many TGNC people are largely distrustful of the police and of the CJ system. Results point to the need for transgender-affirmative competency training programs for police officers and other liaisons of the legal system. Studies on police legitimacy suggest that people's perceptions of fairness engender their opinions about them (Hinds & Murphy, 2007). Thus, future steps can be taken to identify TGNC specific factors that increase police legitimacy and increase their perception of procedural justice which in turn can help improve the relationship between two parties. Current study also identified many different forms of microaggressions that TGNC people experience from contact with the criminal justice system. Since there are many different ways in which TGNC people experience microaggressions, police training programs can incorporate findings from this research to lower the prevalence of such microaggressions.

Based on our findings, future studies can examine how various factors such as appearance and gender expression can affect one's experiences with microaggressions. Further, because it is largely unknown what factors affect individuals' perceptions of others' gender expressions and identities, future studies can provide insight into how transphobic biases are developed and how they can be prevented. Educational and training programs that affirm transgender and nonbinary experiences can be created to assist in minimizing biases and microaggressions across various sectors—school systems, work environments, and CJ systems. Finally, our study briefly touched upon the role of media and how media can affect police perception and perception of TGNC people. Future studies can explore the mediating effects of media on cisgender people's perception of TGNC people, while also understanding how media may influence TGNC people's own feelings of internalized oppression.

Limitations

While this study improves our understanding of TGNC people and their experiences of the CJ system, we note some limitations. Due to a relatively small sample size ($N = 11$) and majority being White,

participants' experiences may not be generalizable to the entire population. Because this study explores the intersectionality of multiple identities, participants' experiences may differ from TGNC people of color. Other factors (e.g., race, age, appearance, perceived gender identity and expression) also could have influenced the participants' experiences and shaped their perceptions of the CJ system. While there is a dearth of literature examining the relationship between gender identity, gender expression and perceptions of the police, past studies suggest that diverse factors such as race, age, past contact with the police, and neighborhood can affect police perception (Brown & Reed Benedict, 2002; Weitzer & Tuch, 2004). Further, our participants were recruited from the New York City area which may limit generalizability across the US and beyond. For instance, extant literature on perceptions of police suggest how geographical contexts such as crime rates and neighborhood culture can shape and influence people's opinions (Schafer, Huebner, & Bynum, 2003). Finally, due to its focus group semi-structured format, group dynamics may have influenced participants' behaviors and responses, while the established questions may have limited the type of data collected. Despite these limitations, we hope our study assists in further understanding how microaggressions in the CJ system and across all other environments are toxic and harmful for TGNC people and individuals of many other historically marginalized identities.

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