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## **“Concrete Chocolate Bars”: Deconstructing Whitened Compulsory Heterosexuality Ideology in U.S. Carceral Facilities within the “South”**

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“Concrete Chocolate Bars”: Deconstructing Whitened Compulsory Heterosexuality Ideology in  
U.S. Carceral Facilities within the “SOUTH”

by

Celessia Cannon

Under the Direction of Deirdre Oakley, PhD

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

Master of Arts

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## ABSTRACT

In 1972 U.S. State and Federal Prisons reported approximately 200,000 individuals in custody. Less than a decade later, rates skyrocketed to 315,974 people under carceral control. Broadly, researchers examine the consequences of the War on Drugs on incarceration, collateral impacts on family, post-incarceration, and state actors working in carceral facilities. Fewer studies investigate policies existing within carceral facilities. At present, no research examines rules and regulations impacting Black Trans and Gender Non-Conforming (TGNC) folx. This research addresses that gap. Findings suggest carceral facilities control sexuality by reinforcing compulsory heterosexuality resulting in adverse impacts on Black TGNC folx. I contend due to disproportionate numbers of Black and Brown bodies in carceral facilities, a “racialized carceral de-sexualism” for Black TGNC folx is constructed and reinforced by the state. Ultimately, my hope is this research influences much-needed mass incarceration policy reform and illustrates the increasing need for conversations about prison abolition within academia.

INDEX WORDS: Black, Trans, Gender nonconforming, Mass incarceration, TGNC, Compulsory heterosexuality, Critical race theory, Queer theory, Intersectionality, Placemaking, Policy, Cisheteronormativity

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August 2023

## **DEDICATION**

This research is dedicated to formally and presently incarcerated Black women and TGNC folx. Additionally, I dedicate this research to my Granddad Frank, Grandma Linda, Surrey, Lissone, and Miles. In your memory, you've given me the strength to research on behalf of and for those that have been relegated to the bottom of the well.

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## **LIST OF ABBREVIATIONS**

CRT = Critical Race Theory

GSM = Gender Sexual Minorities

LGB = Lesbian, Gay, Bisexual

TGNC = Trans, Gender Nonconforming

## 1 INTRODUCTION

*“If you Black, you were born in jail, in the North as well as the South...Stop talking about the South. As long as you South of the Canadian border, you South. —Malcolm X, Bullet or Ballot Speech (1964)*

I am keenly aware of my proximity to this topic. I identify as Black and gender non-conforming. My identities as well as my lived experiences inform this research as I discuss and critique the socially constructed identities of gender, sexuality, and gender identity within carceral facilities in the United States. More specifically, my interest and discussion about Black Transgender and Gender Nonconforming (TGNC) folx within the carceral system stems from personal experiences and the lack of representation of this demographic in the extant literature. More specifically, the lack of literature and research fails to reflect the number of incarcerated Black TGNC folx. Like Black men and women, Black TGNC folx are overrepresented in carceral facilities. Dillard (2000) developed the term ‘endarken’ to challenge dominant white feminism and channel Black Feminist Thought epistemology. I aim to endarken the ways in which carceral codes of conduct may impact Black TGNC folx. By existing within the academic hegemony, I understand the context and associated privilege. While important research, I do not aim to capture the full embodied experience of Black TGNC as they experience the carceral system. Rather I utilized the Policy Clearinghouse database to analyze regional patterns in carceral codes of conduct throughout the United States. To address that gap in the future, I plan to conduct interviews of formerly incarcerated Black TGNC folx for my dissertation research.

At present, the United States’(U.S.) incarcerated population accounts for 25% of the global incarcerated population (The Sentencing Project 2020; Equal Justice Initiative 2022) and 5% of the world’s total population (Braunstein 2017). In the 1960s, the United States had low

incarceration rates. However, in the 1970s the U.S. shifted from a rehabilitative approach towards a punitive law and order ideology and incarceration rates had skyrocketed by the 1980s (Western and Wildeman 2009). These higher rates disproportionately impacted Black women and men (Brock 2018, Blankenship et al 2018). While Black folx represent 13% of the population, they account for over 30% of the total incarcerated population (Gramlich 2019). As a result, researchers began to investigate what we now call mass incarceration, its impacts on minoritized communities and the laws that serve as the catalyst to the Prison Industrial Complex. For instance, Stop and Frisk, Mandatory Minimum Sentencing, Three Strikes Rule, the broken window approaches to policing, and other comparable laws fortified the draconian ideology instituted in the 1970s. While there is a great deal of information on mass incarceration, there is little research focusing on policies implemented *within* carceral facilities. As a result, we know far less about how policies, such as codes of conduct, impact incarcerated individuals. Codes of conduct are regulations implemented in jails and prisons, at county, state, and federal levels, to standardize the practices for, and behaviors of incarcerated individuals, staff, administrators, and the public (American Correctional Association 2022). Codes of conduct impact various subpopulations of incarcerated people in different ways – some more negatively than others.

Particularly vulnerable incarcerated subpopulations are gender and sexuality minorities (GSM) and Black women. Gender and sexuality minorities is an umbrella term consisting of, but not limited to, lesbian, gay, bisexual, trans, nonbinary, and queer individuals. At present, while GSM individuals are incarcerated at a rate of three times the total adult population, government prison data does not thoroughly report on these groups (Jones 2021). For instance, in the National Inmate Survey, trans individuals are explicitly excluded (Jones 2021). Still, researchers have consistently demonstrated that intersex, asexual, gender nonconforming, two spirit, and

other GSM are overrepresented in the criminal legal system (Jones 2021). Although a lot of literature and policies use GSM to discuss this population, this project utilizes Trans and Gender Nonconforming (TGNC) to move away from reinforcing this population as a minority based on their gender identity and sexuality as they navigate a cisnormative system that reinforces compulsory heterosexuality.

Just as gender and sexuality minorities are overrepresented in carceral facilities, Black women are as well. Overall, since the 1980s women incarceration rose over 700% (The Sentencing Project 2022). More specifically, Black women incarceration rates are 1.7 times greater than for white women (The Sentencing Project 2020). It is important to note, Black women and TGNC are not necessarily mutually exclusive identities. Black cis women can identify as a sexuality minority. Black TGNC are overrepresented in carceral facilities (Brown and Jones 2015; Jones 2021). In fact, incarcerated Black gender and sexuality minorities are subjected to solitary confinement at twice the rate as white LGBTQ incarcerated individuals (Lydon et al. 2015). In short, the racial composition of incarcerated TGNC mirrors that of the general incarcerated population.

While we have empirical evidence that this population is incarcerated at a disproportionate rate, very little is known about how codes of conduct may have more punitive psychological and physical effects on them. Initiated in 1854, carceral codes of conduct emerged from a compulsory heteronormativity ideology with moralistic undertones. Like the original intent, these codes are enforced to address and control a variety of domains, including dress, visitation, hair styles, and others. For example, one concern is the forced adherence to compulsory cis-heteronormativity in correctional facilities through the use and enforcement of codes of conduct, which compromises a TGNC person's identity. To analyze the uses of control in carceral

facilities, for this project the following sections are of interest: dress code, visitation, and conduct. Dress code guidelines establish and reinforce a rigid gender binary, othering both gender and sexuality minorities and Black women. Visitation strictly adheres to compulsory heterosexuality by delineating who is an acceptable and unacceptable guest. Lastly, the conduct section outlines the way incarcerated individuals should behave towards staff, themselves, and others, turning them into docile bodies. Each of these sections demonstrates informal and formal uses of control within carceral facilities.

### **1.1 Purpose**

The purpose of this thesis is to examine the content of carceral codes of conduct throughout the U.S. to identify thematic patterns which have the potential to harm incarcerated TGNC folx – many times forcing them to reshape and/or hide their identities. Because the composition of carceral TGNC appears to disproportionately represent Black and Brown persons like the general prison population, my study focuses on this demographic. To accomplish this, I utilize the Policy Clearinghouse database which consists of aggregated carceral policies in the United States. To be clear, research has demonstrated that mass incarceration is undergirded by interlocking systems of oppression with the intent to be more punitive to Black and Brown people and those existing outside the gender binary (Davis 2003; Alexander 2009). Yet, there is little research on the effect and consequences of carceral codes of conduct on Black TGNC folx. Similarly, while representing a small part of mass incarceration scholarship, evidence illustrates Black women uniquely experience gendered-racism (Hill-Collins 1998; Brown 2010; Gross 2015; Spates et al 2020; Jones et al 2022). For Black TGNC folx, understanding how carceral codes of conduct impact their intersecting identities is important and addresses a gap in existing research. However, before one can examine more directly the actual impact, teasing apart the recurring

themes inherent in carceral codes of conduct is necessary. This is what I am attempting to do in this thesis. Prior to going more in depth into codes of conduct, it is important to understand the organizational structures of correctional facilities in the U.S.

## **1.2 Types of Correctional Facilities**

In the U.S. there are two main types of correctional facilities: jails and prisons. Local governments, such as municipal, county, and cities, have control over jails. According to the Bureau of Justice Statistics (BJS) (2022), jails are intended to be short-term facilities meant to house people awaiting trial or sentencing. People charged with a misdemeanor can be sentenced to serve out their term in jail. While jails are meant for short-term confinement, people awaiting a trial date can languish in these facilities – particularly large county jails – for up to three years. The time spent awaiting trial is counted towards the actual prison sentence.

Prisons are designed for long-term sentences. People serve sentences over a year. Unlike jails, prisons house people charged with committing acts of harm that result in being charged with a felony. Additionally, prisons are run by state and federal governments. Federal prisons house people convicted of federal acts of harm, while state prisons comprise individuals convicted of acts of harm against the state. The level of government dictates the type of rules and regulations implemented within the facilities and the statutes they are required to enforce. In addition to the two types of prisons, there are different classifications of security, such as minimum, low, medium, and maximum. Whether state or federal, prison codes of conduct are driven by the designated security level.

## **1.3 History of Carceral Codes of Conduct**

To understand how TGNC folx are impacted by carceral codes of conduct, it is important to discuss the history of codes of conduct and how they are wielded to control and punish

individuals within correctional facilities. Following the ratification of the 13th amendment in 1865, which abolished slavery unless use as punishment, a surge of prison reform ignited (National Archives 2022). In 1870 in Cincinnati, Ohio the American Correctional Association (ACA) convened to standardized regulations for corrections, specifically federal prisons (American Correctional Association 2022). At that time, the ACA was recognized as the National Prison Association. During the 20th Century they adopted the moniker ACA, which is used in this thesis. The first conference (1870) was called the “Congress on Penitentiary and Reformatory Discipline,” and was the original impetus for the development of modern carceral codes of conduct. The standard of the ACA called the Declaration of Principles was adopted. Enoch Cobb Wines, a prison reformist, organized the conference. Prior to being a reformist, Wines served as a pastor and educator. With Wines’ overt religious influence, the seminal text of carceral standards asserted the focus of incarceration should be “moral regeneration...and securing reformation” rather than inflicting suffering (Declaration of Principles 1870 see American Correctional Association 2022; Trivisono and Hawkes 1995). This document illustrates the ACA’s attempted adherence to reforming carcerality following the 13th amendment. While the first meeting convened in 1870, a formal process of accreditation did not occur until a century later.

In the 1950s, the ACA began constructing standards while the rates of incarceration steadily declined. Simultaneously, the court system became interested in using constitutionality to systematically address issues within the carceral state. The Ford Foundation awarded the ACA a grant to study and create standardized rules and regulations (American Correctional Association 2022). They used the standardization of other U.S. institutions to create tools of control in carceral facilities. To codify this ideology, in collaboration with the government, the

ACA developed an accreditation process – in the name of ‘keeping prisoners safe. As Foucault (1995) argued, the reality is that the use of these institutional standards is to create docile bodies. The ACA (2022) asserts carceral codes of conduct are “necessary for the operation of correctional programs that safeguard life, health and safety of the personnel who work in juvenile and adult facilities and programs; as well as the offenders who are a part of the correctional system” (para. 4). The adherence to codes of conduct by carceral facilities results in harm to the most vulnerable populations in those facilities. More specifically, evidence indicates Black women and GSM by virtue of their intersecting identities are subjected to higher levels of control and punishment (Jones 2021).

#### **1.4 Groups Most Vulnerable to Codes of Conduct**

Sixty carceral codes of conduct are included, comprising both jails and prisons (state and federal). Although valuable, jail data is not analyzed in this project. Understanding the potential impact implemented codes have on incarcerated Black TGNC folx and Black women is an interest for future research. There is a significant population of TGNC folx incarcerated in jails. At present, LGB individuals (Lesbian, gay, and bisexual, language used by the Bureau of Justice) in jail accounts for 42.1% in women facilities and 35.7% in men facilities (Crist 2016). Due to the binary nature of carceral institutions, trans and/or nonbinary folx are often assigned to housing using their assigned sex at birth. Black women make up 44% of individuals incarcerated in jails (Leflouria 2015, 2021). Like TGNC individuals, Black women are subjected to higher levels violence and control. For instance, mental health needs are often ignored, like in the case of Sandra Bland (Gay and Cannon 2022). Her family and activists vehemently claim Sandra Black was murdered. While individuals typically spend less than a year in jail facilities, these codes of conduct can still have a negative impact. Those with marginalized identities, like GSM

and Black women, are particularly vulnerable to higher levels of carceral violence (National Center for Transgender Equality 2018).

Without being able to analyze enforcement, it is hard to confirm codes of conduct distinctions between maximum security facilities and those found in minimum security facilities. However, regardless of the security level, TGNC individuals and Black women face higher levels of control than those with privileged identities. For example, Black folx housed within women's facilities in Alabama prisons are restricted from having locs (culturally elected term) and twists (Alabama Department of Correction Female Handbook 2013). These culturally unique hairstyles are primarily worn by Black folx. Similarly, until recently the military prohibited locs, two-strand twists, and other hairstyles predominately worn by Black folx (Taylor 2022). This rule impacts Black women and incarcerated folx housed within women facilities. Additionally, this affirms the importance of investigating internal carceral codes like those implemented outside institutional facilities of control. For example, the CROWN Act, which stands for "Creating a Respectful and Open World for Natural Hair " passed in the US House in 2022 (The Crown Act 2022). It made hair discrimination based on texture and style unlawful. After the Crown Act passed, several states implemented policies prohibiting discrimination based on hair, while others, like Alabama, failed to eliminate those policies (Taylor 2022). Discriminatory carceral codes of conduct remain in the book targeting Black women. According to the Alabama Department of Corrections Handbook, "dreads and twist hair styles are not permitted. Inmate's hair must be well-groomed" (2013:9). Like Black women, prison codes of conduct impact gender and sexuality minorities. In some facilities, rules explicitly state "homosexual" behavior is prohibited and state that engaging in such behavior, "puts you at risk to contract AIDS" (Georgia Department of Corrections 2010). More broadly, the structure of carceral systems is

based on employing a gender-binary system of classification (Sevelius and Jenness 2017). Therefore, trans, and nonbinary folx are housed according to the sex inscribed on them at birth. This may or may not contradict their gender identity and/or expression. This is present in the carceral codes of conduct, specifically those enforcing adherence to heteronormative roles, behaviors, and presentation.

#### ***1.4.1 Codes of Conduct and Tran and Gender Non-Conforming Folx***

Today, correctional facilities implement, distribute, and enforce codes of conduct to control incarcerated individuals informally and formally. Through the systematic use of codes of conduct within carceral facilities docile bodies are created. Foucault (1995:36) defines docile bodies as one “that may be subjected, used, transformed, and improved.” As previously stated, the codes of conduct cover several areas. This project focuses on the following code of conduct areas: dress code, visitation, conduct, and by identifying recurring patterns of themes, how these might have a more negative impact on Black TGNC individuals. While each of those areas impact the general incarcerated population and members of minoritized groups, the group this research centers is impacted at a higher rate and more adversely. More specifically, the carceral system adheres to and reinforces compulsory heterosexuality through its use of a binary structure to house incarcerated individuals. This is reflected in the mandated dress codes. Therefore, TGNC individuals are most vulnerable to and at risk of punishments. Similarly, due to gendered racism, Black women are at greater risk. The goal of carceral codes of conduct is to create an amenable population. Black TGNC folx are most vulnerable to those codes of conduct because their intersecting identities threaten the maintenance of docility within carceral facilities.

## 1.5 Regional Roles, Variations, and Ideological Influences

The United States carceral system comprises local, state, and federal correctional facilities. Mass incarceration is driven by the locale and the adherence to or resistance of federal statutes (Lynch 2011). Typically, mass incarceration research assumes a top-down position assuming little variance exists between regions. Countering that, Lynch (2011) challenged researchers to resist reducing all causes of mass incarceration to federal-level statutes. Instead, Lynch (2011:675) contends researchers should investigate the ways in which local adherence or resistance to “laws, policy making, politics, and social relationships...” contributed to an explosion in carceral rates. This project conducts a meso-level analysis. Investigating regionally contextualizes both macrolevel (national) and microlevel (local) research that exist as policies internally and externally are “shared, adopted, remade across jurisdictional lines...often following regionally based movement patterns” (Lynch 2011). Geographical variation between carceral facilities impacts the level of carcerality, control, and punishment individuals encounter. For instance, carceral funding is based on location and follows a regional pattern. Outside of privatized facilities, correctional sites are typically funded by the government. On average, in 2020 states in the southern region spent \$20,000 less per incarcerated individual than every other region (Carson 2021). In part, this is driven by the US Census. Encouraged by the funding based on the census, states exploit incarcerated individuals by counting them in the census based on the location of the correctional facility, which is referred to as prison gerrymandering (Wager and Kopf 2015).

The region designations by the U.S. Census and the map of these regions the Census Bureau provides is considered the norm of regional boundaries. Patterns from the Great Migration influenced the development of the regions found within that map (Hunter and

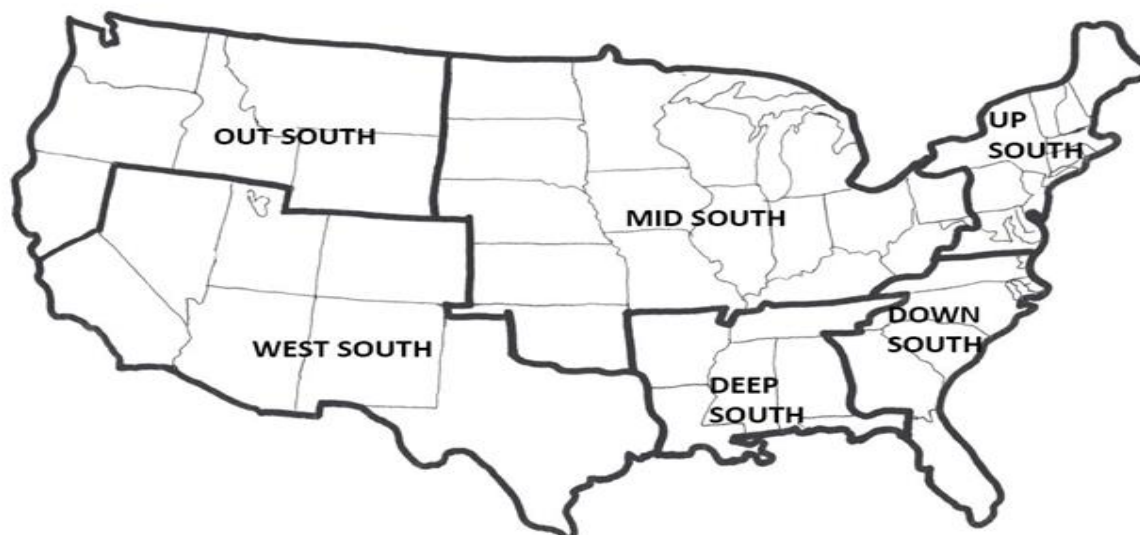
Robinson 2018). Interwoven within those arbitrary boundaries is the belief that as Black people moved West and North fleeing the Jim Crow South, they could escape racial violence existing only in the South by participating in industrialization. As a result, a North and South dichotomy is created with overt distinctions perpetuating a flawed ideology between progression and repression, respectively. Between the 1910s and the 1970s, six million Black folx were able to take part in industrialization and urbanization (National Archives 2021). James Baldwin stated, “what’s happening in the South today will be happening in the North tomorrow” (Hunter and Robinson 2018:39). Racialized violence persisted in the North and out West. Black folx experienced housing discrimination through redlining practices (National Archives 2021) purposefully reinforcing residential segregation (Percy 2020) countering the idea that racism only existed in one region.

The dominant society assumes there is a stark difference between arbitrary regions and the existence of racism. This is codified by the language used for current U.S. Census regions: (1) Northeast, (2) Midwest, (3) South, and (4) West. To accurately discuss and capture Black life in the United States, Hunter and Robinson (2018) assert the U.S. should be situated on a spectrum called, The South. On their Black Map, regions are named: (1) Out South, (2) West South, (3) Mid-South, (4) Deep South, (5) Down South, and (6) Up South. In sum, the regional designations by the U.S. Census are not flawed so much as society’s continued conceptualization of the meaning and life occurring within those regions. The distinctions between the respective regional boundaries drawn on the Census Map and the Black Map illustrate U.S. regions themselves are socially constructed. This bolsters the idea that viewing life in the U.S. using the U.S. Census reinforces the fallacy that there are stark differences between regions. This idea that racism and white supremacy is isolated to the states within the southern region designated by the

US Census is inaccurate. *Chocolate City* Sociologists, Hunter and Robinson (2018:3) state “our current maps (US Census) of Black life are wrong”. Drawing from the Black map, this project refers to the United States as “The South” to represent the various variations of south.

***The South was everywhere that Black people called home—at least in the United States” The Ballot or the Bullet (1964)***

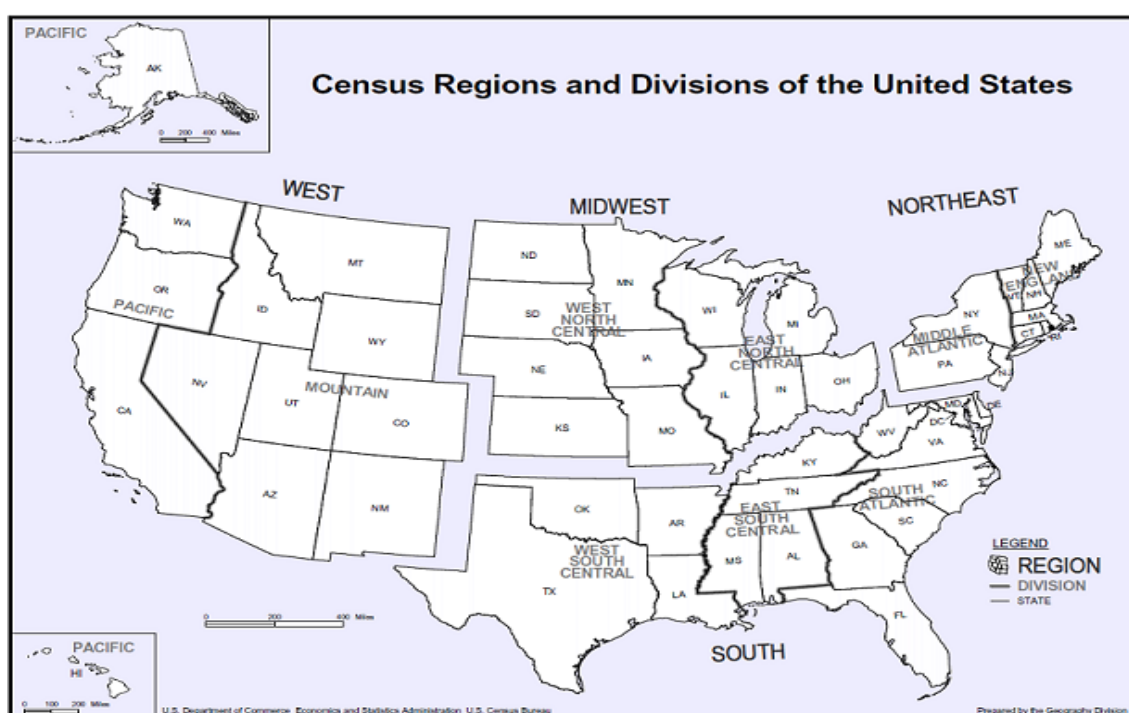
To ensure this project accurately captures Black TGNC folx’ incarceration experience while analyzing the potential thematic patterns in the codes, the Black Map (see Figure 1. below) is used. In alignment with Hunter and Robinson, Stone (2018) urges researchers studying the demographic in this project to consider conducting a South analysis. Conducting research only on mega metropolises ignores those that exist on the fringes of these areas. Additionally, it ignores the Black folx incarcerated in rural predominantly white areas throughout each region in the US (Wagner and Kopf 2015). Black TGNC incarcerated in this area can be viewed as vicarious citizens, a term developed by Theo Greene (2014), which refers to nonresidential members of a community. Different from Greene’s use, their residency is the result of prison gerrymandering and displacement.



*Figure 1 The Black Map, Chocolate Cities, Hunter and Robinson (2018)*

Like Malcolm X, Hunter and Robinson (2018) state “wherever two or more Black people are gathered, there is a Chocolate City”. While they referred to metropolitan spaces, like Harlem, this can be expanded to include carceral facilities. The amassing of Black folx in metropolitan areas and correctional facilities are both the result of racism, homophobia, and transphobia. It also can be the result of those occurring simultaneously. The specific geographic location of carceral facilities is important. However, to go further, like Hunter and Robinson (2018) and Lynch (2011) it is beneficial to understand regional carceral control in the Northeast and Northwest as the Up South and Out South, respectively. Black TGNC folx engage in placemaking in metropolitan cities (Hunter and Robinson 2018; Greene 2014). The resistance of codes of conduct, like dressing guidelines by Black TGNC individuals within carceral facilities is an act of Black placemaking. Black placemaking is the process in which people create and (recreate) “sites of endurance, belonging, resistance through social interaction” (Hunter et al. 2016:1). With the presence of control and resistance, carceral facilities become geographical localities of contention between state actors and the incarcerated.

While the Chocolate Cities framework can be used to argue the importance of regional analysis and to counter society's conceptualization of The South, it is important to note US census regions are utilized by the criminal legal system at the state and federal level. Therefore, it is important to illustrate the regional boundaries used by the US Census. Additionally, to understand the Census Bureau's definition of region and respective geographical boundaries are driven largely by political units (US Census 2020). Since the 2010 Census, the map has depicted the four regions below (See Figure 2.)



*Figure 2 US Census Regional Boundaries*

At present, a substantial portion of mass incarceration literature focuses on Black cis men. Although, Black women and gender and sexuality minorities are incarcerated at disproportionate rates like Black men (The Sentencing Project 2022; Jones 2021). This glaring gap in the literature informs this research project. Additionally, this research is influenced by the past and current incarceration of Black women and nonbinary folx in my life. As a result, I aim

to understand how, beyond the War on Drugs and racist laws implemented shortly after, carceral codes of conduct impact Black TGNC folx. Further, are carceral codes of conduct implemented that adhere to and reinforce compulsory heterosexuality? Lastly, is there regional variation among the carceral codes of conduct? This project cannot state the impact or harm caused by carceral codes of conduct without collecting primary data. By conducting a conceptual content analysis guided by grounded theory iterative strategies, we can better understand the impact of carceral codes on Black TGNC folx, as they are missing from current research. This project aims to reveal potential patterns of harm caused by implementing codes of conduct that adhere to compulsory heterosexuality as well as a standardization of language within the implemented codes within and between regions.

## **1.6 Looking Ahead**

This thesis covers five sections including this introduction as well as my literature review, theoretical framing, methods, and expected findings. In the next section, I will review the literature. The literature review has three parts: (1) details on the organization of the US carceral system, (2) the history of the development of codes of conduct and standardization coinciding with the War on Drugs, and (3) how these policies reinforce compulsory heterosexuality. The notion of the panopticon as a form of predatory surveillance employed in US carceral spaces is useful to understanding the impact of carceral codes on Black TGNC folx. Panopticon is a disciplinary concept developed by Jeremy Bentham developed in the 18th century. It is an analogy of a central observatory tower located in the center of carceral facilities (Fiddler 2018). While panoptical tactics are harmful to everyone under carceral control (Davis 2003), Black cisgender and TGNC folx are subjected to heightened surveillance as they are scrutinized and racialized as the other as it is dictated and maintained by whiteness (Browne 2015; Williams

2021). Critical Race Theory helps us understand the role whiteness plays within the carceral system.

Critical Race Theory contends U.S. structures and systems are endemically racist (Bell 1992; Delgado and Stefancic 2017). Black bodies are disproportionately represented in carceral facilities in the U.S (Nellis 2021). Lastly, queer theory allows us to utilize a multiplicity of lenses. Queer theory challenges thinking restricted to a binary and embraces the use of multiple lenses that may intersect and contradict one another (Shalasko 2005). This can be applied to subjects and identities beyond gender and sexuality. To that end, beyond only applying queer theory to the TGNC folx in carceral facilities, researchers can also examine and understand Black women's experience within carceral facilities. Queer theory helps demonstrate the use of carceral codes of conduct as a labeling apparatus measuring responsible incarcerated folx (Bosworth 2007) against individuals whose identities are constructed to be purposefully antithetical to entrenched binary structures.

## 2 LITERATURE REVIEW

This thesis highlights carceral codes of conduct that can cause harm to Black TGNC individuals, as it seeks to advance the literature on mass incarceration in a more inclusive way. Most mass incarceration literature centers Black cisgender men stories. More recently, literature on carcerality has begun including Black women (Celinska and Sung 2014; Halliday et al 2017; Gottlieb and Mahabir 2022). TGNC individuals remain under researched. There are few researchers aiming to illuminate TGNC experiences while in the carceral system (Faithful 2009; Francisco 2021; Szuminski 2020). To extend existing literature, this project focuses on deconstructing carceral codes of conduct that force TGNC folx to adhere to compulsory heterosexuality. Implemented codes of conduct are constructed on a binary that mirrors the hyper-gendered carceral system. Through forced adherence, incarcerated folx are labeled as either a responsible or irresponsible (Bosworth 2007). Based on the construction of the codes, Black TGNC individuals find themselves in the latter group. In this chapter, I organize the review of literature into four sections. First, I broadly examine the US carceral system's organizational history and the inception of the prison industrial complex. Next, I will discuss relevant literature on codes of conduct implemented in carceral facilities. Third, I explore the effects of heteronormativity and compulsory heterosexuality on TGNC folx.

### 2.1 Contextualizing the Explosion of Carcerality

Scholars, community activists, and legal experts assert the War on Drugs as a main driver of mass incarceration, and catalyst to the carceral state (Ristroph 2019; Beckett and Francis 2020; Alexander 2010; Blumstein 2019). It is important to understand mass incarceration derived from the term mass imprisonment, specifically referencing the aberrant rise in US prison rates. The term carcerality highlights the commitment to systematically expanding the legal state—or

carceral state to feed capitalism (Beckett and Francis 2020). More specifically, carcerality helps explain through enacted racialized policies how marginalized communities are most vulnerable. Black communities are hyper-surveilled prior to contact (if ever) with the carceral state, leading to disproportionate representation under carceral control, resulting in post-imprisoned inequalities. While legal terms can be nuanced, throughout the entirety of this project, the following terms are employed interchangeably: mass incarceration, carceral state, and the New Jim Crow. The latter is a term coined by Michelle Alexander (2010). She asserts slavery never ended, instead, a new form of slavery was created---mass incarceration, which she refers to as The New Jim Crow.

The New Jim Crow strategy resulted in increased harm to Black folx in the 1970s through the implementation of legal policies underpinned by racism and capitalism (Cox 2011, 2012; Beckett and Francis 2020; Hunt II 2020) On the heels of the Civil Rights Movement, the government targeted Black folx by racially dichotomizing the use of certain drugs, (e.g. crack cocaine) causing an explosion in incarceration rates (Cox 2011; Bush-Baskette 2000). Drug use by Black folx is criminalized as white drug use is medicalized. To demonstrate, punitive policies like both Drug Anti Abuse acts, Stop and Frisk (or the “Terry Stop”), mandatory minimums, and other racially implicative laws passed. As a result, between the last decade in the 20th and 21<sup>st</sup> century, incarceration rates in the US rose from 79,000 people to more than one million (Felson and Krajewski 2020; Hunt 2020). Of that amount, in 1994 Black folx represented more than half the total population (Hunt 2020). Alexander (2010) stated of the Black men born during the early 2000s, one in three will serve time in prison.

A substantial amount of literature reveals the impact of intentional carceral expansion on Black communities orchestrated by the state. After the phrase mass imprisonment was coined

(Beckett and Francis 2020), an overwhelming amount of scholarship aimed to elucidate ramifications on Black men specifically. Rightfully so, they represent 38% of the total incarcerated population today (Sawyer and Wagner 2023). Until recently, scholarship focusing on the impacts of carceral expansion on Black women was limited, although women's incarceration rates from the 1950s to 2010 rose almost 800% (Goodwin 2020). Black women represented an overwhelming 38% of incarcerated women (Cox 2012; Halliday et al. 2017). Like statistics for women in the early 21st century, minimal research exists about trans and gender non-conforming individuals experiencing carcerality (Mogul et al. 2011; Sylvia Rivera Law Project 2007).

Lesbian, Gay, Bisexual, Trans, and Queer (LGBTQ) folx are an “overrepresented but understudied group”. The existing limited literature helps illustrate LGBTQ folx attempt to exist under binary carceral control (Jones 2021 para. 2). Most of the data that does exist, fails to disaggregate gender from sexuality, resulting in the lesbian, gay and bisexual populations being compiled with data about trans and non-binary folx. Aggregating data like this not only erases the experiences of those existing within and between-groups, but it also conflates gender identity, sex, and sexuality, which results in these terms being used interchangeably. Gender and sexuality scholars assert both are socially constructed (Jackson 2006; Westbrook 2016). That said, it is important to acknowledge subsequent definitions are always changing. Similarly, while scholars attempt to define and provide language capturing the experiences of folx within the trans community, those definitions are not fixed or fully encompassing.

*Sex* is an assignment or category impressed on bodies based on genitalia and secondary sex traits, using phenotype (Westbrook; 2016; Haefele-Thomas and Combs 2019). Using a binary, people are designated as either male or female. This leaves no room for individuals to exist

within, on, or beyond the peripheries of those categories. Such that, intersex individuals, which account for one of 2,000 births (Blackless et al. 2000), with ambiguous reproductive organs and/or genitalia are forced into those fixed categories. With or at the advice of doctors, parents tend to agree to a “normalizing” surgery or hormone therapy, so their child fits within the binary (Preves 2016; Haefele-Thomas and Combs 2019). Based on the sex, people are socialized into either box of the gender binary, as masculine or feminine. *Gender* is defined as “ways culture or society reinforce what is masculine...and what is feminine” (West and Zimmerman 1987; Haefele-Thomas and Combs 2019:68). There are associated gender roles inscribed on individuals based on their sex and gender. This is a set of behavioral expectations dictated by culture. Within a heteronormative society, this results in a girl being socialized to engage in roles that are defined as feminine oriented, while boys are expected to remain within the confines of masculine roles. This process of socialization that predetermines performance is constructed and reinforced in binary institutions, like the carceral system.

It is important to understand the cultural and social construction of sex, sexuality, and gender identity driven by both heteronormativity and compulsory heterosexuality, to understand how trans and nonbinary folx exist within institutions – in this case, carceral spaces. Finally, *sexuality* is defined as a system of classifications meant to capture sexual desires, behaviors, and identity (Westbrook 2016). Within this thesis, I use the language trans and gender non-conforming (TGNC) used by Cavagini (2021), which is defined as identities that deviate at some point in life, whether present or past, from the identity assigned driven by heteronormative and compulsory heterosexuality ideals. To clarify, those with a gender identity that disrupts the gender binary have embodied experiences different from the one predetermined by society and are considered transgender. Folx who identify as either or both trans and gender non-conforming

represent 42% of the population in the U.S. population (Williams Institute 2021). In comparison to their total population, the amount of research conducted on these populations does not capture the number of folx of this demographic overly represented within the prisons and jails. In 2012, 16% of the total trans population experienced being incarcerated at some point in their life. Of that population, 47% identified as Black, accounting for almost half the population. These statistics demonstrate the importance of researching Black TGNC folx at the same rates in which Black cis men. Since 2012, the TGNC population under carceral control has increased to almost 2,000 per 100,000 (Crist 2016).

## **2.2 Policing the Body and Placemaking**

The disproportionate number of Black cis het men under carceral control is due to draconian policies linked to the War on Drugs in the 1980s and the criminalization of Blackness. Similarly, the over representation of Black trans and non-conforming folx in the carceral system is the result of over policing and criminalization of sexuality through legislation codified in the 1950s (Stanley and Smith 2011; Hoppe and Halperin 2017). For example, laws like the Miller Law or Public Law 615, targeted people engaging in any sex deemed “unnatural or perverted” contributing to the expansion of the carceral state as it was used to criminalize TGNC folx (Kunzel 2017). Increased TGNC folx in carceral facilities is due to tactics of policing that targeted the body and placemaking by the queer community. Ignited by police in the early 1900s as they waged a morality war by hyper surveilling, raiding, and arresting people in gay bars and bathhouses (Ogles 2016). In 1969, a common experience for TGNC folx in nighttime spaces usually resulted in, “Well experienced, people stopped dancing, changed clothes, removed, or applied makeup...the police entered examining identification and lining up trans/gender nonconforming folx to ensure they were wearing the legally three mandated pieces of “gender

appropriate clothing”” (Stanley and Smith 2011:1). To codify the surveillance of the TGNC folx, specifically sex, in 1986 *Bowers v. Hardwick* extended constitutional control to states by criminalizing oral and anal sex (Cornell Law 2021). This predated the Stonewall Riots, the catalyst to modern LGBT movement work. Beyond Stonewall, there are several examples of the police targeting TGNC folx (and the broader LGB community), like the Rainbow Lounge Raid in Ft. Worth, Texas or The Eagle Raid in Atlanta, Georgia (Medwed 2017; Ogles 2016). Both happened in 2009.

### **2.3 Policies Inside Carceral Facilities**

Much of the existing literature in the U.S. on the carceral state only examines laws implemented outside of carceral facilities. Rightfully so, it is important we understand laws implemented post the War on Drugs influence on expanding the carceral state. It is equally important to understand the regional role of internal rules and regulations, or what this project refers to as carceral codes of conduct, being enforced inside jails and prisons. The latter is under researched. According to the American Correctional Association (2022), these policies are implemented to benefit all parties involved, from those incarcerated to their families to those employed to control them.

The implementation of carceral codes of conduct mirrored the change witnessed after The War on Drugs. Prior to the criminalization of drugs, medicalized rehabilitative approaches were used to address drug use. Carceral codes of conduct followed a similar timeline; They were initially constructed using rehabilitative approaches, as they discussed parole and improving oneself (Bosworth 2007).

At first, language found within carceral codes of conduct was unique to the respective institution. The codes of conduct outline the rules and regulations in carceral institutions. The

Federal Bureau of Prisons requires individuals being processed participate in the Admission and Orientation Program, which includes understanding of the following things: “their rights and responsibilities, program opportunities, and the disciplinary system” (U.S Department of Justice 2003:1). The ACA began fully enforcing and assessing institutions for compliance in 1974. This demonstrates the pivot from individualized institutions to the standardization of U.S. prisons. At that time, prisons started adopting language dictated by the Bureau of Justice and the ACA (Bosworth 2007). Carceral institutions standardized the language in codes of conduct between institutions. Through standardization, carceral facilities were able to increase their level of control over people deemed a “risk and danger” (Garland 2001:199) and make them malleable citizens (Bosworth 2007).

#### **2.4 Designed to Control: Reinforcing the Normative Binary**

A central component to carceral control is coercing and forcing incarcerated folx to uphold order and discipline in collaboration with staff. Additionally, administrators within this hyper-gendered system use codes of conduct to enforce gendered levels of control. Resulting in, people in women facilities being subjected to stricter policies (Bosworth 1999; Bosworth 2007). Instead of using explicitly coercive and gendered language, carceral codes of conduct are constructed with seemingly neutral language that obscures gendered and heteronormative norms. As they purposefully attempt to deconstruct the inherent power dynamics existing within carceral facilities, they construct “the logic of inmate responsibility” (Bosworth 2007:68). This makes the institutional control palatable for carceral administration and staff.

### 3 THEORETICAL FRAMING

The two frameworks utilized to guide my research are Butler's (1990) Queer theory, and Bell's (1992) Critical Race Theory, as I analyze codes of conduct within the panopticon. Additionally, due to important implication of regions and mass incarceration, parts of Hunter and Robinson's (2018), *Chocolate Cities*' framework is utilized and extended to understand Black queer life in panopticon settings throughout what they refer to as "The South", which is geographically the United States. This emphasizes the collective historical and modern "practices of racial domination...such as the use of Black codes, residential segregation, and the New Jim Crow" employed within the U.S (Hunter and Robinson 2018:4). Employing these distinctive approaches intersectionally helps frame understanding about the ways Black TGNC folx are potentially impacted within carceral facilities throughout the U.S. as they are being forced to adhere carceral codes of conduct. Intersectionality is a theory and method coined by law professor Kimberlé Crenshaw (1989, 2023). She offered this tool to understand the way identities function simultaneously exacerbating one's experience. By researching Black TGNC folx, a group with multiple marginalized identities, theoretically combining Queer Theory and Critical Race Theory to create an intersectional framing: *Queer-tical Race Theory* is integral to comprehend their carceral experience. In addition to the combining CRT and Queer Theory, this frame extends an earlier iteration of a queered critical theory created by Loutzenheiser (2007) as they analyzed curriculum and pedagogies.

#### 3.1 Queer Theory

Queer theory exists to challenge the idea of "normal, the legitimate, the dominant " (Brintnall 2021:1) within or across sexualities. The inception of queer theory petitioned the

existence of lesbian and gay identities as counters to cisheteronormative ideologies by challenging hegemonic ideologies within culture (Brintnall 2021). The application of this theory can be applied to investigate institutions. More specifically, queer theory is useful as I investigate the carceral system. It can be used to dismantle the binary system structure as I attempt to understand the potential impacts on sexualities and gender identities that transgress compulsory heterosexuality and cisnormativity (Vasiliou 2020). Research demonstrates TGNC folx are among the most vulnerable populations within carceral facilities (Jones 2021). Therefore, one should employ an epistemic tool to attempt to understand TGNC folx' experiences as they navigate carceral control.

Cavagnini (2022) used queer theory as a frame to understand gender performance and the ways the state police gender. This project extends Cavagini (2022) use of queer theory. Namely, in this project, queer theory is used to explicitly understand the legalization of compulsory heterosexuality in carceral facilities employed through carceral rules and regulations. Additionally, queer theory is used here to counter the dominant ideology that stark differences exist between regions and their adherence to compulsory heterosexuality. To counter, I utilize the Chocolate Cities frame, as it situates the US on this "South" spectrum, arguing there is a common Black experience of culture, racism, and life in the US (Hunter and Robinson 2018). Therefore, it should be regarded as a regional spectrum. While there may be small regional distinctions between regions, due to the "hyper-binary" system employed here, TGNC folx are subjected to compulsory heterosexuality and cisnormative carceral codes of conduct regardless of the carceral facilities' geographical location.

### **3.1.1 *Intentional Erasure of TGNC***

It is reflected in both carceral literature and policies, the expectation that incarcerated folk comply with cisnormativity and compulsory heterosexuality. So much so, Sykes (1956) a criminologist, argued a key element of being incarcerated is “...the loss of heterosexual relationships” (Vasiliou 2020:580). This assumes everyone under state control adheres to compulsory heterosexuality and bolsters the erasure of TGNC in an institution that is structured on a binary. That erasure is bolstered by enacted federal policies, such as the “Transgender Offender Manual” which allows for carceral institutions to legally police gender (Cavagnini 2022). This manual prescribes prisons with the autonomy for determining, issuing, and monitoring services and resources to incarcerated trans folk. Carceral facilities are dedicated to reinforcing the gender binary. Under the false pretense that it keeps TGNC folk safe, it enables prison administration to easily enforce codes. Research demonstrates this population is subjected to higher amounts of harm than individuals that cleave to cisheteronormativity (National Center for Transgender Equity 2018).

### **3.2 *Critical Race Theory***

Critical Race Theory (CRT) asserts US systems and structures are endemically racist (Bell 1992; Delgado and Stefancic 2017). CRT consists of four tenets: interest convergence, revisionist interpretations of history, critique of liberalism, and structural determinism. At present, the United States’ incarceration rates account for 25% of the global incarcerated population (Equal Justice Initiative 2022). Within the carceral system, Black and Brown folk are overrepresented. Similarly, gender sexuality minorities (GSM) are incarcerated at disproportionate rates (Jones 2021).

Critical Race Theory offers researchers, advocates, and community organizers a framework to better understand the criminal legal system as a tool that facilitates white supremacy. More specifically, it provides mass incarceration researchers the language to understand how racism is endemic in the criminal legal system. Rarely does the literature analyze whiteness as a system that constructs and reinforces new forms of violence. Differential racialization defined by Delgado and Stefancic (2017) refers to the system used to racialize groups of individuals to benefit and uphold whiteness and its attendant privilege. It helps illuminate the instrumental role that white people play in developing new use of violence to preserve whiteness. Former President Nixon's distinctive approaches to drug according to the race of the user is an example of differential racialization. Crack cocaine is criminalized and racialized predominately impacting Black communities negatively, while cocaine use is medicalized. In carceral spaces differential racialization is legalized through the enactment of policies found within codes of conduct.

As Black folx reconcile with being the faces at the Bottom of the Well (see Bell 1992), they are forced to develop a double consciousness (Du Bois 1989). Black folx in the U.S. are forced to concurrently experience being sequestered at the bottom of the well while employing a bird's eye view to things taking place at the top. We can apply Du Bois' concept of double consciousness to understand the experience of Black people experiencing carcerality -- not only considering the preexisting veil prior to incarceration, but an added panoptical induced veil donned by the state. This carceral veil is going to be different for Black cis-men, trans folx, and queer women of color. Scholars developed triple consciousness theory (TCT) to understand Black women experiences (Welang 2018). Those identities are controlled in different ways

through distinct uses of control, such as codes of conduct. Laws are constructed in the U.S. to control specific populations.

In the U.S. laws adhere to a racial binary (Haney-Lopez 2006). They formalize white people as the superior opposite, while constructing non-white people as inferior. White people are the positive mirror. In the criminal legal system, this is demonstrated in disparities between white and Black folk's sentencing. The construction of powder cocaine demonstrated the government's investment in constructing this as the superior opposite, because of the population it catered to. This is demonstrated by the racial makeup in carceral facilities. Prisons are not the solution for anyone or lessening crime, instead it results in the 'super-incarceration of Black folk (Davis 2003). In some ways, the transparency phenomenon (Haney-Lopez 2006) explains this inability to criminalize whiteness in the ways Blackness is. Transparency phenomenon states, white people are unmarked and neutral.

### ***3.2.1 Deconstructing Utopian States Using a Chocolate Cities Analytic Approach***

Racism permeates every U.S. structure (Bell 1992; Delgado and Stefancic 2017). While some states proclaim themselves to be utopians, they are sites of violence for minoritized communities. Almaguer (1994) illustrates the permanence of racism by demonstrating its existence in California. Nonetheless, people with marginalized identities continue relocating to California in search of finding a more equitable society. In part, this is because the U.S. education system constructs the regional south as a siloed place of violence and racism. Simultaneously, places like California are touted as utopian. Almaguer (1994) demonstrates the usefulness of deconstructing this binary. They do this by analyzing a place like California and demonstrating it is still a site of racialized violence (Rothstein 2017). In fact, California is ranked among the highest for incarceration rates. A disproportionate number of offenders are Black and

Latine folx (Jones 2021). Haney-Lopez (2006) discusses rewards and punishments in California, illustrating that while white people are rewarded, minoritized individuals are punished at the highest rates, which is reflected in their carceral rates

### **3.3 Compulsory Heterosexuality**

Compulsory Heterosexuality argues heterosexuality is an institution and that reinforces a social order that adheres to patriarchy binding individuals to cisnormative roles (Rich 1980). Since the inception of compulsory heterosexuality, there has been challenges of the theory (Seidman 2009). Based on their progressive LGBT+ laws, TGNC folx typically seek community in California. However, with a disproportionate number of Queer Trans Intersex People of Color (QTIPOC) folx in carceral facilities, evidence illustrates states use compulsory heterosexuality and religion to maintain control in California prisons. Almaguer (1994) asserts there is a link between white supremacy and religion. More specifically, religion is a tool used to reinforce white supremacy. The use is not isolated to churches. In fact, the education, health care, and criminal legal system utilize religion too. Within carceral facilities, compulsory heterosexuality is used to control sexuality bolstered by religion. If individuals under state control fail to adhere to facility codes of conduct, they are subjected to sanctions. The overrepresentation of TGNC folx assumes they are all subjected to higher levels of discipline. The binary system utilized by the criminal legal system results in TGNC folx being on the peripheries of the gender binary. Folx are housed based on their assigned identity at birth unless it poses concerns (Transgender Offender Manual 2022) . This structure reinforces white supremacy through compulsory heterosexuality.

The CRT framework is useful to demonstrate the criminal legal system as an endemically racist institution. Structures with systemic racism are not reformable. Therefore, the criminal

legal system is irreformable. It is a site of violence meant to reinforce white supremacy. This is especially true for those with marginalized identities. Critical white studies help researchers understand the role of whiteness in carceral facilities. Analyzing whiteness enables critical race scholars to decenter the system of whiteness and the link to violence. This often goes undone because it is easier to call out explicit master's tools (Lorde 2018), but it is harder to point to implicit forms of discrimination and microaggressions. Joy James (2003) talks about mass incarceration research romanticizing the experiences of incarcerated folx, rather than explicitly understanding the system of whiteness to deconstruct the system and the role of political prisoners. This assertion can be applied to the existing literature on incarcerated TGNC folx. To maintain the system, whiteness is codified as the superior opposite or the positive mirror. As the US continually reinforces and legalizes new forms of subjugation, whiteness goes unmarked and remains the positive mirror. Similarly, in the ways whiteness goes unmarked, cisnormativity resulting in Black TGNC being negatively impacted as they are constructed as the other.

### **3.4 Queer-tical Race Theory**

A queering of CRT seeks to understand the carceral system as a uniquely “hyper-gender” system as it centers cisnormative, heteronormativity underpinned by forced compulsory heterosexuality. The same way CRT asserts racism is systemic in the U.S. and its institutions, the carceral system is endemically transphobic and cisnormative. Therefore, those transgressing the binary are subject to heightened levels of surveillance and punishment, specifically the marginalized group centered in this project—Black TGNC folx (Williams 2021). The carceral system is constructed in a way that does not allow for them to be included in the “responsible prisoner” category, coined by Bosworth (2007).

Interest convergence, a CRT tenet, outlines that the advancement of Black folx only happens when their interest aligns with whiteness (Delgado and Stefancic 2017). Black TGNC individuals are only able to access protection if their interests align with the administrators of carceral facilities. For instance, the passage of Prison Rape Elimination Act (PREA), passed in 2003, created standards and guidelines to protect incarcerated individuals from sexual harm (National PREA Resource Center 2022). While these guidelines were created for the general population in carceral facilities, certain parts of the standard benefited TGNC individuals directly. For example, trans and intersex folx are protected from discriminatory searches to determine genitalia as means for housing. This is an example of interest convergence, because while PREA was enacted as a general policy, TGNC folx benefit as they are at a higher risk of sexual harm while incarcerated (Jones 2021). However, since the enactment of PREA the Trump administration sought to roll back protection for TGNC individuals, by creating the “Transgender Offender Manual.” Conflicting directly with PREA, the manual asserted “the designation to a facility of the inmate’s identified gender would be appropriate only in rare cases” (Cavagnini 2021; Department of Justice 2022).

## 4 DATA AND METHODS

For this project, I will conduct a conceptual content analysis to analyze potential thematic patterns in carceral codes that may impact Black TGNC folx while incarcerated. To systematically analyze the data, I borrowed grounded theory methodological techniques. This resulted in this process being very iterative as I allowed the carceral codes of conduct to influence the types of questions, codes, and broad interests of this project. (Charmaz 2014). This section describes steps taken to collect data, explain the justification of software used, analysis and interpretation. This is a two-phase project consisting of a preliminary stage and final stage.

Prior to explaining the findings and results, it is important to explain preliminary data collection and methodology. The following questions emerged after examining some of the codes: (1) How does the carceral system (both jails and prisons) potentially inform or impact Black TGNC folx gender expression and sexuality? Additionally, (2) using instituted carceral codes of conduct, within a gendered institution, is specific language employed which could limit visitation, dress code, and conduct? For this second question, I analyzed repeated patterns in specific language use.

### 4.1 Data

In November 2014, the University of Michigan Law began assembling a database, The University of Michigan Law Policy Clearinghouse. Without this database, prior to 2014 policies disseminated in carceral facilities were hard to locate. Led by Professor Margo Schlanger, students obtained the documents posted online by correctional institutions, while others were obtained through the Freedom of Information Act (FOIA). At first, this collated collection only consisted of state and local policy documents explaining grievance procedures. Later, they integrated policies outlining rules and regulations for incarcerated individuals. The latter is more

useful and analyzed to this project as this focuses on rules and regulations incarcerated are expected to adhere to. It is important to note, the documents obtained are called inmate handbooks, however carceral codes of conduct are used to refer to these documents. Carceral codes of conduct are defined as institutionalized documents used internally by both jails and prisons to maintain informal and formal control over incarcerated folx. Due to the binary design of correctional facilities, these codes of conduct potentially impact TGNC folx more than those that adhere to compulsory heterosexuality. Further, all US structures are endemically racist (Bell 1992), therefore Black TGNC folx are at higher risk of harm than white TGNC individuals based on applicable policies.

To understand the language used in carceral codes of conduct, I obtained 61 inmate handbooks from the database. Both codes of conduct for prisons and jails were collected, however, jails are not included in the final analysis. Prisons codes of conduct are only analyzed. There is a set of prison rules and regulations to represent each state at least once and some local jails amassing larger populations as well. Prisons are disaggregated into two categories, state-wide and facility specific. Using a computer to access the open access database, I downloaded all 61 of the carceral codes of conduct onto a flash drive. Afterwards, I planned to extract the following sections related to this project: visitation, dress code (or grooming), and code of conduct. However, during an initial exploration of the codes, I found information that relates to the sections of interest is not isolated to a particular section in the codes of conduct and some sections overlap. To ensure an accurate and sound analysis, the original document was maintained. After being loaded into NVivo, each file was individually labeled by the proper section within the South and state. For example, the label for Georgia, a state in Down South, is

“DS\_Georgia”. The decision to label the states used by region helps the regional analysis. Finally, each document is uploaded to NVivo.

During the preliminary stages of this project data for California was not included it was not included in the database. Since then, data for California has been included. Additionally, the following states are represented more than once because they provide separate codes of conduct for women and men facilities: Alaska, California, Hawaii, New Hampshire, New Jersey, North Carolina, Pennsylvania, and Wisconsin. To qualify for analysis, each respective code of conduct must pertain to a U.S State or Federal facility. The eight jail codes of conduct will not be included in the analysis. After extracting those state carceral codes of conduct, 56 federal and state prison codes of conduct remain. For the purposes of assessing regional variation, states are grouped by regions as defined by the region in the South defined by Hunter and Robinson (2018), each representing a unique id, which I used for coding.

In the preliminary stage, I included each prison code of conduct in the manual analysis. Thereafter, in the interest of saving time, I extracted a sample of 22 states from the broader population of states by doing stratified random sampling. In this type of sample each code of conduct has an equal opportunity to be part of the sample (Drisko and Maschi 2016). To do this, I grouped all the states by the Black Map (2018) created by Hunter and Robinson. Table 1 illustrates the result of those groupings prior to the sample. It should be noted that some states appear in multiple, no more than two, regions. The following states appear more than once between regions: California, Florida, Virginia, Maryland, and Pennsylvania. The overlapping occurrence illustrates the ambiguity of state regions, which emphasizes the point of Hunter and Robinson (2018) assertion that life between regions is similar.

*Table 1 Chocolate City Region by State*

Chocolate Maps—"South"	States (alphabetical order)
Out South	California, Washington, Oregon, Idaho, Wyoming, Montana, Alaska
West South	California, Nevada, Arizona, Utah, New Mexico, Colorado, Texas, Hawaii
Mid-South	North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Ohio, West Virginia, Pennsylvania, Maryland
Deep South	Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Florida
Down South	Florida, Georgia, South Carolina, North Carolina, Virginia
Up South	Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire Vermont

By grouping the states into the six regions I ensure each region was represented at least three times within the sample of 22. Next, I alphabetized all the states within their respective regions. After, each state was assigned a number. I input the number of total states in the population and allowed that generator to pick the numbers that would be part of the sample based on the numbers previously assigned to the states. To ensure each region was represented, each region had to be represented three times. The randomizer was utilized until that happened. In table 2 there are three categories: respective Black Map region, facility type, and year. The Black map regions are: (1) Deep South, (2) Down South, (3) Mid South, (4) Out South, (5) Up South, (6) West South. Facility type designations describe the population target for the code of conduct for that document. The designations are Men, Women, and Jurisdiction. The documents that fall in the first two categories create codes of conduct that are explicitly on a binary. For instance, Alabama created a separate code of conduct for individuals housed in men and women facilities, which is why there is both a W and M. Additionally, for the states in the sample, all of the documents for that respective state was analyzed (if there was more than one), like Alabama. The

absence of a W or M does not mean there no codes of conduct existed. Instead it means that information isn't accessible. A jurisdiction designation means the code of conduct for that state is implemented in all facilities and they don't use gendered language. There are some instances where there are separate rules for different populations within the same code of conduct. Lastly, the publication year is notated.

*Table 2 Sample by Black Map Region, Facility Type, and Year of Publication*

	State	Black Map Region	Facility Type (Men, Women, Jurisdiction)	Year
1	Alabama	Deep South	M, W	
2	Mississippi	Deep South	Jurisdiction	2011
3	Tennessee	Deep South	Jurisdiction	2009
4	Florida	Down South	Jurisdiction	2018
5	Georgia	Down South	Jurisdiction	
6	North Carolina	Down South	Jurisdiction	2010
7	Virginia	Down South	M	2014
8	Illinois	Mid South	Jurisdiction	
9	Indiana	Mid South	M	2017
10	Kentucky	Mid South	Jurisdiction	2012
11	Michigan	Mid South	Jurisdiction	2009
12	Montana	Out South	Jurisdiction	2010
13	Oregon	Out South	Jurisdiction	
14	Washington	Out South	Jurisdiction	2017
15	Connecticut	Up South	M	2013
16	Massachusetts	Up South	M	2012
17	Vermont	Up South	Jurisdiction	2011
18	Arizona	West South	Jurisdiction	2013
19	California	West South	M, W	
20	Nevada	West South	M, W	
21	Texas	West South	Jurisdiction	2004
22	Utah	West South	Jurisdiction	2013

## 4.2 Methods

To conduct this project, I conducted a conceptual content analysis guided by the intersectional use of Critical Race Theory and Queer Theory to understand potential patterns within codes of conduct that may impact incarcerated Black TGNC folx. Foundationally, content analysis is best used to empirically identify themes using a large set of data (Drisko and Maschi 2016). While this is mainly conceptual, there is some relational analysis included as I analyzed relational themes derived from concepts found within the codes applicable to incarcerated Black TGNC folx. I utilized some grounded theory methodological strategies (Charmaz 2014) by allowing the data to inform questions and the iterative process I employed through this project. I approached the data with little knowledge about carceral codes of conduct. Simultaneously, I understood the way carcerality disproportionately impacted Black folx broadly. I knew my interest in incarcerated Black TGNC folx. With that, I took an initial look at some codes without questions. I had an idea that a binary structure like the carceral system may implement rules that impact my population of interest. After the initial examination of the codes of conduct, I decided to conduct preliminary analysis. Those results informed the research question(s), interests, and aims of this project.

### 4.2.1 *Preliminary Word Frequencies*

Upon looking through the codes of conduct, I noticed the word sex (including stemmed words sexual and sexually) being utilized throughout various codes of conduct. Confirming my thoughts, I conducted a text search and word frequency to examine the frequency sex is utilized. I repeated that process after seeing the word “homosexual” used in several texts. That word frequency was conducted due to my interest in Black TGNC folx. It is important to note that the term “homosexual” is both offensive and outdated and it is only seen here because of its use in

codes of conduct. Similarly, all TGNC do not identify as gay or same gender attracted and/or loving, which is the way that term is used in carceral codes of conduct. The results of those word frequencies are illustrated in Table 3.

*Table 3 Preliminary and Final Word Frequencies Illustrating Variance Black Map Regions*

Phase	Word	Deep	Down	Mid	Out	Up	West
Prelim	Sexual	93	135	120	84	29	200
Prelim	Homosexual	0	3	2	0	0	10
Final	Sagging	1	0	0	0	0	1
Final	HIV	4	14	4	49	11	3

#### **4.2.2 Final Word Frequencies**

The variance of both words prompted me to think beyond the number of times those particular words are used within carceral codes of conduct. Additionally, it implored me to investigate other words used in relationship to those words, such as sagging (a trend of wearing pants below the waistline typically associated with masculine presenting folx) and HIV (Lopez-Littlejohn 2015). During the final phase, I conducted word frequencies on both words. For example, ‘HIV’ was used several times in conjunction with ‘homosexual’. Throughout the project, as I employed some grounded theory techniques by submerging myself in the carceral codes of conduct, I constructed and reconstructed questions throughout the process. Over time, I realized it wasn’t feasible to assess the importance of sexuality using this type of methodology. To conduct that research, I needed to collect primary data by conducting interviews. That in mind, I set out to understand how, beyond the War on Drugs and racist laws implemented shortly after, carceral codes of conduct impacted Black TGNC folx. Further, are carceral codes of conduct implemented that adhere to and reinforce compulsory heterosexuality? Lastly, is there regional variance among the carceral codes of conduct?

### 4.2.3 Coding

Three sets of codes emerged while conducting this project. Using Coffey and Atkinson (1996), I employed coding as a tool for exploring this data further as I moved through each set of codes (Schreier 2012). I used the theoretical frames to drive the codes. During the initial phase of this project, I generated three basic codes based on sections of interest: grooming, conduct, and visitation in NVivo. First, I combed through each of the 22 codes of conduct systematically coding relational concepts based on the previous word frequencies. Simply put, I did a text search and the instances where a targeted concept was utilized, I examined the words around that word. If any of the words around ‘sexual’ were relevant to the conduct that may impact TGNC folx, I coded it as conduct. I repeated this step for each of the codes I created.

Next, to understand potential standardized patterns occurring regionally, I added a code to represent each of the regions designated in the Black Map. Following the pattern with the initial codes, the three sections influenced the way data was coded. Only this iteration, I attempted to find regional variations of conduct, visitation, or grooming expectations. In the previous table, the word ‘sagging’ is found. A regional variation from ‘sagging’ used only in Mississippi, is the explicit use of “hip-hop” as a type of style that is prohibited.

Using Critical Race Theory and Queer Theory, I constructed the following codes: HIV-stigmatization, adherence to compulsory heterosexuality, prohibiting racialized grooming, and carceral de-sexualization. Constructing a HIV-stigmatization code enabled me to understand the ways in which the state reinforces HIV stigma and perpetuates the queer men in the community as more at risk. Constructing the adherence to compulsory heterosexuality provided the opportunity to understand the way the state integrates policies that reinforce cisheteronormativity. In doing so, I can understand how and who are more likely to be labeled

‘responsible prisoners’. It was important to codes policies that racialized grooming due to the disproportionate number of Black folx that are impacted by mass incarceration. While the mere presence or absence of those policies doesn’t illustrate enforcement either way, it illustrates the way carceral facilities are endemically racist. Incarcerated individuals are not legally able to consent to sex. This prompted a code that explained the process by the state to de-sexualize incarcerated individuals.

### **4.3 Limitations of the Design**

The limitations of this research have been mentioned briefly. Methodologically, conceptual content analysis tends to lack depth and are reductive. Another limitation is the quantitative nature of this type of content analysis. It is hard to draw focused findings by solely identifying the frequency of words appearing in a document. While there are limitations, I think content analysis is a good tool for underresearched areas. In future iterations of this research, more relational content analysis will be conducted in combination with primary data collection.

## 5 FINDINGS

In this project, preliminary findings yielded the existence of variance between Black map regions. The unit of measurement of analysis for the preliminary analysis was regional. There is frequency of use for the word “sexual”. On the lower end of the spectrum, in the Up South, the word sexual was found 29 times, while the word is used 200 times in the West South. While specific conclusions cannot be drawn from the variance of use, this does illustrate more emphasis on sex is occurring in the West South than the states in the Up South. Additionally, we can conclude that frequency of use does not get at whether control or enforcement is relational to use. In the Deep South and Down South regions, the frequency of use for “sexual” is 93 and 135. The proximity between these numbers is interesting given the geographical proximity of these states.

Preliminary findings for the word “homosexual” found it was used in the following three regions: Down South, Mid South, and West South. Interestingly, those same regions had the top three frequency of use for the word “sexual”. In the West South code of conduct, “homosexual” was used ten times. In other words, for the frequency of both words “sexual” and “homosexual”, the West South is the highest, while the Down South and Mid-South, are second and third respectively. The relational context of this finding as it relates to TGNC folx will be addressed further in the discussion. The two times “sagging” occurs in this sample are in the Deep South and West South regions. HIV is found 49 times in the Out South, which is the highest amount. It is found the least number of times in the West South. Through the observation of this word, there is more of an emphasis on policies that discuss HIV in the Out South, than the emphasis in the West South.

The previously mentioned conceptual findings are important to this project and its foundation. However, the practice of counting usage and how that can illustrate emphasis and the importance of that particular word is limited. Using the patterns of use above, I discuss some of the specific examples found within codes of conduct that illustrate patterns potentially harmful to the population of interest in this research. Specific state codes of conduct are discussed; therefore the unit of measurement moves from regional to state level analysis. The sections below mirror those outlined earlier as sections of interest to this project.

## **5.1 Grooming**

A large amount of the sample outlines the expectations of appearance while incarcerated consists of being groomed and maintained. It is expected that incarcerated “conform to the dress code” (Tennessee 2009). The codes of conducts illustrated individuals housed within women facilities are subjected to higher levels of control than those housed within men facilities. This finding is consistent with Bosworth (2007). More specifically, in those facilities individuals are expected to adhere to codes that prohibit Black hairstyles and expressions that oppose the cisnormative performance of women. Those codes of conduct illustrated evidence that Black TGNC folx are subjected to policies that target hairstyles mostly worn by Black folx. Individuals at the Alabama prison are restricted from having locs and twists (Alabama Department of Correction Female Handbook 2013). It explicitly states, “Dreads and twist hair styles are not permitted. Inmate’s hair must be well-groomed” (2013:9).” This policy is not reflective in the men’s facility in Alabama. To demonstrate the restrictive nature of codes of conduct implemented in individuals housed in women facilities, in California (n.d.) women’s facility, “masculine” facial hair is prohibited. In Tennessee (2009), broadly incarcerated folx are not “...permitted to dress in the unique clothes of the opposite sex.” Additionally, in those housed in

those facilities incarcerated folx are not “...permitted to cultivate or attach beards and mustaches and males are not permitted to wear cosmetic makeup substances.” This policy directly impact TGNC. The grooming and hairstyle standards found illustrate patterns that impact Black TGNC negatively while incarcerated. Other minorized groups can be impacted by the existence of these carceral codes exiting.

## 5.2 Visitation

The recognition of marriage is dictated by the policies found within the codes of conduct. The ways that these policies are implemented can impact who is allowed to visit. Contrary to the expected findings, the findings revealed in some codes of conducts people in heteronormative relationships are subjected to more restrictive policies. In Alabama (2013) and Utah (2014), married individuals housed in both men and women facilities are not allowed to have visitors of the opposite sex unless it is their spouse. In some states conjugal visits are permitted for cisnormative couples that are not trans. More specifically, only if that is between a woman and a man. To illustrate, Table 4 is the table found in both Alabama facilities codes of conduct. In the table the “1” denotes the amount of visitors allowed based on type of relationship. For instance, unmarried individuals incarcerated in Alabama and Utah can only have visitor identifying as the opposite sex. There are no explicit gender restrictions for their visitors unlike their married counterparts.

*Table 4 Visitation Policy found in Alabama's men and women facility (2013)*

	Spouse	Same Sex Friend	Opposite Sex Friend
Married	1	1	
Unmarried		1	1

While that Alabama policy illustrates the way some implemented policies can impact people in cisheteronormative relationships, Arizona demonstrates an expected finding. In the Arizona code of conduct, "...kissing and embracing shall be permitted only at the beginning and end of each visit and shall not be prolonged." These same regulations, however, further provide that "[s]ame-sex kissing, embracing (with the exception of relatives or immediate family) or petting" is prohibited. In 2002 Karl Whitmire attempted to challenge this statute asserting he and his husband were not afforded the same visitation liberties as cisnormative couples. The court decided only cisnormative couples are afforded the liberty of displaying affection during visitation. Comparatively, in Indiana's (2017) men facility, individuals housed there are allowed to kiss, embrace, and handshake their visitors. This is also true for all incarcerated individuals in Washington (2017).

### **5.3 Conduct**

Conduct patterns found in the carceral codes of conduct explicitly prohibit sexual acts and the possession of material deemed sexual, while individuals are incarcerated unless they are approved for a conjugal visit. In the Washington (2017) code of conduct, "consensual, non-coerced sexual activity between inmates is prohibited by Department rules and policies and may result in an infraction, but it is not defined as a violation of PREA policies or law." This is reiterated in the Oregon and Indiana code of conduct.

In addition to prohibiting sexual acts while incarcerated, in the five carceral codes of conduct being susceptible to being "homosexual" is viewed as deviant conduct. In Michigan (2010), they outline a list of "prison pitfalls...gambling, borrowing, loaning, homosexual pressures...". Similarly, in Texas (2004:87), mail is rejected if the staff determines "... it is detrimental to offenders' rehabilitation because it would encourage homosexual or deviant

criminal sexual behavior” Some of the findings that illustrate the ways carceral codes of conduct impact Black TGNC folx through implementation in carceral facilities are listed within the Table

5.

Table 5 Thematic Carceral Codes Impacting Black TGNC folx in the "South"

	<b>Black Map Region</b>	<b>Code of Conduct Section</b>	<b>State</b>	<b>Impactful to Black TGNC</b>
<i>Dreads and twist hair styles are not permitted.</i>	Deep	Grooming	AL	Yes
<i>"facial hair is prohibited"</i>	Out	Grooming	CA	Yes
<i>"...not permitted to dress in clothes of the opposite sex."</i>	Deep	Grooming	TN	Yes
<i>"...not permitted to attach beards and mustaches</i>	Deep	Grooming	TN	Yes
<i>"...males are not permitted to wear cosmetic makeup "</i>	Deep	Grooming	TN	Yes
<i>married individuals housed in both...facilities... no visitors of the opposite sex.</i>	Deep	Visitation	AL	Yes
<i>"no [s]ame-sex kissing, embracing or petting"</i>	Out	Visitation Conduct	AZ	Yes
<i>"prison pitfalls...gambling, borrowing, loaning, homosexual pressures..."</i>	West	Conduct	TX	Yes
<i>detrimental to offenders' rehabilitation... it would encourage homosexual"</i>	West	Conduct	TX	Yes

Example of state codes of conduct that impact Black TGNC folx in the South

## 6 CONCLUSION

Mirroring the impact of external policies implemented outside of carceral walls, this research revealed themes demonstrating Black TGNC experiencing carcerality are potentially being further harmed. I argue that this research illustrates the importance of intersectional research while attempting to understand any marginalized population with intersection identities. More specifically, Black TGNC experiencing carcerality. Queer-tical Race Theory enabled us to understand the way Black TGNC folx are impacted by carceral codes of conduct in ways those that adhere to compulsory heterosexuality and cisheteronormativity are not. More specifically, we can see how an endemically racist and transphobic system attempts to create a privileged category “responsible prisoner” which is institutionally inaccessible by those that identify as Black TGNC. The variance among the language within carceral codes in the South demonstrates the usefulness of utilizing a chocolate cities frame and the Black Map. Language found within grooming, conduct, and visitation portions of the codes illustrates the different ways compulsory heterosexuality is maintained through implementation of codes of conduct. This research reveals that while there may be distinctions between regions, in this case through language, systems of oppression are often implemented intersectionally and systematically.

This research adds to an underresearched area of carceral research. Prior to the project, limited research analyzed internal policies, like carceral codes of conduct. This research builds on research conducted by Bosworth (2007) as they analyzed the way federal admission packets given to individuals being processed into carceral facilities are used to determine who is deemed a responsible incarcerated individual. They found individuals incarcerated within women facilities are more likely to face stricter policies and less likely to be viewed as a responsible. Extending existing research, I found Black TGNC folx are more likely to be deemed

irresponsible due to the racialized and gendered construction of carceral codes of conduct. As carceral administrators implement policies that adhere and reinforces compulsory heterosexuality and cisnormativity while stigmatizing and delegitimizing queer gender identities and sexualities, Black TGNC folx find themselves unable to access category the “responsible prisoner” category. In the 1870’s ACA meeting headed by Wines’, those in attendance outlined reformation and redemption as the goal for those incarcerated. That goal seems contingent on incarcerated folx adhering to the carceral codes of conduct.

I assert Black TGNC under carceral control are impacted by the hyper-gendered system as it forces adherence to compulsory heterosexuality through the implementation of codes of conduct. As a result, due to the intersecting identities Black TGNC folx possess, they are unable to become a “responsible prisoner” (Bosworth 2009). Responsible incarcerated folx within carceral facilities are expected to adhere to compulsory heterosexuality and cisnormativity. This forced adherence is a process observed in other institutions within the U.S. as they are inherently racist (Bell 1992). This is demonstrated in the codes of conduct that prohibit Black folx from wearing locs, twist, and other natural hairstyles. Resulting in, Black TGNC folx being relegated as irresponsible more than those that adhere to compulsory heterosexuality regardless of geographical location within the South.

For Black TGNC folx to be negatively impacted by carceral codes of conduct based on their personal relationships, carceral facilities have to legalize cisnormative relationships. This is another way to force adherence to compulsory heterosexuality. For example, this was demonstrated in Montana (2010:28) as it outlined the recognition of common law marriage between a man and woman. While the findings included examples of codes depicting people in cisheteronormative relationships being subjected to more visitation restrictions, this legitimizing

of cisnormative relationships simultaneously delegitimizes the existence of other relationships. This is done by implementing compounding codes that work towards the same goal. For instance, carceral systems implement codes that designate the acceptable relationships, while outlining the conduct of the relationships they forbid. For example, in Arizona they controlled the type of affection that is acceptable within visitation policies. Lastly, in the findings I found evidence that adhering to compulsory heterosexuality is rewarded with conjugal visits.

Black TGNC folx are forced to present both their gender identity and expression based on the guidelines found in the carceral codes. Goffman (2021) helps us understand the ways performance denotes an individual's front and serves as a way that we manage the impressions that others have on us. Within carceral spaces, Black TGNC folx are forced to adhere to forced forms of performance that may or may not align with the impression they intend to manage. Additionally, it may conflict with their backstage. Backstage (Goffman 2021), the opposing part of an individual's frontstage, is portion of oneself not on display. The implemented codes of conduct in Tennessee illustrate the ways carceral administrators create codes that discourage or prohibit conduct they deem deviant.

Findings targeting hairstyles such as locs and twists have historically been deemed unprofessional and unkempt (Taylor 2022). In other institutions like the military and corporate settings, there have been similar types of policies that prohibited certain racial groups, specifically Black folx (Taylor 2022). One of the central tenants of CRT is interest convergence, which states progress is only achieved when the minoritized groups' interests align with the interests of in power. In the context of carceral codes of conduct, there is evidence of interests converging. In 2003 the Prison Rape Elimination Act passed. TGNC are subject to higher levels of sexual violence than those that identify as cisgender. Simultaneously, PREA allows for gender

assignment based on assignment at birth unless in rare cases, which is based on the discretion of the respective prison. This example of PREA impacting TGNC folx in both ways is an example of laws on the books and in action, meaning there is evidence this policy is enacted and enforced, respectively.

Hunter and Robinson (2018) argue Black culture, life, and racism in the US is experienced in a similar way across rigid regional lines maintained by the US Census. They challenge the idea that there is a clear regional distinction between the conceptualization of the South as the place that white supremacy only exists while the North and West are symbols of progress for Black folx. While not starkly evident due to the methodology, the argument that little variance exists between regions and states is within the findings is observable. To that, In future iterations of this project, there may be more distinct findings to bolster the notion that little variance exists between regions. Half of the codes of conduct from the sample had a policy existing on their books that impacts Black TGNC folx. I think if the sample was widened all the Black map regions would be represented.

This research found thematic patterns exist within carceral codes in the South impacting and targeting Black TGNC folx as they experience carcerality. This study outlines specific examples of codes of conduct that may negatively impact Black TGNC folx. While existing within a hyper-gendered system, Black TGNC folx are subjected to grooming, visitation, and conduct policies that impact them in ways that incarcerated folx adhering to compulsory heterosexuality are not impacted. Previous research broadly analyzed the impact of carceral codes on women and policies enacted outside of carceral facilities. This project extends existing research. More specifically, it addresses a research gap by analyzing the impact of codes of conduct on Black TGNC folx helping us foundationally understand the ramification of policies

beyond those that are enacted externally. Theoretically, this research demonstrates the value of frameworks like intersectionality while researching groups with intersecting identities existing within systems of oppression. A significant contribution to future research is the intersectional framework and methodology Queer-tical Race Theory, borrowing foundations from CRT, Queer Theory, and queered critical theory, constructed and used to understand the way Black TGNC folx experience carcerality as their racial, gender, and sexuality is targeted by carceral codes of conduct. While this study specifically focuses on carcerality, this research may help explain the way Black TGNC folx are impacted in other systems of oppression that reinforce cisnormativity and compulsory heterosexuality through the maintenance of the gender binary.

### **6.1 Sociological Implications**

Although the design of this project limits the ability to draw broad implications there are important interdisciplinary contributions from this project to sociology, criminology, law, public policy, and adjacent fields with scholars interested in carceral research. This dataset enables researchers to launch an intersectional multi-level analysis that will provide us with new context about the carceral system. While the theory needs additional work, I argue this research project extended compulsory heterosexuality by examining the ways it is constructed and reinforced within the carceral system. Ultimately, the adherence to compulsory heterosexuality results in the de-sexualization of the Black TGNC folx as they are constructed as the deviant other.

### **6.2 Limitations**

There are some limitations of the findings in this research. The publication date for the carceral codes of conduct included in the sample is between 2004 and 2018. That is a wide range. Since then, there has been significant legislation that is important to this research, such as the Obergefell v. Hodges landmark case that granted same-sex couples the right to marriage

under the 14<sup>th</sup> amendment. (Cornell Law School 2015) I would be interested to see the ways this has and will continue to impact carceral codes of conduct post the passage of Obergefell v. Hodges. Although since its passage, trans rights were rolled back by the Trump Administration. A comparative analysis of codes before and after could demonstrate the effectiveness of policy implemented at the federal level and their influence on carceral codes of conduct. Lastly, I recognized while conducting the final phase of analysis that the sections I initially picked are not as rigid within carceral codes of conduct.

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