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Workplace experiences of gay and lesbian criminal justice officers in the United States: a qualitative investigation of officers attending a LGBT law enforcement conference

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**ABSTRACT**

Criminal justice culture values traditional masculinity, which has led to adverse workplace experiences for officers who identify as lesbian, gay, bisexual, or transgender (LGBT). This study used focus group data to explore the workplace experiences of 10 law enforcement and 4 corrections officers in the US who attended an LGBT criminal justice conference in 2012. Gay men reported more severe and overt discrimination experiences, while women experienced more covert discrimination. Gay men in the focus groups described engaging in impression management behaviours by acting hypermasculine so as not to raise suspicions about sexual identity and to address presumptions about workplace competency. Additionally, participants believed that homophobia in the work environment created safety concerns for officers working in corrections settings, as participants did not trust that their co-workers would have their back or provide assistance in threatening situations. Conclusions underscore the need to foster supportive and non-discriminatory policies that value contributions across gender identities and expressions.

The presence of lesbian, gay, bisexual, and transgender (LGBT) criminal justice officers in law enforcement is well-documented (Colvin 2012). Research into their workplace experiences suggests persistent harassment and discrimination (Leinen 1993, Buhrke 1996). As the social and political climate toward the LGBT community in the US has significantly changed in recent decades, little is known about how LGBT officers fare today.

**Criminal justice culture**

Criminal justice is comprised of many fields, including law enforcement and corrections. Each field has specific cultures that employees learn through both explicit training and covert co-worker socialisation (Skolnick 2002). Much of this cultural atmosphere stems from historical ties to the military, which has influenced it to be structured, ordered, and homogenous (Burke 1994). Criminal justice in the US is represented primarily by White men (Hassell and Brandl 2009), and the culture of criminal justice prizes traditional masculinity and presumes heterosexuality (Collins 2014). This has led to adverse work experiences for some individuals who do not fit this mold, historically women, and more recently LGBT officers (Hassell and Brandl 2009). Due to the nature of their job, criminal
justice officers develop a close-knit subculture that emphasises loyalty (Skolnick 2002). This results in the Code of Silence: refusal to report misconduct, partially out of fear of retaliation (Skolnick 2002). Gendered expectations, explicit policies and laws, and implicit culture has led to an environment where many lesbian, gay, bisexual, and transgender law enforcement officers report experiencing discrimination within the workplace (Jones and Williams 2015).

**Diversity in criminal justice**

**Law enforcement**

As law enforcement shifts to enact tenants of community policing, a collection of practices aimed at engendering trust and cooperation between the community and the police (Cordner 2014), there has been an increased emphasis on diversification of law enforcement agencies to reflect the populations and communities they serve (Lima 2010). Such diversification, based on the theory of representative bureaucracy, should help ensure the interests of all groups are considered when the employing agency is making decisions (Bradbury and Kellough 2010) and generally change police culture (Paoline 2003). Affirmative action policies led to racial diversification in law enforcement with varying success depending on the geographic region (Sklansky 2006). While some fragmentation has occurred between racial groups within law enforcement, this shift generally has resulted in improved relations and increased credibility with minority communities and has not affected job performance (Sklansky 2006).

In contrast, the integration of women into law enforcement has yielded different results. As more women became employed within law enforcement agencies, their presence did not necessarily make the force more feminine, but instead influenced the way women acted in these organisations (Derks et al. 2016). The field values masculine gender expression, leading women to exaggerate or emphasise their own masculine qualities. According to the theory of gender capital (McCall 1992, Skeggs 1997, Lovell 2000), despite being female-bodied in a male-dominated profession, women can access masculine capital by acting masculine (Huppatz and Goodwin 2013). In this case, women’s masculine gender performance in law enforcement is rewarded through the recruitment, retention, and even promotion of masculine women. However, women’s leadership capabilities are undermined by the glass cliff, which theorises that women are put into positions of power and authority in times of chaos and crisis, setting them up to fail (Kulich et al. 2015). When women do fail in these situations, their leadership capabilities are challenged and it is reflected onto all women in the profession. As such, women in law enforcement, particularly in leadership positions, may treat other women more critically if they are female, referred to as the Queen Bee Syndrome (Derks et al. 2011). These women leaders try to fit into male-dominated organisations by emphasising masculine characteristics and leadership styles and distancing themselves from other women. The integration of women and people of colour into law enforcement has paved the way for gay and lesbian people to enter these agencies (Blackbourn 2006).

As LGBT communities have historically been under or over policed (Colvin 2008), the recruiting and retaining of LGBT officers may be especially important for repairing community relations. LGBT individuals in the general public are at increased risk of being victimised (Katz-Wise and Hyde 2012, Birkett et al. 2015) and are also less likely to access law enforcement services (Mallory et al. 2015). This is likely due to historic mistreatment and mistrust of LGBT people (Mallory et al. 2015), as law enforcement imposed laws that made homosexuality illegal, communicated strong dislike for gay and lesbian people, and opposed the hiring of sexual minorities (Bernstein 2004). LGBT liaison units have sprung up in an attempt to improve relations between police forces and the LGBT community (Blackbourn 2006), but research suggests that while knowledge of these programs is high, access is very low (Berman and Robinson 2010, Dwyer et al. in press). These factors combined may be at the root of why LGBT people are under-represented in law enforcement.
**Corrections**

Less research documents systematic aims to diversify corrections agencies, but it is clear that correctional staff are much less racially diverse than the incarcerated communities they serve (DiMarino 2009). Research from the UK documents the large number of women probation officers (Annison 2009) and the challenges and successes of this integration (Petrillo 2007, Beckett 2010), but there is limited research into diversification efforts of corrections in the US. Similar to law enforcement, it is theorised that diversification can lead to improved service, in this case better cooperation from prisoners and less resistance to treatment options (Martin and Jurik 2007).

Increasing the number of LGBT officers theoretically will lead to improved policies and procedures that ensure equality for LGBT persons within the ranks of criminal justice and in the community (Mallory et al. 2013). The presence of LGBT officers is increasing among every rank, but exact numbers are difficult to determine due to the hesitancy of many officers to disclose their sexual orientation, or hesitancy of employing agency to ask demographic questions about sexuality and gender diversity (Sklansky 2006). The culture of criminal justice does not seem to be dramatically shifting with the increase of LGBT officers. From an institutional perspective, then, there is a need to ensure safe and supportive environments for LGBT officers, as criminal justice work requires trust among colleagues who must keep each other safe in physically threatening situations. Unfortunately, inconsistent laws and policies have created risky work environments for LGBT criminal justice officers.

**Policies**

For decades, being identified as a LGBT was considered conduct unbecoming of criminal justice officers (Doss 1990) and could be grounds for termination (Coleman and Cheurprakobkit 2009). In 1996, the US Supreme Court first recognised the existence of constitutional protections for LGB Americans in Romer v. Evans (1996), and it was not until 2003 that the US Supreme Court ruled that states could not enact discriminatory laws such as the prohibition of same-sex sodomy (Lawrence v Texas 2003). Before this time, LGB officers were on the wrong side of laws they were charged with upholding.

More recently the courts in the US have ruled in favour of LGB rights by invalidating the federal Defense of Marriage Act in 2013 and striking down state-level same-sex marriage bans across the country in 2015 (Obergefell v. Hodges 2015). These cases will have a political impact on LGB employment issues because the legal recognition of same-sex marriage will increase pressure on both the legislature and courts to create additional legal protections for LGB workers (Banks et al. 2015). Current US law does not provide universal employment discrimination protections on the basis of sexual orientation or gender identity, although recent court rulings (Title VII of the Civil Rights Act 1964) and Executive Orders (Executive Order 13672, 2014) offer greater workplace protections than ever before.

While protections are not available at the federal level, some states have enacted employment laws prohibiting discrimination on the basis of LGBT identity at the state level (i.e. 22 states and the District of Columbia; Banks et al. 2015). LGBT individuals living in states that do not offer employment protection may find protection at the city or county level, whereas others find protections at the agency level (Banks et al. 2015). For example, in 2008, there were over 200 cities in 35 states that had local ordinances banning discrimination based on sexual orientation and gender identity (Mallory et al. 2013). State and local police departments have been encouraged to adopt internal policies and practices that prohibit discrimination based on sexual orientation against law enforcement personnel (Mallory et al. 2015), but many have not. This leaves many officers in a position where decisions to reveal gender identity or sexual orientation may not be protected and could result in legal termination, discrimination, or retaliation.

Organisations have been created to advocate for the needs of LGBT police (e.g. Lesbian and Gay Peace Officers Association of Austin, Texas, Law Enforcement Gays and Lesbians in Florida, and the Gay Officers Action League). LGBT police associations made progress initially in changing their
relationship with external stakeholders, but not internal stakeholders (Blackbourn 2006). The heterosexism of US law, the value placed on traditional masculinity, and the strong senses of unity and camaraderie within law enforcement may contribute to the residual hostile attitudes toward LGBT officers which remain within law enforcement (Collins and Rocco 2015).

**LGBT officer experiences**

Previous research suggests that discrimination against LGBT criminal justice officers is alarmingly widespread (Colvin 2015, Jones and Williams 2015). While this discrimination is relatively well-documented for sexual orientation issues in law enforcement (Leinen 1993, Buhrke 1996), much less is known about workplace experiences for corrections officers or transgender officers in either field. Case law and media reports verify the anecdotal presence of discrimination for LGB corrections officers and transgender officers, but no known systematic research was located. One report highlights a gay male corrections officer experience, overhearing homophobic slurs and believing his colleagues ignored his radio calls due to his sexual orientation (Wright 2016). A 2009 report by the Williams Institute found that 40% of LGBT-based discrimination in public employment came from the fields of law enforcement or corrections departments (Sears et al. 2009). Nationally (Mallory et al. 2011) and internationally (Little et al. 2002), the courts have ruled (or settlements have been reached) in the favour of transgender officers who were reassigned, fired, or not hired based on their gender identity.

Workplace discrimination against LGB criminal justice personnel seems to be widespread and qualitatively distinct from heterosexist discrimination in other workplaces. For example, LGB officers report less overt discrimination and fewer consequences of discrimination for victims than other LGB workers (Cohen et al. 1999). Covert discrimination experiences were more common, and included vulgar language, antigay jokes or cartoons, exclusion from social events, and homophobic talk (Miller et al. 2003). The lower rates of reported discrimination could be linked to impression management (i.e. efforts to shape other people’s perceptions, or creating and maintaining a favourable perception of the self; Schneider 1981) or internalised homophobia (an often unwitting personal acceptance or endorsement of homophobic stereotypes that becomes part of a sexual minority person’s value system and self-concept; Herek et al. 2015). In other words, LGBT officers might report less discrimination because they have not been open about their sexual identities (i.e. they stay closeted) or because they actively conform to the strict gender-related expectations of their professions.

Further, strict gender norms and expectations may lead to differential experiences for gay and lesbian officers (Myers et al. 2004). Sexual minorities are often stereotyped as defying traditional gender roles (Myers et al. 2004). In the confines of criminal justice, an officer’s failure to adhere to gender norms is associated with negative assumptions about his or her competence and ability to perform job duties (Rumens and Broomfield 2012). Further, it is expected that to be a good officer, one must be hypermasculine (Rumens and Broomfield 2012). Stereotypes about gender expression set the expectation that lesbian officers are masculine, while gay officers are feminine (Miller et al. 2003). Accordingly, gay men in law enforcement report the highest level of discrimination of any sexual minority (including lesbians, bisexual men, and bisexual women) (Jones and Williams 2015). Additionally, lesbians are perceived to be more accepted within law enforcement agencies (Couto 2014), potentially because they possess masculine capital as a result of their gender performance.

Hypermasculinity in criminal justice impacts both gay and lesbian officers (Myers et al. 2004). Closeted officers report going above and beyond their job duties and acting hypermasculine so that if their sexual orientation, stereotypes about effeminate weakness cannot apply to them (Collins and Rocco 2015). For example, Myers et al. (2004) found that gay and lesbian participants scored higher than straight men on the ‘tough cop’ scale. If an officer’s sexual orientation is ever revealed, fellow officers cannot doubt their ability to perform their duties based on this factor alone, as they have gone above and beyond to assert their masculinity and perform their job duties well.
It is clear that some officers do refrain from disclosing their sexual orientation, perhaps because of internalised homophobia or fear of discrimination (e.g. losing promotion opportunities; Colvin 2008). One study shows that closeted officers choose not to disclose their sexual orientation because of perceived hostility in the work environment, and that this non-disclosure in turn is associated with negative workplace experiences and lower career satisfaction (Charles and Arndt 2013). However, officers who have disclosed their sexual orientation have reported positive experiences in the workplace (Rumens and Broomfield 2012). Some officers report that their disclosure did not have an overall impact on their career advancement (Couto 2014) and that they generally felt included by the agency (Rumens and Broomfield 2012).

The ongoing process of coming out at work, then, is generally viewed as positive and does not seem to have many negative consequences for LGB officers (Miller et al. 2003). It is possible that those who have disclosed their identity do so because they work in agencies that are more open to disclosure, and those who are closeted are reading the norms and expectations of their particular agency and decide that their disclosure would not be well received. Alternatively, it is possible that there is a discrepancy between actual culture and perceived culture, where certain agencies have not done enough to actively support LGBT officers. Agencies that openly integrate LGBT officers find that there were not negative consequences for performance, effectiveness, recruiting, morale, or other measures of well-being (Belkin and McNichol 2002).

The extant literature on the workplace experiences of LGBT criminal justice officers reveals that workplace discrimination is widespread and differs by gender, and that LGBT officers are often the targets of covert discrimination (Couto 2014). However, many gaps in knowledge remain. In particular, we have limited contextual information with which to interpret the findings of quantitative research on workplace climate. Is discrimination experienced differently by gay and lesbian officers? Does the culture of criminal justice influence the decision to disclose their sexual identities at work? How do LGBT officers cope with and manage their colleagues’ and administrators’ reactions and attitudes toward them? In an attempt to better understand the workplace experiences of this population and identify which workplace issues are salient to LGBT officers, we conducted focus groups with LGBT identified law enforcement and corrections officers.

**Methodology**

**Design**

This qualitative study used a phenomenological framework to describe the workplace experiences of criminal justice personnel who self-identify as lesbian or gay. To learn more about the lived experiences, that is, first-hand experiences and personal knowledge, of this population, three focus groups were conducted at the Law Enforcement Gays and Lesbians International Conference, hosted in Florida in 2012.

**Participants and recruitment**

Information about the focus groups was advertised in the conference schedule materials as well as through fliers that were posted around the conference location and disseminated to conference participants. The conference was hosted by the Florida Law Enforcement Gays & Lesbians, Inc. and was intended to provide LGBT identified criminal justice personnel from around the world opportunities to network and learn more about issues that affect their work life. The majority of officers have to get approval from their agency to attend conferences, so most officers in attendance would be considered ‘out’ to at least their supervisors.

Sixteen conference attendees participated across three focus groups (eight in the first group, five in the second group, and three in the third group). One of these people did not identify as an officer but had a partner who was an officer (this participant contributed minimally to the focus group). Two
participants worked outside of the US (i.e. the Netherlands and Ontario, Canada) and their comments were excluded from the analysis for that reason. However, their participation did influence the direction of conversation and therefore helped to shape the data.

The participants in the focus groups were demographically diverse on many personal identifiers. In qualitative research it is important to have homogenous groups (Strauss and Corbin 1990), and the participants in these focus groups felt kinship with each other because of their experiences of being LGB officers. Therefore, the following demographic information represents all 16 participants. Six identified as female (self-described), nine identified as male, and one identified as transgender female. Seven participants identified as lesbian while nine identified as gay. Participants were an average 44.1 years old (SD = 7.1) and had worked as a criminal justice officer for an average of 15.8 years (SD = 8.7, range = 3.5–30). Over half of the participants were from police/sheriff agencies \( n = 10 \), four participants were from corrections agencies (which are sworn under the same statute in the states where the officers were employed), and one was a federal criminal justice employee (the spouse-participant did not report the employing agency of their spouse, so \( n = 15 \)). The majority of participants worked in Florida \( n = 9 \), and other participants reported working in Michigan \( n = 2 \), California \( n = 2 \), and internationally \( n = 3 \), e.g. Netherlands and Canada. The majority of participants were White \( n = 14 \). One officer identified as Black, and one officer identified as both White and Latino.

**Procedures**

To encourage participation, focus groups were scheduled at a time that was convenient for the conference attendees and were conducted in private rooms that were reserved by conference organisers. Prior to beginning the focus groups, informed consent and confidentiality was discussed with all interested people, and they were asked to indicate their consent by signing a form (in accordance with procedures approved by university institutional review board).

The research team used a semi-structured interview guide that consisted of 16 open-ended questions (e.g. What’s it like to work at a criminal justice agency and identify as lesbian, gay, or bisexual? How has your sexual identity impacted your workplace experiences as a criminal justice officer? Have you experienced any significant events in the workplace in regard to your sexual identity? Have you experienced discrimination or harassment as a result of your sexual identity at an employing criminal justice agency?). Interviewers prompted participants to provide more information if a response was unclear or raised additional questions. Each focus group interview lasted approximately one hour. All interviews were electronically recorded and transcribed verbatim.

**Data analysis**

In NVivo10, we used a hierarchical coding process based on Strauss and Corbin’s (1990) constant comparative method to analyse focus group data. Strauss and Corbin’s (1990) process was modified to reflect the goals of the present study and do not include the identification of a single unifying theory but rather described the perceptions and experiences of participants and identified meaningful patterns of responses. More specifically, the stage of selective coding for the present study did not focus on a core category, as in Strauss and Corbin’s (1990) method. Instead, this process involved selecting manifest and latent key themes, systematically relating those themes to categories and individual incidents in the data, validating or invalidating relationships based on comparison with all related data, and consequently refining or redeveloping key themes.

Data from the focus groups were initially analysed as a whole. However, exemplars from the four corrections officers were separated in the findings section to highlight special issues faced by these participants and to allow for an exploratory comparison between law enforcement and corrections officers. All participants were LGBT workers operating within the culture of criminal justice, and therefore constituted a cohesive group. However, each type of work has unique challenges, and separating
responses by job description helped to illuminate those. The entire coding process was performed collaboratively by two members of the research team. The purpose of using multiple coders was to interrogate the data from multiple perspectives and to refine the analysis through discussion of content and disagreements between coders (Barbour 2001, Cook 2012).

**Findings**

The key themes identified in the focus groups were that participants’ work experiences differed by gender and that the content and execution of workplace policies has a concrete impact on the lives of gay and lesbian officers. For corrections officers, an additional theme emerged that homophobia in the work environment created safety concerns. Findings below are presented for the 10 US law enforcement officers first, then key findings for the 4 US corrections officers.

**Key themes for law enforcement officers**

**Key theme 1: gender and work experiences**

Participants described work experiences that were gendered, as gay and lesbian participants were held to different stereotypes, felt different levels of discrimination, and had different amounts of disclosure.

**Stereotypes**

Participants across all groups and demographic categories said that there are widely held stereotypes about gays and lesbians in law enforcement that impact the way these groups are treated in the workplace.

*The masculine lesbian woman.* Many participants noted that lesbians were thought to be masculine, and therefore capable of law enforcement duties. One lesbian participant described the differences in these stereotypes by saying,

I think a lot of it, it’s the law enforcement atmosphere. A masculine woman, even though, I don’t think you’re not masculine, I don’t think I’m masculine, but it’s that perception. To me, I think a masculine woman in law enforcement is a tough woman, she can do the job. I think a lot of people still have that perception that a gay man, not in my agency, but I see it in talking with a lot of other people, that a gay man can’t be a good cop almost.

Another lesbian officer said,

I think that the lesbians don’t have to prove themselves because they come on and they typically are physically capable, mentally capable, there seems to be that kind of (trails off). I don’t know, we have a gene or something, right? I’m not going to make light of it but for whatever reasons it’s a job that seems to fit a lot of lesbians whereas there’s a lot more, there’s the machoism that goes on with the men that it’s harder for them to assimilate, especially if they’re more feminine.

Others mentioned the idea that all policewomen are lesbians. One officer said, ‘I’m going to say that heterosexual guys just expect that a lot of police officers coming on their job are going to be lesbians. They’re surprised when you’re not, right? They’re surprised when you say that you’re straight [Laughter].’

*The hypersexualised gay man.* In addition to stereotypes about masculinity and its perceived impact on work performance, both gay and lesbian participants reported being stereotyped as predatory or sexually insatiable. Several officers stated that this over-sexualisation is more of an issue for gay men. One participant said,

[T]hey don’t worry about the female because she is a lesbian but, you know, you’re going to catch the gay, you’re going to come onto him or something like that. I really truly believe that they have a problem with their own masculinity and that’s what I ran into as a transwoman because they don’t see me. This is what gender nonconforming comes into. They will never see me as a female. They see me as a man dressed as a woman. And therefore, it’s threatening to them.
One gay officer used a conversation with his superior to illustrate over-sexualisation:

The chief, the comment out of his mouth was, ‘Well, I’m not afraid of lesbians. It’s gay men that scare me.’ And I looked at him and I said, ‘Sir, you have nothing to worry about.’ I think a lot of straight men think that and I don’t know why. Think that every gay man is going to hit on them and my point to them is, as a straight man do you hit on every woman you see? You don’t.

Harassment and discrimination

Participants reported a range of experiences with harassment and discrimination within the workplace, including external experiences and internalised pressure.

External experiences. Participant experiences of harassment and discrimination also differed by gender. Gay men reported not being hired for positions because of their sexual orientation, hearing rude jokes, being held to a double standard, and being fired for being gay. Lesbian officers also reported double standards for conduct, but reported fewer personal experiences with workplace harassment. One lesbian officer reported that she believed she was passed over for promotion, and two others reported being wrongfully suspected of sexual misconduct.

An example of the overt discrimination and harassment experienced by gay men included an officer who said, ‘I was fired because they found out I was gay. I had to sue my agency to get my job back. So they treat me a little differently.’ Another officer who shared his story said,

The issue was I put in for SRO [School Resource Officer] twice, it was turned down … basically because they didn’t want a gay officer roaming on the school campus because all those kids. I’m like, really? I had already been a temp a year and a half before you even knew. I was the SRO over there temporarily, so it wasn’t an issue then. But you just deal with it, okay.

Again, participants experienced harassment and discrimination in a wide spectrum of severity. Another man said,

I’ve never had anyone directly come up and say or do anything derogatory to me. I have had people leave things on my desk and what not. Like when I first came out they took our patch and they scanned it and removed the blue background and made it a rainbow and sent it on an email and said, ‘Oh well, I guess this is our new patch now.’ But no one has the courage to come right out up to you.

Some participants mentioned that they were not allowed to attend the Law Enforcement Gays and Lesbians conference in their uniforms, or as official representatives of their agencies, providing another example of differential treatment.

Internalised pressure. Participants across genders, in addition to sharing stories of outright harassment and discrimination, reported feeling that they must work harder than others to remain in good standing at work. Gay men officers mentioned this double standard most often. One gay male participant described this double standard by saying, ‘[Y]ou know you have a target on your back because your lifestyle draws attention to you automatically. Whether you do a good job or bad job you are already being looked at differently.’ A gay male focus group member replied,

I think maybe some of us, I can speak for myself, probably these guys too, you work above and beyond because you know that’s always there. And if you make one mistake or don’t – if you’re not judged as good as everyone else. Then there’s something for them to hang their hat on, just for who you are.

A lesbian officer echoed that sentiment by saying, ‘[Y]ou know we’re never going to hear a good job. Hearing you’re doing a good job. The first time you mess up we’re going to make some kind of comment and everybody wants to talk about it.’ A fellow focus group member, a gay male officer, elaborated by saying,

Those that I worked with that are gay or lesbian, we just had a different work ethic. I don’t know if it’s that we each have a different reason for feeling that we have to prove ourselves or exactly what it is.
Presence on the force
Participants across groups speculated about the relative number of gay men and women who were out at work and what those proportions indicated about the work environment.

**Gendered disclosure.** Most officers who participated in this discussion reported that fewer gay men than lesbian women were out at work and that lesbians held more positions of power than gay men. One lesbian officer said,

The lesbians in my office, and I can’t speak agency wide, are out. They are not vocal about it but they’re out. We have one lesbian supervisor. Now, they don’t address any LGBT issues. They’re out but they don’t address anything. The gay men, we haven’t had a gay man out since the former supervisor in my office left the agency. They do not come out. Gay, bisexual, do not come out, and I think that’s indicative to the environment that they project.

Another focus group member, a gay male officer, added:

But there are so many closeted gay men, so that’s a huge problem in our service. I kind of pinpointed as there are some internal homophobia, like personal homophobia with the men. There’s also fear of not getting promoted, and there’s also the lie that they’ve been telling for the 20 years that they’ve been on the job and they can’t get themselves out of that lie now.

Some participants felt that the presence of out, masculine, gay officers could combat the stereotype of gay officers being effeminate and therefore ineffective. One man said,

Their idea - what they believe is a homosexual man is that he would be effeminate and you know, not work out with weight or anything, he is the exact opposite … And to me, when he comes out to other people, they know that he is [gay], it shatters that myth of what it is.

Reluctance to disclose identity. Although lesbian officers were generally thought by participants to be more accepted at work, several comments reflect only a tentative acceptance. For example, one lesbian interviewee said,

[A] lot of females will come to me, you know. ‘You know, I want to go [to the conference] but I’m just.’ It’s almost like they still feel like [attending an LGBT event is] going to prevent them from getting promoted even though they’ve gotten promoted to sergeant and lieutenant. You know, it’s almost like they still feel like somehow it’s going to (trails off). We have one female couple, one just retired as a lieutenant, the other one is a sergeant. They have been together for 20 years. I mean, they have a daughter together. Everybody knows. They still try to act like it’s this big secret. To me, I don’t know if it’s an individual thing with them, trying to understand it, whatever. It’s almost like they feel tolerated and not accepted, maybe, where I feel accepted.

Participants, in addition to discussing outness at work as an indicator of acceptance, also talked about promotion. For example, one gay male officer highlighted the extent of discrimination against gay men in law enforcement by saying that the first gay male captain in a supposedly progressive city was appointed only two years ago. The officer said,

It wasn’t until two years ago that the sheriff before he left office promoted his first gay male captain. That’s the highest ranking in our department and he didn’t, you know, he didn’t want to do it and the people next to him which were lesbian females did not like this person, but it was time … He has been doing it for two years and he has just shined. So I think that the glass ceiling is finally broken and that’s in [city name redacted].

**Key theme 2: policy implementation and enforcement**
Participants across genders described how the content and execution of workplace policies have a concrete impact on the lives of gay, lesbian, and transgender officers. In particular, participants were concerned about the presence of non-discrimination and harassment policies and access to partner benefits.
Policies need to exist
Several offices noted that they worked in agencies that adopted supportive policies which were enforced. They believed this was instrumental to their positive workplace experiences. One of these participants, a gay male officer, said,

There’s no discrimination of any kind and if it is, it is unearthed very quickly … there are usually hearings on it and every special rights group comes out in support because they know that they might be next. Our union contracts are quite inclusive as well as our state, county language.

Several other participants were working in areas where some supportive policies existed, but either the execution or the content of the policies was inadequate. For example, one participant reported that partner access to employee pensions was left out of a union contract. He said,

The current issues that I think gays and lesbians have to do with in my agency are contract issues with the city versus (trails off). The city is being more liberal than what our contract is being and that’s the union contract and every time we deal with something it always comes back.

Consequences of policies must be considered
Some officers mentioned that their agency was beginning to adopt some supportive policies, but had not considered the unintended consequences of such policies. A major point of concern for these officers was access to partner benefits. Some agencies had policies that allowed same-sex partner benefits, but obtaining these benefits would require disclosure of sexual orientation. One participant said,

[O]ne gay person who anonymously reached out to our benefits manager and when he found out, I still don’t know who it is, when he found out that he needs to sign an affidavit, he said no, I’m not going to do it. Because he’s that afraid of people finding out that (trails off). So obviously we have a long way to go but there are certain steps you have to take to even get there. But one thing I will address probably sooner rather than later is we need to get sexual orientation in our discrimination [policy] at the department level and then work on the city level.

Others encountered a similar issue when accessing healthcare for their same-sex spouse. One participant said,

I changed my sex with the insurance company. They were not going to cover insurance. This is even previously being with the same insurance company. We have been married 28 years and we still have to be careful about those issues.

In general, these officers were deeply concerned about the well-being of their same-sex partners, but felt non-discrimination policies were essential to accessing benefits designed for them.

Policies must be enforced
While non-discrimination policies were almost universally seen as a desirable thing by these officers, some focus group members recounted instances where a policy was in place but was not enforced. One officer noted that anti-harassment policies existed at her department, but that claims were often mishandled. She suggested,

[T]hey should be proactive, investigate that issue and it’s fair to all parties concerned, which means prompt investigations and intervention rather than, you know, crap dragging out for a year, two years, and there’s no resolution which in my opinion creates further hostility, puts the employee where it discourages employees from using the process and I think that is important. Because with LGBT issues, like if it’s an issue regarding race discrimination, if you hear somebody use the ‘N’ word in the workplace, their response is usually swift, and you know, without prejudice. If you have an issue regarding LGBT issues, they’re a little uncomfortable looking into that issue you know.

Others reported that there were double standards or inconsistencies in how acts of discrimination were disciplined. For example, one gay male officer said,
It’s ‘Oh, we’ll take care of the issue.’ We’ll take care of the issue, but if we say, if you make a comment saying this person’s slacking off over there because that’s their good ol’ boy, now they’re going to write you up for slander or whatever the case may be but then they can say, ‘Oh look at those two faggots over there’ in front of the high ranking officer, a white shirt, lieutenant or whatever and then lieutenant would just say ‘Hahaha.’

Several participants reported that leadership plays an important role in the creation and enforcement of policy. Comments like, ‘It really would just take one strong chief’, and ‘It’s not just a gay issue, it’s an upper issue’, peppered the conversations about supportive policy, as did stories of supportive and unsupportive leaders. One officer summed up the discussion by saying,

I mean, obviously it’s frustrating because for us to do something, to get something done you know, like a new policy or a change in the policy, it’s such a process and a chief can do it with a flick of a pen, yet they choose not to and that’s frustrating.

Key themes for corrections officers

The analysis showed that corrections officers had safety concerns that law enforcement participants didn’t mention, but these worker groups shared the themes previously discussed in this work: gender and work experiences; and policy implementation and enforcement.

Key theme 1: gender and work experiences

Corrections officers, like participants working in law enforcement, felt that gay and lesbian officers were held to different stereotypes and experienced discrimination differently.

Stereotypes

Corrections officers, like other participants, noted that lesbian officers were expected to be more masculine and that gay officers were expected to be more feminine. However, while law enforcement officers reported that the stereotype (or fear) of hypersexuality only applied to gay men, data suggest that the stereotype of hypersexuality extends to lesbians in correction settings. Two lesbian corrections officers reported being treated as though they were sexually uncontrollable or inappropriate. Both officers were wrongfully suspected of sexual misconduct with female inmates. One of these officers said,

I’ve had supervisors give me flack because part of my job is going through the showers to make sure they’re not doing anything back there but I’ve had supervisors and other male officers come in and like, ‘What are you doing back there?’ I said, ‘Doing my checks.’ And then like, ‘You shouldn’t be back there.’ ‘Why not? I’m a female.’ And they’re like ‘Because.’ What’s because? I’m doing my job. It’s got nothing to do with me.

Discrimination

Like law enforcement officers, participants in corrections reported a range of experiences with harassment and discrimination at work, some of which appeared impacted by gender. Corrections officers across genders reported being held to a double standard and felt a lack of job security. For example, one corrections officer described internal pressure to over-perform by saying, ‘They’re just waiting for you to slip up. You have to go beyond to keep up.’ Another corrections employee, a gay man, said that co-workers often refused or neglected to work closely with him, possibly because they were ‘afraid I would touch them or something’.

Key theme 2: policy implementation and enforcement

Like other participants, corrections officers felt that protective policies need to exist and be enforced. Particularly, participants were concerned that leadership needed to be on board with larger policy changes. ‘You know, we can put all the laws regarding getting rid of DOMA, we can put ENDA [employment non-discrimination act] in place, we can do all these things but if nothing is ever enforced, they mean nothing’, said one lesbian officer.
Key theme 3: corrections officers’ safety

The participating corrections officers reported feeling unsupported at work due, in part, to the homophobic attitudes of co-workers. This manifested in two ways: officers feeling like their co-workers would not respond if they called for help, and inmates using their identities as tools of manipulation.

Lack of responsiveness

When a focus group participant asked the corrections officers whether they felt that staff would back them if something happened at the prison to threaten their personal safety or the safety of the inmates, many of the officers were doubtful or unsure. One speaker, a lesbian corrections officer, replied,

Unless it was somebody like [names of coworkers] here. For the most part I would rather have the women [prisoners] come and back me. I really truly would…. There’s a select few male officers that dodo their job and do do it well and then there’s quite a few that again because it’s still the ol’ boy system they’re just so use to slacking off and not doing what they should.

Another corrections employee, a gay male, said,

Anybody here who doesn’t matter if we wear the same uniform I’m going to come in no matter what to have your back. That’s how I look at it. I put on this uniform, put down my life, my life on the line for you if you came to it. Even the guy I almost got into with, I don’t care if it was him and he was wrong in the situation I would have his back and then of course I would address the issue afterwards. But it brings up the question, I would have his back but I have to be honest and say in the back of my head, would he have my back?

A co-worker responded to that statement by saying, ‘Well, think about it. There’s already been situations we’ve seen on that compound where we’ve seen guys walking when they should be running.’ Another officer added, ‘I’ve seen them stop because the Super Bowl’s on the TV … You have somebody’s personal body alarm going off and you’re going to stop and watch the football game?’

Inmate manipulation

In addition to doubts that their fellow officers would come to their aid in an emergency, many of the corrections officer participants noted that inmates are aware of the hostility toward LGB staff and are able to use that conflict to manipulate the officers. ‘In your particular environment it’s ten times worse because the inmates play on that’, began one participant, ‘They love staff talking about staff. Makes it easier to compromise staff because of personal problems in the institution.’

Another participant noted that inmates could use superiors’ homophobia to retaliate against LGB officers. She said,

If the inmate has a problem with you like you wrote them a [disciplinary report], caught them doing something wrong, or you corrected them for something, all I gotta to do is drop a request somehow anonymously, whatever, saying ‘Oh this officer is doing this. Being inappropriate doing this,’ and next thing you know you got the inspector, you’ve got your [officer in charge], you’ve got the warden and the assistant warden on you because some inmate wanted to cause trouble for you and they know you’re gay and they want to just make a big ordeal out of it, nobody’s willing to just be like ‘Look, they’re starting problems because of who they are.’

Discussion

This study contributes to our knowledge of the workplace experiences of LGBT criminal justice officers by highlighting and describing gender differences in workplace climate and harassment, by describing impression management activities undertaken by gay men participants, by describing safety concerns of corrections officers that arise from co-worker attitudes, and by detailing the impact of agency policy on LGBT officers. The findings suggest that the value criminal justice culture places on masculinity contributes to participant behaviours that serve to reinforce harmful aspects of that culture.
Discrimination pervasive

The focus group data provide detailed descriptions of discrimination across all groups of participants. This contradicts previous quantitative research findings that suggests that discrimination is relatively widespread (Jones and Williams 2015), but covert (Colvin 2015). Not only did many of the participants in this study experience severe discrimination, many of them experienced frequent and excessive acts of overt discrimination. This suggests that while much progress has been made in the federal social landscape regarding LGBT rights and protections, those advances have not trickled down to impact individual behaviour, remaining relatively stagnant since the time the experiences of LGBT officers has been investigated. It is possible that in large scale quantitative survey studies, LGBT officers underemphasise their discrimination experiences to keep the peace at their job. It is also possible that participants in this study had more extreme experiences than other officers and were motivated to share them for that reason, or that the amount and severity of discrimination reported in this study was partially a product of the participants’ relatively long work histories.

Gendered experiences

Experiences of discrimination and perceptions of workplace competence were related to gender. The extant literature has alluded to differing experiences for gay and lesbian officers because of intersections of sexual identity and performance of gender (Couto 2014, Jones and Williams 2015). Focus group data did suggest that for this group of participants, perceived capability was related to gender expectations. Specifically, lesbian officers, who are perceived as being masculine, were presumed to be more capable officers than gay men, who were presumed to be effeminate. Accordingly, men reported more overt discrimination (e.g. job loss and rude jokes), while women reported more covert acts of discrimination such as being passed over for advancement opportunities.

Some researchers assert that the traditional model of hegemonic masculinity in criminal justice agencies has been challenged by the creation of LGB police associations (Miller et al. 2003), but the differing work experiences of gay and lesbian officers described by these participants are inconsistent with this claim. It seems instead that the culture of criminal justice may separate heterosexism from sexism in a way that advantages lesbian officers. The perception of lesbian officers as adhering to a hypermasculine standard reinforces the idea that femininity and authority are mutually exclusive, which is harmful to both employees and to the communities they serve.

Women

More lesbian than gay officers were visibly out on the job and lesbian identity was seen as an expected part of being a woman officer. Women were assumed to be masculine, and were seen as more accepted within the culture of law enforcement. In this case, they possessed masculine capital, able to successfully integrate into a male-dominated profession. However, they were still suffering consequences of being female-bodied in a male-dominated profession, which manifested in being passed over for promotion and advancement. Some lesbian participants reported compensating for their undesirable identities by over-performing, which may reflect an element of Queen Bee Syndrome, in which women try to fit into male-dominated organisations by adopting masculine traits and leadership styles (Derks et al. 2011).

Men

Gay officers were stereotyped to be feminine and hypersexual. This is a violation of the normative standard of law enforcement culture, so out officers reported experiencing more discrimination. Further, the focus groups also illuminated an important finding that has not been explicitly described in the literature. Men in these groups reported engaging in impression management activities or acting hypermasculine so as to not raise suspicions about their job performance capabilities. Although these behaviours were described by participants as ‘stereotype busting’, they likely
reinforce the idea that being effeminate is weak, which downplays real and valuable contributions made by effeminate men and women. These behaviours may also be related to internalised homophobia, where gay men hold their own stereotypes and prejudice toward other gay men.

Safety concerns

As an extreme example of the ways a culture of discrimination can disrupt workplace performance, officers in the corrections settings felt their safety was jeopardised by their co-workers’ knowledge of their sexual orientation. Many of these officers did not fully trust their co-workers and had doubts that they would have their back in unsafe or crisis situations. These officers felt that they could not rely on their colleagues to protect them from physical harm if necessary. In the focus groups, this was unique to and particularly salient for corrections officers who work in confined settings. Lack of trust suggests that employees within these agencies have increased concerns for their safety in an environment that is already highly risky. Although safety was only explicitly mentioned by participants in corrections settings, this could certainly apply elsewhere given the double standards described by others, where gay police officers (and probably other marginalised officers) overwork while others feel more comfortable slacking.

Role of policy

Unsurprisingly, decisions to come out were related to implicit and explicit policies. Even in agencies that had inclusive non-discrimination policies at the agency level, there was a sense that claims of discrimination on the basis of sexual orientation would not be taken as seriously as other discrimination claims (such as racism). This may explain why few criminal justice officers are out within their agencies, particularly gay men, as the Code of Silence serves to reinforce heteronormativity. To this point were the officers who were granted permission to attend the LGBT law enforcement conference, but were instructed not to wear their uniforms. The officers from these agencies felt comfortable and safe disclosing their sexual orientation, but were sent the implicit message from their superiors that there is something dislikable about their identity. While LGBT criminal justice support organisations have influenced the way claims of discrimination are handled (Couto 2014), they have not disrupted the predominant law enforcement/criminal justice culture that influences their experiences in the workplace.

Focus group data also underscored the need to have supportive and inclusive non-discrimination policies. Although the battle for marriage equality was recently won at the federal level in the US, the participants’ words and experiences emphasise that more needs to be done at the state, local, and agency levels to protect other rights. Employees have access to same-sex partner benefits now, but without inclusive non-discrimination policies, officers could still be fired for coming out and requesting those benefits. Even as agencies adopt inclusive policies, they must consider the context of their agency, as there may be county or city ordinances that restrict their access to equal rights and protections or a culture of silence persists that reinforces heteronormativity. It is a mistake to assume that federal entitlement to same-sex spousal benefits protects against employment discrimination.

Despite widespread lack of protection from employment discrimination, many participants reported disclosing their sexual orientation or gender identity status to their agency with relatively few negative consequences. However, the officers in these focus groups also reported that they knew of other LGBT officers who had not disclosed their sexual identities. Some agencies may have more supportive policies or cultures that facilitate disclosure, which the literature has revealed to be related to higher workplace satisfaction. Patterns of disclosure in this study were also related to gender, where the members of this focus group perceived there to be more out lesbian officers than out gay men, which is in line with gender norms and expectations in law enforcement culture.
Implications

This research reiterates the need for individual agencies to enact inclusive policies and procedures that ensure equality LGBT officers. Despite significant progress in the US related to LGBT civil rights, many LGBT criminal justice officers struggle with the decision to disclose their sexual identity, and many others face significant discrimination upon disclosure. Chiefs, sheriffs, and other agency leaders hold the power (with the flick of a pen, as one participant put it) to create inclusive non-discrimination policies and ensure that claims of sexual identity based discrimination are investigated and disciplined with the same rigor as others forms of discrimination. Beyond policy creation, leaders of agencies have the opportunity to signal inclusion by actively recruiting LGBT employees, supporting the creation/existence of support groups, offering regular diversity/inclusion training, and participating in LGBT community events. These actions can serve as signposts to LGBT individuals that their identity is valued and respected, imperative to a group of people who presume exclusion unless specifically included. Further, these actions can set the tone for straight-identified employees and improve relations with the LGBT community.

Beyond incorporating LGBT-friendly policies and procedures, criminal justice agencies should also work to value contributions across genders instead of just valuing masculinity. Acknowledging the competence of feminine officers could create a new criminal justice culture in which workers feel freer to behave naturally on the job and to disclose their sexual identities, which could lead to reductions in stress and increase the recruitment and retention of LGBT and women officers. As the representation of the LGBT community in law enforcement is vital to community policing efforts, it would greatly benefit criminal justice agencies across the US to examine their internal cultures and policies.

Limitations

Data from these focus groups represents experiences of a unique segment of the LGBT officer population, comprised of officers attending a conference geared toward LGBT officers. These officers may have very different workplace experiences than officers who do not attend these types of conferences, and the implications of these findings should be applied cautiously. This is particularly true as these respondents had to seek approval from their employing agency to attend the conference, biasing these results toward out LGBT officers.

The relatively high age and long length of service of the average participant should also be considered when interpreting the results of this study. It is possible that some of the harassment and discrimination reported by participants reflects the past rather than the present. However, the perspective of older participants should not be discounted, nor should the previous experiences that shape who they are as workers currently. Older officers may have different perspectives than younger recruits, but they are still an active part of the field and may even serve as leaders and mentors. This is particularly salient when considering the discussions participants had regarding disclosure of sexual identity. While some of the discrimination and harassment the participants discussed likely happened during the early years of the long tenure of some of the participants, some people reported currently struggling with decisions to disclose sexual identity and reported that many others in their agency were hesitant to disclose. This indicates a fearful culture for officers today, likely due to out officers disclosing their own experiences of harassment and discrimination and/or lack of proactive policies to make closeted officers feel safe in disclosing.

Another point to consider when interpreting the results of this study is the demographic heterogeneity of the focus groups. The remarks from the corrections officers and transgender officers offer insight into understudied populations, but low representation from these groups limits the ability to extend the findings beyond these individuals. Most of the themes outlined in the findings applied to both corrections officers and law enforcement officers, however, any comparisons drawn between these groups should be taken as purely exploratory given the small number of corrections officers.
participants. While the implications of the results cannot be relied upon outside of this sample, this study does highlight the need for further study of the work experiences of LGBT corrections officers, in particular with regard to safety. At best, this research highlights some common experiences for LGBT officers across criminal justice settings and underscores the need for more diverse research in these areas.

**Conclusions**

LGBT officers still face many challenges from being employed at law enforcement agencies. Officers recounted experiences of harassment, discrimination, and turmoil related to their sexual orientation and gender identity, a common theme that has been echoed in the past several decades of research. While the social and political climate is immensely changing in the US regarding civil rights of LGBT people, officers underscored the role that leadership plays in creating a safe and inclusive environment for LGBT criminal justice officers.

**Disclosure statement**

No potential conflict of interest was reported by the authors.

**References**


