

# HATE VIOLENCE

against the  
**LESBIAN, GAY, BISEXUAL,**  
**TRANSGENDER** *and*  
**QUEER COMMUNITIES**  
*in the* **UNITED STATES** *in* **2009**

*a report from*



*2010 release edition*



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# NATIONAL COALITION OF ANTI-VIOLENCE PROGRAMS

## MISSION STATEMENT

The National Coalition of Anti-Violence Programs (NCAVP) addresses the pervasive problem of violence committed against and within lesbian, gay, bisexual, transgender, queer (LGBTQ) and HIV-positive communities.

NCAVP is a collaboration of grassroots organizations working together to document incidents of violence against our communities and to advocate for victims of anti-LGBT and anti-HIV/AIDS violence/harassment, intimate partner violence, sexual assault, police misconduct, and other forms of violence.

NCAVP is dedicated to creating a collective national response to the violence plaguing our communities. NCAVP supports existing anti-violence organizations and emerging local programs in their efforts to document, respond to, and prevent such violence.

If you are interested in starting an anti-violence program becoming a member of the National Coalition of Anti-Violence Programs or if you live in a region where there are no organizations addressing LGBTQ violence issues and you need help or are interested in getting involved, contact NCAVP at [info@ncavp.org](mailto:info@ncavp.org) or 212.714.1184. We can also be reached via our 24 hour bilingual (English & Spanish) Hotline at 212.714.1141.

## MEMBER PROGRAMS PARTICIPATING IN THIS REPORT:

For a full list of NCAVP member programs and contact information, please see Appendix A.

### ARIZONA

Wingspan Anti-Violence Programs  
425 E. 7th Street  
Tucson, AZ 85705  
Phone: (520) 624-1779  
[www.wingspan.org](http://www.wingspan.org)

### CALIFORNIA

Community United Against Violence  
170 A Capp Street  
San Francisco, CA 94110  
Phone: (415) 777-5500  
[www.cuav.org](http://www.cuav.org)

### L.A. Gay & Lesbian Center

1625 N. Schrader Blvd  
Los Angeles, CA 90028  
Phone (English):  
(800) 373-2227  
Phone (Spanish):  
(877) 963-4666  
[www.lagaycenter.org](http://www.lagaycenter.org)

### COLORADO

Colorado Anti-Violence Program  
P.O. Box 181085  
Denver, CO 80218  
Phone: (303) 839-5204  
Website: [www.coavp.org](http://www.coavp.org)

## EXECUTIVE SUMMARY

*Hate Violence against the Lesbian, Gay, Bisexual, Transgender and Queer Communities in the United States* documents hate-motivated violence against lesbian, gay, bisexual, transgender and queer (LGBTQ) people in 2009 as reported to member organizations of the National Coalition of Anti-Violence Programs (NCAVP). **NCAVP's U.S. membership comprises a network of thirty-eight anti-violence organizations in twenty-two states that monitor, respond to, and work to end hate and domestic violence, HIV-related violence, pick-up crimes, rape, sexual assault, and other forms of violence affecting LGBTQ communities.** This report builds upon the work of our membership to name, understand, document and end the culture of violence against LGBTQ people.

The report is divided into ten sections. Section 1, the *Executive Summary*, **summarizes the report's major findings and presents NCAVP's recommendations in brief.** Section 2, the *Introduction*, grounds this report in **the work and analyses of NCAVP's member organizations in their efforts to end anti-LGBTQ hate violence.** Section 3, *Selected Anti-LGBTQ Hate Violence Incident Narratives*, is included in the sidebar throughout most of the report and contains stories of LGBTQ experiences in surviving hate violence. Section 4, *Defining Hate Violence against LGBTQ People*, provides insight into the working definitions and criteria utilized in this report and highlights some of the characteristics of **anti-LGBTQ hate violence as reported by NCAVP's membership.** Section 5, *Major National Findings*, presents data and analysis of national trends related to survivors and victims of hate violence, the incidents involved, and the offenders reported to be responsible for these acts, as well as law enforcement responses. Additionally, this section provides narrative information on anti-LGBTQ hate murder victims, as well as an analysis of the societal discrimination which may contribute to their deaths. Section 6, ***INTERSECTIONS: Transphobic, homophobic, and racist violence at the hands of community members and law enforcement and the need for strategies that produce safety for all LGBTQ people***, contains a critical contribution from author and activist Andrea J. Ritchie, who has engaged in extensive research, writing, and advocacy around police and community violence against LGBTQ people of color. Section 7, *Recommendations*, **contains NCAVP's recommendations based on the major national findings; this year's report expands on past recommendations for policy makers and includes suggestions for service providers, community organizers, and LGBTQ survivors themselves.** Section 8, *Conclusion*, closes the body of the report with a brief discussion of **major findings, recommendations, and NCAVP's vision for change.** Section 9, *Regional Data and Summaries*, shares selected local data and, where possible, summaries from NCAVP members who submitted data in the 2009 report. Section 10, *Appendices*, shares supplemental information for LGBTQ hate violence survivors and those who work to support them, including vital resources and recommendations from an allied organization, Just Detention International.

Fifteen National Coalition of Anti-Violence Programs member organizations collected data for this report. The data comparisons include twelve programs that

submitted data in both 2008 and in 2009. Three organizations that were unable to submit data to the 2008 report contributed to this edition. They are Wingspan Anti-Violence Programs in Tucson, AZ, Safe Space at the R U 1 2? Community Center in Winooski, VT, and the Violence Recovery Program of Fenway Community Health in Boston, MA. Data from these organizations is included in the totals for 2009 in order to facilitate comparison in the next edition of this report, but are not included in the comparisons. Programs reported from the Pacific Coast, the Southwest, the Midwest and the Northeast. No programs reported from the Southeast; NCAVP is working to expand the capacity and resources for anti-violence programs in this region.

Reports to member programs from and about LGBTQ survivors and victims of hate violence indicate that those most vulnerable to violence remain members of traditionally marginalized groups, including transgender people, people living with HIV/AIDS, Two-Spirit<sup>1</sup> and Indigenous people, and people in the sex trades. Reports from NCAVP member programs reflect that re-traumatization and bias from service providers and the criminal legal system often exacerbate the impact of hate violence on LGBTQ survivors and their communities. The major findings of this report indicate that there remains a significant and urgent need for LGBTQ-focused anti-violence services in the United States.

## MEMBER PROGRAMS PARTICIPATING IN THIS REPORT (CONTINUED)

### ILLINOIS

Center on Halsted  
Anti-Violence Project  
3656 N. Halsted  
Chicago, IL 60614  
Phone: (773) 472-6469  
[www.centeronhalsted.org](http://www.centeronhalsted.org)

### MASSACHUSETTS

Fenway Community  
Health Center,  
Violence Recovery Program  
7 Haviland Street  
Boston, MA 02115  
Phone: (617) 927-6250  
[www.fenwayhealth.org](http://www.fenwayhealth.org)

### MICHIGAN

Equality Michigan  
19641 W. 7 Mile Road  
Detroit, MI 48219  
(313) 537-7000, ext. 114  
[www.equalitymi.org](http://www.equalitymi.org)

### MINNESOTA

OutFront Minnesota  
310 E. 38th Street, Ste 204  
Minneapolis, MN 55409  
Phone: (800) 800-0350  
[www.outfront.org](http://www.outfront.org)

### MISSOURI

Kansas City  
Anti-Violence Project  
P.O. Box 411211  
KC, MO 64141-1211  
[www.kcavp.org](http://www.kcavp.org)

### NEW YORK

New York City  
Anti-Violence Project  
240 W. 35th Street, Suite 200  
New York, NY 10001  
Phone: (212) 714-1184  
[www.avp.org](http://www.avp.org)

## MEMBER PROGRAMS PARTICIPATING IN THIS REPORT (CONTINUED)

NEW YORK, *continued*  
 Gay Alliance of the  
 Genesee Valley  
 Anti-Violence Program  
 875 E. Main Street, Suite 500  
 Rochester, NY 14605  
 Phone: (585) 244-8640  
 www.gayalliance.org

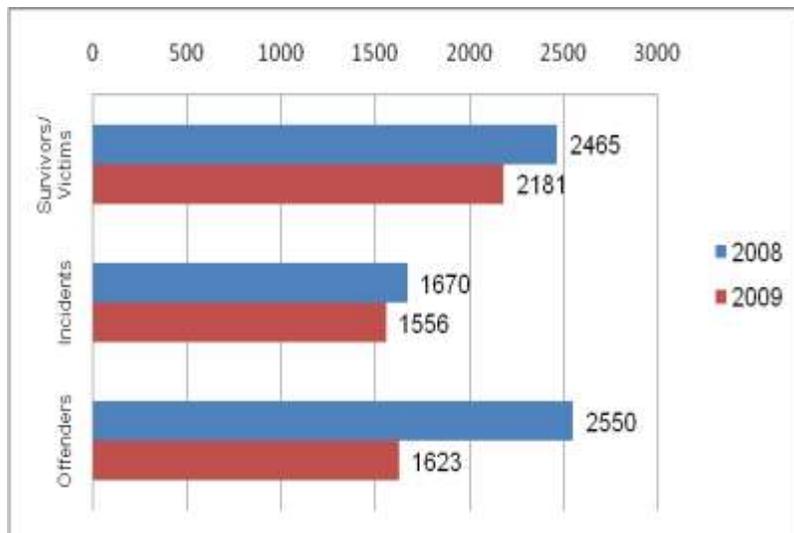
OHIO  
 Buckeye Region Anti-Violence  
 Organization  
 P.O. Box 82068  
 Columbus, OH 43202  
 Phone: (614) 294-7867  
 www.bravo-ohio.org

TEXAS  
 Montrose Counseling Center  
 401 Branard Ave., 2nd Floor  
 Houston, TX 77006  
 Phone: (713) 529-0037  
 www.montrosecounseling  
 center.org

VERMONT  
 SafeSpace  
 RU 12? Community Center  
 P.O. Box 5883  
 Burlington, VT 05402  
 Phone: (802) 863-0003  
 Fax: (802) 861-6487  
 www.ru12.org

WISCONSIN  
 Milwaukee LGBT  
 Community Center  
 315 West Court Street  
 Suite 101  
 Milwaukee, WI 53212  
 Phone: (414) 271-2656  
 Fax: (414) 271-2161  
 www.mkelgbt.org

## Major Findings in Brief



- The total number of survivors and victims of hate violence reported to NCAVP in 2009 decreased by 12% since 2008.
- The total number of incidents reported decreased slightly (by 7%) from 2008.
- The total number of reported hate violence offenders decreased by 38% since 2008.
- In a survey measuring the impact of the fiscal crisis on NCAVP member programs participating in this report, 50% laid off staff (at an average decrease of 56% of staff positions), 70% saw a range of decreases in organizational and program budgets, and others were unable to expand positions, staff hours or programming, despite a demonstrated need for such growth.
- The 22 anti-LGBTQ murders reported in 2009 represent a 30% decline from the peak year, 2008, but are the second-highest annual total of such incidents reported in the U.S. over a ten-year period.
  - People of color accounted for 79% of these murders; 50% of those murdered were transgender women.
- The highest monthly incident rate was in October of 2009, when federal hate crimes law was expanded to include sexual orientation and gender identity as protected classes.
- Though total reported injuries in 2009 declined compared to 2008, 179 of those injuries, or 51%, were reported to be “serious,” up from 46% in 2008.
- Of the victims and survivors whose disability status was known, 31% identified as living with a disability.

- Firearms accounted for 19% of all weapons used in 2009 (14% in 2008). Lethal weapon use may contribute to a consistently elevated hate murder rate despite a decrease in the actual number of incidents, accounting for 2% of all reported hate violence incidents in 2009.
- While total incidents declined, bias-motivated police misconduct, such as unjustified arrest, police entrapment, and police raids all represent higher proportions of all hate violence incidents reported in 2009 than they did in 2008.
- Strangers were the most common type of offender (40%), roughly consistent with 2008. Other major categories included employers and co-workers (12%), law enforcement officers (6%) and service providers (4%).

The decrease in the number of victims and survivors, incidents and offenders reported to NCAVP member programs in 2009 since 2008 likely reflects not an actual decrease in violence experienced by LGBTQ people but rather a decrease in program capacity to meet community needs in the wake of the fiscal crisis. Many were hard-hit by a sharp decline in necessary funding and support, and were forced to lay off staff, decrease program hours, and reduce or eliminate **“non-essential” services, such as outreach.**<sup>2</sup> Such trends likely limited the ability of LGBTQ people to report violence as well as learn of and access vital support **and services as provided by NCAVP’s member programs. With this report, NCAVP** documents the dedicated and critical work of its membership to shift U.S. culture from bias and violence towards a culture of safety and freedom for all people, inclusive of sexual orientation and gender identity. Ongoing and increased support and participation from educators, public officials, service providers, and community members is critical to LGBTQ anti-violence programs in advancing **NCAVP’s goal of eliminating violence in all of its forms.**

## CONTRIBUTING NON-MEMBER ORGANIZATION

Just Detention International  
3325 Wilshire Blvd, Suite 340  
Los Angeles, CA 90010  
(213) 384-1400  
justdetention.org

## Recommendations in Brief

### Recommendations for Policy Makers

1. Increase local, state and federal funding for anti-violence work; maintain and enhance private donor support for community-led initiatives
  - 1.1. *Increase governmental support for community-based, LGBTQ-focused anti-violence solutions and strategies*
  - 1.2. *Include LGBTQ people as “under-served populations” in all local, state and federal anti-violence funding streams*
  - 1.3. *Maintain and enhance private funding for LGBTQ community-led anti-violence work*
2. Expand the efficacy of the criminal legal system; support restorative justice strategies
  - 2.1. *Provide rehabilitation & alternatives to incarceration, including restorative justice*
  - 2.2. **Prohibit the “gay” and “trans panic” defenses**
  - 2.3. *Increase meaningful police training for response to LGBTQ-specific violence; deter and remedy police violence against LGBTQ communities*
  - 2.4. *Reform sexual assault laws to end silence and stigma around LGBTQ sexual assault*
3. Pass preventative federal legislation and regulations
  - 3.1. *Pass the Employment Non-Discrimination Act; ensure full inclusion of sexual orientation and gender identity*
  - 3.2. *Implement standards for the Prison Rape Elimination Act; enhance protections for incarcerated LGBTQ people*
4. Create a climate of respect that shuns violence
  - 4.1. *Foster public awareness of the rights of LGBTQ people to safety and well-being*
  - 4.2. *Support school-based LGBTQ initiatives and LGBTQ-inclusive curricula*
  - 4.3. *Provide institutional support for proactive prevention and de-escalation strategies in community-based settings*
5. Enhance governmental and institutional support for researching and reporting anti-LGBTQ hate violence and include LGBTQ people in on-going research
  - 5.1. *Fund comprehensive research to document the prevalence and impact of anti-LGBTQ violence in the U.S. and examine intervention and prevention strategies*

## Recommendations for Survivors and Victims, Service Providers and Community Organizers

1. Organize communities to respond to and prevent hate violence
  - 1.1. Consider, explore and practice emerging community-based response models that do not engage with law enforcement, including transformative justice
  - 1.2. Utilize the Community Rapid Incident Response Guide<sup>3</sup>
  - 1.3. Work to develop funding strategies based in the needs of LGBTQ community stakeholders
2. Build cross-movement alliances
  - 2.1. Engage with diverse community groups to broaden analyses, deepen tactics and strengthen movements around intersectional experiences and connections
3. Create safe and welcoming spaces for LGBTQ survivors and victims, especially traditionally marginalized community members
  - 3.1. Create LGBTQ-specific anti-violence programs
  - 3.2. Expand the competency of non-LGBTQ specific anti-violence programs to address LGBTQ-specific victim and survivor needs through training, education and technical assistance
  - 3.3. Reassess conventional definitions of “safety” and recognize the negative impacts of prisons and policing
4. Expand the range of services, options and leadership positions available to survivors
  - 4.1. Make non-traditional direct service models available to LGBTQ people
  - 4.2. Utilize creative and expansive advocacy tactics
  - 4.3. Promote the leadership of LGBTQ survivors of violence

### References

1. The term Two-Spirit was developed in the early 1990's by Indigenous people during a lesbian and gay gathering in Winnipeg and is used by many contemporary Indigenous LGBTQ and Intersex people (Adapted from Jacobs, S.E., W. Thomas, and S. Lang. (1997). *Two-Spirit People: Native American Gender Identity, Sexuality, and Spirituality*. Urbana: University of Illinois Press.)
2. Details of a survey on the economic crisis' impact on NCAVP member programs are on page 11 of this report.
3. New York City Anti-Violence Project. (2009). Accessed online at [http://www.avp.org/documents/AVP\\_RapidResponse.pdf](http://www.avp.org/documents/AVP_RapidResponse.pdf)

## SELECTED ANTI-LGBTQ HATE VIOLENCE NARRATIVES

Community United Against Violence (CUAV), San Francisco, CA  
*Anna, 55, Latina, transgender woman*  
 Anna was being harassed by her next-door neighbor at her building for being trans. The next door neighbor intimidated her, called her transphobic names and vandalized the entrance of her home several times. In getting the police involved, Anna had to endure even more transphobia and trauma from the police. CUAV helped Anna have 2 mediation sessions with the police officer and the Office of Citizen Complaints.

*Anonymous, African American, lesbian, transgender female couple*  
 An African American transgender lesbian couple surviving in the shelter system was being physically assaulted by other shelter residents. Even though CUAV advocated for their safety with shelter staff, the problem persisted. Given that transitional and affordable housing were not available options, we provided them with short-term emergency housing to take a break from the persistent hate violence.

LA Gay & Lesbian Center, Los Angeles & region, CA  
*Anonymous, white, gay, non-transgender male couple*  
 In January 2009, four men attacked a gay white male couple **and called them “faggots” while walking in Seal Beach.** One of the attackers hit one of the victims in the face while two other attackers struck him in the back.

## SELECTED ANTI-LGBTQ HATE VIOLENCE NARRATIVES, CONTINUED

The fourth attacker assaulted the other victim. The victims were able to call the police, but the police did not want to categorize the attack as a hate crime. The attackers were apprehended and prosecuted for assault.

*Anonymous, 29, Latina, transgender woman*

In June 2009, a 29 year old Latina transgender female was robbed and assaulted after the attacker threw hot coffee in her face. The victim fell and was punched and kicked her in the head several times until she lost consciousness. One bystander stepped in and yelled at the **attacker “what are you doing?”** to which the attacker responded **“it’s a man.”** The victim regained consciousness in a hospital, learned the attacker had been apprehended by police, and filed a police report. The attacker confessed that he attacked the victim because she was transgender, and he was prosecuted for assault with a hate crime enhancement in February 2010. The attacker pleaded guilty to a terrorist threat charge and incurred a **strike under California’s three strikes law**. He was sentenced to a 16 month prison term.

*Anonymous, 20, African American, lesbian, non-transgender woman*

In July 2009, a 20 year old African American lesbian was a victim of a hate crime. She was on her way to Walmart when she was run down by a man on a skateboard. She tried to walk

## INTRODUCTION

### About This Report

The National Coalition of Anti-Violence Programs (NCAVP) authored this report in order to document, analyze and challenge the pervasive and consistent pattern of hate-related violence faced by lesbian, gay, bisexual, transgender and queer (LGBTQ) people in 2009. This annual report is the most comprehensive compilation of data and narratives of LGBTQ survivors and victims of hate violence in the United States. Drawing upon member expertise, this report advances strategies for education and prevention as well as recommendations for accountability and safety in responding to violence. In coalition, NCAVP members develop the education and response tools best suited to their local and regional needs and settings. Collectively, NCAVP has evolved a set of programs and campaigns designed to work toward our goal of ending violence against LGBTQ people. Many of these tactics and recommendations are contained within the body of this report; others take the form of the broad spectrum of direct services, community organizing and legislative advocacy employed by NCAVP’s membership.

### About NCAVP’s Member Programs

Fifteen member programs in twelve states contributed data to this report; its content reflects insights generated through the day-to-day work of NCAVP’s 40 member organizations located in 24 states and provinces across the U.S. and Canada. NCAVP member programs provide direct services and public advocacy to support survivors by addressing and challenging anti-LGBTQ hate violence as well as domestic violence, sexual assault, police misconduct, pick-up violence, and other interrelated forms of violence against and among LGBTQ people. Their work and expertise demonstrate the critical importance of LGBTQ-specific services for survivors of hate violence. The information and analysis in this report strongly argue for the expansion of support and resources for new and existing anti-violence projects.

NCAVP contributing members reported declines across all major reporting categories as reflected in the number of hate violence victims and survivors (down 12%), incidents (down 7%), and offenders (down 38%) in 2009. There is not sufficient evidence to explain the cause of these declines nor is there reason to believe that this decline in reports reflects a decrease in actual incidents endured by LGBTQ people. In fact, NCAVP members have consistently seen increases in the number of reports during times of increased LGBTQ visibility such as during Pride month celebrations. With increased dialogues and advocacy in the U.S. towards full and equal LGBTQ participation in society it might even be expected that the number of incidents would have increased in 2009.

Therefore, it is much more likely that these declines represent a decrease in

the capacity of anti-violence programs to meet the needs of LGBTQ communities during the 2009 recession in which many programs experienced severe cuts to funding and staff. Ten of the fifteen programs participating in this report responded to an internal survey on the impact of the fiscal and economic crisis on their programs and services. Five member programs lost staff positions due to funding cuts between 2007 and 2009; on average, over half (56%) of staff positions were eliminated. Three member programs maintained the same number of staff members, with two programs reporting that they were unable to increase the number of positions or staff hours despite a demonstrated need for such growth; two programs had small increases in the number of positions. Seven member programs reported a decrease in their budget in 2009 as compared to 2007, ranging from slight to up to 25% of the total program or organizational budget in 2007. Only three of the member programs reported an absolute increase in their budget in 2009 as compared to 2007; one of those programs had a larger budget in 2009 but was operating at a deficit, while they had a surplus in 2007. Drastic reductions in available funding for staff and initiatives such as direct services, **events and advocacy curtailed the ability of NCAVP's member programs to respond to and meet the needs of LGBTQ survivors of hate violence in 2009.**

Anti-LGBTQ hate violence has a unique impact on survivors and their communities. Individual and systemic discrimination are both contributors to this violence and barriers for survivors seeking access to meaningful support. As such, survivors and communities impacted by anti-LGBTQ hate violence require a broad range of culturally competent resources including direct services, policy strategies, and community organizing and activism to challenge and eradicate pervasive violence. Such a dedicated response requires insightful, experienced and resourced LGBTQ-specific programs. Most NCAVP members are the sole LGBTQ anti-violence resource in their state. Many states do not have any programs dedicated to ending violence against LGBTQ people. Where these resources are limited, or do not exist, communities are under-equipped to challenge hate violence, and LGBTQ **survivors' experiences and needs are minimized, misunderstood, or altogether unknown.** To highlight the regions where services are limited or non-existent, a **map of NCAVP's member programs and the size of their staff** appears on page 39 of this report.

Because ending anti-LGBTQ hate violence requires not only skillful individual responses but also social and cultural change, NCAVP members approach this work with a commitment to social justice, anti-oppression and an understanding of the impact of societal discrimination on individual survivors. **Accordingly, NCAVP's national priorities aim to increase access for LGBTQ people affected by violence through expanding support and services, especially to historically disenfranchised groups, as well as exploring and creating response strategies outside of the criminal legal system.** This report is one of the primary means by which NCAVP members document the

## SELECTED ANTI-LGBTQ HATE VIOLENCE NARRATIVES, CONTINUED

*Anonymous, 20, continued*  
away and the man said, "what the fuck is your gay ass looking at?" He continued making homophobic comments, such as "you **faggot.**" **Perpetrator followed her and threatened to "knock off her cap," then punched her in the mouth.** She went to the emergency room, and has subsequently suffered neck pain from the impact of the punch. The attacker also stole her hat and smashed her glasses during the attack. The attacker was arrested by LAPD and is being charged with a felony robbery and assault.

*Anonymous, 38, white, lesbian woman*  
In October 2009, A 38 year old white lesbian identified woman was the victim of a brutal hate crime in West Hollywood. Victim was walking down the street, holding hands with another woman, when a man walked up **and grabbed victim's girlfriend** in crotch and lifted her off the ground. Victim became upset and turned to the attacker with her arms out in a questioning manner, and asked **"who do you think you are?"** The attacker started mocking the victim, then **called her "a fucking dyke"** before punching her in the face. Victim suffered two black eyes, a broken nose, deviated septum, and a split tooth with nerve damage. She was unconscious for about 10 minutes and the attacker fled. Victim was subsequently taken to a nearby hospital for emergency treatment. **Victim's jaw had to be wired shut** for a brief time afterwards, resulting in a 12 pound weight

## SELECTED ANTI-LGBTQ HATE VIOLENCE NARRATIVES, CONTINUED

loss, and she is still undergoing multiple plastic surgeries 7 months later.

Colorado Anti-Violence Program, Denver & region, CO  
*Lydia, 20s, transgender woman (with hearing impairment)*

I traveled from the west coast by bus to Colorado to meet with a doctor regarding my gender transition. Arriving in town with no money and no place to stay, a local non-profit helped me get a motel room. While using a computer in the lobby a man tried to talk to me. Later he knocked on my door and tried to pressure me to let him in but I refused. He left but soon returned and forced his way into my room. He forced me onto the bed and sexually assaulted me while using homophobic and transphobic slurs. Then he dragged me into the bathroom, filled up the tub and tried to **drown me. When that didn't** work, he plunged a hair dryer into the water attempting to electrocute me. Thankfully, the electrical breaker dislodged from the wall. The man then dragged me back to the bed, hit me and bound my hands and feet with a telephone cord all the while using anti-gay slurs telling me people like me should not come to that town. The police were called and with the help of a sign language interpreter, I told them about the assault and described the man. As far as I know, no arrests have been made and I left the state.

existence and impact of anti-LGBTQ hate violence, and advance critical dialogues and strategies to build safety for all people, inclusive of LGBTQ communities.

### References

1. NCAVP uses "LGBTQ" as an umbrella term for people who identify within a broad spectrum of sexual orientations, gender identities, and expressions, which may or may not be explicitly contained within this acronym, as the range of identities reflected by these communities is diverse and ever-changing.
2. NCAVP uses both "survivors" and "victims" in order to reflect the diverse ways in which people who have experienced violence identify themselves.
3. New members since the last publication of this report include Rainbow Response and Gay and Lesbians Opposing Violence (GLOV) in Washington, D.C., One Voice Community Center in Phoenix, Arizona and the Florida Anti-Violence Program in Orlando.

## DEFINING HATE VIOLENCE AGAINST LGBTQ PEOPLE

This report provides detailed information on survivors and victims of LGBTQ-related hate violence, the incidents that they experience, and the offenders responsible for these acts. For the purposes of this report, anti-LGBTQ hate violence is defined as any act that an offender commits against a person or a **person's property because of the offender's bias towards or hatred for that person's actual or perceived sexual orientation and/or gender identity and expression.**

Hate-motivated violence exists across a spectrum of escalation and severity. A single incident may involve various types of violence. This is especially true of anti-LGBTQ hate violence. Verbal attacks, sexual assault, workplace discrimination, intimate partner abuse and beatings can all be motivated by hatred for an LGBTQ identity. A recently released study from the Harvard School of Public Health asserts that people identifying as gay, lesbian, bisexual, or having had a same sex partner are 1.5 to 2 times as likely to experience violence as the general population and are twice as likely to exhibit symptoms of post-traumatic stress disorder (PTSD) in relationship to this violence.<sup>1</sup> Further, a consistently elevated rate of hate violence incidents during Pride months, as well as in October 2009, around the time of federal hate crimes law passage,<sup>2</sup> seems to reflect a correlation between increased visibility and increased vulnerability and targeting of LGBTQ people. Such compelling evidence indicates the profound need for both mainstream and LGBTQ-specific service providers to understand the social conditions and discrimination that engender such violence. LGBTQ anti-violence programs provide critical insights into the needs of the survivors and communities that they serve.

Acts of hate violence such as harassment, stalking, vandalism and physical and sexual assault, are often supported by more socially sanctioned expressions of transphobia, biphobia and homophobia and are intended to send a message to LGBTQ communities. Because NCAVP is a coalition of LGBTQ-specific anti-violence programs, we focus primarily on hate violence targeting these identities. Many LGBTQ people also face substantial bias because they belong to other traditionally marginalized groups along other axes of identity such as race, class, incarceration history, immigration status, or ability. As demonstrated and analyzed in the major findings of this report, membership in more than one traditionally marginalized community can increase targeting for severe violence.

This report discusses hate-motivated acts of violence, defined here as both

### SELECTED ANTI-LGBTQ HATE VIOLENCE NARRATIVES, CONTINUED

*April, lesbian*

I got into a fight with my girlfriend and my brother ended up **calling the police. It wasn't a bad** fight, but there was a lot of yelling. When the police showed up, they started beating up my girlfriend pretty bad. They grabbed her by her hair, kicked her in her face and beat her all over her body, injuring her. She has some damage in her right elbow in the assault. I kept trying to get them to stop and before they left, they **said, "she looked like this when we got here."** My girlfriend is pretty masculine and that is the only reason I can see that they beat her. We found a lawyer who knows a lot about police brutality. No one should have to go through this.

*Kevin, teens, gay,  
non-transgender man*

I contacted CAVP after being discriminated against at school by the administration. I feel more comfortable wearing clothes that are more feminine and was told that if I continued to wear them **that I'd be suspended. I've been** called names and am harassed on a near daily basis by other students, which affected my **ability to come to school at all. I've** been called names and am harassed pretty regularly by other students, but my ability to come to school at all was affected. The advocate was able to help me through filing a case with the Civil Rights Division and that it took a year to investigate. They finally ruled that the school district was discriminatory based on sex because "it is predicate upon gender stereotypes of how male

## SELECTED ANTI-LGBTQ HATE VIOLENCE NARRATIVES, CONTINUED

and females should dress and appear," and that the school district cannot "arbitrarily limit the [student] from dressing and appearing as female, simply because he is male." Because my "gender expression includes wearing female attire or clothing, **including a dress... which is typically associated with being a female, [and] differs from societal expectations**" of being male, I am in a protected class based on "transgender status."

*Joshua, 40s, white, queer non-transgender man*

**I've been dealing with several levels of violence and discrimination at the school where I work. I reported my car stolen when it wasn't where I parked it and when it was returned, there was a threatening, homophobic note left inside. For several reasons, I believe that it was left by a student. The police have been extremely responsive and are investigating this as a bias, but I've been running into barriers with the school. They won't acknowledge the hateful language or recognize why I fear for my safety. I was expected to return to school and pretend like nothing happened. I submitted a letter of resignation, but soon afterwards reconsidered. I didn't want to leave my job, I just wanted this to be addressed and taken seriously. I rescinded the letter of resignation within the appropriate time period, but the school board wouldn't accept it.** Other staff was told that I quit, without any explanation of the incident, making me look unprofessional and hurting my ability to apply for future jobs.

verbal and physical attacks on people or property. These include but are not **limited to "hate crimes," a legal definition which refers to acts determined by law to be**

a crime, such as assault, vandalism, or homicide, where the motive (or one of the motives) of the offenders is bias against the perceived identity of the person they are targeting. However, many acts of hate violence, such as hate speech, are not illegal, but may still have serious and traumatic impacts on the individuals who survive them, as well as their friends, families, and communities. Further, such aggressive speech is often an indicator of the potential for an escalation of violence. In a common example, an offender may initially target a person with homophobic or transphobic slurs and then escalate to physical altercation, particularly when the offender perceives no consequences for their behavior from the individual target, broader community or the criminal legal system.

While anti-LGBTQ hate violence incidents take a variety of forms, they tend to share common characteristics. Through their actions, offenders intend to send a message that that their acts of brutality are justified and deserved because LGBTQ people do not have the right to live free from violence, or in the most extreme cases, do not have the right to live at all. In the mind of the hate violence offender, actual or perceived LGBTQ identity means that a person exists outside of acceptable social behavioral norms, and thus, the hate violence offender may use harassment, sexual assault, attacks or even murder in order to silence that LGBTQ identity. A common impact of these acts is that they send a message of fear not only to the individuals targeted but also to the communities to which the individual belongs. Especially when patterns of such bias-motivated harassment or vandalism are unchecked by a community response, the target group as a whole may experience escalated risk and a heightened sense of vulnerability.

In another trend common to hate violence, NCAVP members have observed that LGBTQ people, especially those who belong to other marginalized groups, are commonly targeted in part because systemic discrimination has rendered them unwilling or unable to report violence or led them to believe that they may not be taken seriously if they do make a report. Unfortunately, these fears of re-victimization by law enforcement are not unfounded. NCAVP continues to document a significant number of cases of police brutality and misconduct. Acts of hate violence may lead survivors to question their fundamental expectations of safety and justice. These reasonable expectations may be further compromised by negative or abusive police responses. It is the collective goal of member programs to halt the trauma of hate violence as well as re-traumatization by the systems designed and funded to address and alleviate the impacts of bias-related violence.

An additional characteristic of hate violence incidents is “overkill” – where in the course of physical violence offenders use extreme brutality. Offenders may attack their targets in close contact and with extreme force; murder victims may be stabbed or shot dozens of times (often in the face or the genitals), burned, or dismembered. The targeting of specific body parts is often an association of those parts with the hated identity of the victim. For example, Frank Yazzie was an openly gay Navajo man murdered in Gallup, New Mexico in June of 2009; his torso was found covered in stab wounds and severed from his lower body. The body of Jorge Stephen López Mercado, a gender non-conforming youth, was found burned, dismembered and **decapitated in Cayey, Puerto Rico, in November of the same year. Mercado’s** killer, Juan Martínez Matos, is reported to have murdered Mercado upon learning that Mercado, who was dressed femininely at the time of their encounter, had a penis. Anti-LGBTQ hate violence frequently involves overkill, **as a way of deeply personalizing an attack and brutally “othering” a person of the targeted identity.**

The anti-LGBTQ hate violence incidents described in the remainder of this report are individual expressions of the discriminatory social, legal, political and economic forces that comprise heteronormativity, the practices and institutions “that legitimize and privilege heterosexuality and heterosexual relationships as fundamental and 'natural' within society.”<sup>3</sup> By othering LGBTQ identities, these practices and institutions support and sanction hate violence, directly or indirectly, in perpetuating social inequity and discrimination. The following pages of this report not only document the scope and severity of individual and systemic anti-LGBTQ hate violence but provide concrete recommendations toward the socio-cultural shift required to eradicate such pervasive violence.

### References

1. Roberts, A.L., S. B. Austin, H. L. Corliss, A. K. Vandermorris, & K. C. Koenen. (2010). “Pervasive Trauma Exposure Among US Sexual Orientation Minority Adults and Risk of Posttraumatic Stress Disorder,” in *American Journal of Public Health*. Published online April 15, 2010. DOI: 10.2105/AJPH.2009.168971
2. This trend is examined in further detail in Section 5, *Major National Findings*, on page 14 of this report.
3. Cohen, C. (2005). ‘Punks, bulldaggers, and welfare queens: The radical potential of queer politics?’ in *Black Queer Studies*. E. P. Johnson and M. G. Henderson, Eds. Raleigh: Duke UP. p. 24.

## SELECTED ANTI-LGBTQ HATE VIOLENCE NARRATIVES, CONTINUED

*Anonymous, 20s, white, queer man*  
I was skateboarding in the park when a stranger came up and tackled me for no reason. He started beating me, hitting me in the head with my skateboard. While he was assaulting me, he **kept yelling slurs like “dyke” and then stole my wallet.** I went to the hospital in an ambulance and when I was reporting to the police, they were incredibly frustrating and wouldn’t really listen to me.

Kansas City Anti-Violence Project, Kansas City, MO  
*Dave, 36, white, gay, non-transgender man*  
I was leaving a gay bar when I was attacked by three men who started punching me repeatedly and calling me a faggot. They knocked me out and then took my wallet. I was taken to the hospital by ambulance and a nurse there told me about KCAVP. I called them and they helped me file for Crime Victims Compensation to cover my medical bills and went with me to the police station to talk to the investigating detective. It has been a long process trying to move on since I was attacked but I am thankful KCAVP has been there to support me through it.

*Tara, 24, white, queer, non-transgender woman*  
I was going to the community center like I did every week for work meetings and this man that always stared at me and yelled that he **would “turn me straight” was there.** After my meeting I was walking to my car and the man followed me and raped me.

## SELECTED ANTI-LGBTQ HATE VIOLENCE NARRATIVES, CONTINUED

The whole time he was talking about making me a straight girl like I should be. I called KCAVP after my nightmares about that night started coming back and I would get panic attacks when I had to go to work. They gave me support and got me connected with a counselor that has really helped me to work on healing from this.

Equality Michigan, Detroit, MI  
*J., 43, non-transgender woman*  
I had been in a domestic violence relationship for the past 5 years. While trying to get my things from the house that I shared with my ex-partner, her 18 year old nephew beat me repeatedly over the head while my ex-partner watched. I was taken to the hospital and have been in on-going treatment for a traumatic brain injury. The Triangle Foundation has supported me by helping me to file a Crime Victim Compensation Application, helped file a personal protection order against the offender, accompanied me to court dates, and assisted me in finding resources for medical treatment and counseling.

## MAJOR NATIONAL FINDINGS

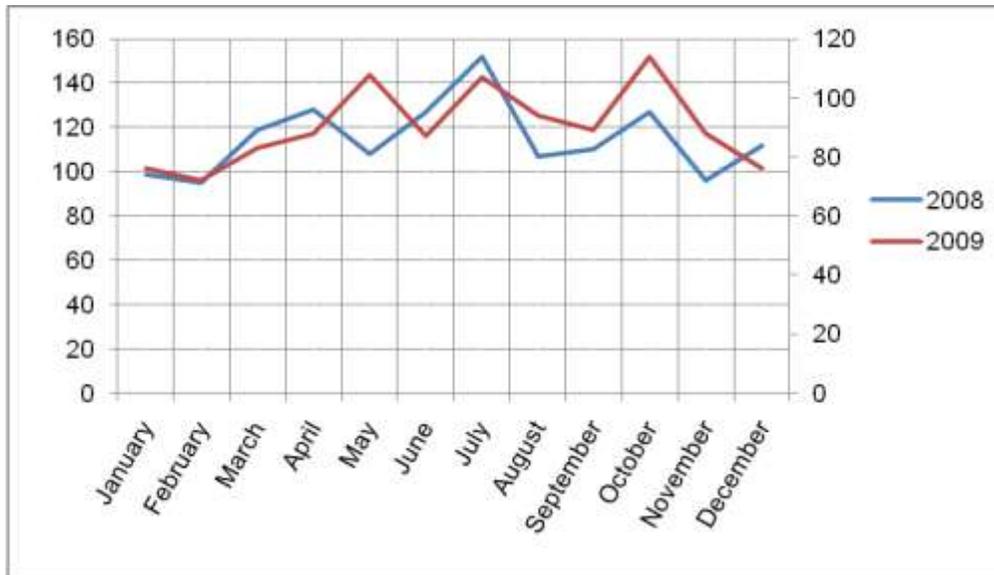
**NCAVP's members have varying systems and capacities to collect information** about the communities that they serve. Some participants in this report submit only basic demographic information; many organizations do not collect data across all of the categories reflected in this report. Further, some survivors may not feel comfortable disclosing personal demographics or do not know all of the information about a particular offender or the incident itself. As such, the charts presented in this section only reflect information for which a particular identity or incident characteristic is known.

### Monthly Incident Trends in 2009

In 2009, President Barack Obama signed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act into law. This legislation marked the first time that sexual orientation and gender identity were recognized as protected categories under federal law. It also significantly expanded the parameters of protections: LGBTQ survivors of hate violence no longer have to be engaged in government-protected activities such as school or voting in order to receive bias classification for crimes directed at them and the federal government is now empowered to intervene when they determine that local law enforcement is unable or unwilling to address the violence. These changes impact LGBTQ survivors of violence, as many LGBTQ survivors still face victimization by law **enforcement in different states and localities and the federal government's** ability to intervene may mitigate this re-victimization.

Monthly incident trends in 2009 indicate a possible correlation between the **attention generated by the law's passage and reported incidents of hate violence**. Historically, reported monthly incidents of anti-LGBTQ hate violence have peaked in May, June, or July, when LGBTQ Pride events increase visibility of LGBTQ communities. However, as indicated in the following graph,<sup>1</sup> the peak in monthly incidents occurred in October of 2009, in the same **month as the bill's passage. The causality behind this temporal correlation is uncertain**. Frustration with increased media attention and heightened LGBTQ visibility at this time could have incited hate violence offenders to action. Alternatively, LGBTQ people could have felt empowered to report violence directed against them in the wake of recognition under federal hate crimes law. While causality is difficult to determine, it is clear that reports of violence **increased around the time of this law's passage**.

## Anti-LGBTQ Hate Violence Incidents by Month, 2008 &amp; 2009

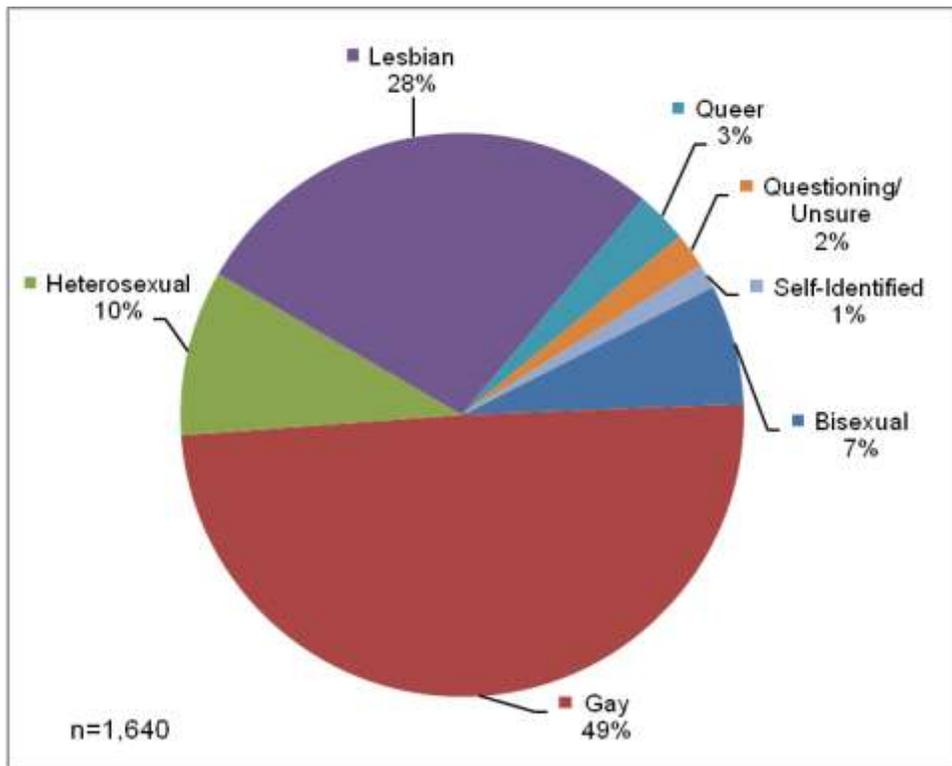


Though many of the changes to the law were significant, NCAVP remains concerned that, as with all laws, the implementation of the Hate Crimes Prevention Act occurs in a criminal legal system that perpetuates racism, classism, anti-immigrant bias and homophobia, leaving LGBTQ people more vulnerable to prosecution under the laws meant to protect these communities against hate violence. Incarcerated people face substantial violence in **the prison system, as Just Detention International's supplement to this report attests. As well, there was little** emphasis on community-based education and prevention efforts in the law. Further, it was unclear within the legislation if any funding will be dedicated to these approaches, which are critical to the eradication of anti-LGBTQ hate violence. NCAVP members make recommendations for legislative and community-based prevention and response efforts in Section 7, beginning on page 43 of this report.

## Victims and Survivors of Hate Violence

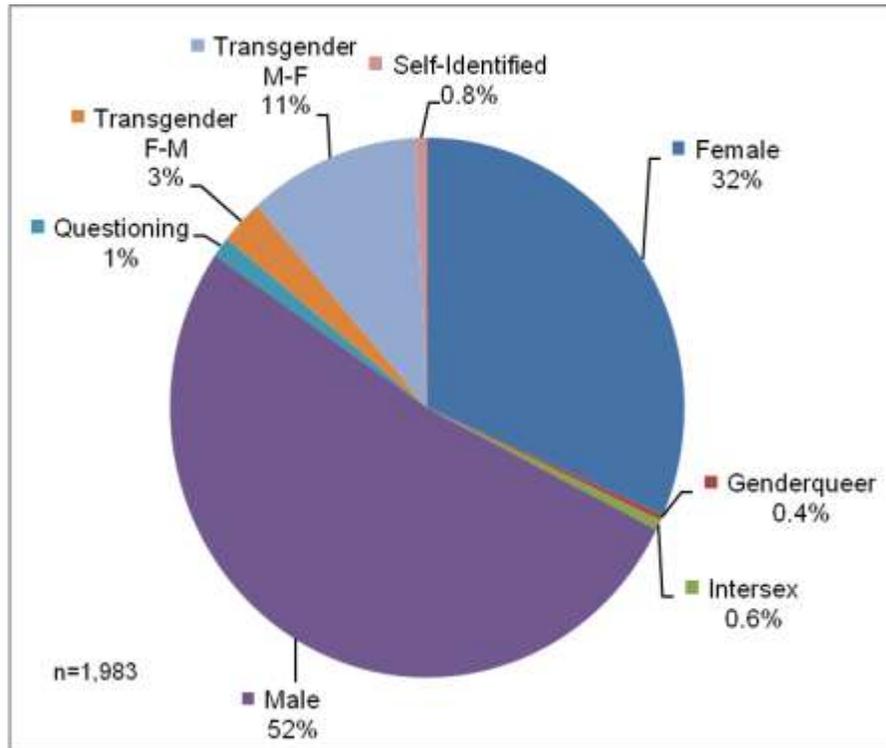
NCAVP members collected information about 2,181 victims and survivors of hate violence in 2009. This represents a decrease of 12% from 2008. As mentioned previously, this decline should not be interpreted as reflecting a decrease in the actual number of LGBTQ people targeted for hate violence in 2009; rather, it is much more likely that the decrease is due to diminished programming and staff capacity to take and respond to reports in the wake of the fiscal crisis. An in-depth analysis of the conditions and circumstances of the 22 reported anti-LGBTQ murder victims in 2009 appears at the end of this section on page 29.

### Sexual Orientation of Victims and Survivors, 2009



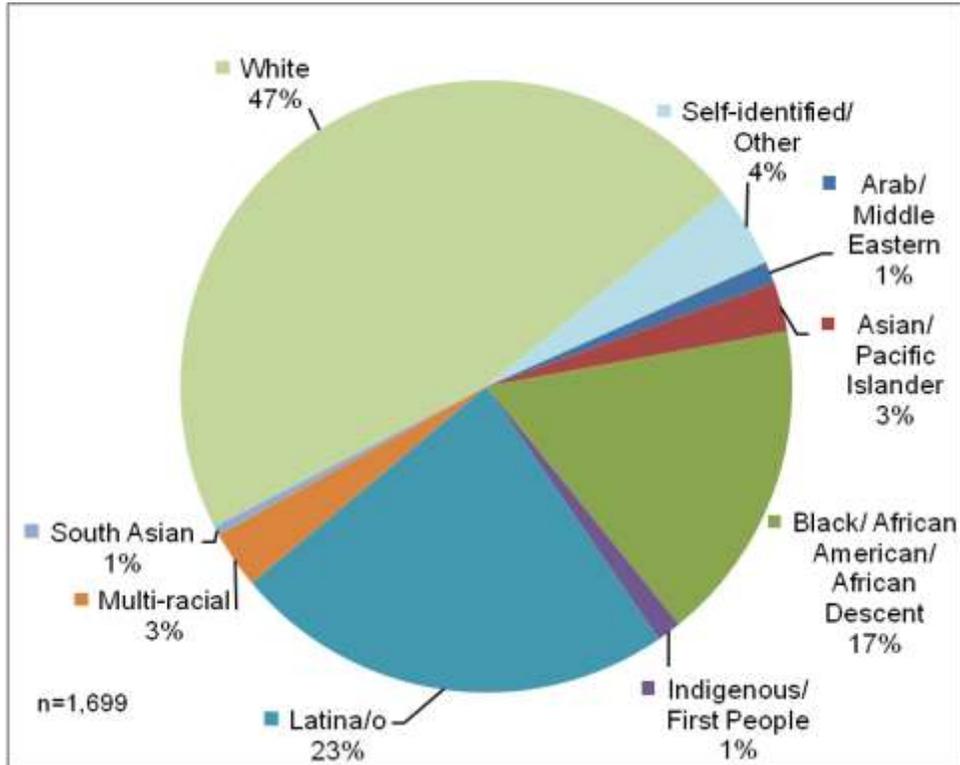
The above chart represents 1,640 victims and survivors whose sexual orientation was known. Gay-identified people account for 49% of all victims and survivors reporting incidents to participating NCAVP member organizations, the most represented identity in the sexual orientation category. Lesbian-identified people accounted for another 28% of all reports. Heterosexuals accounted for 10% of all reports as opposed to 9% in 2008, and those identifying as bisexual in 2009 also comprised a slightly greater portion of all reports than in 2008 (7% and 6%, respectively). People who were questioning or unsure of their orientation made up 2% of the sample, while those who were self-identified accounted for another 1%. For the first time, NCAVP collected specific data to reflect an increasing trend of people who identify as queer, who accounted for 3% of all reported sexual orientations. On the whole, there were no significant shifts in the makeup of the sexual orientation demographic between 2008 and 2009.

## Gender Identity of Victims and Survivors, 2009



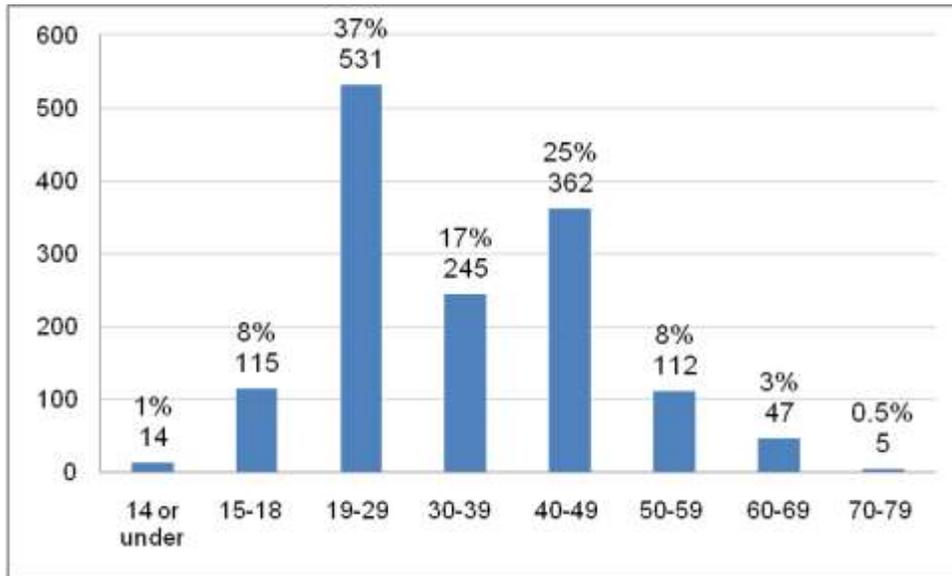
The above chart represents 1,983 victims and survivors whose gender identity was known. Non-transgender males accounted for just over half, or 52%, of reported cases in 2009, as opposed to 56% in 2008. The second-most represented gender identity in 2009 was non-transgender females, at 32%, up slightly from 2008. Transgender women accounted for 11% of those reporting (and 50% of all murder cases, as described in further detail later in this report). Transgender women are disproportionately targeted for hate violence relative to their percentage of the general population in the U.S. However, transgender men, along with those with Intersex conditions and people identifying as self-identified or other, genderqueer, or questioning, also accounted for 6% of reports in 2009. This shift, when paired with the over-representation of transgender women in tallies of survivors and victims, demands further research into the ways that people who transgress gender binaries are particularly vulnerable to hate violence. As the range of gender identities expand, organizations serving LGBTQ people can increase their competency by increasing their understanding of the ways that violence impacts transgender and gender non-conforming people both individually and systemically.

## Race and Ethnicity of Victims and Survivors, 2009



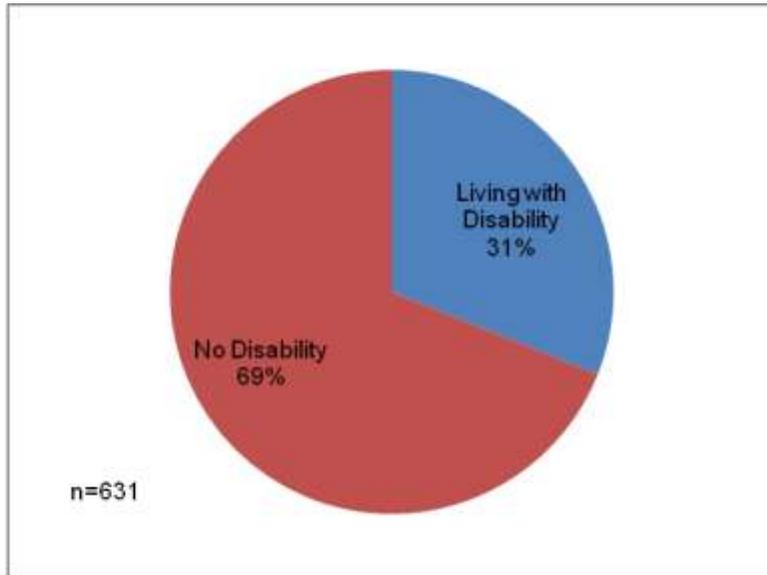
The above chart represents 1,699 victims and survivors of hate violence whose race or ethnic identity was known. People of color comprised 53% of those reporting to NCAVP member programs, which is a slight increase from 2008, while the percentage of white people reflected decreased slightly (47%). Latina/o people comprised the majority of that demographic, representing 23% of all reports. People identifying as Black, African American, or of African descent comprised 17% of all reports, down from 20% in 2008. This year's reporting forms included more distinct categories of race and ethnicity, which may account for the increase in those individuals not identifying as White, Latina/o, Black, African American or of African Descent (13% in 2009, 9% in 2008). The representations of the following categories are as follows: Multi-racial (3%), South Asian (1%), Indigenous/First People (1%), Arab or Middle Eastern (1%), Asian or Pacific Islander (3%), and self-identified or other (4%). As with gender identity, when anti-violence programs take steps to reflect the diverse identities of LGBTQ communities, such as modifying their intake forms, their efforts can yield an increase in those who access services from these groups. As discussed previously, people of color are overrepresented as targets for hate violence compared to the demographics of the population at large. This is very likely due to intersectional racism and homophobia, biphobia and transphobia that are all compounding factors in LGBTQ people's vulnerabilities.

## Age of Victims and Survivors, 2009



The above chart represents 1,431 victims and survivors whose age was known. As demonstrated above, the majority of people reporting hate violence in 2009 were between the ages of 19 and 49 (79%). This is consistent with 2008 numbers; however, the representation of the age groups within this range shifted: 19-29 year-olds accounted for 37% of all reports (34% in 2008), 30-39 year-old representation decreased (from 24% in 2008 to 17% in 2009), but 40-49 year-old representation increased (from 16% in 2008 to 25% in 2009). There were no reported survivors of age 80 or older though information was collected in this category. Historically, NCAVP member programs have had difficulty collecting age information from callers and service seekers because they may not wish to disclose this information; however, in 2009, membership continued to reflect an increased commitment to capturing this important demographic data. Whereas the age was not recorded for 44% of survivors and victims reporting hate violence in 2008, only 25% did not disclose this information in 2009.

## Disability Status of Victims and Survivors, 2009



The above chart represents 631 victims and survivors whose disability status was known. Sixty-nine percent reported no disability; 31% of hate violence survivors and victims in 2009 reported living with a disability. The actual number of reports rose in both categories in 2009; the number of people living with a disability represented a slightly higher percentage of all reports in this category in 2008 than they did in 2009 (38% and 31%, respectively). The stigma of disability can make it very difficult to disclose, particularly concerning HIV/AIDS status. NCAVP members work closely with their membership and volunteers to ensure that they create space where people accessing services feel safe to share this information. Disability status was not known for 74% of all victims and survivors reporting in 2008; this information was not disclosed for 57% of victims and survivors in 2009. While much work remains to be done to enhance data collection (and in turn, the provision of services) in this area, **2009's increase in individuals whose status was known indicates that NCAVP's membership have taken significant steps towards creating the conditions for survivors of hate violence to disclose disability status.**

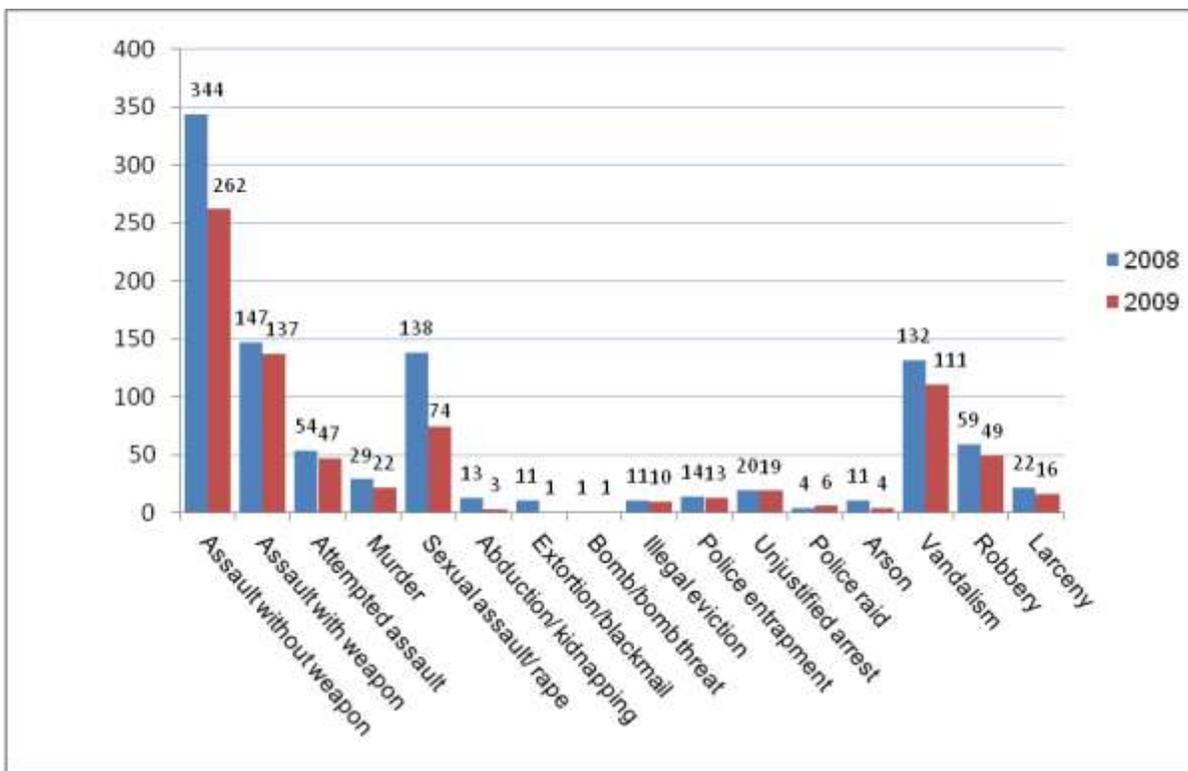
## Hate-Motivated Incidents

There were 1,556 incidents of hate violence reported to NCAVP member organizations in 2009. This is a slight decrease in the number of incidents reported in 2008 (down 7%). As with the numbers of victims and survivors, it is likely that this decrease does not reflect a decrease in the actual number of events that occurred. Rather, survivors and victims of hate violence may have had fewer opportunities to report these incidents due to diminished programming in an economic downturn.

### Types of Incidents, 2008 & 2009

The member programs of NCAVP collect information on a broad set of anti-LGBTQ hate incidents. Because an act of hate violence may take one or more forms, the charts in this section contain information on the 2,163 types of incidents that occurred in the 1,556 discreet incidents reported in 2009.

### Types of Incidents: All (Excluding Intimidation, Harassment & Discrimination), 2008 & 2009

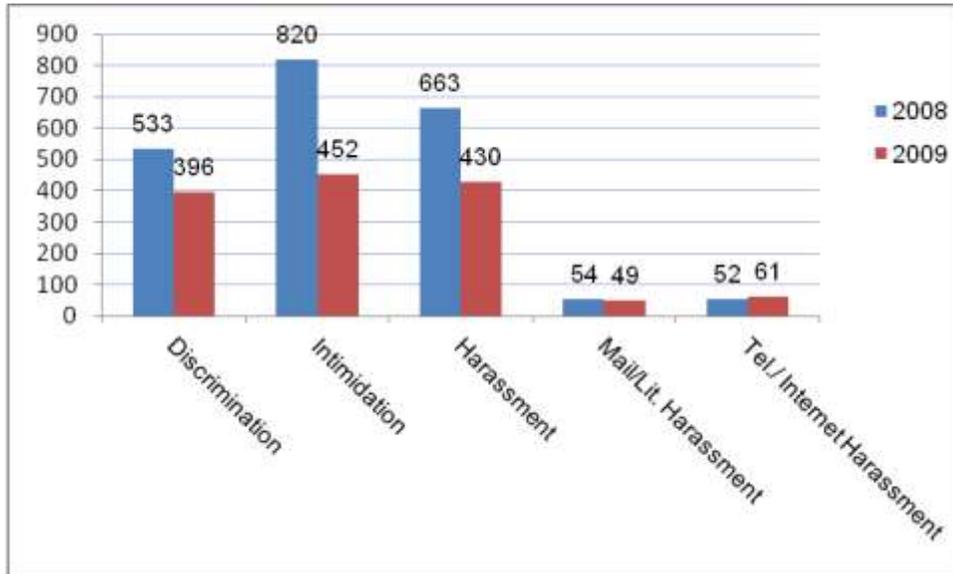


The above chart below represents all categories of types of incidents in 2008 (1,010 in total) and 2009 (775 in total), respectively, except for those described as “discrimination,” “harassment” and “intimidation,” represented in the below chart.

The 12% decrease in the aggregate number of hate violence incidents between 2009 and 2008 was consistent across almost all types of hate violence. A notable exception to this trend are police-related incidents: the only category which saw an increase in the actual number of incidents by type were police raids, demonstrating unfounded police targeting of known LGBTQ spaces. Additionally, while total unjustified arrest and police entrapment numbers declined slightly, these categories as well as police raids all represent higher proportions of all hate violence incidents in 2009 than they did in 2008. This data indicates a possible upward trend in

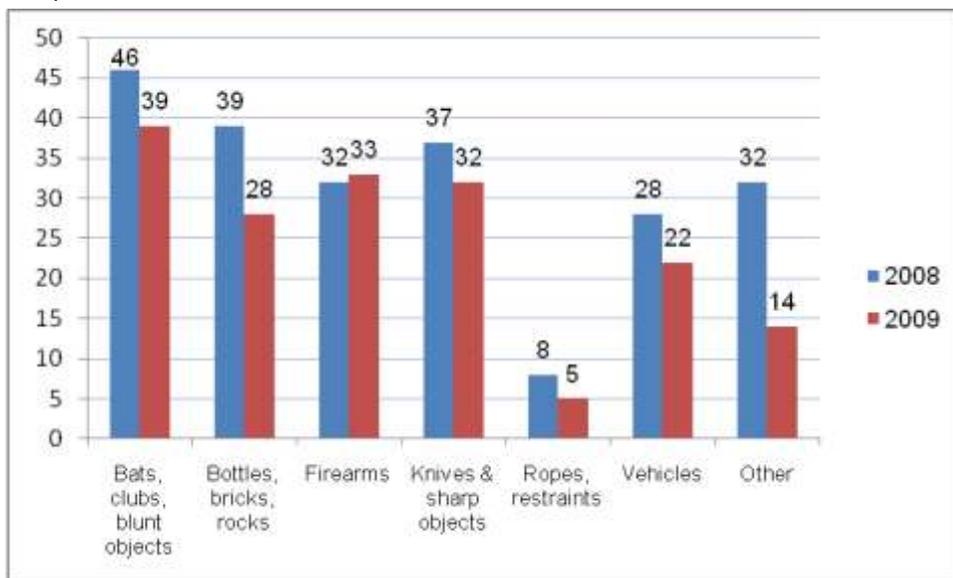
unjustified profiling of LGBTQ identities as engaged in and at risk for criminalized behavior. As such, NCAVP continues its recommendations for expanded training around and scrutiny towards law enforcement engagement with LGBTQ communities.

**Types of Incidents: Intimidation, Harassment & Discrimination, 2008 & 2009**



The above categories represent the most common acts of reported hate violence by far, accounting for 1,338, or 62%, of all incident types reported to NCAVP in 2009. All reported types of incidents in these categories declined **except for “Telephone/Internet Harassment” (up 18% since 2008), likely because of expanded use of internet technologies, including social media, to support acts of hate violence.**<sup>2</sup>

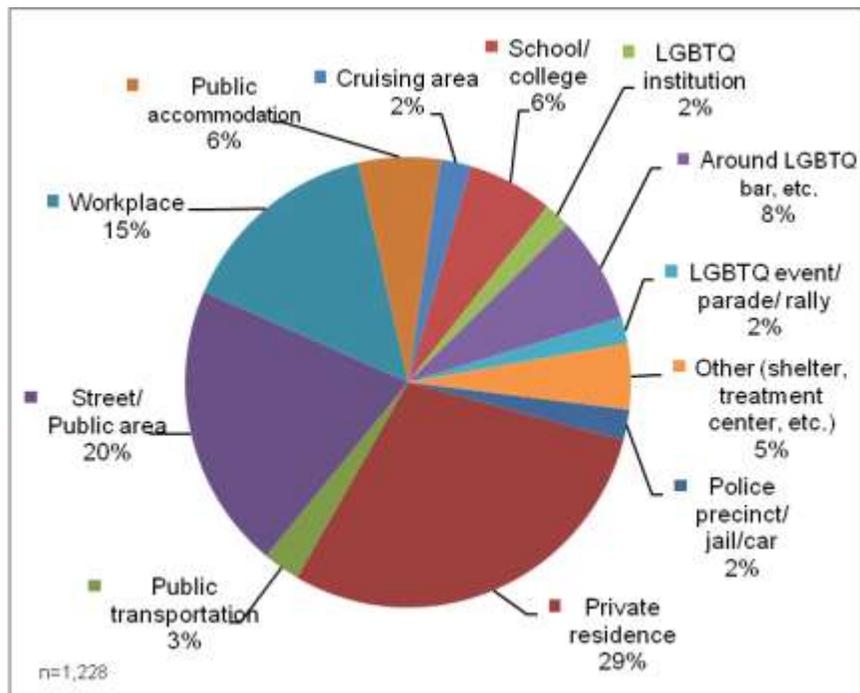
**Weapons Use, 2008 & 2009**



The above chart represents the reported weapons used by offenders in hate violence incidents in 2009. While the

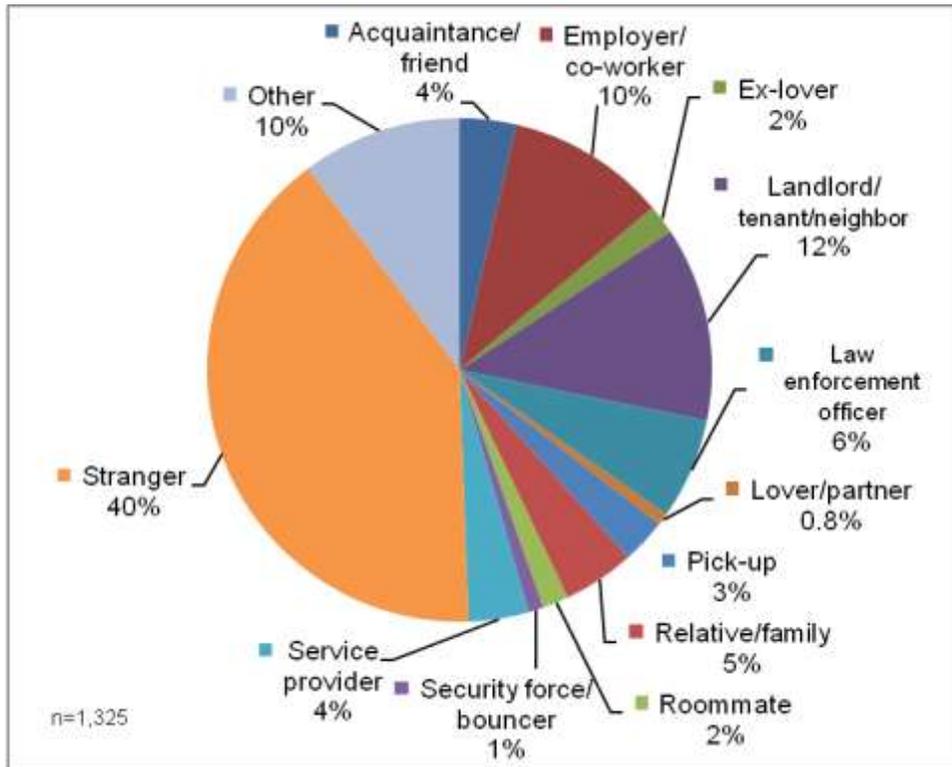
total actual number of weapons used decreased in 2009 compared to 2008 (from 199 to 173), and these decreases were seen across nearly all types, weapons were used in approximately the same percentage of incidents in 2009 and 2008 (12% and 11%, respectively). Accordingly, each type of weapon was used in nearly the same percentage of incidents in 2009 as in 2008, except for firearms, which accounted for 19% of all weapons used in 2009, as opposed to 14% in 2008. This may be related to the consistently elevated murder rate despite a decrease in the actual number of incidents: murder accounted for 2% of all hate violence incidents reported to participating NCAVP member organizations in 2009. Further, 51% of all hate violence-related injuries reported to NCAVP in 2009 were classified by the survivor or victim as serious, up from 46% in 2009. These stark figures indicate the urgent need to expand life-saving efforts to detect and prevent hate violence against LGBTQ people.

### Location of Incidents, 2009



The above chart represents the 1,228 incidents where the location of hate violence incidents was known. Nearly all site types were represented in the same proportions in 2009 as they were in 2008. Private residences are the most common site for hate violence (29%); neighbors, landlords, and tenants, as well as family unfortunately regularly subject their fellow LGBTQ community residents to hate violence. LGBTQ people are particularly vulnerable to hate violence in the public sphere: incidents occurring on the street or in a public area (20%), in public accommodation (6%), or on public transportation (3%) are all too common. LGBTQ people are also often targeted for hate violence in schools or on college campuses (6%); educational institutions must take proactive steps to provide prevention and response measures to protect LGBTQ students and staff from bias and discrimination. The workplace accounts for 15% of the sites of hate violence in 2009, up slightly from 13% in 2008.<sup>3</sup> LGBTQ-related locations (such as rallies, community centers, LGBTQ bars, or cruising sites) account for a substantial percentage of all locations. This violence comes not just from the general public but also from those who are supposed to keep it safe: the police. Two percent of all incidents occurred at a precinct, in a jail, or other law-enforcement related site, though it should be noted that law enforcement were also the perpetrators of hate violence at other locations.

## Relationship of Victims and Survivors to Offenders, 2009



The above chart represents the 1,325 incidents in which the relationship of the offender to the survivor or victim was known in 2009. The absolute percentages of the relationship categories in 2009 are similar to 2008; it was more likely that the offender was a stranger than of any other relationship to the victim or survivor (40%). The relationships reflected above correspond to the sites of incidents described previously. Of great concern is the continued representation of offenders such as employers and co-workers (12%), law enforcement officers (6%) and service providers (4%) who have power over those with whom they interact. These positions of power carry with them enhanced responsibilities to treat all people with dignity and respect; instead, the above-represented offenders abused their power to perpetrate violence against LGBTQ people. Particularly when acts of hate violence are committed by a law enforcement officer, real fears of retaliation and retribution prevent survivors and victims of hate violence from reporting and receiving vital support services. The prevalence of hate violence offenders among employers, law enforcement officers, and service providers demonstrates the continued need for accountability and training to cultivate understanding of and basic respect towards LGBTQ-identified people.

## Law Enforcement Response

Survivors and victims of hate violence reported to the police in 368 incidents in 2009, or 24%, down from 28% in 2008. Five percent of survivors and victims were considering calling the police at the time of their report to NCAVP member organizations, up slightly from 3% in 2008. In 33% of cases, survivors and victims did not call police, down from 43% in 2008. Eighteen percent of survivors and victims attempted to make a report to police but the complaint was refused, up from 13% in this category in 2008. It was not known if survivors and victims made reports in 36% of incidents in 2009. In 25% of incidents reported to the police, an offender was arrested. In 8% of reports to police, the survivor was arrested.

The survivors and victims who reported incidents of hate violence to police characterized the attitude of officers **who took the reports. Survivors who described the police response as anything other than “Courteous” accounted for 56% of all incidents in 2009 in which the response was disclosed (“Indifferent,” 23%; “Verbally abusive without slurs,” 11%; “Verbally abusive with slurs,” 7%; “Physically abusive without slurs,” 3%; “Physically abusive with slurs,” 2%). In 2008, 46% of survivors gave a less than “Courteous” designation.**

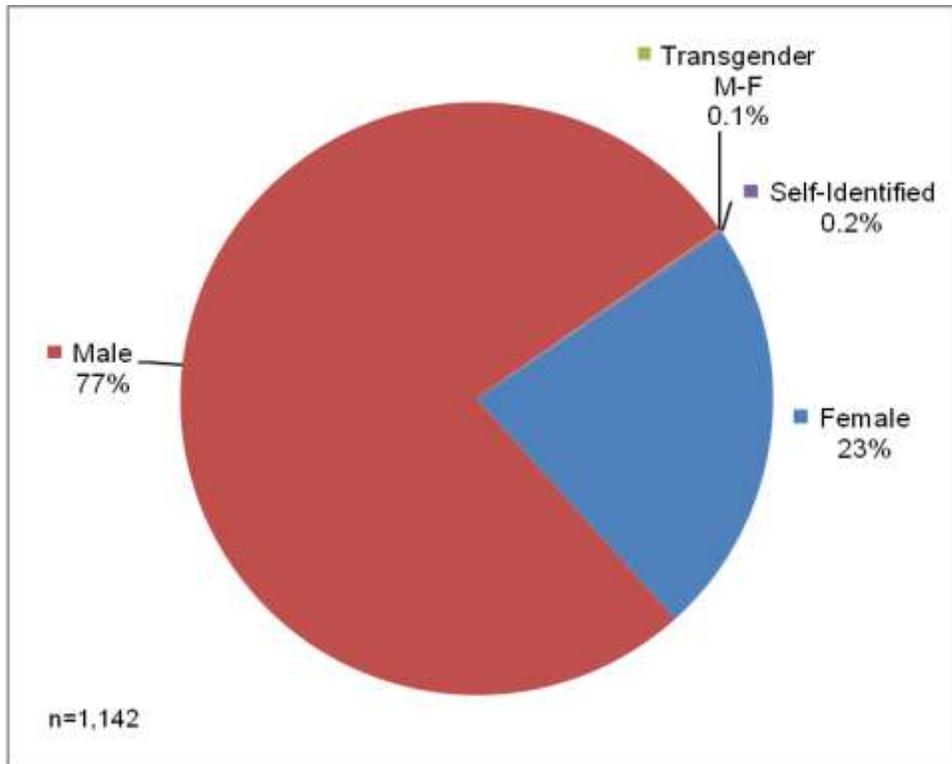
NCAVP collects data on how victims and law enforcement agencies classify formal reports. The data collected on bias classification by law enforcement in 2009 reflects that roughly the same percentage of cases were reported and classified as bias (38% in 2009, 37% in 2008), not reported as bias by the survivor (23% in 2009, 25% in 2008), and pending bias classification by law enforcement (8% in 2009, 9% in 2008). However, in 2009, a greater percentage of survivors reported that classification was not available (18% in 2009, 10% in 2008). Somewhat promisingly, a smaller percentage of survivors reported in 2009 that bias classification was attempted but refused than they did in 2008 (13% and 19%, respectively).

Reporting violence to the police can be challenging, irrespective of sexual orientation or gender identity. For hate violence survivors, such disclosures may necessitate sharing personal information, such as an LGBTQ identity or genital status. Complaint refusals, survivor arrest, and police responses that may range from indifferent to abusive are all further deterrents for such disclosures. As such, law enforcement agencies require increased training to respond to the needs of LGBTQ people and must face serious disciplinary action if they neglect to treat LGBTQ survivors and victims with dignity and respect.

## Offenders

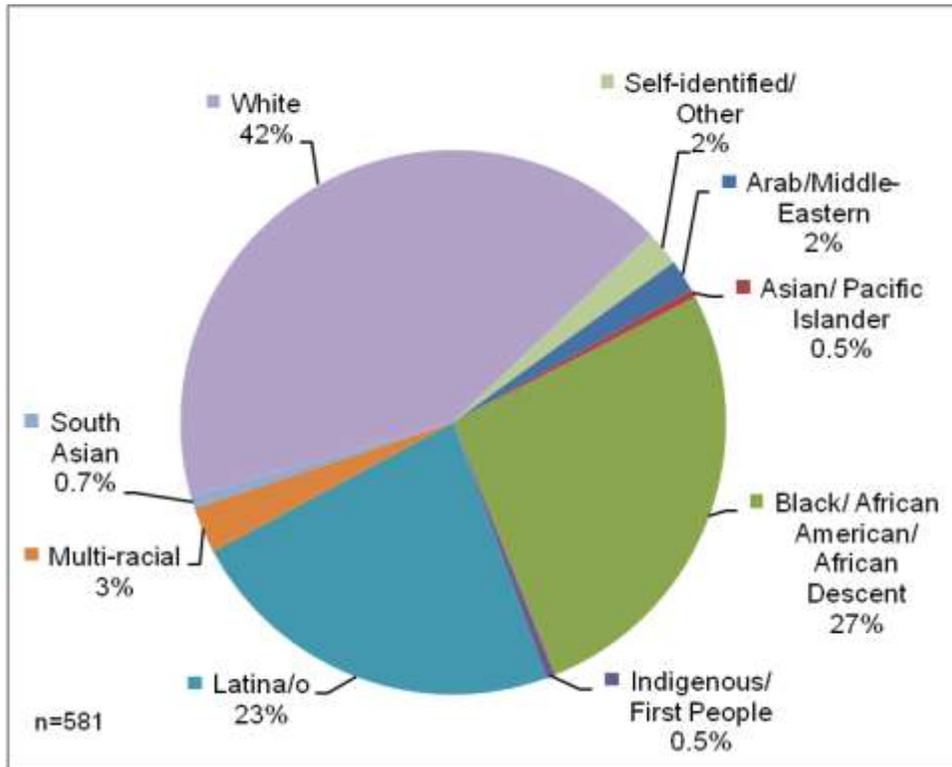
NCAVP members collected information about 1,623 hate violence offenders in 2009. This represents a decrease in actual number of reported offenders by 38% when compared to numbers of reported offenders in 2008. Again, this decrease most likely reflects a diminished capacity of member programs to collect data and provide services in the face of the fiscal crisis rather than a marked decrease in the number of offenders.

### Gender Identity of Offenders, 2009



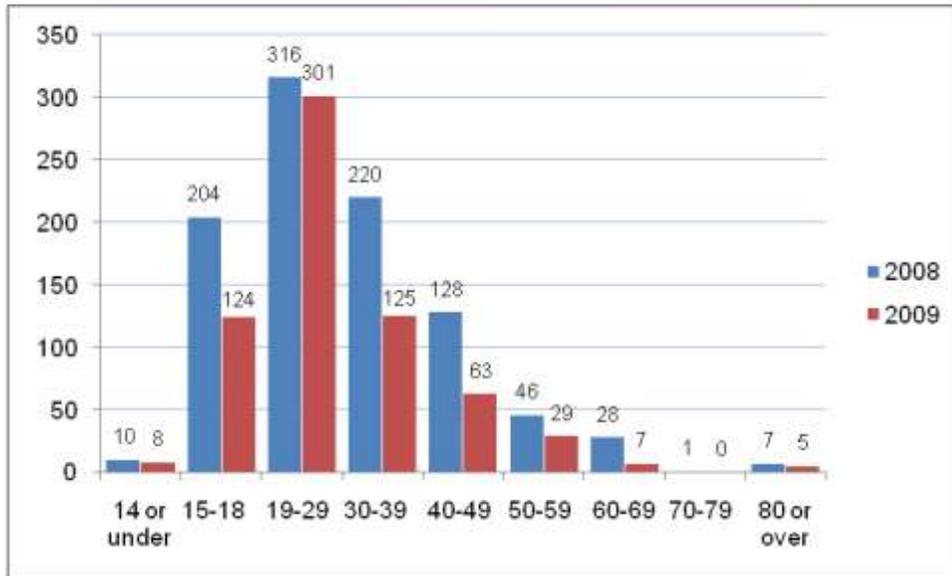
The above chart represents the 1,142 offenders whose gender identity was known in 2009. The vast majority of hate violence offenders in 2009 were non-transgender men (77%). The other significantly represented gender identity was non-transgender women, who accounted for 23% of all offenders in 2009. There were very few people identifying as other gender categories. Generally, hate violence offenders act from a position of relative privilege and power over the victims and survivors. As such, individuals with gender identities that transgress societal gender norms (such as transgender people) tend to be the targets of hate violence but do not perpetrate it. Further, the culture of violence in American society may yield positive social valuation for male-identified people to commit violent acts, because aggression is seen as reinforcing a stereotypically masculine social norm.

## Race and Ethnicity of Offenders, 2009



The above graph represents the 581 offenders whose racial or ethnic identity was known in 2009. There were slight fluctuations in the representation of each major category of racial or ethnic identity over 2008: white people accounted for 42% of offenders (39% in 2008), Latina/o people account for 23% (19% in 2008), and people who are Black, African American, or of African descent account for 26% (37% in 2008). Other racial or ethnic identities were reported for 6% of offenders whose identity was known in 2008; they account for 9% of all reports in 2009.

## Age of Offenders, 2009



The above chart represents the 662 offenders whose age was known in 2009 and the 960 offenders whose age was known in 2008. Generally, hate violence offenders tend to be young; this year, the median age skewed even younger, with nearly half of all offenders between the ages of 19-29 (45%). Eighty-three percent of all offenders were between the ages of 15 and 39 in 2009; in 2008 they accounted for 77% of all offenders. This data illustrates the need for comprehensive awareness and prevention-based programs for youth at risk for committing hate violence, as discussed further in the *Recommendations* section of this report.

## Anti-LGBTQ Hate Murders in 2009

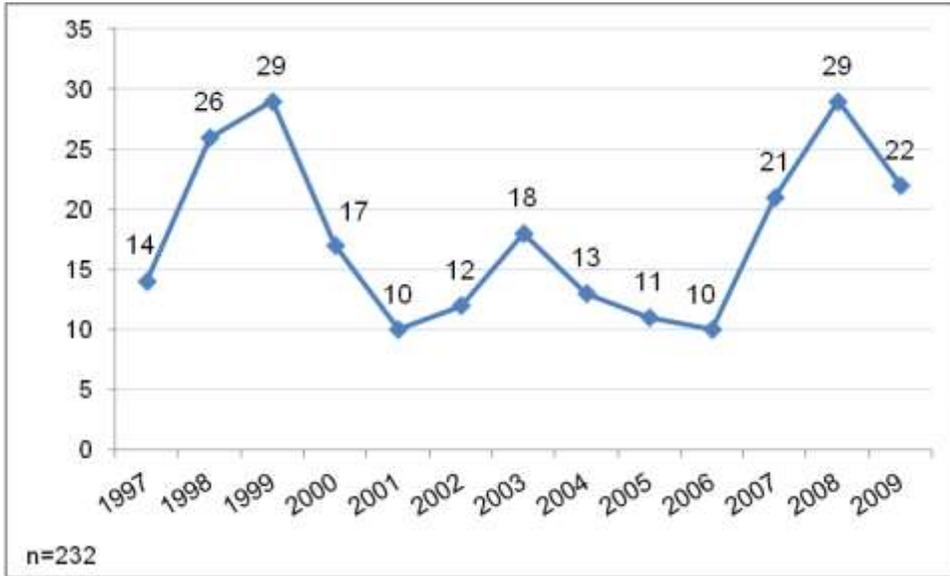
Murder is the most extreme form of hate violence; those who perpetrate it seek to obliterate the identity of their victims. NCAVP member organizations documented 22 hate-related murders of LGBTQ people in 2009, the second highest murder rate in the past ten years. There are several criteria that murder cases had to meet in order to be included in hate murder statistics in this report. One necessary criterion is that the victim was identified as being or having been perceived as LGBTQ or another associated identity (such as two-spirit, gender non-conforming, or cross-dressing).

A second criterion is that the circumstances surrounding the murder involve the perceived sexual orientation and/or gender identity or presentation of the victim. In some cases, the motive for the murder of an LGBTQ person is clear, especially in cases where the offender has confessed to the crime as being bias-motivated. However, in others, motive can become more complicated to ascertain. As with other demographic populations, some murders of LGBTQ people occur irrespective of identity. NCAVP members face complex questions in understanding the **intent of the offender in relationship to their victim's LGBTQ identity: was someone targeted because the perpetrators thought that they would be an easy target based on the stereotypes of gays, as in the case of Anthony Perkins, murdered in Washington, D.C. in December? Were there issues of "gay" or "trans panic," in which the offender claims that they were so enraged at discovering the sexual orientation or gender history that they committed hate murder, as was the Matos defense argument in the murder of Jorge Steven López Mercado? Were they targeted because they were LGBTQ and the police chose not to investigate or disclose this possible motive? Was an LGBTQ person murdered while engaging in sex work or another a stigmatized activity that exposed them to an elevated risk of violence? Were they targeted for violence because of their identity but the case was not declared a hate crime because the family did not want their relative outed as being LGBTQ? These complex questions and many more arise when attempting to determine the nature of an LGBTQ murder**

There are also numerous reasons that this determination falls upon the expertise of the community-based organizations that deal with LGBTQ-related violence. Many law enforcement officers who respond to these murders are not trained to identify bias-related acts of violence against LGBTQ people and may further traumatize the survivor or community with their response. On occasions when there is trained law enforcement, there is an **indication that not all statistics are reported correctly to the FBI's Uniform Crime Reporting Program. Further, media reports on these acts often completely misrepresent the facts, out of a desire to sell stories through sensational headlines. Some family members may not want the public to know the sexual orientation or gender identity of the victim for a variety of reasons, ranging from their own bias to a wish to respect the wishes of the deceased. All of these compounding factors and more mean that many hate-motivated murders of LGBTQ people must be closely scrutinized.**

NCAVP member organizations carefully assess the information they have in order to determine whether they characterize a murder was hate-motivated. Drawing upon the expertise generated from anti-violence work, the murder cases included in this report meet the criteria outlined above. However, it is often difficult to ascertain motive with complete certainty, especially because many murders of LGBTQ people, especially if they were **homeless, engaged in sex work, were using drugs, or otherwise seen as being transient or "disposable," are not investigated with the same amount of rigor and respect that other, more privileged murder victims receive.**

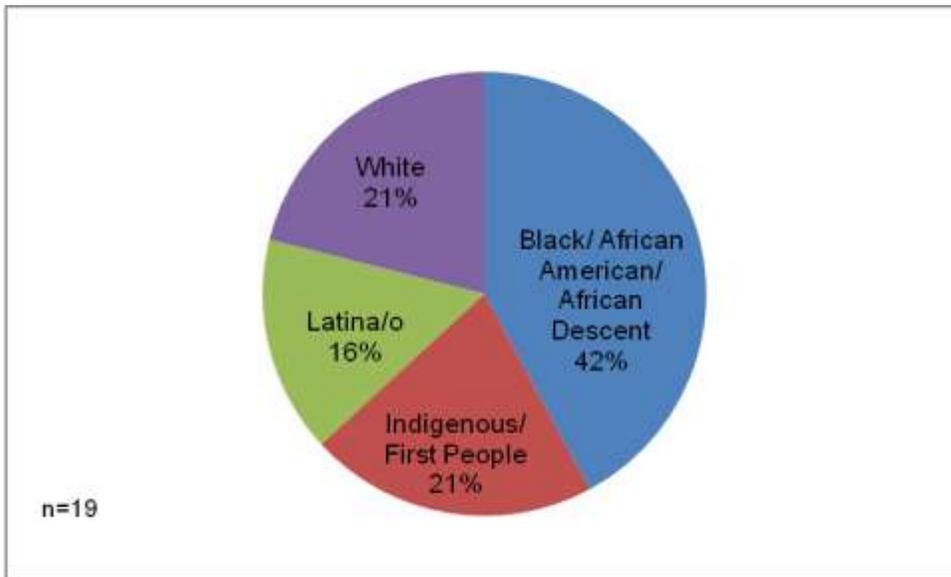
Anti-LGBTQ Hate Murders, 1997-2009



The above chart represents the 232 anti-LGBTQ hate murders documented by NCAVP since data collection began in 1998. While the 22 murders in 2009 represent a 30% decline from 2008, this rate represents the second-highest number of LGBTQ people lost to hate violence in the U.S. in the last decade. These stark figures indicate that despite significant societal change, over the past several years, LGBTQ people have been targeted for hate murder at rates comparable to those ten years prior.

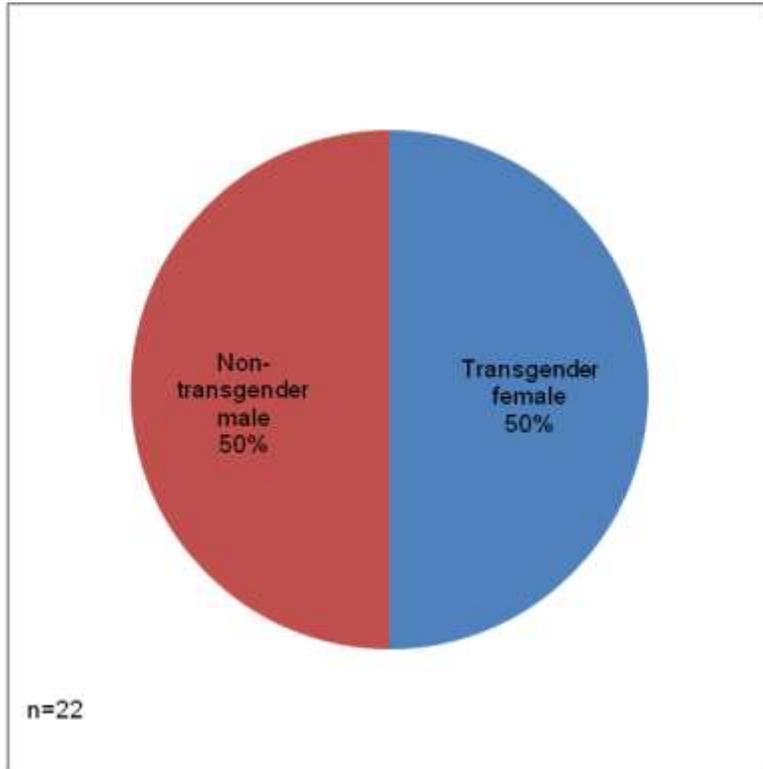
The 2009 demographics of these murder victims reflect the disturbing interlocking biases of racism, sexism, homophobia, biphobia and transphobia that contribute to hate murders.

## Racial/Ethnic Identities of Anti-LGBTQ Hate Murder Victims, 2009



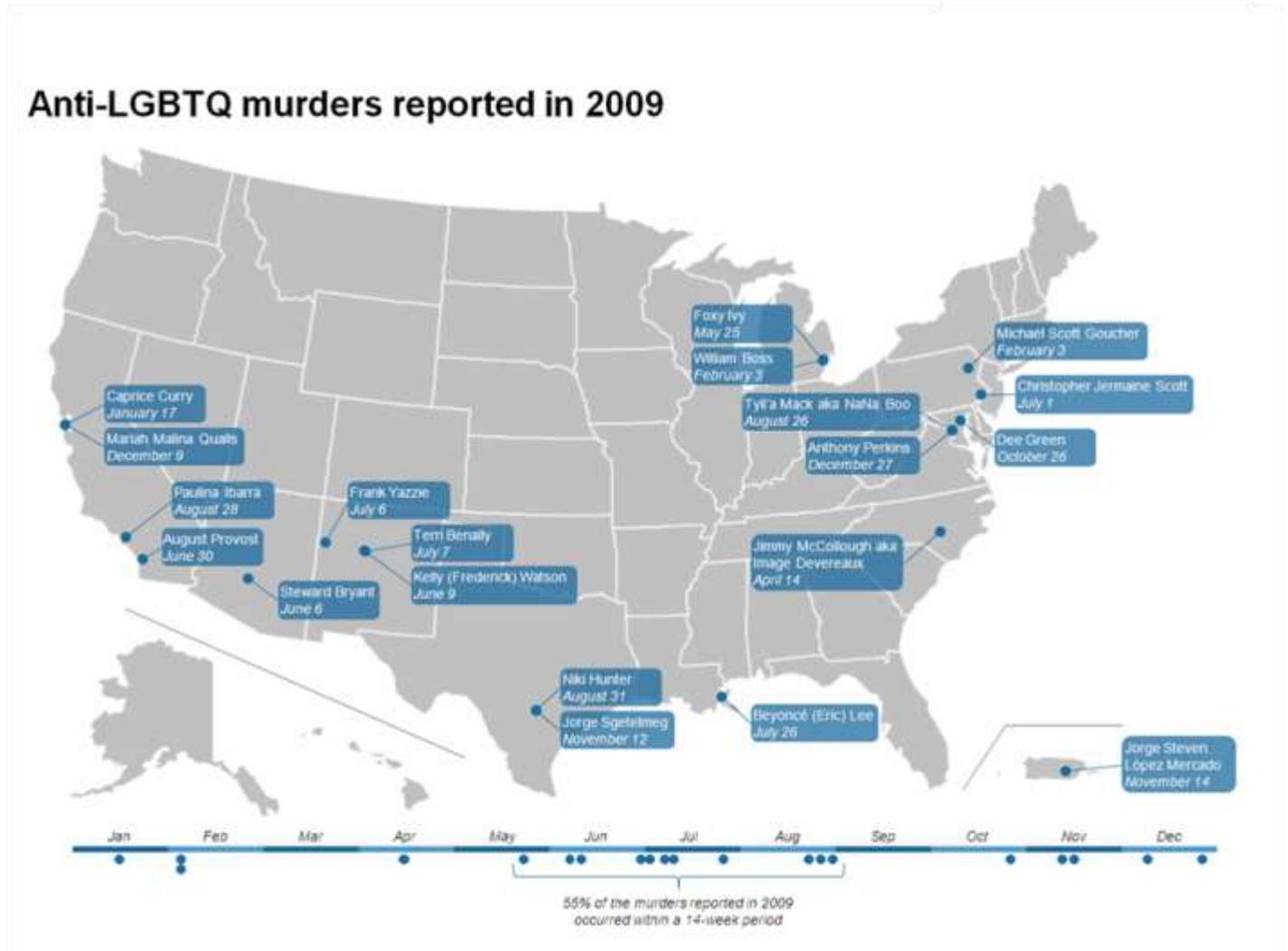
The above chart depicts the 19 murder cases in 2009 in which race and/or ethnicity were known. The vast majority of victims were people of color (79%, or 15 victims). Victims who were identified as Black, African American, or of African descent comprised the single largest representation of any racial or ethnic group (42% or 8 victims). In an alarming trend, four Indigenous or First People were reportedly murdered in hate violence in New Mexico and Arizona (21%); a fifth person, Nate Browning, an openly gay man in Gallup, New Mexico, is also missing and his family fears that he was murdered in a hate crime.

## Gender Identities of Anti-LGBTQ Hate Murder Victims, 2009



The above chart displays the 22 hate murder cases in 2009 in which gender identity was known. Half of the victims were transgender females (11), who are among the most vulnerable communities of LGBTQ-identified people. The other 11 cases were non-transgender males; most were also gender non-conforming or dressed femininely at the time of their murder. In late 2008, the Gender Public Advocacy Coalition (GenderPAC) reissued its *50 Under 30* report on violence against young gender non-conforming and transgender people as *70 Under 30* because **20 more youth were murdered in hate violence in just two year's time. GenderPAC's statistics indicated that those most at risk for hate murder are young gender non-conforming or transgender people of color who present femininely or identify as female.**<sup>4</sup> The persistence of this chilling trend is confirmed by the hate murders documented by NCAVP in 2009.

## Anti-LGBTQ Murders in 2009, In-Depth



The above graph depicts 20 victims whose murders in 2009 were known or suspected to be motivated by anti-LGBTQ hate; two additional murders were reported to NCAVP but the location and date was not disclosed in order to preserve confidentiality. 55% of the murders reported in 2009 took place within a 14-week period, roughly contiguous with when Pride celebrations occur in much of the country, and LGBTQ visibility increases.

The remainder of this section provides narratives of the circumstances of each victim's murder, in order to document some of the most severe instances of anti-LGBTQ violence recorded by NCAVP in 2009. It should be noted that a criminal complaint is merely an accusation and that a defendant is presumed innocent until proven guilty.

*Caprice Curry, 31, Black, transgender woman (San Francisco, CA)*

On January 17, 2009, Caprice Curry was assaulted and stabbed to death on the street in San Francisco's Tenderloin district. Overkill, the public nature of the violence, and information from NCAVP's local member program indicate that the murder may have been hate-motivated. A 63-year-old man, Tommy Thomas, is reported to have been arrested for the stabbing; no further information was available.

*Jimmy Ali McCollough, 34, Black, gay gender non-conforming man (Fayetteville, NC)*

On April 14, 2009 Jimmy Ali McCollough was found stabbed to death one block away from Club Emages **where he worked as drag artist “Image Devereux.” Police were investigating his murder as a hate crime.** On May 09, 2009, Zachary Lee Oaks, 22, was arrested and charged with first degree murder in his death.

*Michael Scott Goucher, 21, white, gay, non-transgender man (Stroudsburg, PA)*

**Michael Goucher allegedly made plans to meet with Shawn “Skippy” Freemore (age 19) for a sexual encounter on February 3<sup>rd</sup>, 2009.** According to a police affidavit, Freemore confessed that he and his friend Ian Seagraves planned to murder Michael because he was gay. That night, the teens allegedly stabbed Goucher 45 to 50 times, covered his body with snow and drove off in his car. Both are currently facing trial in Pennsylvania, including possible hate crime charges.

*William Boss, 61, gay, non-transgender man (Detroit, MI)*

William Boss died on or about February 3, 2009. He had been stabbed 27 times. Robert Lewis Sheridan was arrested on February 3, 2009, allegedly in possession of a vehicle owned by Boss. Sheridan currently is awaiting trial on charges of Homicide-Felony Murder, Possession by Felon of a Firearm, and 1<sup>st</sup> Degree Premeditated Murder. According to friends, Boss had befriended Sheridan at a local bar in Detroit and was trying to help him get off drugs. The Triangle Foundation continues to monitor the ongoing court case against Sheridan.

*Foxy Ivy, 28, Black, transgender woman (Detroit, MI)*

On May 25, 2009, the slain body of Foxy Ivy was found in Highland Park, Michigan. Ivy was fatally shot in the back of the head. That same night, another transgender woman was the victim of an attempted shooting in Detroit. This homicide remains unsolved. It is unknown if these attacks are related to other recent attacks against transgender individuals in and around the City of Detroit. The Triangle Foundation **remains committed to trying to bring Ivy’s killer to justice.**

*Steward Bryant, 29, Navajo, gay, non-transgender man (Phoenix, AZ)*

Steward Bryant was killed at approximately 3:45 a.m. on June 6, 2009. His body was discovered near 7<sup>th</sup> Avenue and Pierson Street, south of Camelback Road in Phoenix. Steward was last seen alive nearby at **Charlie's Phoenix, a local gay bar, located at 727 W. Camelback Road. Steward’s murder remains unsolved.**

*Kelly (Frederick) Watson, 32, Navajo transgender woman (Albuquerque, NM)*

Kelly Watson was murdered on June 9, 2009 in Albuquerque. Neighbors found her body in an alley blocks away from where Terri Benally was later murdered. Authorities have not yet said that these murders are **linked though the cases have many similarities. Watson’s murder remains unsolved.**

*Terri Benally, 42, Navajo, transgender woman (Albuquerque, NM)*

Terri Benally was found beaten to near death and unconscious on Maple Street SE near Coal Avenue in Albuquerque, at 1 a.m. on July 7, 2009. She died of her injuries at the hospital. Her death may be connected to the murder of Kelly (Frederick) Watson who was murdered blocks away. Investigators said they do not have a motive in the killing, but believe Benally may have been meeting someone she met online. Benally is the third Navajo transgender person slain in Albuquerque since 2004. The others were Kelly (Frederick) Watson (see above) and Ryan Shey Hoskie, 23, found beaten to death on December 27,

2004. All three murders remain unsolved.

*Frank Yazzie, 43, Navajo, gay, non-transgender man (Gallup, NM)*

**Frank Yazzie was brutally murdered in Gallup. Children discovered a trash bag containing Yazzie's torso severed from his lower body on June 29, 2009. Deputies said his torso had multiple stab wounds and cuts to his face. Three days later, a garbage bag was found containing the clothed bottom half of Yazzie's body. Deputies said the two discoveries were about 100 yards apart. Yazzie's murder remains unsolved.**

*August Provost, 29, Black, gay non-transgender man (Camp Pendleton, CA)*

On June 30, 2009, the body of 29 year old Navy Seaman August Provost was found in a Camp Pendleton guard shack. He appeared to have been shot three times, bound and gagged, and his body burned. Initial reports indicated that Provost had told his family about someone harassing him because he was gay and Black, but the 29-year-old sailor was reluctant to talk to his superiors about this because of "Don't Ask, Don't Tell." Sources say that Provost's partner found out about the death from a newspaper reporter. Jonathan C. Campos, also a sailor, has been charged with the murder. No information has officially been released about a possible motive, but the Navy has stated that this was not a hate crime. At the urging of LGBT activists, Rep. Bob Filner (D) of San Diego formally requested that the Navy investigate the matter as a hate crime.

*Christopher Jermaine Scott, 36, race/ethnicity & gender not confirmed (Philadelphia, PA)*

On July 1, 2009, the body of Christopher Scott was found by a jogger in Fairmount Park. Scott had been shot multiple times in the face and torso. No ballistic evidence was found at the scene so it is believed that Scott was killed elsewhere and then left at the park. Scott was a sex worker and was wearing a blonde wig and pink clothing at the time of death. No suspects have been arrested in the murder.

*Beyoncé (Eric) Lee, 21, Black transgender woman (New Orleans, LA)*

On July 26, 2009, Beyoncé Lee was found in her apartment dead of multiple stab wounds. She was allegedly heard arguing with multiple women before the attack. Neighbors of Lee said that she drew ridicule from some people in the neighborhood due to her gender expression. On July 28, 2009, police arrested three women in connection with the fatal stabbing. Perrion Crawford, Ventrice Battle and Regina Reddick have all been charged with second degree murder in her death.

*Tyli'a "NaNa Boo" Mack, 21, Black transgender woman (Washington, D.C.)*

**On August 26, 2009, Tyli'a Mack was attacked and stabbed to death while walking to a drop-in center for transgender youth in broad daylight. The assailant was said to have been uttering anti-transgender slurs during the attack. Police detectives are investigating the attack as a possible hate crime but there have been few leads, no suspects and no arrests in her murder.**

*Paulina Ibarra, 24, Latina transgender woman (Los Angeles, CA)*

On August 28, 2009, a 24 year old transgender Latina woman named Paulina Ibarra was found stabbed to death in her Hollywood apartment. LAPD were called to the scene and transgender community members became the key to identifying Jesus Catalan as a person of interest, and eventual suspect. Investigators say they know that Catalan was inside Ibarra's apartment based on DNA evidence, but they don't know exactly what happened between the two. The search for the suspect has been underway since August, and was featured on "America's Most Wanted." Catalan was arrested by U.S. border patrol agents on July 6, 2010, after having been deported from Mexico,

*James Whitehead aka Niki Hunter, white, transgender woman (San Antonio, TX)*

According to police, in the early morning hours of Sunday, August 31, 2009, Hunter encountered three armed assailants who knocked her to the ground and began beating her with a pistol after taking her wallet. A police report states that an officer responding to the attack accidentally killed Niki when shooting at one of the assailants. The assailants were charged with murder by proxy; no hate crimes charges were added despite alleged evidence of overkill.

*Dee Green, 25, Black, transgender woman (Baltimore, MD)*

On October 25, 2009, Dee Green was found unconscious and bleeding to death near a small park in the 1500 block of Montpelier Street. She was inside a vehicle when she was stabbed in the heart, forced out of the vehicle and left on the street. On March 30, 2010, Larry Douglas, 20, was arrested and charged with first-degree murder in her death. Her family believes that the murder was hate-motivated; no hate crimes charges have been filed in this case.

*Jorge Sgetelmeg, 50, Latino, gay, non-transgender man (San Antonio, TX)*

According to a police affidavit, on November 12, 2009, Jorge Sgetelmeg was murdered by 22 year old Enrique Santos outside of a downtown bar in San Antonio, Texas. Santos allegedly struck Sgetelmeg in the face several times with his fist before pulling a rock out of his pocket and continuing to beat him in the face with it and then strangled Sgetelmeg to death with his neck tie. Santos reportedly then dumped **Sgetelmeg's body and drove off in Sgetelmeg's SUV.** According to police, Santos was stopped by police moments after the killing as a result of Santos crashing the car. The affidavit states that Santos confessed to killing Sgetelmeg and claimed that he did so because Sgetelmeg made sexual advances towards him.

*Jorge Steven López Mercado, 19, Latin@ (Cayey, Puerto Rico)*

Juan José Martínez Matos murdered Jorge Steven López Mercado on November 14, 2009. López Mercado was dressed femininely at the time of the encounter. Matos confessed that he had burned, dismembered and decapitated Lopez Mercado after learning that López Mercado had a penis. This murder moved thousands of people across North America and the Caribbean to participate in vigils and actions to call for an end to such violence. Matos was sentenced to 99 years in prison after his guilty plea on May 12, 2010.

*Miriah Qualls, 23, white, transgender woman (San Francisco, CA)*

**Qualls's body was found in a residential hotel in San Francisco on December 9, 2009. She died of** apparent blunt force trauma to the head. Information from community members indicates that this may have been a hate-motivated incident. This murder remains unsolved.

*Anthony Perkins, 29, Black, gay, non-transgender man (Washington, D.C.)*

A police affidavit stated that Anthony Perkins, 29, was shot to death in his car on December 27, 2009, by Antwan Holcomb, a man he met on a telephone chat line and who posed as gay in order to meet Perkins and rob him. Holcomb allegedly used hate speech when describing the incident, in which he reportedly shot Perkins in the head before robbing him of a pack of cigarettes. Holcomb had been arrested for a prior incident in which two people were shot outside of a nightclub known for hosting gay events, police stated. **The affidavit states that police ballistic tests showed that the bullet recovered from Perkins' head and a bullet recovered from one of the victims Holcomb allegedly shot outside the lounge had been fired from the same gun.** Holcomb plead not guilty to first-degree murder charges. An anti-gay hate crimes investigation is pending.

*Undisclosed: young gay non-transgender man*

Because of confidentiality issues and danger of outing, this murder is being listed anonymously in the national statistics. News reports indicated that a male was shot in a parking lot in an urban area, but community members have indicated that this person was dressed in typically female attire. The local agency was unable to confirm if this person identified as transgender or as a cross-dresser. There were also some concerns that there may have been connections to sex work involved, but again, there has been no **confirmation. From what we know, the victim's family has no knowledge of transgender status or crossdressing history.**

*Undisclosed: young gay non-transgender man*

Because of confidentiality concerns and uncertainty as to whether the individual was out around his sexual orientation, this murder is being listed anonymously in the national statistics. News reports and community members who contacted NCAVP indicated that a young man who had recently come out as gay was found shot 4 times outside of a gay bar and died shortly thereafter. There were no signs of motive except for his location; however, the murder has not been investigated as a hate crime. There was a lead in the murder case but no arrests have been made.

## Limitations

### Self-Selecting Sample

The majority of the data contained within this report comes from survivors and victims of hate violence who contacted member organizations for referrals, support or services. There are a broad variety of reasons why the total number of people seeking support may increase or decrease over time. An increase or decrease in the actual number of hate violence incidents in a given region is only one possible cause for such fluctuation in the number of incidents reported to NCAVP member organizations. Programs may increase their outreach efforts, or develop more culturally competent services for working with a previously under-resourced community. There may be broad-based demographic changes in a particular area. Socio-economic factors, such as the fiscal crisis, may have a deep impact on the ability of programs to provide services to community members, which could be reflected in a decrease in numbers of people served. However, these and other compounding factors can make it very difficult, if not impossible, to determine causal factors of increases and decreases in reports of hate violence over time.

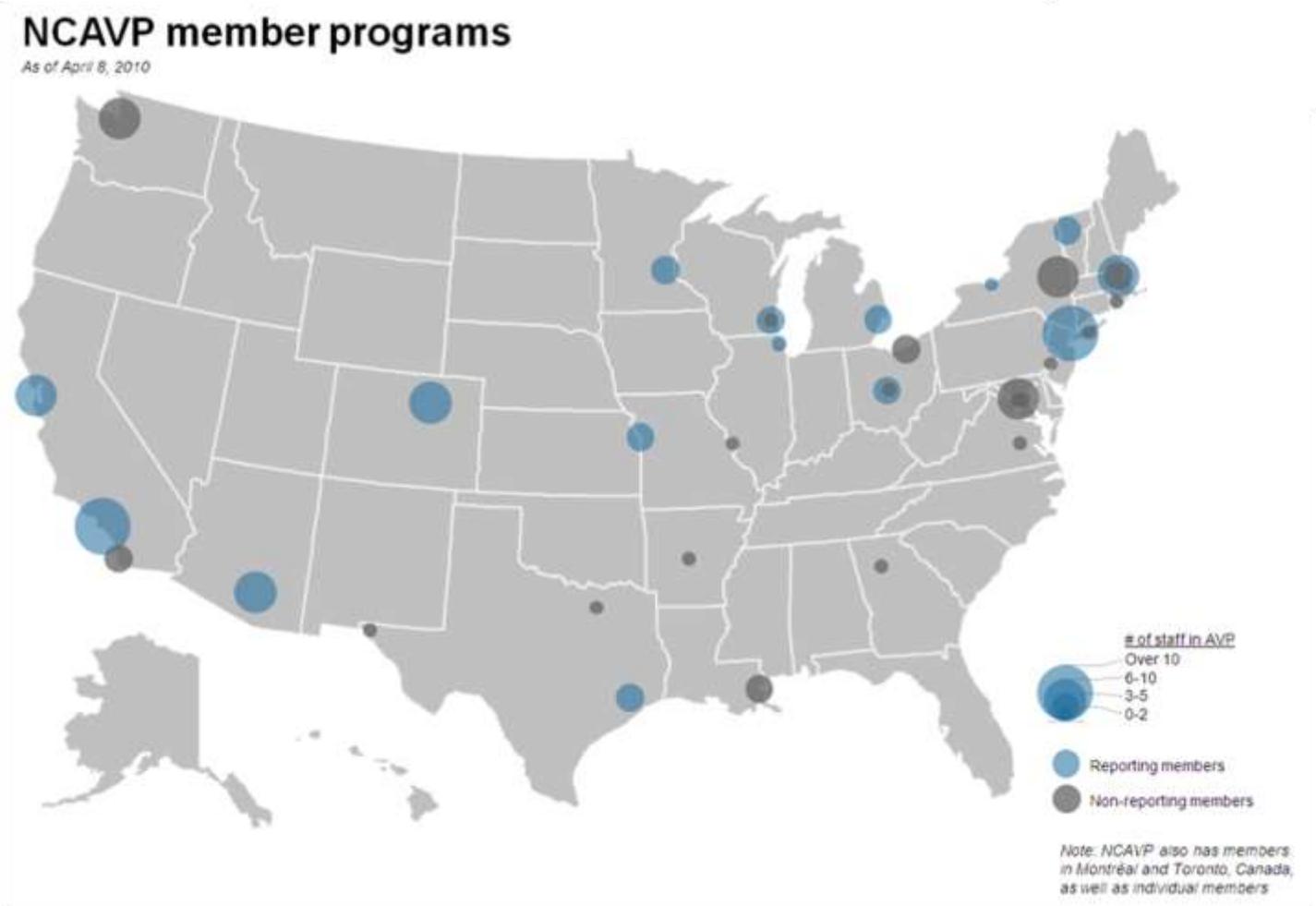
Further, most of the information comes from individuals willing to call or visit an LGBTQ-specific anti-violence program, which in and of itself can carry the risks associated with possibly outing oneself in a homophobic and transphobic culture. Many individuals may be unwilling to report violence against them, or do not know that such resources or programs exist. For this reason, NCAVP members engage in various kinds of education and outreach, designed to increase visibility of programs and awareness of services, which can strongly influence the number of reports they receive. Because anti-LGBTQ violence has historically been poorly addressed by law enforcement (and because law enforcement officials remain one of the categories of offenders documented by NCAVP each year), it is very often underreported to police even in jurisdictions where relationships between law enforcement and the LGBTQ population have improved. Despite substantial limitations generated by the self-selected nature of the sample, reports of anti-LGBTQ hate violence to NCAVP present critical opportunities to document and understand the nature of this violence independent of the criminal legal system.

### Categories of “Not Disclosed” and “Unknown”

Much of the information in this report is gathered through calls to member organizations' hotlines for LGBTQ victims and survivors of violence. The primary goal in responding to a hotline call is to meet the caller's needs for self-determination and safety. In this limited scope, it is not always possible to record all data about the victims or survivors, offenders or incidents while ensuring the caller's safety. As well, many victims and survivors may prefer not to disclose any information beyond the recent incident they experienced, having accessed a hotline precisely for the anonymity it provides to the caller. As a result, there is significant “Not Disclosed” and “Unknown” information applicable to some of the demographics in our annual report. This year, the category for data not collected by NCAVP member staff was renamed as “Not Disclosed” to better reflect that the information may not have been shared, but was likely known by the victim or survivor. In categories in which the information was truly “Unknown,” such as offender information in incidents like vandalism or telephone harassment, this option remained the same as in years previous. This represents the ongoing efforts of NCAVP member organizations for precision and rigor in reporting the experiences of survivors.

## Geographical Gaps

As the map below depicts, there are large areas of the country without an NCAVP member organization. Consequently, there are gaps in geographical areas and incidents occurring in those regions are missing from this report. Of the 38 member programs in 22 states of the U.S., only 15 had the necessary staff, technology and funding to appropriately collect data that is contributed to this report for this year. Nonetheless, even with limited reporting, the numbers reported in this, and past, annual Hate Violence Reports consistently exceed those of national FBI statistics and local law enforcement.



## References

- 2008 incidents are plotted on the primary axis at the left and 2009 incidents are plotted on the secondary axis at the right of the graph, in order to better illustrate the annual trends despite different actual numbers of reported incidents.
- Henry, J.S. (2009). "Beyond free speech: novel approaches to hate on the Internet in the United States." In *Information & Communications Technology Law*, 18(2). New York: Routledge UP. p. 235-251.
- In 29 states it is legal to fire or refuse to hire someone because they are lesbian, gay, bisexual or queer; in 38 states, an individual may be fired or not hired because of transgender identity or expression. Such bias in employment law may well be a form of state-sanctioned hate violence, and is, at very least, emblematic of the community "acceptance" of hate violence that emboldens its individual perpetrators. Proactive steps must be taken to remove and remedy this discriminatory sanction, such as passage of a fully-inclusive federal Employment Non-Discrimination Act (ENDA), discussed in further detail in Section 7, *Recommendations*.
- GenderPAC. (2007). Cited in "50 Under 30" Youth Hate Crimes Report Re-Issued: Almost 20 New Victims; Re-titled "70 Under 30" in *Baltimore Gay Life*. Accessed online at [http://www.baltimoregaylife.com/news/local\\_news/50-under-30-youth-hate-crimes-report-re-issued-alm.shtml](http://www.baltimoregaylife.com/news/local_news/50-under-30-youth-hate-crimes-report-re-issued-alm.shtml) on June 2, 2010.

## INTERSECTIONS: Transphobic, homophobic, and racist violence at the hands of community members and law enforcement and the need for strategies that produce safety for all LGBTQ people

by Andrea J. Ritchie

On February 12, 2008, Duanna Johnson was arrested for prostitution as she was walking down the street in Memphis, Tennessee. There was no alleged client, and no witness to any exchange of money for sex. Duanna later said she believed she was arrested simply for being transgender in an area where sex work is believed to take place. Her belief was justified not only by her own experiences, but also by those of countless transgender women – and particularly transgender women of color – across the U.S. who are endemically profiled by police as sex workers no matter what they are doing – walking the dog, hailing a cab, hanging out with friends, sitting on their front stoop. Documented by organizations across the country including Community United Against Violence (CUAV) in San Francisco, the Sylvia Rivera Law Project in New York, Different Avenues and the D.C. Trans Coalition, and confirmed as a national pattern by Amnesty International in its 2005 report *Stonewalled: Police Abuse and Misconduct Against Lesbian, Gay, Bisexual and Transgender People in the U.S.*, although not captured by existing data collection methods, this form of police profiling is endemic across the U.S.

What happened to Duanna after she was brought to the Shelby County jail for booking is unfortunately also a common occurrence: she was repeatedly subjected to homophobic and transphobic slurs by police. In Duanna's words: "He [Memphis police officer Bridges McRae] was trying to get me to come over to where he was, and I responded by telling him that wasn't my name, that my mother didn't name me a 'faggot' or a 'he-she,' so he got upset and approached me. And that's when it started." McRae put on a pair of gloves, wrapped a pair of handcuffs around his knuckles, and, in full view of other officers and jail employees in the area – and of a video camera which captured the entire incident – repeatedly punched Duanna in the face while another officer, James Swain, held her down. Duanna briefly got up in an effort to avoid the blows, but immediately sat back down. She later explained, "I was afraid. I mean I had had enough. I thought the other officers that were witnessing this would at least try to stop him. I mean he hit me so hard...the third time it split my skull and I had blood coming out of me. That's why I jumped up." After she sat back down, McRae hit her in the face again, pepper sprayed her, and pushed her down on the floor.

By the time it was all over, Duanna was handcuffed face down on the floor, struggling to get up, while McRae calmly took a swig from his water bottle. A nurse who responded to the scene immediately went to McRae to treat a minor cut, leaving Duanna in obvious distress, rocking back and forth and begging the nurse to help her. "I couldn't breathe, and they just made me lay there...Nobody checked to see if I was OK. My eyes were burning, my skin was burning. I was scared to death...I didn't feel like I was a human being there." The entire incident was caught on a jail security camera video.<sup>1</sup>

Duanna's experience was a manifestation of age-old patterns of police abuse of people of color in the U.S. – and it was profoundly gendered. Law enforcement officers not only police along racial and class lines, they explicitly enforce the borders of the gender binary – for instance by violently arresting trans and gender non-conforming people for using the "wrong" restroom, or by harassing and arresting individuals who carry identification reflecting the "wrong" gender. Transgender women across the country are routinely subjected to extreme physical violence by police. Butch and gender nonconforming lesbians also report physical violence by police, often accompanied by comments along the lines of "you want to act like a man, I'll treat you like a man." In other cases, officers threaten

or engage in sexual violence to punish gender non-conformity. At other times, racialized gender policing is more subtle – gender non-conformity in appearance or conduct gives rise to police presumptions of disorder, violence, **mental instability, and “deviant” sexuality – including involvement in prostitution or “lewd conduct”** - which are heightened when reinforced by equally powerful presumptions based on race and class.

Although McRae and Swain could easily have been held accountable for their homophobic and transphobic assault on Johnson under existing state criminal laws for aggravated battery, state officials declined to prosecute. Swain, still on probation, was fired immediately after the incident and later died under circumstances ruled a suicide. McRae was immediately suspended and later fired. He was also indicted on a single federal count of depriving Johnson of her constitutional rights through excessive force, using a federal civil rights statute already on the books which carries a maximum penalty of ten years in prison. At his trial earlier this year, he claimed that Duanna was **the aggressor, describing her as “large, aggressive, and frightening,” although the video clearly shows her acting** only in self-defense. A mistrial was declared on April 19, 2010 after a jury was unable to reach a verdict. A retrial has been scheduled for later this year.

Unfortunately, Duanna did not live to see her abuser brought to trial. Nine months after her she was falsely arrested and beaten by McRae, Duanna Johnson was shot dead, execution style, and her body left on the street blocks from her home. Her murder was the third of a Black transgender woman in Memphis in two years, a reflection of national patterns of lethal violence against transgender people and LGBTQ people of color documented by NCAVP member organizations. No arrests have been made in the case.

**In many respects, Duanna Johnson’s story exemplifies the multiple and intersecting structural and systemic forms of violence experienced by LGBTQ people in the United States, and particularly by transgender and gender nonconforming people of , as well as by LGBTQ people who are, or are perceived to be, involved in the sex trades. It is also a story that begins long before her February 2008 arrest. At the time, she was living in her deceased grandmother’s house, where the power had been cut off. She had been turned away from every single shelter in the city because she was transgender. She had also sought help with addiction, only to be turned away time and time again unless she entered treatment facilities as a man. Like transgender women across the country, she faced deep-seated discrimination in employment, driving her into poverty and criminalized informal economies to survive.**

**Duanna’s story also illustrates the profound limitations of existing approaches to the violence she experienced, and particularly approaches rooted in law enforcement based responses. While local organizers were successful in advocating for increased sensitivity training for the Memphis Police Department following her February 2008 beating, the training did not stop her execution. Existing federal legislation criminalizing police violence did not protect her from McRae’s abuse. And the ability of the federal government to step in to prosecute McRae under existing civil rights laws when local officials failed to do so did not bring justice.**

Nor do current approaches to homophobic and transphobic violence address the economic violence and systemic **deprivation that characterized the last years of Duanna Johnson’s life, or the gender policing that deprived her of shelter and assistance and placed her in the crosshairs of the Memphis PD.** Nor did they address the profound structural discrimination she faced as a Black woman and a transgender person in seeking employment and in every aspect of her life.

Existing economic, racial and gendered relations of power and access create and foster a climate in which police perpetrate and fail to protect LGBTQ people from violence, sending clear messages to the larger community about

**whose rights it is permissible to violate. They also drive community pressures on police to use “quality of life” laws to target transgender women of color and queer youth of color, sending clear messages to law enforcement about whose rights they are not bound to respect.**

These dynamics are clearly reflected in the incidents of violence reported to NCAVP member agencies this year and in previous years, and in statistics which demonstrate that LGBTQ people of color, and particularly transgender and gender nonconforming LGBTQ people of color, are disproportionately subjected to homophobic and transphobic violence at the hands of both police and community members. They are also reflected in NCAVP statistics reflecting ongoing failure of individual police officers and of the criminal legal system to recognize and deliver justice in cases of homophobic and transphobic violence.

**Duanna’s experience and that of countless other members of LGBTQ communities illuminate a dire need for measures that will effectively prevent homophobic and transphobic violence, instead of legislation that is about prevention in name only. Transformative community based prevention efforts and responses such as those courageously envisioned and implemented by CUAV and the Audre Lorde Project’s Safe OUTside the System** collective open new horizons and suggest avenues for action that value each and every member of our communities, and, ultimately hold the promise of true safety for all of us.

### *References*

1. The full video is available at: <http://www.commercialappeal.com/videos/detail/video-suspect-beating/>

## RECOMMENDATIONS

As a result of the previous findings, the data in past annual Hate Violence Reports and the work of the 40 NCAVP member organizations, NCAVP makes the following recommendations.

### Recommendations for Policy Makers

#### Recommendation 1: Increase local, state and federal funding of anti-violence work; maintain and enhance private donor support for community-led initiatives

##### *1.1. Increase governmental support for community-based LGBTQ-focused anti-violence solutions and strategies*

Make additional local, state and federal funding resources available to support the development of community-based initiatives, responses and solutions to anti-LGBTQ violence, as well as hate-motivated violence targeting other marginalized communities. These resources should be provided to local organizations that work specifically on anti-violence initiatives such as anti-LGBTQ violence, racist violence, anti-immigrant violence and other identity-based violence. These organizations have developed competence and expertise in addressing violence that is premised on bias, and can leverage that expertise and provide training for other, less knowledgeable anti-violence programs. This funding will mitigate and prevent acts of violence against LGBTQ individuals, improve the lives of those who are victimized and foster cooperative relationships between LGBTQ communities and a wider range of partners in both the public and private service sectors.

##### *1.2. Include LGBTQ people as “under-served populations” in all local, state and federal anti-violence funding streams*

Anti-violence work must be supported by local, state and federal governments. Local anti-violence programs do not receive adequate support to provide necessary direct services to survivors or to do the critical organizing and prevention work required to end violence. Many states and localities have no anti-violence programs at all. All local, state and federal entities that provide funding for anti-violence work should explicitly include work with lesbians, gay men, bisexual people and transgender people in funding priorities. Such entities include local, state and national Health and Human Services, the Center for Disease Control in funding preventative and health-focused initiatives and the Department of Justice, Office for Victims of Crime and Office on Violence Against Women when funding crime victim service provision. Public health-based government agencies present particularly promising opportunities for community-based organizations seeking to develop anti-violence strategies outside of the criminal legal system.

##### *1.3. Maintain and enhance private funding for LGBTQ community-led anti-violence work*

Some community-based organizations may not wish to pursue government funding for a wide variety of reasons. Some groups may not wish to engage with the criminal legal system and many government-funded initiatives require such engagements. Other more nascent programs may not have the infrastructure necessary to meet the stringent requirements of government reporting. For these and other reasons, private funders, including foundations and individual donors have been among the most valuable resources for organizations seeking to find funding alternatives. Their support has been critical. Other such groups should consider their ability to meet the ongoing need for LGBTQ-specific funds and support for anti-violence work within these communities, especially where government funding is scarce or unavailable for certain types of projects.

## Recommendation 2: Pass preventative federal legislation and regulations

### *2.1. Pass the Employment Non-Discrimination Act; ensure full inclusion of sexual orientation and gender identity*

The Employment Non-Discrimination Act (ENDA) would prohibit workplace discrimination on the basis of sexual orientation or gender identity. The workplace is one of the most common sites of hate violence for LGBTQ people; employers and coworkers are among the most frequent perpetrators. Congress must act without delay to send a clear message that workplace discrimination on the basis of LGBTQ identity is not only immoral but illegal. Such practices contribute to a culture of violence in which hate violence against LGBTQ people receives social sanction. Further, such provisions must be fully inclusive and protective of transgender and gender non-conforming identities and Congressmembers must preserve these crucial provisions. Passing and implementing ENDA would represent a strong step towards fostering a climate of respect.

### *2.2. Implement standards for the Prison Rape Elimination Act; enhance protections for incarcerated LGBTQ people*

The Prisoner Rape Elimination Act (PREA) and the standards proposed by the National Prison Rape Elimination Act Commission are currently under review by Attorney General Holder and the Department of Justice. NCAVP joined other national LGBTQ rights organizations, such as the National Center for Transgender Equality and Lambda Legal, in submitting commentary on the proposed standards. LGBTQ people sometimes experience sexual assault as a form of hate violence and are especially vulnerable to such acts if incarcerated. NCAVP urges the Attorney General to swiftly adopt the standards along with modifications that were proposed to enhance the safety of incarcerated LGBTQ people. LGBTQ people, especially those who are transgender, gender non-conforming or have intersex conditions, have distinctive experiences of sexual violence and may face greater challenges in getting support to heal from such violence. Corrections bodies must receive enhanced training and develop appropriate regulations in order to meet the specific needs of incarcerated LGBTQ people while preventing and responding to sexual violence.

## Recommendation 3: Expand the efficacy of the criminal legal system; support restorative justice strategies

### *3.1. Provide rehabilitation & alternatives to incarceration, including restorative justice*

Provide enhanced rehabilitation, education, and intervention for offenders to reduce recidivism and interrupt escalating cycles of abuse rather than simply providing for enhanced penalties and sentences under hate crimes law, which may unduly impact already marginalized communities of LGBTQ and low-income people as well as people of color and perpetuate disproportionate rates of incarceration among the communities such laws are purported to protect. As organizations dedicated to eliminating anti-LGBTQ violence, NCAVP recognizes that increased penalties are part of legislative and criminal legal strategies to combat hate violence and believes that penalty enhancement ought not be the primary or sole method of addressing such violence. NCAVP recommends that rather than viewing hate violence as a criminal justice problem with social implications, hate violence must be viewed as a social and public health issue with criminal justice implications. This highlights the need for prevention, education and rehabilitation programs.

Restorative justice models, which work in partnership with criminal courts and community-based organizations, work to hold offenders accountable by engaging with survivors to find sentences that will restore their sense of justice and safety. Such programs may include substantial community service, training, counseling and other measures aimed at ensuring that the offender understands the impact of their actions, demonstrates responsibility

for those actions, and meets the terms determined in partnership with the survivor, appropriate community groups, and the court. Additionally, local, state and federal governments should fund research and pilot programs for youthful offenders involving cooperative work between court systems and local LGBTQ anti-violence programs. Youth are reflected in statistics on anti-LGBTQ hate violence as both a growing target and as the largest age category of offenders. Youthful offender programs that are funded to educate these youth through highly monitored community service have promising potential to reduce the likelihood of the youth re-offending. Measures such as these may decrease recidivism and minimize the harmful impacts of incarceration on the offender while helping the survivor or victim to heal and access justice.

### ***3.2. Prohibit the “gay” and “trans panic” defenses***

Where it is still allowed, disqualify the so-called “**gay panic defense**” and the “**trans panic defense**” for those accused of committing hate-motivated acts against LGBTQ people. These defenses have been put forth by attackers to attempt to justify or excuse the violence he or she committed on the basis that such violence was a response to learning the victim was gay or transgender. Such defenses undermine the point of hate crime protection and shift the blame for these inexcusable attacks back to the victim.

### ***3.3. Increase meaningful police training for response to LGBTQ-specific violence; Deter and remedy police violence against LGBTQ communities***

Local law enforcement should implement the training mandated by the Local Law Enforcement Hate Crimes Prevention Law. **Despite this law’s emphasis on training law enforcement officers to better respond to hate crimes,** it contains no funding set aside for training by experts in the field. The federal government should recognize the collective expertise of NCAVP member organizations by providing interested organizations with funding and support to meaningfully and comprehensively train law enforcement officers to respond to anti-LGBTQ hate crimes, establish and promote anti-bias units or hate crimes task forces in every major metropolitan and state police force, and require law enforcement training and resources that specifically address anti-LGBTQ violence through training academies and regular trainings over the law enforcement career as well as instituting effective evaluation of recommended training implementation. NCAVP member organizations and other community-based groups with expertise in prevention of and response to hate crimes need to be consulted as to the content and substance of such training. Law enforcement policy and, where necessary, local legislation must ensure rigorous investigation and prosecution of acts of harassment, intimidation and abuse committed by police officers against LGBTQ individuals. To be truly effective, such policies and legislation must mandate monitoring of bias-motivated police misconduct as well as immediate and effective response and reprisal when police misconduct is identified.

### ***3.4. Reform sexual assault laws to end silence and stigma around LGBTQ sexual assault***

Sexual assault laws must be reformed where necessary to ensure that the legacy of sodomy laws does not continue to impose artificial distinctions between sexual assault in opposite and same-sex situations, such as rape being defined as the penetration of a vagina by a penis. Resources for local LGBTQ anti-violence programs must be provided to develop adequately resourced sexual assault programs and train rape crisis centers to recognize the use of sexual assault in acts of hate violence against LGBTQ victims.

## **Recommendation 4: Create a climate of respect that shuns violence**

### ***4.1. Foster public awareness of the rights of LGBTQ people to safety and well-being***

Community-developed public, educational, political and cultural messages should be fostered at local, state and federal levels that make clear acts of hate violence and bias have no part in our communities. Political leaders of every party should speak out forcefully against anti-LGBTQ discrimination and violence and support genuine efforts

to end them. Businesses should establish and enforce appropriate anti-discrimination standards for the workplace that are inclusive of sexual orientation and gender identity. Religious leaders should make clear that no major religious tradition holds violence as an acceptable tenet. The media should explain and report anti-LGBTQ violence **in its proper context, without placing blame on a victim's gender presentation, family status or occupation.** Federal, state and local governments should include LGBTQ people in anti-violence public awareness campaigns.

#### *4.2. Support school-based LGBTQ initiatives and LGBTQ-inclusive curricula*

Hate violence prevention, when begun early and in a social context, such as in the school system, can have a deep and lifelong impact. School districts should adopt violence prevention education curricula for youth, as well as develop protocols for protecting students and staff who identify as, or are perceived to be, LGBTQ. State and local legislatures should endorse such programs and allocate funds for their support. Schools should partner with local LGBTQ anti-violence programs to develop and implement ongoing training and education. **Positive representation of LGBTQ people's contributions to U.S. politics, culture and society should be included wherever possible in class curricula.**

#### *4.3. Provide institutional support for proactive prevention and de-escalation strategies in community-based settings*

In order to create a climate of respect, community members must have the resources and tools to challenge hate violence. In addition to fostering understanding through awareness-raising initiatives, all people have the capacity to be allies to LGBTQ people. Local, state, and federal governments, as well as non-governmental funding sources, should support the creation of training for community members on how to identify hate violence and how to provide safe spaces for those who have experienced it. Further, verbal, mental, and physical self-defense and de-escalation techniques can help LGBTQ people feel better-equipped and empowered to effectively respond if faced with bias-motivated violence.

### **Recommendation 5: Enhance governmental and institutional support for researching and reporting anti-LGBTQ hate violence and include LGBTQ people in on-going research**

#### *5.1. Fund comprehensive research to document the prevalence and impact of anti-LGBTQ violence in the U.S. and examine intervention and prevention strategies.*

An accurate picture of the violence that LGBTQ people face can help put an end to the victim-blaming, minimizing, and denial of the violence as well as provide thorough documentation to create a solid basis for implementing effective prevention and intervention practices. Research should include qualitative and quantitative approaches to understanding the prevalence and prevention of violence, its origins, risk and protector factors for perpetration and victimization, and its impacts on the physical, financial and social wellbeing and analysis of data from community organizations that investigate and address bias violence. Further, on-going surveillance research should incorporate specific inquiry into the demographics and experiences of LGBTQ people in general in order to ground more specific LGBTQ anti-violence efforts. Resources and incentives must be made available for participation in gathering and reporting data by every political jurisdiction, down to the county level, to measure hate violence based on sexual orientation and gender identity. The information gathered will provide an indication of the types of violence that occur most frequently and in which geographic regions. It will also provide a better indication of what services and prevention efforts may already exist in an area where NCAVP members could benefit from new partnerships or provide technical assistance to existing programs. Additionally, NCAVP members would be more likely to identify potential resources for receiving technical assistance and information critical to supporting survivors and responding to hate violence on a local level.

The data will assist NCAVP members to pool their collective resources to help local residents of underserved regions until the coalition is able to either establish a member program or support an existing local program in increasing its capacity to serve LGBTQ survivors and/or engage in hate violence prevention work. Further, such data will enable NCAVP to concentrate its efforts on creating local AVPs in areas that show the highest prevalence of violence against LGBTQ communities and individuals. Additionally, it will help NCAVP to improve the types of technical assistance and training offered, particularly in high need areas that currently have little or no support to address anti-LGBTQ violence.

## Recommendations for Survivors and Victims, Service Providers and Community Organizers

In this edition of this report, for the first time, NCAVP members include recommendations for survivors and victims of hate violence as well as the service providers and community organizers who support them. This addition **reflects NCAVP's commitment to making change at all levels: through legislative and institutional advocacy and policy change** as well as enhancing programming, organizing, and supports for LGBTQ communities and individuals.

### Recommendation 1: Organize communities to respond to and prevent hate violence

#### *1.1. Consider, explore and practice emerging community-based response models that do not engage with law enforcement, including transformative justice*

Some LGBTQ survivors and victims of hate violence may not wish to engage with law enforcement or the criminal justice system, because of political beliefs, safety risks, or other real or perceived concerns around these systems. Anti-violence programs have the responsibility to attempt to meet the needs of these survivors and victims. NCAVP member organization Community United Against Violence (CUAV) in San Francisco, CA, has developed a model of “Safety Labs,” that **gather community members to develop new response strategies by “using scenarios of violence in our communities, [to] work together to create and act out new ways of responding to anti-LGBTSTGNC hate violence that can create true safety, accountability, and healing.”** The Safe OUTside the System (S.O.S.) Collective of the Audre Lorde Project in Brooklyn, NY, developed a “Safe Neighborhood Campaign,” in which they “organize and educate local businesses and community organizations on how to stop violence without relying on law enforcement.” NCAVP encourages its members and allies to consider exploring these models, or developing their own.

As an example of an emergent strategy that values community expertise and does not engage with law enforcement, transformative justice offers a concrete new framework through which to understand and address the cycles of hate violence experienced by LGBTQ survivors of violence. As part of a broader national conversation among community-based organizations addressing violence among diverse communities, NCAVP encourages its members and allies to engage in a long-term study and practice of transformative justice.

Transformative justice seeks to decrease harm while also decreasing the conditions that create harm, including but not limited to the practices of criminalization, policing, and incarceration. While anti-violence programs and community-based organizations have historically succeeded at working to support individual LGBTQ survivors or victims of violence, addressing the broader social conditions in which violence happens in order to prevent further harm is a continued growing edge. Through engaging in a study and practice of transformative justice, NCAVP members and allies can increase individual and collective choices about how to respond to violence and actually restore self-determination and power to LGBTQ communities.

#### *1.2. Utilize the Community Rapid Incident Response Guide*

Hate violence offenders seek to silence and isolate LGBTQ survivors and victims. Service providers and community organizers should work with survivors and victims to develop appropriate and sensitive responses to incidents of hate violence. Use the *Community Rapid Incident Response Guide* published by the New York City Anti-Violence Project to plan rallies, vigils, and institutional engagements that privilege the needs of survivors and victims while demanding a process for people to account for their actions and transform their behavior.

### *1.3. Work to develop funding strategies based on the needs of LGBTQ community stakeholders*

Anti-violence programs can benefit from a diverse range of funding streams and sources. The constraints of funding from government sources as well as some foundations can sometimes come into conflict with the needs of LGBTQ survivors and victims of violence. Additionally, in times of economic crisis, all sources of funding may be constrained as donations become fewer and requirements become more stringent. LGBTQ anti-violence programs should be accountable to their ultimate stakeholders: LGBTQ people seeking to create safer communities. Diversifying funding streams can provide programs with multiple avenues of support and can ensure sustainable programming should one source of funding come into conflict with the needs of community members. Increasing grassroots fundraising efforts (such as benefits, house parties, and sustainer programs) as well as expanding the volunteer base can contribute to the range of possibilities available to survivors and victims as well as increase accountability to and ownership among affected LGBTQ communities.

## Recommendation 2: Build cross-movement alliances

### *2.1. Engage with diverse community groups to broaden analyses, deepen tactics and strengthen movements around intersectional experiences and connections*

Because LGBTQ survivors often identify with one or more additionally marginalized identities, LGBTQ anti-violence programs as well as other service providers and community groups should engage with a broad base of marginalized groups working to end violence and create safety. LGBTQ people may also identify as people of color, youth, low-income, immigrants, people living with HIV/AIDS, people living with disabilities, elders, people in the sex trade, and/or incarcerated people, among others. Each identity may present a distinct set of considerations for an LGBTQ hate violence survivor or victim. Additionally, the oppressions faced by each group mutually reinforce each other. **Historically, oppressive state and societal structures have engaged in “divide and conquer” tactics, pitting the needs of one community against another and leaving each community more vulnerable to further systemic violence and trauma.** In this context, the importance of relationship-building among these communities becomes all the more clear. LGBTQ-specific anti-violence programs should work in partnership with other groups targeted for identity-based violence to expand their understanding of intersectional oppression and its impacts on LGBTQ communities. Additionally, anti-violence programs should partner with organizations working to develop models that can be adapted to their work, such as grassroots fundraising or transformative justice strategies. Together, the survivors, community organizers and service providers in each of these communities can maximize their power and create expanded options and supports for a broader spectrum of people.

## Recommendation 3: Create safe and welcoming spaces for LGBTQ survivors and victims, especially traditionally marginalized community members

### *3.1. Create and enhance LGBTQ-specific anti-violence programs*

LGBTQ survivors and victims of hate violence have distinct experiences that necessitate programs tailored to their identities and needs. Where available, survivors benefit greatly from working directly with LGBTQ-specific programs. This report, in addition to a recent study co-authored by NCAVP and the National Center for Victims of Crime, addresses some of the barriers that LGBTQ people face in accessing the criminal legal system and other institutions. Law enforcement officers, service providers, and others entrusted with their care may not understand the myriad concerns and specifics of LGBTQ experiences. Programs specifically for LGBTQ people understand that issues like limited rights for LGBTQ partners, concerns around being outed and limited employment opportunities can compound the range of options available for survivors of hate violence. Where such programming is not available, service providers and community organizers should advocate for their development. Emerging programs should take advantage of technical assistance, guidance and promising practices forwarded by NCAVP member

organizations and allied groups. Further, such programs should work to meet the unique needs of LGBTQ people who belong to other marginalized groups, such as people of color, immigrants, and people living with disabilities.

### ***3.2. Expand the competency of non-LGBTQ specific anti-violence programs to address LGBTQ-specific victim and survivor needs through training, education and technical assistance***

If local agencies do not have the capacity or resources to dedicate programs to LGBTQ communities, they should at minimum take steps to expand the competency of their agencies to meet the needs of LGBTQ survivors and victims of violence. Staff should receive required training and ongoing technical assistance in the provision of services to LGBTQ people in order to generate understanding of and humility in working with these communities. Staff and administrators should ensure that all outreach materials, intake forms, posters, and other organizational media reflect the experiences, pronouns, and images that are inclusive of a broad range of gender identities, gender expressions, and sexual orientations. Administrators should actively seek to include LGBTQ people on staff, board, and volunteers and to create policies and benefits that meet their needs.

### ***3.3. Reassess conventional definitions of “safety,” recognize the negative impacts of prisons and policing***

NCAVP member organizations are engaging in a critical dialogue to reflect upon, challenge and expand the definitions of safety and violence. All people have the right to safety and freedom from violence, but criminalization and incarceration can yield increased vulnerability to violence. All people, including LGBTQ communities, should be encouraged to understand and validate the underlying needs of LGBTQ survivors and victims while also holding the larger picture of the short and long-term impacts of prison, policing, and criminalization strategies on all communities.

## **Recommendation 4: Expand the range of services, options and leadership positions available to survivors**

### ***4.1. Make non-traditional direct service models available to LGBTQ people***

LGBTQ survivors and victims of hate violence benefit from traditional therapeutic interventions, such as counseling and support groups. Survivors, service providers and community organizers should consider engaging with other models for healing and empowerment. Survivors and victims may feel empowered by participating in groups and classes that build skills to prevent and respond to violence rather than focusing on the trauma that they have experienced. Alternative treatments, such as acupuncture, massage, and art and movement therapies can expand the opportunities for LGBTQ survivors and victims and their communities to achieve and maintain wellness. Community organizers should support survivors and service providers in providing opportunities for transformative healing by challenging the community and systems-level oppression that supports or promotes hate violence in their communities.

### ***4.2. Utilize creative and expansive advocacy tactics***

LGBTQ anti-violence programs and other service providers should utilize creative legal approaches to support LGBTQ survivors and victims. Several NCAVP member programs have successfully utilized stalking laws in order to secure orders of protection for LGBTQ people targeted for hate violence by neighbors. Service providers and community advocates should explore opportunities for similar remedies. Some LGBTQ survivors and victims of violence may not want their attackers to be incarcerated or face traditional criminal sentences. Survivors, service providers and community organizers may benefit from exploring restorative justice models with criminal and civil courts that offer alternatives to incarceration. Here, the survivor or victim may determine the terms of rehabilitative sentencing for the offender in partnership with community- and court-based programs. Finally, LGBTQ

survivors and victims of hate violence are often re-traumatized by the law enforcement officers, court personnel, hospital staff and other service providers tasked to support them. Where possible, anti-violence program staff should provide accompaniment and advocacy for survivors in navigating these institutions and community organizers should hold accountable those institutions that fail to provide competent services for LGBTQ people. Where funding and staff limitations present potential barriers to such initiatives, programs should assess the potential to develop a base of trained volunteer advocates.

#### *4.3. Promote the leadership of LGBTQ survivors of violence*

Organizations should work to support LGBTQ survivors of violence in accessing leadership positions in the LGBTQ anti-violence movement. This includes **non-staff initiatives such as speaker's bureaus, participatory action research projects, community advisory boards, and organizing campaigns.** Additionally, LGBTQ survivors of violence possess lived experience that qualifies them to make significant contributions as paid staff. Their development and sustained presence as service providers, organizers and administrators can help to ensure organizational accountability and expertise.

#### *References*

1. LGBTSTGNC refers to lesbian, gay, bisexual, two-spirit, transgender and gender non-conforming.
2. Available online at [http://avp.org/documents/AVP\\_RapidResponse.pdf](http://avp.org/documents/AVP_RapidResponse.pdf).
3. National Center for Victims of Crime and National Coalition of Anti-Violence Programs. (2010). *Why It Matters: Rethinking Victim Assistance for Lesbian, Gay, Bisexual, Transgender and Queer Victims*. Washington, D.C.

## CONCLUSION

**NCAVP's member organizations call on policy makers, service providers, LGBTQ communities and their allies to revitalize their efforts to prevent, remedy and end hate violence.**

Despite commendable efforts to preserve the vital resources afforded by LGBTQ anti-violence programs, **2009's economic downturn and funding cuts diminished NCAVP members' ability to support LGBTQ survivors and victims of hate violence.** Such factors were likely contributors to a decrease in the total number of hate violence victims and survivors, incidents and offenders reported in 2009 when compared to 2008 data. However, the severity and nature of these incidents give every indication that anti-LGBTQ hate violence remains a critical safety concern for all communities. In the wake of financial uncertainty, government, foundation-based, and community support is needed more than ever.

Twenty-two hate-motivated murders were reported to NCAVP in 2009, representing the second-highest murder rate in the last ten years. Seventy-nine percent of those murdered were people of color, 50% were transgender women, and the majority of the remaining murder victims were gender non-conforming men. More serious injuries were reported in 2009 than in years prior and police-related hate violence comprised a higher percentage of all reported incidents than in 2008. While more hate crimes received bias classification in 2009, a higher percentage of LGBTQ survivors and victims filing hate crime complaints reported receiving indifferent or abusive treatment from law enforcement in 2009 than they did in 2008.

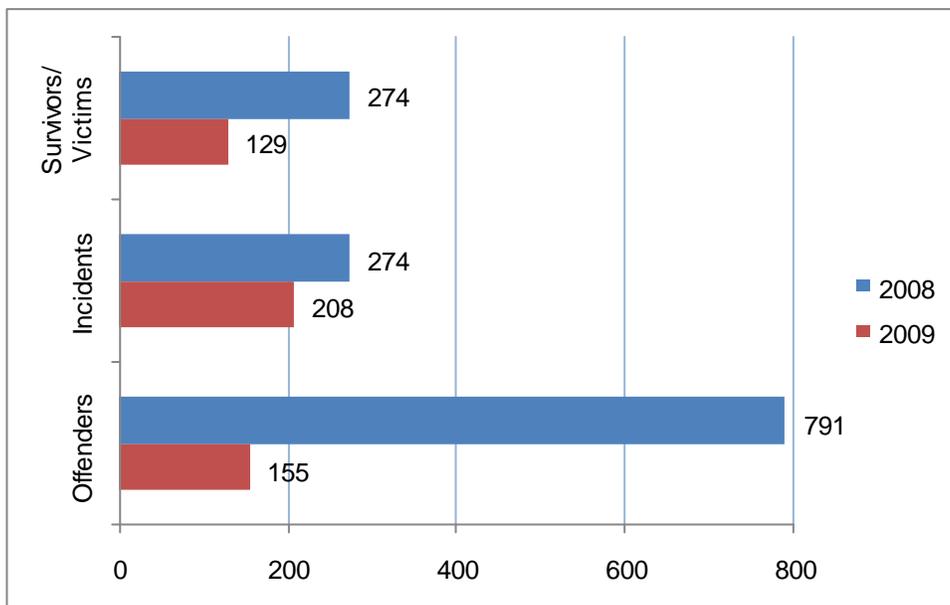
Policy makers, service providers and community organizers must work with LGBTQ survivors and victims of hate violence to take immediate and lasting steps to challenge such alarming trends. Policy makers should take steps to prevent and respond to hate violence by supporting school-based education initiatives and championing federal legislation and regulations such as the Employment Non-Discrimination Act (ENDA) and the proposed standards for the Prison Rape Elimination Act (PREA). The federal government should implement the training stipulated by the **Local Law Enforcement Hate Crimes Prevention Law of 2009 and rely on NCAVP member programs' expertise in** doing so. Local, state and federal governments should curtail abuses of police power, with particular attention to those that are bias-motivated, and ensure that all LGBTQ survivors and victims of hate violence receive respectful and appropriate law enforcement response. Service providers and community organizers must respond to the needs of an ever-diversifying set of LGBTQ identities by broadening the range of options and remedies afforded to LGBTQ survivors and victims of hate violence. By working in solidarity with other marginalized groups and supporting creative restorative and transformative justice and advocacy solutions, service providers and community organizers can better address the systemic issues confronting LGBTQ people.

**LGBTQ anti-violence programs' greatest strength is the resiliency of the communities themselves.** By necessity, creativity and the will to survive are hallmarks of many LGBTQ communities. In the face of hate violence, state-sanctioned discrimination, stigma, and stereotyping, LGBTQ communities have long drawn on these resources to challenge oppression and sustain their identities. NCAVP continues in the tradition of this resistance by examining the experiences of survivors and victims and renewing its commitment to creating a culture in which LGBTQ people can live freely, fully, and safely. The 40 member organizations of NCAVP demand nothing less than the right to safety for all LGBTQ people, inclusive of sexual orientation and gender identity, and welcome the support of legislators, community groups, and allies in the struggle to claim and affirm that right.

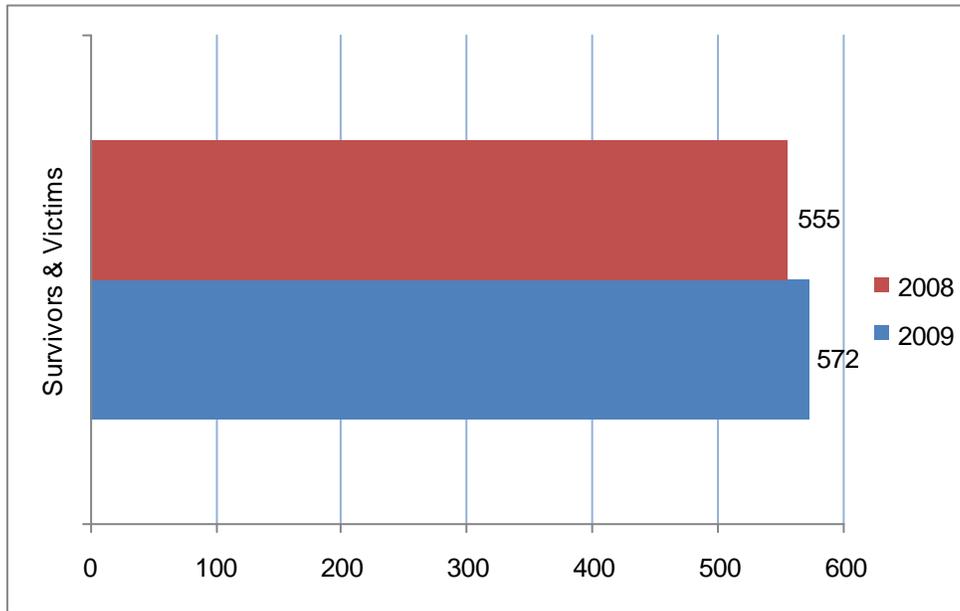
## REGIONAL DATA AND SUMMARIES

This section provides information on the number of reported survivors and victims, incidents and offenders in anti-LGBTQ hate violence reported to individual NCAVP member programs in 2008 and 2009. Complete data for each region is available upon request by emailing [info@ncavp.org](mailto:info@ncavp.org).

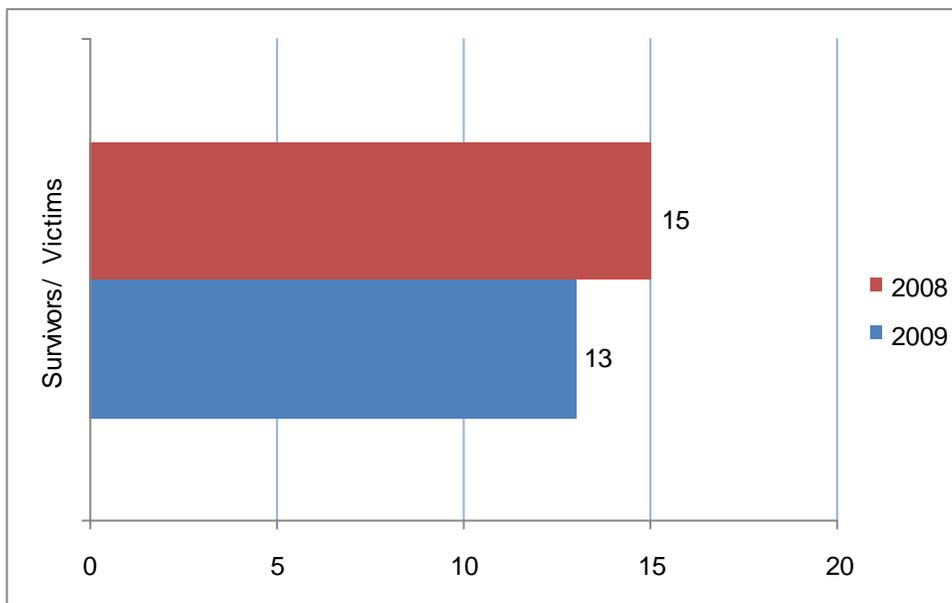
### Community United Against Violence (San Francisco, CA)



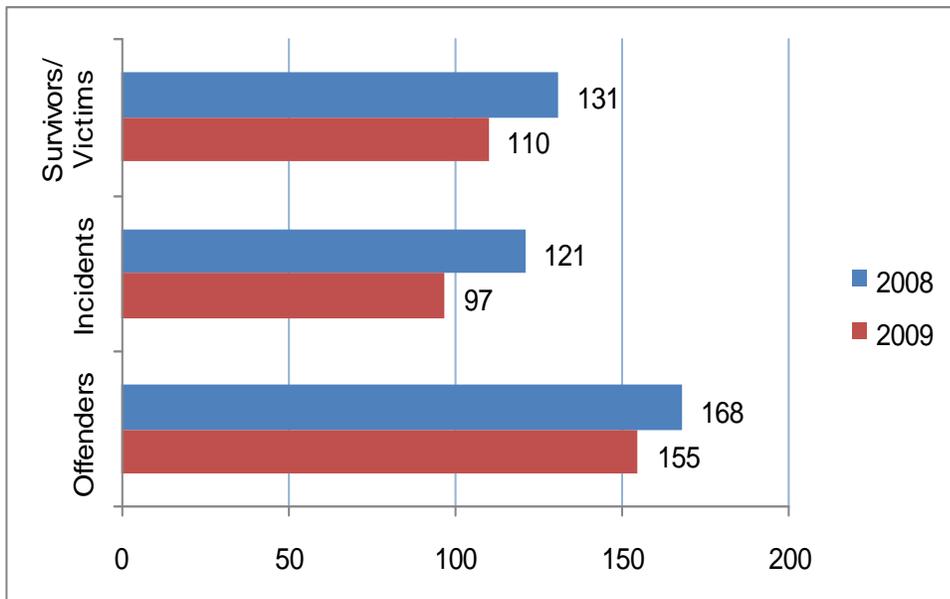
LA Gay & Lesbian Center (Los Angeles, CA)



Wingspan Anti-Violence Programs (Tucson, AZ)



## Colorado Anti-Violence Program (Denver, CO)



The Colorado Anti-Violence Program (CAVP) works to eliminate violence within and against the lesbian, gay, bisexual, transgender and queer (LGBTQ) communities in Colorado, and to provide the highest quality services to survivors. CAVP provides direct services including, a 24-hour hotline for crisis intervention, information and referrals, advocacy with other agencies, and court accompaniment. CAVP also provides technical assistance, training and education for varied audiences including, but not limited to, service providers, homeless shelters, community organizations, law enforcement and LGBTQ community members. Topics cover violence issues affecting LGBTQ community, safety skills, dynamics of bias-motivated violence and more.

While CAVP works with victims/survivors of many types of violence (including domestic violence, sexual assault, police misconduct, HIV-motivated violence and random violence), one of the highest rates we document is classified as bias-motivated violence or hate crimes.

CAVP documented a 16% decrease in reports from individual victims/survivors, from 131 in 2008 to 110 in 2009. This may be the result of a couple of factors. Various media outlets have increased coverage of anti-LGBTQ hate crime responses in Colorado. This has included visibility of CAVP and our services as well as interviews with law enforcement, district attorney offices, and community members. This heightened sense of awareness may have led survivors of hate violence to begin reporting to other agencies besides CAVP. Over the past two years, we have seen a steady increase in reporting to law enforcement (19 in 2007, 25 in 2008, 29 in 2009) which may be partially related to the creation of a bias crime section within the Denver Police Department. For callers who indicate that they have interest in reporting to police, we now have contacts with specific detectives who are more knowledgeable about the unique dynamics and impacts of bias-motivated violence. Cases classified by law enforcement as bias-motivated increased from 3 to 6. Despite this increase in reporting directly to law enforcement, CAVP staff and advocates still hear much resistance from victims/survivors to making these reports because of previous negative experiences with police. While not experiencing physical or verbal harassment/bias from law enforcement, there were four cases where callers indicated that they were treated with general disrespect, had difficulty accessing information or were not receiving return calls about their cases. In addition, continued training and education with other agencies may have limited the need for immediate case consultation and/or technical assistance regarding cases involving anti-LGBTQ hate violence.

Some trends to note:

- Reports from female victims has risen 63% in the last year (from 24 to 39).
- Reports from people 30-39 years old decreased 95% while reports from people who are 50-59 years old increased 120%. With a fair number of reports where the caller did not disclose their age, we are uncertain if the dramatic decrease in reports from 30-39 year olds is an accurate representation of incidents.
- Reports from self-identified people of color has decreased 60% from 2008 to 2009 (from 43 to 17). Again, with a large number of cases where callers did not disclose their race/ethnicity, we are uncertain if this decrease is accurate. A lower number of reports may be due to lack of outreach efforts specifically in communities of color which had been done in previous years.
- Reports of female offenders has increased 54% (from 13 to 20).
- There was a decrease of 20% in number of individual incidents reported (from 121 to 97), however there was an increase in reports involving prior incidents that had not been previously reported: 2-5 previous incidents increased from 9 to 12, and 6-10 previous incidents increased from 4 to 6. Incidents involving 1 previous incident decreased from 9 to 1 and 10 or more previous incidents decreased from 4 to 2.
- CAVP has witnessed a 45% decrease in incidents involving weapons (from 11-6) and a 78% decrease in incidents resulting in minor injuries (from 38 to 8). However the number of incidents resulting in serious injuries **has remained consistent (13 in 2008 and 12 in 2009). In at least one case, the offender used the victim's own skateboard as a weapon during a physical assault.**

CAVP continues to document cases where there are multiple offenders, usually on a fewer number of victims. This is evidenced by our reports of 155 offenders and 110 victims. Reports of one offender has decreased 41% (from 59 to 35) while reports of 2-3 offenders increased 63% (from 16 to 26), 4-9 offender increased from 6 to 7 and **10+ offenders increased from 0 to 1. In 2009, we documented 16 offenders under the relationship "classmates/teachers", spanning elementary, high school and college/university settings. These reports, made by students as well as staff, indicate discrimination at multiple levels within educational settings, further evidenced by cases of unjust termination of employment as well as harassment and bullying without immediate and appropriate intervention from school personnel.**

Reports involving discrimination have increased 44% (from 39 to 56) in the past year. Workplace discrimination has increased 133% (from 6 to 14). This rise may be connected to the recent Employment Non-discrimination law. While passed in 2007, a media campaign called Rights 5 ([www.TheRightsFive.org](http://www.TheRightsFive.org)), has highlighted this law as well as those related to housing and public accommodations nondiscrimination, hate crimes, second parent adoptions and designated beneficiaries. With an increase in public knowledge about what laws and protections exist in Colorado, we have seen an increase in reports involving various types of discrimination. Unfortunately, many people experience barriers to finding legal assistance, including financial as well as reporting cases of discrimination/harassment that would be "difficult to prove" in a court setting.

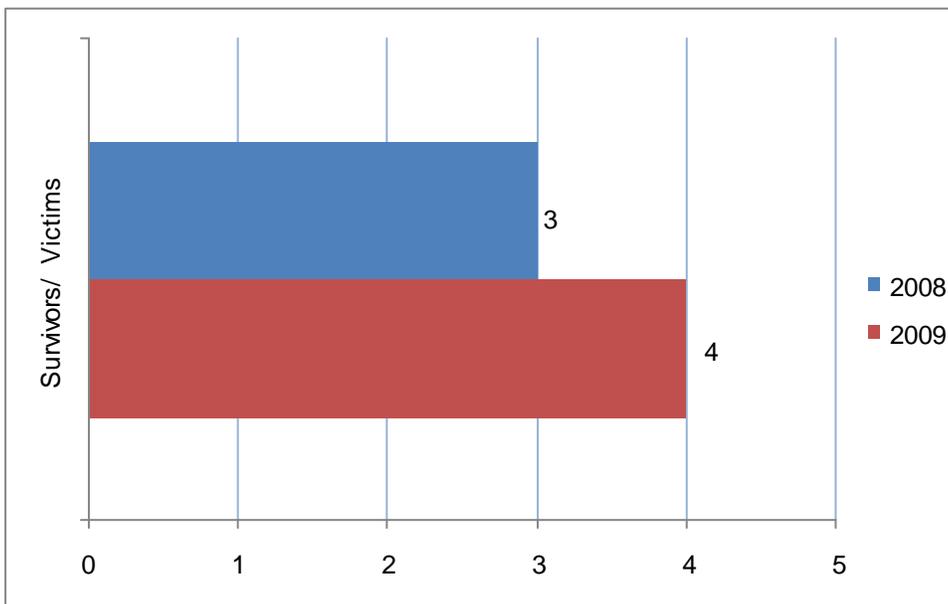
**In 2009, CAVP continued working on the case of Angie Zapata's murder, providing advocacy and support for the Zapata family as well as media advocacy and education. In April, Allen Ray Andrade was convicted of first degree murder, a bias-motivated crime (which we believe was the first time nationally that the murder of a transgender person was prosecuted as a hate crime) and theft.**

Incidents involving anti-transgender bias alone has increased 33% (from 9 to 12) while incidents involving both transphobic and homophobic bias decreased 85% (from 27 to 4). Historically, CAVP has found that many offenders use both homophobic and transphobic slurs when attacking someone who identifies as transgender. This trend in using specifically anti-transgender slurs may indicate an awareness regarding gender identity. CAVP will be watching to see if reports continue this trend.

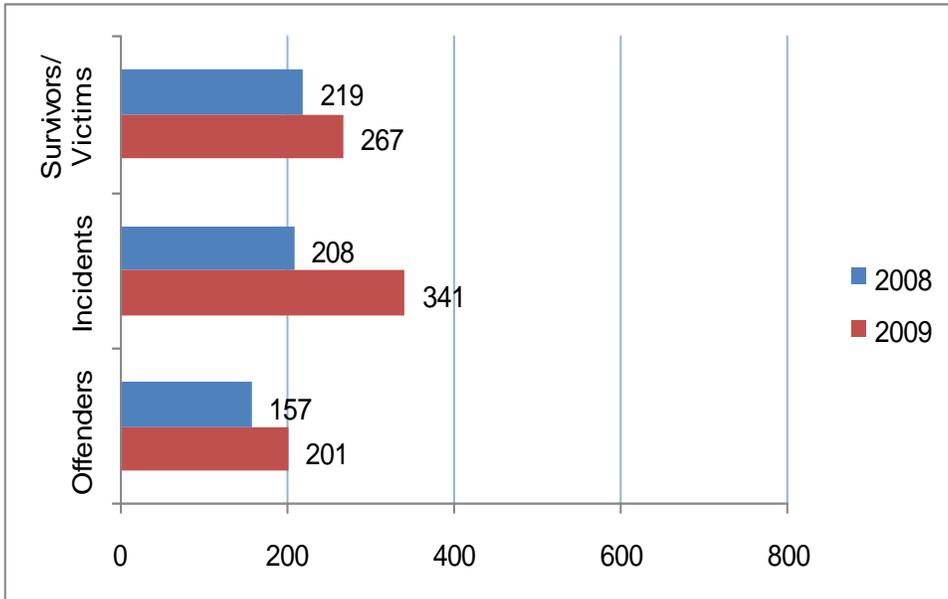
Because of CAVP's increased visible presence in both local and national media, we have received several requests to get involved with various cases. Our internal confidentiality policy does not allow us to contact survivors until they have reached out to us first. We have found that in some cases, survivors are not out regarding their gender identity, sexual orientation or HIV status and do not want to risk outing themselves by making the initial contact. We then honor the decisions of each survivor and their individual choices about what types of advocacy they would like. CAVP makes an effort to ensure that survivors are aware of the services we provide allowing them to choose whether or not to access them.

We hope that the decrease in reports this year indicates an actual decrease in violence and not an ongoing dynamic of hesitation and refusal to report incidents of violence. Despite this decrease, we are aware that there is still much work to be done to effectively prevent hate violence in Colorado.

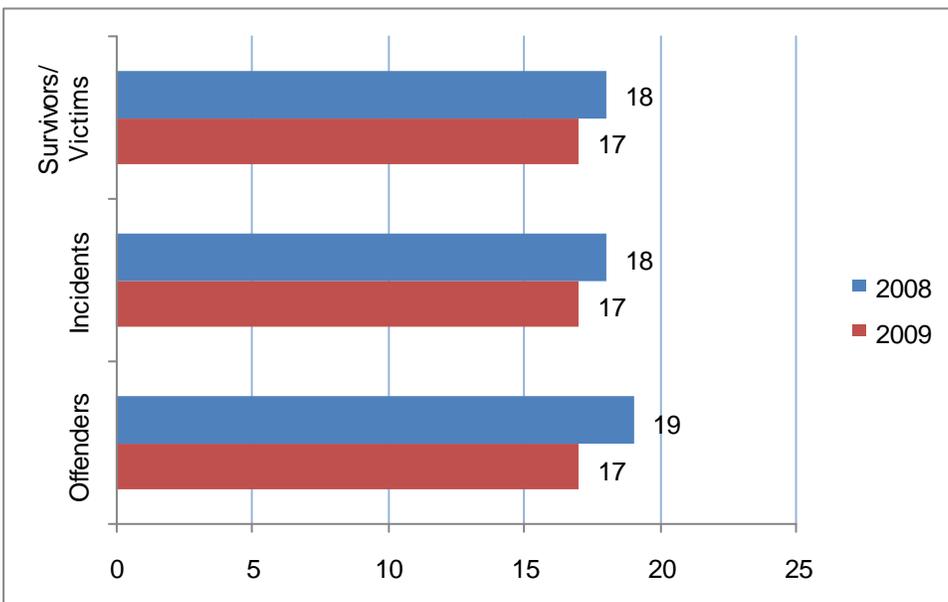
### Montrose Counseling Center (Houston, TX)



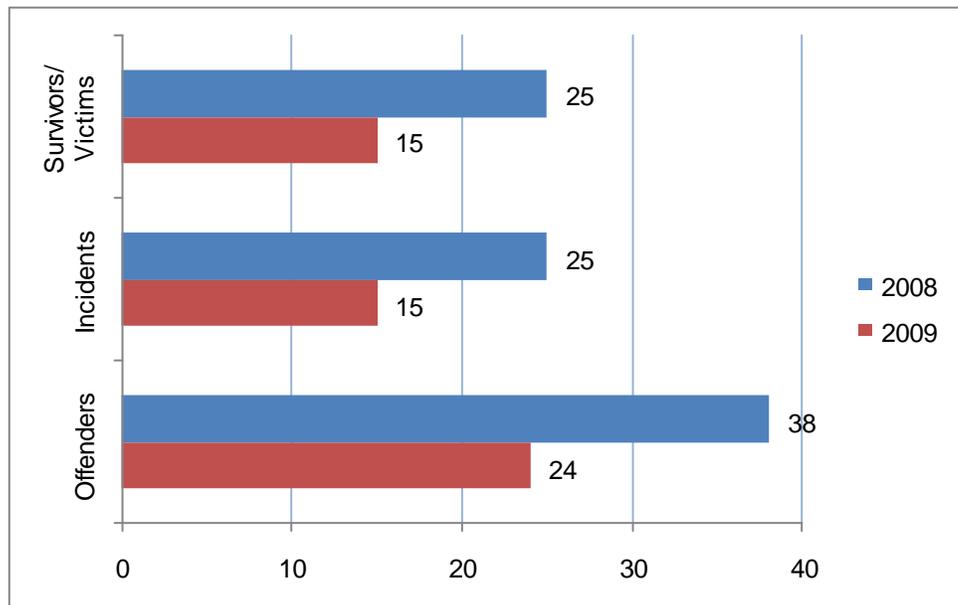
### OutFront Minnesota (Minneapolis, MN)



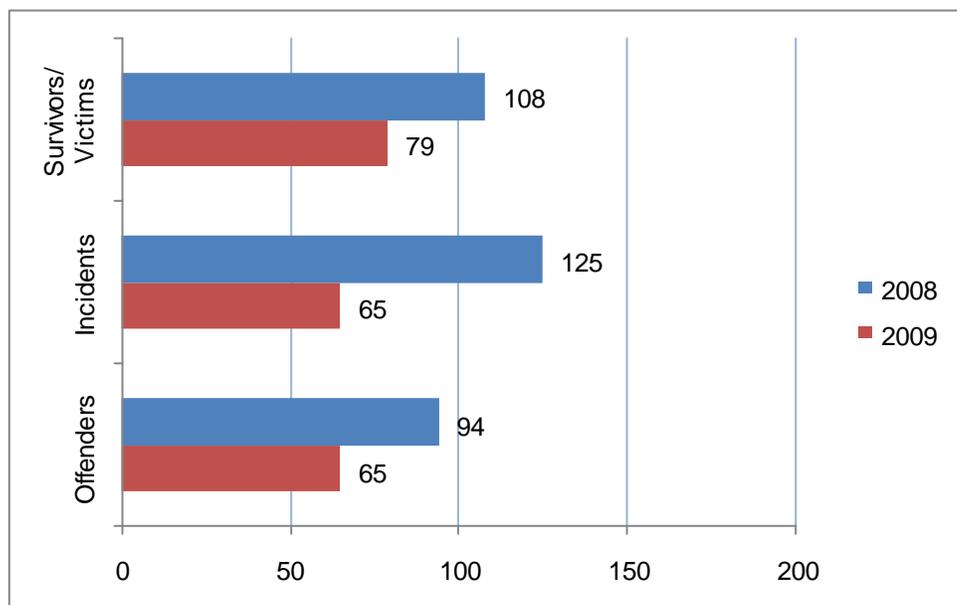
### Milwaukee LGBT Center (Milwaukee, WI)



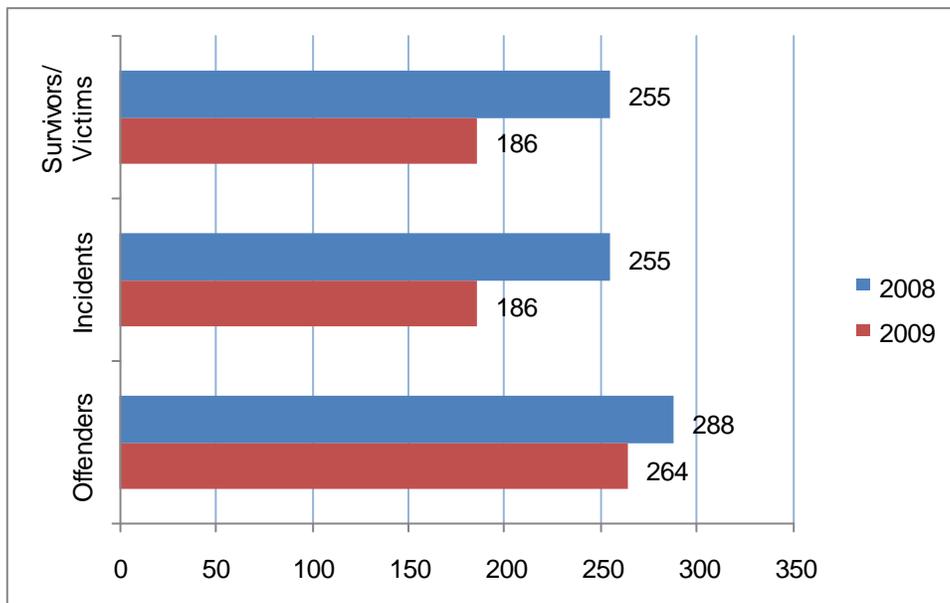
### Kansas City Anti-Violence Project (Kansas City, MO)



### Center on Halsted Anti-Violence Project (Chicago, IL)



## Equality Michigan (Detroit, MI)



Equality Michigan (formerly known as the Equality Michigan Foundation) is a statewide non-profit organization that provides direct services to lesbian, gay, bisexual, and transgender (LGBT) victims of bias violence, vandalism, intimidation, harassment and discrimination. Equality Michigan is also the sole reporting agency to the NCAVP Annual Anti-LGBT Violence Report for the State of Michigan, which had an estimated population in July of 2009 of 9,969,727.

It is the mission of Equality Michigan to work to achieve full equality and respect for all people in the state of Michigan, regardless of sexual orientation, gender identity, or gender expression. Equality Michigan is headquartered in Detroit and is seeking an alternative location in Grand Rapids and another area in the state. While 2009 was in many ways a transitioning year for Equality Michigan, it has also offered great accomplishments and hope for the future of LGBT people in the state of Michigan.

Equality Michigan worked toward several important pieces of legislative issues in attaining equality and full freedom from violence including: **Matt's Safe School Law, which would require all school districts to adopt an anti-bullying policy**; Second Parent Adoption, which would allow for a joint adoption by two unmarried individuals; Amendment to the Elliot-Larsen Civil Rights Act, which would add sexual orientation, gender identity and expression to the list of protected classes; Anti-Bias Crime statute, which would add sexual orientation, gender identity and expression, disability, and veteran status to the list of protected classes in the Ethnic Intimidation Act; and a **Marriage law, which would allow for a ballot initiative to amend Michigan's Constitution to remove the constitutional ban on same-sex marriage.**

Equality Michigan and the Michigan Department of Corrections continued to make strides in adopting policies that eliminate discrimination against LGBT inmates. The two groups worked together to revise the Humane Treatment Policy Directive to include sexual orientation, gender identity and expression. Additionally, the Prisoner Mail Policy Directive was changed, deleting homophobic provisions. Equality Michigan also collaborated with gubernatorial staff on the issuance of two LGBT-related proclamations. Gov. Jennifer Granholm issued proclamations for National Coming Out Day and Transgender Day of Remembrance.

In Kalamazoo Michigan, voters overwhelmingly passed Ordinance 1856, a local law that prohibits discrimination in employment, housing and public accommodations on the basis of sexual orientation or gender identity. There was national attention on this referendum and this was a huge victory for Kalamazoo, ONE Kalamazoo, and the entire state of Michigan.

**Equality Michigan's Policy Department teamed with the Victim Services Department to train the entire Lansing Police Department (LPD).** Former Chief of Police Mark Alley invited Equality Michigan to provide LGBT sensitivity training to over 200 officers of the LPD. Three trainings were conducted that advised officers on how to productively interact with the community during their work day. Chief Alley then recommended to Lansing City Attorney Brigham Smith that all city departments attend LGBT Sensitivity Training. Attorney Smith agreed and is currently in discussions with Equality Michigan to select departmental priorities. Additionally, Attorney Smith convened a workgroup **to revise the city's Freedom of Information Act policies and procedures.** The city attorney adopted all of Equality Michigan's recommendations, especially those related to protecting sensitive and confidential medical information, and the new policy is in effect. Additionally, the City of Canton, Michigan has created the Canton Response to Hate Crime Coalition (CRHCC), a collaborative response to hate that includes law enforcement and civic leaders; Equality Michigan has proudly participated since its inception in 2009.

Equality Michigan continued to be a presenter on university panels and for community organizations, such as Wayne State University, Cornerstone University, Schoolcraft College, Michigan State University, Eastern Michigan University, Grand Valley State University, Association of Professional Fundraisers, University of Michigan- Ann Arbor & Dearborn campuses, Perceptions and Washtenaw County Bar Association.

**Equality Michigan's Alternative Spring Break program continues to attract students from across the country including Boston, Miami, New York City and Chicago.** We were pleased to announce that we hosted Boston University and Suffolk University, also of Boston.

While we know that incidents of violence are still occurring in Michigan, our numbers were down. We believe there are numerous factors but none bigger than the severe economic downturn in Michigan. LGBT individuals in Michigan are experiencing the devastating effects of the horrific economic downturn along with the rest of the state. Based on comments from our clients, LGBT people are focused on survival: feeding their families and keeping their households together. Likewise, staff changes in 2009, from the Executive Director to the entire Victim Services Department have brought new direction and changes to the infrastructure of organization. Because staff is new to the community, we have distributed copious amounts of information about the organization to several agencies across the state to continue partnerships and alliances previously developed.

There were three murders of known LGBT or perceived LGBT victims in 2009. There is no known specific evidence that any of these murders were hate crimes. One of the murders remains unsolved and warrants special attention as it reflects targeting of the transgendered community and lack of police response to those it considers sex workers.

On May 25, 2009, the slain body of Foxy Ivy was found in Highland Park, Michigan. Foxy was fatally shot in the back of the head. That same night, another transgendered woman was the victim of an attempted shooting in Detroit. This homicide, as well as the attempted shooting remains unsolved. It is unknown if these attacks are related to other attacks against transgendered individuals considered by police to be sex workers in and around the **City of Detroit. Equality Michigan remains committed to trying to bring Foxy's killer to justice.**

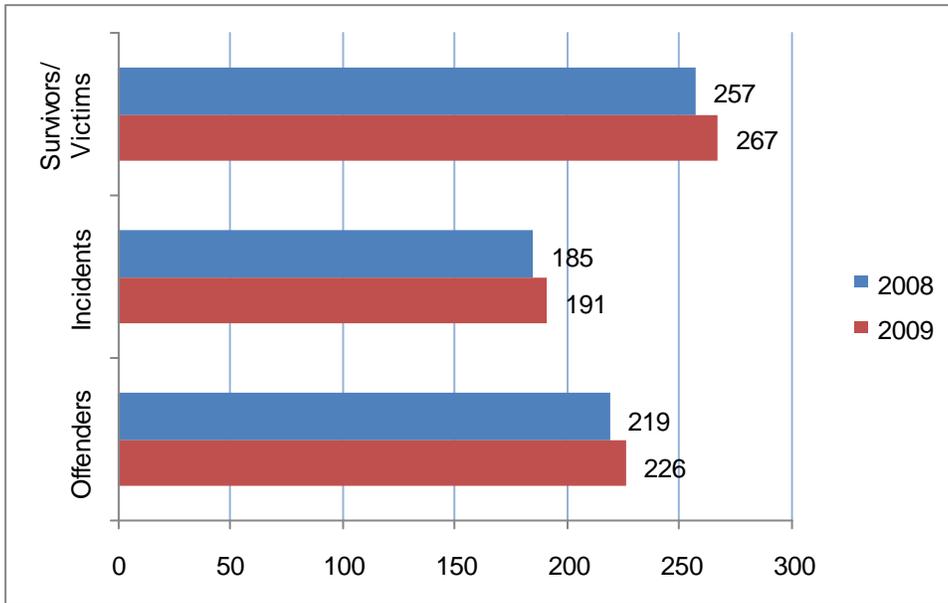
Equality Michigan expects significant assistance in Michigan due to enactment of the Matthew Shepard & James Byrd, Jr. Hate Crimes Prevention Act. While this statute is federal and still leaves the state without full LGBT hate crime protection, the federal law enforcement agencies have been diligent in learning more about the community to provide implementation of the Act in Michigan. Equality Michigan has met with the Federal Bureau of Investigation and the US Department of Justice to provide information about the landscape of Michigan and to forge valuable relationships for the protection of our community.

NCAVP tracks intimidation, harassment, mail/literature harassment, and telephone harassment as separate categories, but also groups them together under the category of harassment. In looking at the change in reported incidents, the total category of harassment saw a slight increase from 107 incidents in 2008 to 114 incidents in 2009. Equality Michigan also saw an increase in incidents involving intimidation, with such incidents increasing from 58 in 2008 to 63 in 2009. Equality Michigan only records an incident under intimidation if there were specific threats of physical harm or death made directly to the victim(s). This increase is, therefore, alarming since based on the lower number of overall reported incidents for 2009, it reflects an increased intensity in threats and actions that are precursors to more physical forms of violence.

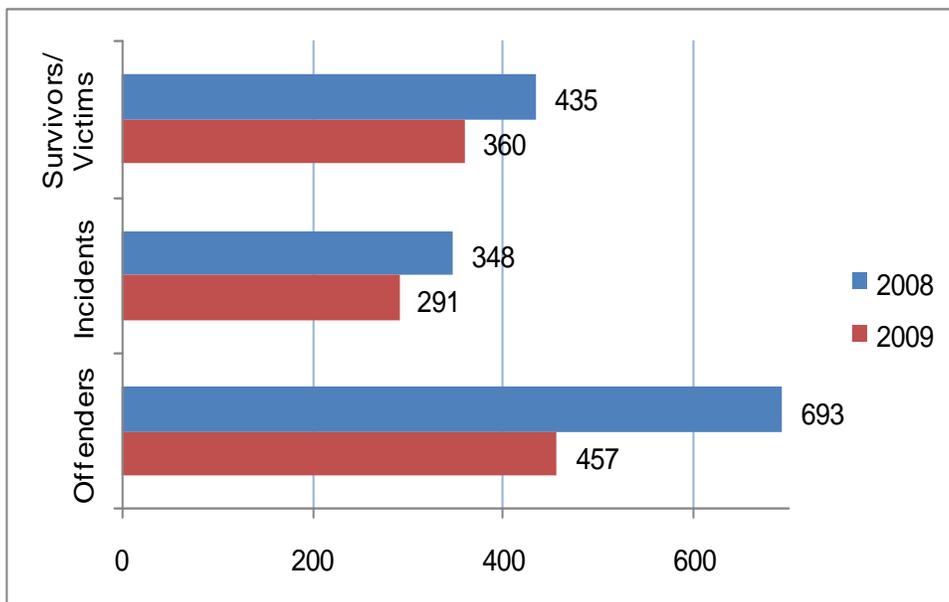
Equality Michigan also saw a significant increase in bias towards those individuals living with HIV/AIDS. There were 11 incidents of bias towards those with HIV/AIDS in 2008, compared to 17 incidents of bias towards those living with HIV/AIDS in 2009. This increase of 55% could be directly correlated to several high profile incidents of **HIV/AIDS bias in the news across Michigan. In May 2009, the Lansing Michigan City Attorney released an individual's HIV status to the public after the individual had been arrested in a sex-sting operation.** The result was a firestorm of negative press targeting those with HIV/AIDS, an already vulnerable population. In October 2009, the Macomb County Prosecutor brought terrorism charges against a person involved in an assault after his positive HIV status was made public. A barrage of negative press resulted against the HIV positive population. These incidents have **without a doubt left Michigan's population of individual's living with HIV/AIDS more vulnerable to bias incidents.**

Equality Michigan continues in its tradition of addressing discrimination in its most hideous form: violence. It does so by providing direct victim services, outreach, and education to the LGBT community in Michigan. To strengthen all areas of service for the future of the Michigan LGBT community, Equality Michigan is currently developing a comprehensive strategic plan. While the Michigan LGBT community remains supportive in tough economic times, Equality Michigan continues to build strong community ties throughout Michigan so its LGBT residents can live free of homophobia, transphobia and violence. Undoubtedly, we have a long way to go, but by strengthening our infrastructure now, the LGBT people of Michigan will more rapidly experience the benefits and attain the goal of LGBT equality.

Buckeye Region Anti-Violence Organization (Columbus, OH)



New York City Anti-Violence Project (New York, NY)



Overall, reports of hate violence to the New York City Anti-Violence Project fell 16% (348 to 291) and the number of victims reporting dropped 17% (435 to 360), or, close to a survivor reporting each day. This drop reflects funding cuts to vital victim services and the effect of state sanctioned discrimination against LGBTQH individuals. The result increased vulnerability for an already at risk population. This impact is intensified when advocacy efforts aimed at remedying the effects of anti-LGBTQH bias in mainstream services or support those services within the

mainstream that are trying to assist LGBTQH survivors are also reduced.

For thirty years, the New York City Anti-Violence Project has been dedicated to eliminating hate violence, sexual assault, stalking, and domestic violence in lesbian, gay, bisexual, transgender, queer, and HIV-affected communities through counseling, advocacy, organizing, and public education. We do so in the rather unique societal context of New York City, which has one of the largest, most established and highly visible LGBTQH cultures in the country. There are multiple neighborhoods with significant numbers of LGBTQH residents, businesses, and social outlets as well as numerous LGBTQH-centered spaces, social and human services, including a range of government, grass-roots and systems-based options.

A significant government-based resource for LGBTQ survivors of hate violence in New York City is the New York City Police Department (NYPD). The NYPD, unlike most police departments, has two LGBT liaisons, one of whom is in direct contact with the Police Commissioner. There is a Hate Crimes Task Force (HCTF) which remains in regular contact with NYC AVP when there is any suspicion of an LGBTQH-related hate crime. And, there is an Advisory Council of LGBTQH community groups that meets regularly with the Police Commissioner. This type of support for LGBTQH communities is rare and yet important because it give NYC AVP an avenue through which to work with a system that many survivors choose to access and thus should be a safe option. It also allows NYC AVP access to high ranking officers who can be addressed when officers fail to address the needs of LGBTQ survivors or are themselves the perpetrators of violence.

**NYC AVP's 2009 statistics show that 38% (112) of the police response to hate violence incidents were reported as either "courteous" or "indifferent." Police response involving verbal harassment without slurs, verbal harassment with slurs, physical violence without slurs, and physical violence with slurs combined for 6% (17) of the total number of hate violence incidents in NYC (291). It is important to note that 56% (162) of the hate violence incidents reported to NYC AVP in 2009 were either not reported to the police or the police response information was not disclosed to NYC AVP staff. This is an indicator that many hate violence survivors may be reluctant to report hate violence incidents to law enforcement.**

Additionally, when reports are made a variety of factors including a lack of police awareness regarding protocol lead to reports not being handled appropriately, leaving victims without documentation or police follow-up regarding an incident of violence. Documentation is necessary for a range of services including Crime Victims Board Compensation and insurance claims as well as for noting trends in violence against LGBTQH individuals. The 2009 data indicate that out of 142 incidents reported to the police, there were 25 where a complaint was refused (18% of complaints were refused). As with most large, government based systems, the work of the NYPD is not fully LGBTQH sensitive or inclusive. NYC AVP continually meets with and works with the NYPD to improve the NYPD responses to LGBTQH-related incidents and survivors with the goal of ending revictimization of LGBTQH survivors by police officers and the system in which they operate.

Even with support and community presence, there remain gaps in services for LGBTQH survivors of violence in NYC. Such gaps include state sanctioned discrimination, systems based revictimization, and general societal homophobia, biphobia, and transphobia. LGBTQH survivors who wish to seek help within the system are often faced with overworked providers who do not have the training to work with LGBTQH survivors. Even in the most stable of times, this is an issue that creates significant gaps in services. NYC AVP works tirelessly to train the criminal justice system, service providers and community based organizations on promising practices when working with LGBTQH survivors of violence in order to increase the availability of safe and effective services. NYC AVP does this through community outreach and education. In 2009, NYC AVP trainers provided 111 trainings reaching 2,659

participants and NYC AVP outreach teams distributed materials to 24,220 person to person contacts at 90 outreach events. In a city of eight million people, this task is significant and compounded by lack of funding to match the needs for services. Gaps in services are widened when already economically vulnerable LGBTQH victims services are threatened.

New York, the center of the banking industry in the United States, experienced a traumatic blow to its economy beginning in 2008 and escalating throughout 2009, causing a ripple effect that severely threatened the existence and operation of many survivor support services. From funding streams tied to tax dollars based upon business earnings to private donations based in large part on yearly bonuses, New York City non profits suffered tremendous losses in funding. This coupled with drastic reductions in state funding, created a strain on funding for NYC AVP. With fewer funding dollars and a resultant decrease in staff, NYC AVP was faced with providing crisis services 24-hours a day, 7 days a week with fewer resources. Due to these significant budget cuts and reduction in resources, fewer LGBTQH survivors of hate violence had access to already scarce services. In a culture where LGBTQH are already vulnerable to a range of violence within their lives from interpersonal attacks to systems based harm, access to safe, effective and relevant services are vital.

The reports of severe anti-LGBTQH attacks in NYC highlight that there remains a great deal of violence directed at our community members. In July of 2009, Joseph Holladay was brutally assaulted during Pride weekend in the Upper East Side neighborhood of Manhattan. Several young men brutally beat him until he lost consciousness. His attackers used anti-gay epithets during the beating. There were several other hate violence incidents during Pride weekend in the Upper East Side in which the NYC AVP was closely involved along with elected officials, community members, and the NYPD Hate Crimes Task Force. Also in June, Leslie Mora, a transgender woman was brutally beaten in Queens by two men with a belt and was left in a street with multiple severe injuries. In July 2009, Carmella Etienne, also a transgender woman, was beaten by two men outside of her apartment building. In October of 2009, Jack Price, a 49 year old gay man, was walking in the College Point neighborhood in Queens and was brutally beaten by several men outside of a grocery store several blocks from his apartment. He was hospitalized and in a coma for several days. These incidents reflect only a small portion of the total number reported to the NYC AVP in 2009.

Alarming, reports showed that serial incidents where there was at least one prior incident rose 396% (from 24 to 119). Assaults with a weapon were reported in 10% of the total number of incidents. Though significantly high, this represents a decrease of 24% since 2008. There were also decreases in reported murders (60%) and sexual assaults (72%). While sexual assaults decreased, they nevertheless comprised 4% of the total incidents. There were increases in reports of police raids on LGBTQ establishments or themed party nights of 300% (from 1 to 4) and robberies of 25% (from 12 to 15).

Higher than average reports were made in May, June, July, and October. Spikes in violence are common during the late spring and summer months. People are out in public more and socializing more. LGBTQ Pride month in June brings many LGBTQ tourists to New York City. There is also an increased focus in New York City media on LGBTQ issues during Pride. The spikes in May, June, and July are within the norm but for May, there were some potential additional contributing factors of note. In April, many local agencies were advocating for the passage of the Mathew Shepard and James Byrd Jr. Hate Crimes Law, creating more public discussion and thus more visibility of LGBTQ culture and communities. More visibility may have resulted in greater vulnerability. It was also the build-up month to LGBTQ Pride.

Incidents of violence reported to the New York City Anti-Violence Project occurred most often either in a private residence (29%) or in a public place/on the street (29%). The next most often reported category was in a public accom-

modation. Of note also is that 4% of the reported incidents occurred on public transportation. The New York City Anti-Violence Project has been working closely with the Metropolitan Transportation Authority (MTA) to ensure the safety of LGBTQH mass transit riders as well as LGBTQH MTA employees. These efforts increased following an incident involving accusations of mistreatment of a gay man in Grand Central Station in October 2009 by MTA police officers. Though not comprising the highest percentages, there were also significant increases in incidents occurring in LGBT institutions (450% increase from 2 to 11), schools and colleges (120% increase from 5 to 11) and in/around LGBTQ bars, clubs (67% increase from 9 to 15). Where incidents occur is of interest because this data helps to both strategize outreach efforts in high incident places and to suggest prevention and safety planning with members of the LGBTQH communities.

As is the norm with the NYC data, those identifying as male made up the most significant percentage of people who **accessed AVP's services, accounting for 57% of all reports. The next highest category was those survivors identifying as female, representing 26% of all reports.** The next two highest percentages for those who reported their gender were transgender women (10%) and transgender men (3%). The number of transgender related incidents fell 43%, while still comprising 6% of the total reported incidents.

Interestingly, this gender data, while it reflects traditional rankings, also shows a shift from 2008. Between these two years, the number of reports from women rose 10% and fell 20% for males. The differences were even more dramatic for transgender identified survivors, with reports from transwomen dropping 44% and rising 67% for transmen. NYC AVP attended more transgender focused events and social gatherings in 2009, perhaps leading to an increase in the number of transmen accessing services. The drop in reported incidents against transgender women may be a reflection on the increased number of LGBTQ organizations offering services to transgender women, who may opt to remain in their borough for services rather than going into Manhattan for direct services.

Transgender individuals are extraordinarily vulnerable to acts of extreme interpersonal violence as well as revictimization. Following the national data, in many ways, though transgender individuals tend to be underrepresented in demographic data, they tend to be over represented in experiences of violence. This is further complicated by societal transphobia that results in many transgender survivors being put in a position to not report the violence they experience to mainstream providers. The New York City Human Rights Law, Title 8 Local Law 3, includes gender identity and gender expression as protected categories. However, the application and enforcement of this law has been inconsistent at best. The defeat of the Gender Non-Discrimination Act (GENDA) in 2010 which would have outlawed discrimination based on gender identity or expression in New York State, was another disappointing example of a lack of state support in protecting transgender individuals. The transgender-sensitive and respectful services that NYC AVP is able to provide survivors is critical in this climate.

**For the first time since the creation of the Hate Violence Report, the categories 'gay' and 'lesbian were separated** out from one another. The preponderance of reports came from people identifying as gay (49%) or lesbian (16%). It is within the trend in reports that most of those reporting self identified as either gay or lesbian. The next two highest reporting categories were heterosexual and (12%) and bisexual (3%). Of those reporting, 16% opted to not disclose their sexual orientation.

The largest reporting category for age represents those between the ages of 19-29, comprising 29%. The next largest categories were those between the ages of 40-49 (18%) and those between ages 30-39 (15%). For those in the 40-49 age range, this represents a 9% increase from 2008. The other two categories saw decreases. For those between ages 19-29, there was a 27% decrease and for those between ages 30-39, there was a 23% decrease. In the race/ethnicity section, the largest reporting category was for those classifying themselves as White (26%). **The next two largest categories were Latina/o (25%) and Black/African American (14%). The 'not disclosed' cate-**

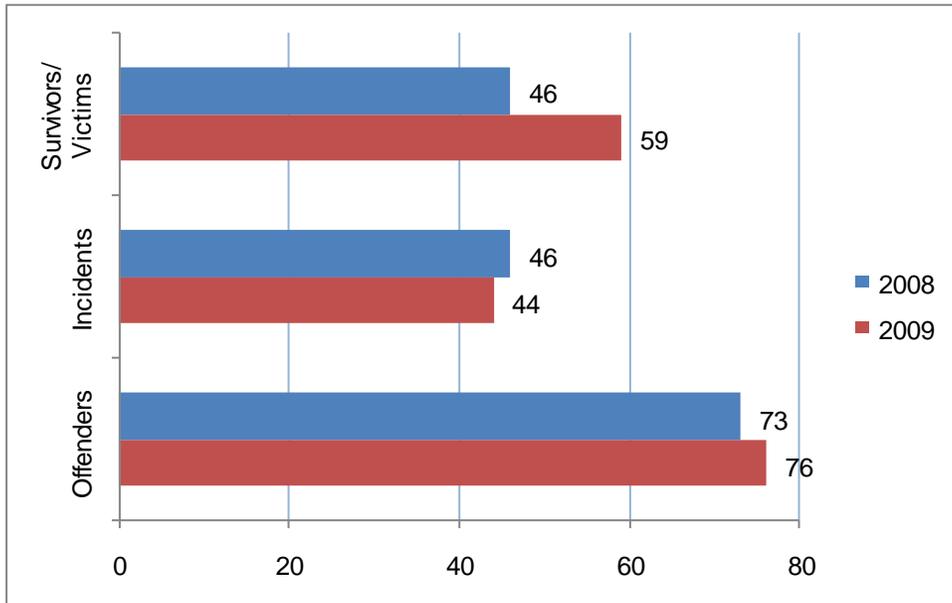
gory made up 26% of the total. The 2009 statistics for age and race/ethnicity categories for LGBTQ survivors of hate violence is consistent with the trend that LGBTQ survivors who report to NYC AVP tend to be young and people of color. The intersection of identities plays a significant role in the lives of LGBTQ survivors of hate violence. Overall, those not reporting to be fall into a race/ethnicity other than White comprised nearly three quarters (72%) of the total reports. Identity based violence that LGBTQH people of color experience is not limited to their actual or perceived sexual orientation and/or gender identity and gender expression. LGBTQH POC identities that also come into play include race/ethnicity, socioeconomic status, immigration status, along with other cultural and linguistic factors.

Still a relatively new category, first reported in 2008, those who identified as having a disability comprised 14% of the total reports. This represented a significant increase in the total number of reports (from 2 in 2008 to 50 in 2009). In part this may reflect greater attention to the category by NYC AVP counselor/advocates who collect this data. It may, however, also reflect what NYC AVP believes will be an increasing trend of people with disabilities accessing services.

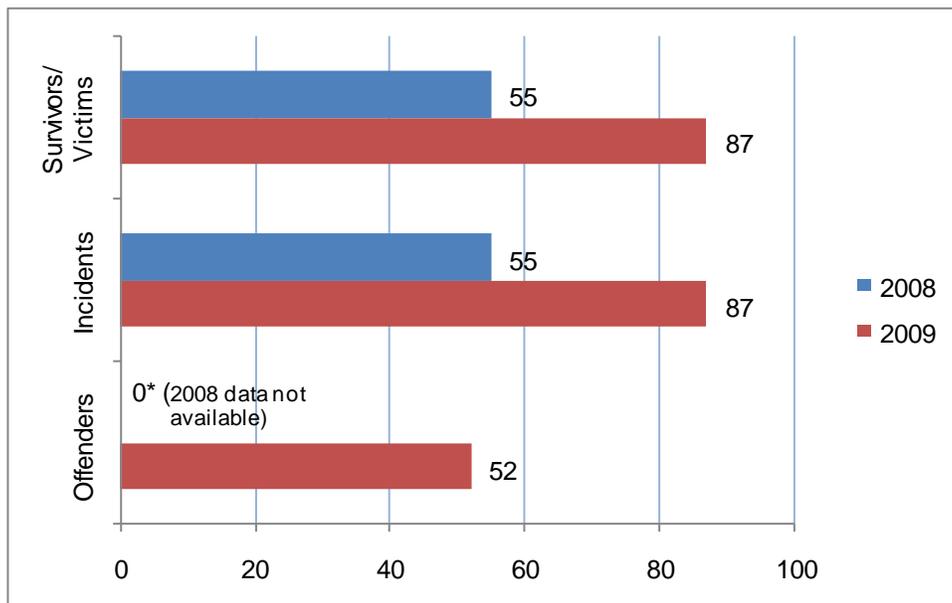
The New York City Anti-Violence Project has been following anecdotal evidence of an increase in the number of clients with chronic and persistent mental illness as well as clients who are experiencing issues with substance use who are also survivors of various forms of violence. Many of these clients are receiving SSI or SSD. Resources are limited for LGBTQH survivors of hate violence who are also in need of mental health and/or substance use services in New York City. The very limited outpatient mental health and substance abuse services for LGBTQH communities in New York City are not free of charge, but do work on a sliding-scale system. However, this still can create a barrier for NYC AVP clients who are struggling with chronic homelessness, and immigration status. Budget cuts **resulted in the closing of NYC AVP's linkage with an inpatient psychiatric program that is LGBTQH sensitive. In addition, budget cuts led to the closing of NYC AVP's connection to an inpatient substance abuse program that specifically works with the LGBTQH population.** Currently there is only one LGBTQH outpatient substance abuse program in New York City.

Amidst the issues created by the continuing economic crisis and the persistent marginalization of LGBTQH populations through state sanctioned discrimination, the New York City Anti-Violence Project continues to maintain its commitment to providing direct services to survivors of LGBTQH related violence and to community based advocacy directed at helping to keep LGBTQH communities safe. As noted above, many of the most vulnerable populations within already marginalized LGBTQH communities are suffering the effects of violence at every level of their existence and are acutely affected by the increasing disappearance of their support services. The need for the New York City Anti-Violence Project has rarely been so evident.

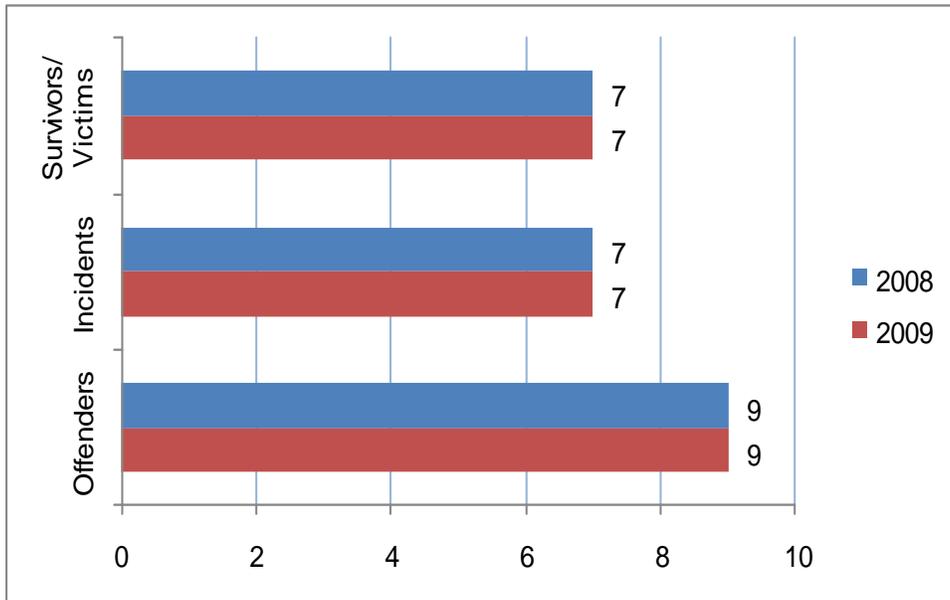
### Gay Alliance of the Genesee Valley (Rochester, NY)



### Violence Recovery Program, Fenway Community Health (Boston, MA)



SafeSpace @ R U 1 2? Community Center (Winooski, VT)



## APPENDIX A

### NCAVP Member Organization List

#### National Office

New York City Anti-Violence Project  
240 West 35<sup>th</sup> Street, Suite 200  
New York, NY 10001  
Phone: 212-714-1184  
Fax: 212-714-2627

#### Statewide & National Programs Coordinator: Maryse Mitchell-Brody, MSW

Phone Extension: 50  
Email: mmitchell-brody@avp.org

#### Executive Director: Sharon Stapel

Phone Extension: 22  
Email: sstapel@avp.org

#### Deputy Director of Community Organization & Public Advocacy (COPA): Kim Fountain, PhD

Phone Extension: 23  
Email: kfountain@avp.org

#### Education and Hotline Coordinator: Darlene S. Torres

Phone Extension: 14  
Email: dtorres@avp.org

The following member list is current as of May, 2010. The member organization and individuals are listed alphabetically by state or province. If you have corrections, want to learn more about our work, or know of an organization that may be interested in joining NCAVP, please contact Maryse Mitchell-Brody.

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#### FOCUS AREA KEY

**DV** = Domestic Violence

**HV** = Hate Violence

**PM** = Police Misconduct

**SV** = Sexual Violence

\* does not provide direct services (but may be able to make referrals or recommendations regarding local providers)

**ARIZONA****Wingspan Anti-Violence Programs**

Focus areas: DV, HV, PM, SV

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Tucson, AZ 85705Phone (client): (800) 553-9387  
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Phone (office): (520) 624-1779  
OJ x24  
TTY Line: (520) 884-0450  
Fax: (520) 624-0364  
Email: ojimenez@wingspan.org  
Website: www.wingspan.org**ARKANSAS****\*Women's Project/Proyecto Mujeres**

Focus areas: DV, HV

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Little Rock, AR 72206Phone: (501) 372-5113  
Phone2: (501) 374-4090  
Fax: (501) 372-0009  
Email: karlostena@womens\_project.org  
Website: www.womens-project.org**CALIFORNIA****Community United Against Violence (CUAV)**

Focus areas: DV, HV, PM, SV

Contacts: Stacy Umezu

Address: 170 A Capp Street  
San Francisco, CA 94110-1210Phone (client): (415)333-HELP (24 hrs)  
Phone (office): (415) 777-5500, SU x316  
Fax: (415) 777-5565  
Email: stacy@cuav.org  
Website: www.cuav.org**L.A. Gay & Lesbian Center/  
Legal Services Department  
Anti-Violence Project**

Focus areas: HV, PM

Contacts: Jake Finney  
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Victim Advocate IIAddress: 1625 N. Schrader Blvd.  
Los Angeles, CA 90028Phone (client): (800) 373-2227 (Southern CA)  
Phone (client Spanish): 877-963-4666  
Fax: 323-308-4165  
Email: darriaga@lagaycenter.org  
jfinney@lagaycenter.org  
Website: www.laglc.org**L.A. Gay & Lesbian Center/  
Legal Services Department  
Domestic Violence Legal Advocacy Project**

Focus areas: DV

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Phone 2: (888) 928-7233  
Fax: (323) 308-4165  
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Website: www.laglc.org**L.A. Gay & Lesbian Center/STOP Partner Abuse/  
Domestic Violence Program**

Focus areas: DV, SV

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mcase@lagaycenter.org  
Website: www.laglc.org

**San Diego LGBT Community Center**

Focus areas: DV

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San Diego, CA 92104

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DP x109

Fax: (619) 718-644

Email: dpendragon@thecentersd.org

Website: www.thecentersd.org

**COLORADO****Colorado Anti-Violence Program**

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Phone (office): 303) 839-5204

Fax: (303) 839-5205

Email: crystal@coavp.org,  
info@coavp.org

Website: www.coavp.org

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Focus Areas: DV, HV, SV

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LG x224

Fax: (773) 472-6643

Email: lgilmore@centeronhalsted.org

Website: www.centeronhalsted.org

**Howard Brown Health Center**

Focus areas: DV, HV, SV

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Website: www.howardbrown.org

**LOUISIANA****Hate Crimes Project of New Orleans/  
Lesbian & Gay Community Center of New Orleans**

Focus areas: HV, PM

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Website: www.lgccno.net**MASSACHUSETTS****Fenway Community Health Center  
Violence Recovery Program**

Focus areas: DV, HV, PM, SV

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Peter Botteas, CounselorAddress: 7 Haviland Street  
Boston, MA 02115Phone (intake): (800) 834-3242  
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Fax: (617) 536-7211  
Email: kcooke@fenwayhealth.org,  
pbotteas@fenwayhealth.org  
Website: www.fenwayhealth.org**The Network/La Red**

Focus area: DV, SV

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Fax: (617) 423-5651  
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Website: www.thenetworklared.org**MICHIGAN****Equality Michigan**

Focus areas: DV, HV, PM, SV

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Website: www.equalitymi.org**MINNESOTA****OutFront Minnesota**

Focus areas: DV, HV, PM, SV

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Fax: (612) 822-8786  
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Website: www.outfront.org**MISSOURI****Kansas City Anti-Violence Project**

Focus areas: DV, SV, HV, PM

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**St. Louis Anti-Violence Project**  
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 Focus areas: DV, SV, HV, PM

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**QUEBEC**

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**NEW YORK**

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 Focus Areas: DV, HV, PM, SV

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**Gay Alliance of the Genesee Valley**

Focus Areas: DV, HV, PM, SV

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Focus Areas: DV, SV, HV

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**OHIO****\*The LGBT Community Center of Greater Cleveland**

Focus areas: DV, HV, SV

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Focus areas: DV, HV, PM, SV

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**TEXAS****Montrose Counseling Center**

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**Resource Center Dallas, Family Violence Program**

Focus areas: DV

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**\*PUENTES LGBT**

Focus areas: DV

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**VERMONT****Safe Space, a program of the  
RU 1 2? Queer Community Center**

Focus areas: DV, HV, SV

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Website: [www.safespacevt.org](http://www.safespacevt.org)

**VIRGINIA****Virginia Anti-Violence Project**

Focus areas: HV, DV, SV

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**WASHINGTON****The Northwest Network of Bisexual, Trans,  
Lesbian, & Gay Survivors of Abuse**

Focus Areas: DV, SV

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**WASHINGTON, D.C.****\*GLOV (Gays and Lesbians Opposing Violence)**

Focus Areas: HV, PM

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Focus areas: DV

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Focus Areas: DV, SA

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Focus Areas: SV

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Focus Areas: DV

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# JUST DETENTION

## INTERNATIONAL

RAPE IS NOT PART OF THE PENALTY

CALL FOR CHANGE

FEBRUARY 2009



## A Call for Change: Protecting the Rights of LGBTQ Detainees

### Introduction

**B**ECAUSE I WAS RAPED, I got labeled as a 'faggot,' and everywhere I walked everyone looked at me like I was a target. It opened the doors for a lot of other predators. Even the administrators thought it was okay for a 'faggot' to be raped. They said, 'Oh, you must like it.'

— Bryson Martel,  
prisoner rape survivor

**A**N ASTONISHING 2.3 million people are incarcerated in the U.S. at any given time, with some 12 million passing through prisons and jails each year. Of these detainees, an alarming number experience sexual violence. According to the best available research, 20 percent of inmates in U.S. men's institutions are sexually abused at some point during their incarceration.<sup>1</sup> The rate for women's institutions varies dramatically from one facility to another, with one in four inmates being victimized at the worst ones.<sup>2</sup>

In an inmate survey mandated by the Prison Rape Elimination Act (PREA) and published in December 2007, the Bureau of Justice Statistics (BJS) found that 4.5 percent (or 60,500) of the more than 1.3 million inmates held in federal and state prisons had been sexually abused in the previous year alone.<sup>3</sup> A subsequent BJS survey in county jails was just as troubling; nearly 25,000 jail detainees reported having been sexually abused in the past six months.<sup>4</sup>

Lesbian, gay, bisexual, transgender, and queer (LGBTQ) detainees are hardest hit by this violence. The BJS survey of sexual violence in jails found that sexual orientation was the single most predictive characteristic of who was targeted for sexual assault. A 2007 study conducted at six California men's prisons found that a shock-

ing 67 percent of inmates who identified as "non-heterosexual" reported having been sexually assaulted by another inmate during their incarceration – a rate that was 15 times higher than for the inmate population overall.<sup>5</sup>

LGBTQ detainees have little access to protection from these crimes and generally endure them in silence. This is due to a number of factors, including pervasive homophobia among corrections officials that creates an environment in which abuse is allowed to flourish. Many LGBTQ survivors do not report sexual abuse because they fear retaliation and breaches of confidentiality. They also tend to believe – often based on how facility staff have reacted to the complaints of others – that reports will be met with indifference or hostility and that no action will be taken.

Following any incident of rape, survivors suffer severe psychological, and often physical, pain. In the case of prisoner rape, the initial assault is usually just the beginning of the victim's ordeal. Perpetrators often abuse prisoner rape survivors relentlessly, sometimes for long periods of time. In addition, survivors are frequently marked as fair game for attacks by others. In the worst cases, they are treated like the assailants' property and "sold" to others within the facility.

Prisoner rape survivors demonstrate a significantly higher incidence of mental health problems than prisoners who have not exper-

*See INTRO, continued on page 2*

## CALL FOR CHANGE

### INTRO, continued from page 1

rienced sexual violence, including depression, post-traumatic stress disorder (PTSD), and substance abuse. Furthermore, the HIV prevalence rate inside U.S. prisons is more than four times higher than in society overall<sup>6</sup> and detainees have only limited access to screening and treatment during and after incarceration, meaning that rape behind bars can amount to an un-adjudicated death sentence. Upon release, survivors often return to their communities with few resources to deal with the emotional scars and deadly disease that result from prisoner rape.

The alarming rate of sexual violence against LGBTQ detainees requires urgent attention. Whether perpetrated by officials or by detainees with the acquiescence of corrections staff, the sexual assault of LGBTQ detainees is a form of torture that violates international human rights law, the U.S. Constitution, and domestic criminal law.

The U.S. has ratified two international treaties – the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) – which prohibit torture and require the U.S. to protect prisoners from sexual violence. In both *Farmer vs. Brennan*,<sup>7</sup> and the Prison Rape Elimination Act of 2003,<sup>8</sup> the U.S. government has recognized that prisoner rape can amount to cruel and unusual punishment, in violation of the Eighth Amendment of the U.S. Constitution. Moreover, every state has rape and custodial sexual misconduct laws that criminalize this form of abuse, regardless of the detainee's custody status, sexual orientation or gender identity.

This *Call for Change* presents recommendations that complement and build on these legal standards as well as those at the local level. If implemented, the policies included here will significantly decrease sexual violence against LGBTQ detainees.

## Recommendations

### 1. Prisoner Awareness

All detainees need to know that sexual abuse is unacceptable in all circumstances, whether perpetrated by corrections officials or other detainees. They must be given a handbook detailing information about the policies related to sexual conduct at the facility where they are housed. The Call for Change Coalition calls on all detention facilities to:

- Confirm that the inmate handbook states every person's right to be free from sexual abuse and the institution's explicit prohibition of such acts. A definition of abuse – using clear, frank language – including the indicators of inappropriate staff relationships must be included.<sup>9</sup>
- Ensure that the inmate handbook provides information about the availability of mental health counseling following sexual abuse.
- Make certain that the handbook provides a clear explanation of the steps a detainee must take to file a grievance.
- Verify that the handbook is translated into the commonly used languages of the locale. Low-literacy detainees must receive the handbook information verbally.

### 2. Promoting Safety

One of the most important tools available to corrections officials to prevent prisoner rape is the appropriate classification of inmates. While anyone can be targeted for sexual violence behind bars, people who are young, nonviolent, first-time offenders, physically small, weak, and/or shy are more frequently singled out by perpetrators. LGBTQ and gender non-conforming detainees, or those perceived as such, are exceptionally vulnerable to rape. Corrections staff must therefore take special care in determining the housing arrangements for these detainees. The Call for Change Coalition calls on all detention facilities to:

- In classification and housing assignments, take into account risk factors that can lead to detainees becoming the target of sexual victimization. In particular, corrections

officials must acknowledge the unique safety concerns of LGBTQ individuals and avoid pairing inmates as cellmates if sexual assault is likely to be the result.

- Protect detainees at high risk for abuse by discontinuing housing policies and practices that place them in dangerous situations or that are unnecessarily punitive, including housing transgender detainees in the general population only according to genitalia or automatically placing LGBTQ detainees in segregation or special housing units. Instead, facilities must offer thoughtful housing alternatives, including single cells when available, separate units for detainees at risk of being targeted for sexual assault, and voluntary, non-punitive forms of segregation.
- Take into account detainee objections to being paired with a specific cellmate due to fear of assault.
- Conduct ongoing classification reviews, particularly in cases of repeated safety concerns or in the aftermath of an assault.
- Require that strip searches of transgender inmates be authorized by the supervisor on duty and that the reason for the strip search always be documented. Strip searches of transgender detainees must occur in a manner that provides privacy from other inmates and staff members. Transgender detainees must never be strip searched because staff are curious about what their bodies look like or to humiliate them.
- Provide appropriate undergarments, such as sports bras for transgender inmates. Appearance or mannerisms related to gender expression must not result in punishment or other disciplinary measures.
- Allow transgender and other detainees vulnerable because of their gender identity or sexual orientation to use shower facilities at a separate time from others.

### 3. Staff Screening and Training

Proper staff screening is an essential safeguard against sexual violence. Regular, mandatory

staff training – including the development of clear standards for on-the-job conduct and a zero-tolerance policy with respect to sexual violence – sets a tone of institutional seriousness and professionalism. The Call for Change Coalition calls on all detention facilities to:

- Conduct extensive background checks of all employees who will have direct contact with detainees. No individual convicted of rape, custodial sexual misconduct or any other crime involving nonconsensual sexual contact, or any individual who has been fired or has resigned from a job as a corrections employee pursuant to substantiated allegations of sexual abuse, shall be eligible for employment in a position that involves direct contact with inmates.
- Provide mandatory training for current and future staff members, including all non-security personnel, on a regular basis. Training must include: a clear statement that sexual abuse of detainees is a crime; strategies for identifying and protecting potentially vulnerable inmates; information on how to respond to a report of sexual abuse, including how to respect the survivor's confidentiality; and information on reporting and tracking sexual abuse.
- Include detailed information in training programs about non-discrimination against LGBTQ detainees and explicitly prohibit homophobic and derogatory comments directed against such detainees. Acknowledge, as a matter of written policy and daily practice, the unique safety concerns of LGBTQ detainees and emphasize that the prevention of sexual violence is a top institutional priority. Require that staff use respectful language toward and in reference to all LGBTQ detainees.
- Include the following as examples of prohibited conduct in training materials for staff: responding to detainees' concerns or complaints of sexual abuse in a dismissive or skeptical manner; condoning, encouraging or otherwise being complicit in sexual abuse as a method of punishing detainees; and failing to prevent or stop sexual abuse based on the false belief that LGBTQ detainees want or invite sexual aggression.
- Require staff to report all observed incidents of custodial sexual misconduct

and all acts of indifference toward the sexual abuse of detainees, and to take a proactive role in monitoring the safety of inmates who may be vulnerable to sexual abuse.

- Reward staff for treating detainees in a respectful manner and for properly handling reports of sexual assault. When employment procedures allow, tie merit salary increases and promotions to adherence to this principle.
- Terminate and prosecute an employee if an internal or external investigation confirms that s/he has engaged in sexual misconduct with a detainee. While under investigation, such an employee shall have no direct contact with detainees. If this is not possible, then the survivor must be given the option of being housed where s/he will have no contact with the employee. If an employee exhibits indifference to the sexual abuse of a detainee, appropriate disciplinary action must be taken.
- Ensure that the above stipulations apply to all employees, including contractors, volunteers, health care professionals, and anyone else who has contact with detainees, on or off the institution grounds. For those categories of employees for whom it is not feasible to attend regular trainings on sexual abuse, a class in which pertinent information about how to prevent and address sexual violence is conveyed must be mandatory before such employees are allowed contact with inmates.

#### 4. Responding to Sexual Violence

Taking action in a timely and professional manner to address allegations of sexual assault is an essential component in minimizing harmful consequences to survivors and in breaking the cycle of sexual abuse in detention. The Call for Change Coalition calls on all detention facilities to:

- Establish multiple avenues for filing a complaint about sexual abuse, so that detainees are not required to report grievances to an abusive staff member or one who they believe will not take action. It is especially important to ensure that detainees are aware of their right to breach

the normal chain-of-command when reporting sexual abuse.

- Ensure that detainees who file complaints of sexual abuse are not punished, either directly or indirectly. Also ensure that all complaints and reports of sexual violence remain confidential to the extent possible, meaning that they are divulged only to those staff members who need to know in order to carry out an investigation and maintain the health and safety of the detainee.
- Make certain that administrative segregation of those who report abuse is not automatic. If a person is segregated for his or her own protection, such segregation must be non-disciplinary, and must not result in any unnecessary loss of privileges or access to physical or mental health care.
- Ensure that evidence is collected as promptly as possible in the aftermath of a sexual assault. Instruct the survivor not to shower, remove clothing, wash, drink, eat or defecate until examined. Staff implicated in the assault must never be involved in the collection of evidence.
- Provide appropriate acute-trauma care for rape survivors, including treatment of injuries, medical examination, STD testing and prophylaxis, and emergency mental health counseling.
- Facilitate the ability of hospital staff and independent rape crisis counselors to counsel survivors in private.
- Make certain that detainees who have been victimized receive appropriate physical and mental health care follow-up, including monitoring and confidential counseling for post-traumatic stress disorder, depression, and other mental health problems. This follow-up must also include access to confidential, voluntary testing, and treatment and counseling for HIV/AIDS and other STDs.

- Ensure that access to comprehensive aftercare never is dependent upon the survivor's willingness to participate in an investigation or to testify in legal proceedings.

*Continued on page 4*

## CALL FOR CHANGE

### 5. External Monitoring, Reporting, and Services

In order to prevent sexual violence, detention facilities must operate with transparency by fully documenting abuse, by facilitating external monitoring by independent organizations, and by providing unfettered access to entities that provide services to survivors. The Call for Change Coalition calls on all detention facilities to:

- Allow relevant, independent monitoring and regulatory organizations to enter the institution and have broad access to detainees.
- Collaborate with community rape crisis centers to provide confidential rape crisis services to survivors.
- Document all complaints of sexual abuse of detainees, including: whether the abuse was perpetrated by a staff member or another detainee; the result of the investigation; the circumstances of the assault; whether the survivor participated in the investigation; and any resolution of the complaint. This information should be made public with identifying information redacted.
- Provide copies of Just Detention International's *Resource Guide for Survivors*

of *Sexual Abuse Behind Bars* to detainees and ensure that any effort to reach out to the organizations included therein remains free and confidential.

### Conclusion

The Call for Change was initiated in November 2004, when Just Detention International (then Stop Prisoner Rape) hosted a Community Dialogue in Los Angeles that brought together more than 40 human rights advocates, rape crisis counselors, LGBTQ rights advocates, corrections officials, survivors, and politicians to address the problem of sexual violence against LGBTQ detainees. Many other organizations (both within the U.S. and abroad) have since joined the coalition.

Due in part to the Prison Rape Elimination Act (PREA), corrections officials are gradually acknowledging their responsibility to prevent sexual abuse against everyone in their custody. However, LGBTQ detainees continue to be dramatically over-represented among those targeted for sexual assault behind bars. By implementing the above policy recommendations, detention facilities can put an end to this dehumanizing violence and protect one of the nation's most vulnerable incarcerated populations.

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Just Detention International (JDI) is a human rights organization that seeks to end sexual abuse in all forms of detention.

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JDI has three core goals for its work: to ensure government accountability for prisoner rape; to transform ill-informed public attitudes about sexual violence in detention; and to promote access to resources for those who have survived this form of abuse.

JDI is concerned about the safety and well-being of all detainees, including those held in adult prisons and jails, juvenile facilities, immigration detention centers, and police lock-ups, whether run by government agencies or by private corporations on behalf of the government.

When the government takes away someone's freedom, it incurs a responsibility to protect that person's safety. All inmates have the right to be treated with dignity. No matter what crime someone has committed, sexual violence must never be part of the penalty.

### Endnotes

1 Cindy Struckman-Johnson & David Struckman-Johnson, *Sexual Coercion Rates in Seven Midwestern Prison Facilities for Men*, 80 *THE PRISON JOURNAL* 379 (2000).

2 Rates for women vary greatly. In one institution, 27 percent of females reported a pressured or forced sex incident, while in another institution the rate was seven percent. See Cindy Struckman-Johnson & David Struckman-Johnson, *Sexual Coercion Reported by Women in Three Midwestern Prisons*, 39 *JOURNAL OF SEX RESEARCH* 3 (2002).

3 ALLEN J. BECK & PAGE M. HARRISON, BUREAU OF JUSTICE STATISTICS, *SEXUAL VICTIMIZATION IN STATE AND FEDERAL PRISONS REPORTED BY INMATES, 2007* (2007).

4 ALLEN J. BECK & PAGE M. HARRISON, BUREAU OF JUSTICE STATISTICS, *SEXUAL VICTIMIZATION IN LOCAL JAILS REPORTED BY INMATES, 2007* (2008). Unfortunately, the data provided by the BJS still represent only a fraction of the true number of detainees who are victimized in county jails. The number of admissions to local jails over the course of a year is approximately 17 times higher than the nation's jail population on any given day.

5 Valerie Jenness et al., Center for Evidence-Based Corrections, *Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault* (2007).

6 Susan Okie, *Sex, Drugs, Prisons, and HIV*, 356 *NEW ENGL. J. MED.* 105 (2007). In 2005, the confirmed AIDS rate was two and one-half times higher in prisons than in society. LAURA M. MARICCHAK, BUREAU OF JUSTICE STATISTICS, *HIV IN PRISONS, 2005* (2007).

7 511 U.S. 825 (1994).

8. 42 U.S.C. §15601, *et seq.*

9. While the power that officials wield over a person in their custody makes staff-on-inmate sexual contact inherently coercive, consensual sexual activity between inmates should not be included in definitions or policies concerning sexual abuse.

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## “Call for Change” Signatories February 2009

1. A Window Between Worlds, Venice, California
2. ActionAIDS, Philadelphia, Pennsylvania
3. AFL-CIO, Pride at Work, Washington, District of Columbia
4. Afrihealth Information Projects, Lagos, Nigeria
5. AIDS Project Los Angeles, Los Angeles, California
6. Albuquerque Rape Crisis Center, Albuquerque, New Mexico
7. Allied Cultures Against Discrimination, Van Nuys, California
8. American Civil Liberties Union of Southern California, Los Angeles, California
9. Amnesty International USA, New York, New York
10. Archdiocese of Los Angeles, Office of Restorative Justice, Los Angeles, California
11. Association HIV.LV, Riga, Latvia
12. Bavarian Network on HIV/AIDS in Prison, Bonn, Germany
13. Bay Area Immigrant Rights Coalition, Oakland, California
14. Bienestar Human Services, Los Angeles, California
15. Birth Attendants: The Prison Doula Project, Olympia, Washington
16. Books Not Bars, Oakland, California
17. California Coalition Against Sexual Assault, Sacramento, California
18. California Coalition for Women Prisoners, San Francisco, California
19. California Prison Focus, San Francisco, California
20. California Women’s Law Center, Los Angeles, California
21. Campaign for Youth Justice, Washington, District of Columbia
22. Center for Human Rights and Constitutional Law, Los Angeles, California
23. Central American Resource Center, Los Angeles, California
24. Centre for the Human Rights of Imprisoned People, Flemington, Australia
25. Centre for the Study of Violence and Reconciliation, Johannesburg, South Africa
26. Children of Lesbians and Gays Everywhere, San Francisco, California
27. City of Los Angeles AIDS Coordinator’s Office, Los Angeles, California
28. Coalition for Humane Immigrant Rights of Los Angeles, Los Angeles, California
29. Coalition to Abolish Slavery and Trafficking, Los Angeles, California
30. Colorado Anti-Violence Program, Denver, Colorado
31. Community HIV/AIDS Mobilization Project, New York, New York
32. Community United Against Violence, San Francisco, California
33. The Correctional Association of New York, New York, New York
34. DC Rape Crisis Center, Washington, District of Columbia
35. DC Trans Coalition, Washington, District of Columbia
36. East Los Angeles Women’s Center, Los Angeles, California
37. Equality California, Sacramento, California
38. Families to Amend California’s Three Strikes, Los Angeles, California
39. FIERCE!, New York, New York
40. Friends Outside, Los Angeles, California
41. FTM Alliance of Los Angeles, Los Angeles, California
42. Gay, Lesbian, and Straight Education Network, Los Angeles, California
43. Gay and Lesbian Activists Alliance, Washington, District of Columbia
44. Gay and Lesbian Adolescent Social Services, Los Angeles, California
45. Gay Men’s Health Crisis, New York, New York
46. Hemophilia Historical Archives, Woodland, California
47. Human Rights Watch, New York, New York
48. Immigration Equality, New York, New York
49. In The Life, Atlanta, Georgia
50. International AIDS Empowerment, El Paso, Texas
51. International Gay and Lesbian Human Rights Commission, Asylum Documentation Program, New York, New York
52. Just Detention International, Los Angeles, California
53. Juvenile Justice Project of Louisiana, New Orleans, Louisiana

*Continued on reverse*

## “Call for Change” Signatories February 2009

*Continued from reverse*

54. Kansas City Anti-Violence Project, Kansas City, Missouri
55. LGBT Community Center of Greater Cleveland, Cleveland, Ohio
56. Los Angeles Gay and Lesbian Center, Los Angeles, California
57. Men Can Stop Rape, Washington, District of Columbia
58. Milwaukee LGBT Community Center, Milwaukee, Wisconsin
59. Münchner Aids-Hilfe, Munich, Germany
60. National Association of Social Workers, Women’s Council, Los Angeles, California
61. National Center for Lesbian Rights, San Francisco, California
62. National Center for Transgender Equality, Washington, District of Columbia
63. National Center for Youth Law, Oakland, California
64. National Coalition of Anti-Violence Programs, New York, New York
65. National Gay and Lesbian Taskforce, Washington, District of Columbia
66. National Immigrant Justice Center, Chicago, Illinois
67. National Lawyer’s Guild, New York, New York
68. National Youth Advocacy Coalition, Washington, District of Columbia
69. The New York City Gay and Lesbian Anti-Violence Project, New York, New York
70. November Coalition Foundation, Colville, Washington
71. Parents, Families and Friends of Lesbians and Gays National, Washington, District of Columbia
72. The Parolee Human Rights Project of the New York City AIDS Housing Network, New York, New York
73. Partnership for Safety and Justice, Portland, Oregon
74. Peace Over Violence, Los Angeles, California
75. People Against Prison Abuse, Odessa, Texas
76. Pikes Peak Gay & Lesbian Community Center, Colorado Springs, Colorado
77. The Prison Honor Program of The Catalyst Foundation, Lancaster, California
78. Program for Torture Victims, Los Angeles, California
79. Progressive Jewish Alliance, Los Angeles, California
80. Project SISTER, Claremont, California
81. The River Fund, Sebastian, Florida
82. SafeSpace for LGBTQQ Survivors of Violence, Burlington, Vermont
83. San Francisco Women Against Rape, San Francisco, California
84. Scarlet Alliance, Sydney, Australia
85. Seattle LGBT Community Center, Seattle, Washington
86. Sexual Assault Crisis Agency, Long Beach, California
87. South Asian Network, Artesia, California
88. Southerners On New Ground, Atlanta, Georgia
89. Sylvia Rivera Law Project, New York, New York
90. Texas Jail Project, Austin, Texas
91. Transformative Justice Law Project of Illinois, Chicago, Illinois
92. Transgender, Gender Variant and Intersex Justice Project, Oakland, California
93. Transgender Law Center, San Francisco, California
94. Transgender Legal Defense & Education Fund, New York, New York
95. Trans-health Information Project, Philadelphia, Pennsylvania
96. Triangle Foundation, Detroit, Michigan
97. UCLA LGBT Center, Los Angeles, California
98. Unitarian Universalist Service Committee, Boston, Massachusetts
99. Urban Justice Center, New York, New York
100. Valley Trauma Center, Van Nuys, California
101. Washington DC Community Center for GLBT People, Washington, District of Columbia
102. Women Lawyers Jail Project, Los Angeles, California
103. Women with a Vision, Inc., New Orleans, Louisiana
104. Women’s Institute for Leadership Development for Human Rights, San Francisco, California
105. Women’s Prison Association, New York, New York
106. Youth Law Center, San Francisco, CA

# JUST DETENTION INTERNATIONAL

RAPE IS NOT PART OF THE PENALTY

## FACT SHEET

FEBRUARY 2009



## LGBTQ Detainees Chief Targets for Sexual Abuse in Detention

**T**HE MAJORITY of victims are homosexuals and the department [of corrections] just pushes the cases under the rug as something that the gay community deserves. When did we lose our right to say no?

— Survivor of sexual abuse in detention<sup>1</sup>

**S**EXUAL ABUSE of lesbian, gay, bisexual, transgender, and queer (LGBTQ) inmates constitutes one of the most rampant and ignored human rights violations in the U.S. today. In a 2007 academic study, funded by the California Department of Corrections and Rehabilitation and conducted at six California men's prisons, 67 percent of inmates who identified as LGBTQ reported having been sexually assaulted by another inmate during their incarceration, a rate that was 15 times higher than for the inmate population overall.<sup>2</sup> Of the hundreds of survivors who contact JDI every year, approximately 20 percent self-identify as gay, bisexual or transgender.

With little or no institutional protection, victims of sexual violence are left beaten and bloodied, contract HIV and other sexually transmitted diseases, and suffer severe psychological harm.<sup>3</sup> LGBTQ inmates are frequently labeled as 'queens,' 'punks,' or 'bitches' for the duration of their detention, permanently marking them as targets.<sup>4</sup>

The initial assault is often just the beginning of a prisoner rape survivor's ordeal. Survivors can be abused relentlessly by the same assailants, sometimes for long periods of time, and marked as fair game for attacks by other detainees. One study found that nearly 75 percent of prisoner rape survivors in men's facilities and 57 percent of survivors in women's facilities were sexually abused more than once, and 30 percent of all prisoner rape survivors endured six or more assaults.<sup>5</sup> In the worst cases, gay and transgender prisoners become sex slaves,

are treated like the perpetrators' property, and sold to others within the facility.

For LGBTQ survivors, the trauma is heightened by the institutional apathy and homophobia they regularly face.<sup>6</sup> Corrections staff tend to confuse homosexuality and transgender status with consent to rape, and trivialize the problem. LGBTQ inmates frequently describe officials ignoring or even laughing at reports of sexual violence. To make matters worse, LGBTQ inmates who report abuse are often subjected to further attacks, humiliating strip searches, and punitive segregation.

The homophobic culture of corrections is compounded by policies that do not take into account the specific concerns of LGBTQ prisoners. For example, transgender women are typically housed with men, in accordance with their birth gender, and are required to shower and submit to strip searches in front of male officers and inmates. In addition, gay and transgender inmates often seek protective custody because of their heightened risk for abuse, only to be placed in solitary confinement, locked in a cell for 23 hours a day, and losing access to programming and other services.

Simple preventative measures can be taken to protect LGBTQ inmates. For example, considering sexual orientation and gender identity in housing and classification decisions, providing corrections officials with sensitivity training, and ensuring that inmates who report sexual abuse are protected from further attacks would vastly improve LGBTQ inmate safety.<sup>7</sup>

## FACT SHEET

### Endnotes

- 1 Excerpt from letter sent by the survivor to Just Detention International.
- 2 Valerie Jenness et al., Center for Evidence-Based Corrections, *Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault* (2007).
- 3 For more information about the repercussions of sexual violence in detention generally, see Just Detention International, Fact Sheet, *The Basics About Sexual Abuse in U.S. Detention* (2009); Just Detention International, Fact Sheet, *Mental Health Consequences of Sexual Violence in Detention* (2009).
- 4 Cindy Struckman-Johnson & David Struckman-Johnson, *A Comparison of Sexual Coercion Experiences Reported by Men and Women in Prison*, 21 J. OF INTERPERSONAL VIOLENCE 1531, 1599 (2006); Christopher D. Man & John P. Cronan, *Forecasting Sexual Abuse in Prisons: The Prison Subculture of Masculinity as a Backdrop for "Deliberate Indifference,"* J. CRIM. & CRIMINOLOGY 127, 153-54 (2001).
- 5 Cindy Struckman-Johnson & David Struckman-Johnson, *A Comparison of Sexual Coercion Experiences Reported by Men and Women in Prison*, 21 J. OF INTERPERSONAL VIOLENCE 1531, 1599 (2006).
- 6 Helen Eigenberg, *Correctional Officers and their Perceptions of Homosexuality, Rape, and Prostitution in Male Prisons*, 80 Prison J. 415 (2000); Cindy Struckman-Johnson et al., *Sexual Coercion Reported by Men and Women in Prison*, 33 J. Sex Res. 67 (1996).
- 7 To see a complete list of policy recommendations that would improve LGBTQ\_inmate safety, see Just Detention International, *Call for Change: Protecting the Rights of LGBTQ Detainees*, available at [http://www.justdetention.org/pdf/Call\\_for\\_Change1.pdf](http://www.justdetention.org/pdf/Call_for_Change1.pdf) (last visited February 6, 2009).

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