Crime and Sexual & Gender Orientation

From: United States Department of Justice National Hate Crimes Training, Presented by Governor’s Commission on Discrimination and Hate Crimes & Law Enforcement Coordinating Committee of Illinois

Unique Features of Hate Crimes
- More likely to be seriously injurious or lethal than other assault crimes
- Likely to be generated, in part, by fear, escalating when the dominant culture is under attack
- Most perpetrators are younger men and crimes are committed in groups (NEA)
- Overwhelmingly committed by strangers (NEA)

Scope
In 2003 here were 1,200 hate crimes based on sexual orientation (FBI Hate Crime Statistics)
- Grossly under-reported (most communities and states don’t keep statistics & LGBT people under-report because of fear of exposure). A study of gay, lesbian and bisexual adults showed that 41% reported being a victim of a hate crime after the age of 16. Assuming that 5% of all adults are homosexual or bisexual, this would mean that about six million of them had been victimized during their lifetime out of a total group population on the order of 15 million Americans. However, only about 1,200 hate crimes were actually recorded by police. One is forced to conclude that almost no hate crimes are reported to the police by gays and lesbians. (Journal of Interpersonal Violence, 12 (2))
- 2 to 3 times more likely than prior to 1998

Hate Crime Laws

[Map showing hate crime laws in the U.S.]
**Typology of Offenders**: Thrill Seeker Offenders, Reactive Offenders, Mission Offenders (group type omitted: organized hate groups such as Skinheads)

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<tr>
<td>Generally, groups of teenagers</td>
<td>Have a sense of entitlement regarding their rights, privileges, way of life that does not extend to the victim</td>
<td>Sometimes psychotic, suffering from mental illness that may cause hallucinations, impaired ability to reason, and withdrawal from other people</td>
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<td>Not generally associated with an organized hate group</td>
<td>Usually have no prior history of criminal behavior or overt bigotry; not generally associated with an organized hate group, although they may call on an organized hate group to assist in mitigating the perceived threat</td>
<td>Perceives victim groups as evil, subhuman, and/or animal</td>
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<td><strong>Precipitating Events</strong>: Generally, none</td>
<td><strong>Precipitating Events</strong>: Offenders perceive a threat to their way of life, community, place of work, or privilege</td>
<td><strong>Precipitating Events</strong>: None</td>
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<td><strong>Motivation</strong>:</td>
<td><strong>Motivation</strong>: To protect/defend against the perceived threat constituted by the presence of “outsiders”</td>
<td><strong>Motivation</strong>: Believes he/she has been instructed by a higher order/belief system (Christian Identity, Church of Israel, the Fuhrer, the Imperial Wizard, anti-government extremism and WCOTC etc.) to rid the world of this evil</td>
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<td>To gain a psychological or social thrill</td>
<td>To believe he/she must get even for the misfortunes he/she has suffered and perceives a conspiracy of some kind being perpetrated by the groups he/she has targeted</td>
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<td>To be accepted by peers</td>
<td>To have a sense of urgency about his/her mission; believes he/she must act before it is too late</td>
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<td>To gain “bragging” rights</td>
<td><strong>Victim</strong></td>
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<td><strong>Location</strong>:</td>
<td><strong>Location</strong>: Typically occur in offender’s own neighborhood, school, or place of work</td>
<td><strong>Location</strong>: Since attacks are random, it is often difficult to identify the offender</td>
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<td>Generally outside of offender “turf”</td>
<td>Attacks often involve desecration and vandalism, although they can involve more violent crimes</td>
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<td>Offenders seek out areas frequented by target group(s)</td>
<td>Each group member’s participation may be limited to a specific aspect of the crime, enabling each offender to avoid acknowledgment of or accountability for the seriousness of the crime</td>
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<td><strong>Additional Characteristics</strong>:</td>
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Victim Impact:
- Victims of hate crimes suffer 2 -3 times more trauma than other victims
- Victims of bias crimes have been attacked for being different, perceived as being outside an “unacceptable social norm”, and for being hated. Because the basis for their attack is their identity, victims may experience a deep personal crisis.
- Stress and vulnerability may be heightened or prolonged.
- Victims may reject the aspect of themselves that was the target for their attack.
- Assumptions about life may be shattered.
- Shattered assumptions regarding life/world view may be especially painful because the victim’s world view may be different from that of the dominant culture.
- Victims of bias crimes who are minorities may feel the crime was diminished because of societal stereotyping, prejudice, or institutional indifference.
- If their membership in a target group is readily visible, victims of bias crimes may feel particularly vulnerable to a repeat attack. They may become afraid to associate with other members of a group that has been targeted or fail to seek needed services, believing that these actions increase their vulnerability.
- Victims may feel: isolated, degraded, frightened/terrified, suspicious of others, powerless, depressed, in a state of denial

Community Impact:
- The victimization of individuals who are targets of crime because of race, religion, ethnicity, gender, or sexual orientation is projected outward to all their community members.
- Members of commonly targeted groups are reminded of their vulnerability.
- Attacks on places of worship and their spiritual symbols may harm victims more than acts of vandalism. These attacks also harm other members of the community.

Importance of Effective Law Enforcement Response to Bias Crime

Effective Response:
- Reduces fear and anger; facilitates recovery of victim(s), witnesses, and the community
- Convinces victims and the community that law enforcement takes their concerns seriously
- Tells actual and potential offenders that such crimes will not be tolerated
- Mitigates the potential for “copy cat” behavior
- Reduces the potential for retaliation
- Generates trust and goodwill between the community and the police department
- Increases the police department’s credibility
- Often perpetrated in groups which may:
  - Diffuse responsibility  - Become more daring  - Exacerbate the viciousness of the attack

Responding: Basic Responsibilities
- Respond promptly
- Apprehend perpetrator & keep incident from escalating
- Stabilize victim
- Notify supervisor of possible hate crime
- Preserve crime scene
- Conduct preliminary investigation
- Maintain non-critical, nonjudgmental attitude
- Prepare & file thorough report
- Permit victim to express feelings
- Be supportive
- Refer victim to support programs & organizations
Preliminary Steps In Interviewing the Victim
- Provide extra security for the victim
- Tell the victim that you are sorry the incident happened
- Use interpreter, if language barriers present
- Do not attempt to diminish the impact of crime
- Allow victim to ventilate feelings
- Explain that law enforcement takes these crimes seriously
- Inform the victim about emotional responses to victimization
- Be sensitive and respectful to the victim
- Explain what is likely to happen during investigation
- Protect the victim’s anonymity whenever possible

Strategies for the Interview
- One officer conducts the interview
- Allow victim to use own words
- Do not ask “Was this a bias crime?”
- Do not make assumptions
- Do not blame the victim
- Do not question the victim’s judgment
- Obtain exact words used by offender(s)
- Do not use biased terms
- Update the victim on case status
- Refer victim for support and assistance

Special Considerations for Collecting Evidence in Bias Based Crimes
- Language
- Graffiti
- Property Damage
- Personal Injuries
- Threatening Letters
- Symbols of Hate

Common Mistakes:
- Failure to identify bias indicators or possible bias crime
- Failure to preserve or collect evidence
- Failure to adequately respond
- Failure to ask appropriate questions
- Failure to document
- Making statements which minimize the seriousness or possibility of hate crime
SAME SEX DOMESTIC VIOLENCE  (aardvark.org)

- Domestic violence occurs within same-sex relationships with the same statistical frequency as in heterosexual relationships.


- Each year, between 50,000 and 100,000 Lesbian women and as many as 500,000 Gay men are battered.  *Murphy, Queer Justice: Equal Protection for Victims of Same-Sex Domestic Violence, 30 Valparaiso University Law Review. 335 (1995).


- Seven states define domestic violence in a way that specifically excludes same-sex victims. States with sodomy laws basically require same-sex victims to confess to a crime in order to prove they are in a domestic relationship.  *Barnes, It's Just a Quarrel', American Bar Association Journal, February 1998, p. 24.

- Same-sex batterers use forms of abuse similar to those of heterosexual batterers. they have an additional weapon in the threat of "outing" their partner to family, friends, employers or community.  *Lundy, Abuse That Dare Not Speak Its Name: Assisting Victims of Lesbian and Gay Domestic Violence in Massachusetts, 28 New England Law Review 273 (Winter 1993).

Domestic violence in the LGBT community is a serious issue. The rates of domestic violence in same-gender relationships is roughly the same as domestic violence against heterosexual women. As in opposite-gendered couples, the problem is likely underreported. Facing a system which is often oppressive and hostile towards those who identify as anything other than "straight", those involved in same-gender battering frequently report being afraid of revealing their sexual orientation or the nature of their relationship.

Additionally, even those who attempt to report violence in LGBT relationship run into obstacles. Police officers, prosecutors, judges and others to whom a LGBT victim may turn to for help may have difficulty in providing the same level of service as to a heterosexual victim. Not only might personal attitudes towards the LGBT community come into play, but these providers may have inadequate levels of experience and training to work with LGBT victims and flimsy or non-existent laws to enforce on behalf of the victim.

From LAMBDA Legal Defense:

Several important aspects of lesbian, bisexual, and gay relationships mean domestic violence is often experienced differently:
- In same-sex abuse, a pattern of violence or behaviors exists where one seeks to control the thoughts, beliefs, or conduct of their intimate partner, or to punish their partner for resisting their control. This may been seen as physical or sexual violence, or emotional and verbal abuse.

- An additional form of emotional abuse for someone who is gay, lesbian, or bisexual may be to out them at work or to family or friends.

Local resources for domestic violence in the LGBT community are often scarce and many traditional domestic violence services lack the training, sensitivity, and expertise to adequately recognize and address abusive LGBT relationships. A LGBT individual who is being battered must overcome homophobia and denial of the issue of battering. Lesbians, bisexuals and gay men who have been abused have much more difficulty in finding sources of support than heterosexual women who are battered by their male partners.

Here are more ways same-gender domestic violence is unique:

- It is frequently incorrectly assumed that lesbian, bi and gay abuse must be "mutual." It is not often seen as being mutual in heterosexual battering.

- Utilizing existing services (such as a shelter, attending support groups or calling a crisis line) either means lying or hiding the gender of the batterer to be perceived (and thus accepted) as a heterosexual. Or it can mean "coming out", which is a major life decision. If LGBT people come out to service providers who are not discreet with this information, it could lead to the victim losing their home, job, custody of children, etc.

- LGBT people are usually not as tied financially to their partner, which can be a benefit if they decide to end the relationship. However, if their lives are financially intertwined, such as each paying a rent or mortgage and having "built a home together", they have no legal process to assist in making sure assets are evenly divided, a process which exists for their married, heterosexual counterparts.

- Telling heterosexuals about battering in a LGBT relationship can reinforce the myth many believe that lesbian, bi and gay relationships are "abnormal." This can further cause the victim to feel isolated and unsupported.

- The LGBT community is often not supportive of victims of battering because many want to maintain the myth that there are no problems (such as child abuse, alcoholism, domestic violence, etc.) in LGBT relationships.

- Receiving support services to help one escape a battering relationship is more difficult when there are also oppressions faced. Battered lesbians and female bisexuals automatically encounter sexism and homophobia, and gay and bisexual men encounter homophobia. Lesbian or gay people of color who are battered also face racism. These forms of social oppressions make it more difficult for these groups to get the support needed (legal, financial, social, housing, medical, etc.) to escape and live freely from an abusive relationship.

- LGBT survivors of battering may not know others who are lesbian, bi or gay, meaning that leaving the abuser could result in total isolation.

- The LGBT community within the area may be small, and in all likelihood everyone the survivor knows will soon know of their abuse. Sides will be drawn and support may be difficult to find. Anonymity is not an option, a characteristic many heterosexual survivors can draw upon in "starting a new life" for themselves within the same city.
Questions For Therapists -

Some questions to help your thought processes:

Issues particular to LGBT people …

- Rejection...isolation...grief work...increased risks...recognize being different is a trauma ...struggle for integrity... family of origin problems...identity...acting out... secret sexuality...discrimination, potential loss of job, family, friends ... impotence in legally difficult situations (adoption, hospital visitation, partner survivorship lack of rights – monetary, public, decision making), prejudice of their religious tradition

Issues LGBT people share with heterosexuals but with additional stress …

- Money, sex, maintaining long lasting relationships, families, community, domestic violence, substance abuse, …

- Your own comfort level with people of another sexual orientation

- Concerns about trying to hide orientation when crime relates to sexual or gender orientation.

- Victims with wives and children, or husbands and children.

- Thoughts about a transgender client who wishes to maintain his or her biologic sex, and to present externally as the opposite sex.