

# Hate Violence against Lesbian, Gay, Bisexual, and Transgender People in the United States

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A Report by

## THE NATIONAL COALITION OF ANTI-VIOLENCE PROGRAMS

Inside

- *Statistics on violence against LGBT people*
- *Stories from survivors*
- *Local information*
- *Safety tips*
- *Where to get help*
- *Information on hate crime laws*

2009 Release Edition

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**2009 RELEASE EDITION**

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## INTRODUCTION

This report provides the most comprehensive data on anti-lesbian, gay, bisexual, and transgender (LGBT) violence in the United States. This report provides recommendations for ways to advance education and prevention of hate violence before it occurs and ways to hold public institutions more accountable to responding to violence when it occurs. It is written by a coalition of 35 LGBT anti-violence programs in 25 states across the country. This report is meant to draw attention to the incidents and trends it documents and to highlight the need for more comprehensive responses to bias violence.

Three well documented anniversaries in 2009 frame the writing of this report on the 2008 data collected by the National Coalition of Anti Violence Programs (NCAVP): the 40<sup>th</sup> anniversary of the Stonewall Riots in New York City, the 30<sup>th</sup> anniversary of the White Night Riots in San Francisco, and the 10<sup>th</sup> anniversary of the nation-wide protests after the death of Matthew Shepard in Laramie, Wyoming. During these mass actions, protesters took to the streets, angry, frustrated and determined, with hundreds of LGBT people and their allies, to achieve equality dignity, respect and safety.

Over the last thirty years, LGBT people have created anti-violence organizations with the goal of ending violence in all its forms against LGBT communities and ensuring that services are available and accessible to LGBT victims and survivors of hate violence, domestic violence, sexual assault, police misconduct, and other forms of violence experienced by LGBT people. These organizations operate within a homophobic and transphobic social and political climate where violence continues unabated. The work of NCAVP is to challenge this pervasive hostility. Institutional and interpersonal homophobic and transphobic violence, like all violence stemming from bias, occurs along a continuum of escalation. One end of the spectrum includes isolation of LGBT people and a denial of the violence predicated on sexual orientation or gender identity and the other end includes more physically brutal violence and murder. In between, LGBT people experience increasingly harmful acts of violence, including discrimination, vandalism, slurs, threats and physical and sexual violence. Many attackers are never investigated or arrested and when they are, they often expect, and are too often granted, leniency in the criminal justice system which sanctions such theories as gay and transgender panic defenses. As many marginalized and historically disenfranchised communities can attest, systems of law enforcement and the courts perpetuate similar acts of violence through homophobic and transphobic responses or indifference. LGBT anti-violence programs continue to address these disparities, but there are too few programs and those programs that exist are too under-funded to fully address this work.

NCAVP focuses on addressing and eliminating violence in all its forms against LGBT individuals and communities by supporting the work of local organizations through education campaigns, direct services, quantitative and qualitative data collection and public policy work. NCAVP is a national coalition of member programs that combine their regional knowledge and strategies into one national voice reflecting the myriad tools and strategies that can be used on a local level. This local approach is imperative to addressing violence because community-based responses can be highly effective as they involve the local actors, networks, and cultures. This approach to addressing anti-LGBT violence fosters national strategies informed by the rich diversity of the LGBT communities throughout the United States and the ability to specifically meet the needs of local areas.

There are currently 35 NCAVP member organizations across the U.S. and Canada, many the sole LGBT anti-violence resource in their entire state. Survivors who access these services often note that they do so as an alternative to less aware and often more hostile mainstream systems. In areas without these organizations, victims and survivors of violence and their families often go without adequate support, resources and options. Mainstream services striving to increase competency to work with LGBT survivors rely on the expertise of the few LGBT anti-violence programs that exist to provide that technical assistance. Without LGBT specific anti-violence programs, LGBT survivors are forced to live without support and the violence they experience goes undocumented further perpetuating the isolation and denial of the violence.

Through collaborative work, NCAVP members have established a coalition that produces the most substantive and relevant data on anti-LGBT violence and is the most strategically positioned group to put forth policy recommendations to address this violence. To end violence against our communities, many strategies have been effective: public, educational, political and cultural anti-violence messages; protective and responsive legislation; community-based responses and solutions; enhanced rehabilitation for offenders; increasing the efficacy of law enforcement and first responders; continued research and consistent statistical reporting; and coalition work among allied groups and communities. NCAVP seeks to incorporate all of these strategies to address the needs of victims and survivors of violence and to eradicate homophobia and transphobia, as well as other forms of systemic discrimination, at their root.

## EXECUTIVE SUMMARY

### Introduction

This is a report about bias-motivated incidents targeting lesbian, gay, bisexual, transgender, queer, and questioning (LGBT) individuals in the U.S. during the year 2008. It is a product of the National Coalition of Anti-Violence Programs (NCAVP), a network of over 35 anti-violence organizations 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 LGBT communities. This year, we have also included an extraordinarily important contribution by Just Detention International (JDI), which ensures government accountability for prisoner rape, transforms ill-informed public attitudes about sexual violence in detention and promotes access to resources for those who have survived this form of abuse. NCAVP member organizations stand in solidarity with JDI in advocating for prisoners' rights.

Thirteen NCAVP members collected detailed information about anti-LGBT incidents occurring in their regions throughout 2008 which is reflected in the report. This report is based upon the work of those thirteen member organizations, other members of the coalition and several ally organizations. The regions participating in this year's report are Chicago, IL; Colorado; Columbus, OH; Houston, TX; Kansas City, MO; Los Angeles, CA; Michigan; Milwaukee, WI; Minnesota; New York, NY; Pennsylvania; Rochester, NY; and San Francisco, CA. The reporting regions differ slightly from the previous year. In 2007, Vermont and Boston-area programs contributed data but were unable to do so for the 2008 report. Rochester, NY is the only new region contributing in 2008. The trends and charts that follow include all data contributed by NCAVP members in 2008.

**The total number of victims reporting anti-LGBT violence to NCAVP in 2008 was 2,424 which represent a 2% increase over the total number of victims reported in 2007 and a 26% increase over a two year period. Known anti-LGBT murders rose 28% from 2007 to 2008 and are at the highest level since 1999.**

Comparisons between 2007 and 2008 do not include data that was contributed in 2007 by the Vermont and Boston-area programs. Changes within categories are calculated based on absolute percentages to account for the 2% increase in overall reports.

There were six regions reporting increased numbers of victims in 2008 over 2007. They include Milwaukee (+64%), Minnesota (+48%), Chicago (+42%), Los Angeles (+9%), Colorado (+8%), Columbus (+2%). Six regions reported decreases in numbers of victims in 2008. They include Houston (-77%), Pennsylvania (-22%), New York City (-12%), Kansas City (-14%), Michigan (-14%), and San Francisco (-7%).

### NCAVP MEMBER ORGANIZATIONS

Full listings in bold are contributors to this year's report

#### ARIZONA

##### **Wingspan Anti-Violence Project**

425 E. 7th Street  
Tucson, AZ 85705  
Phone: (520) 624-1779  
Fax: (520) 624-0364  
[www.wingspan.org](http://www.wingspan.org)

#### ARKANSAS

##### **Women's Project**

2224 Main Street  
Little Rock, AR 72206  
Phone: (501) 372-5113  
Fax: (501) 372-0009  
[www.womens-project.org](http://www.womens-project.org)

#### CALIFORNIA

##### **Community United Against Violence**

**170 A Capp Street**  
**San Francisco, CA 94110-1210**  
**Phone: (415) 777-5500**  
**Fax: (415) 777-5565**  
[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)

##### **San Diego LGBT Community Center**

2313 El Cajon Blvd.  
San Diego, CA 92104  
Phone: (619) 260-6380  
Fax: (619) 718-644  
[www.thecentersd.org](http://www.thecentersd.org)

## **NCAVP MEMBER ORGANIZATIONS (continued)**

**COLORADO**  
**Colorado Anti-Violence Program**  
**P.O. Box 181085**  
**Denver, CO 80218**  
**Phone: (303) 839-5204**  
**Fax: (303) 839-5205**  
**Website: [www.coavp.org](http://www.coavp.org)**

**CONNECTICUT**  
**Connecticut Womens' Education and Legal Fund**  
**135 Broad Street**  
**Hartford, CT 06105**  
**Phone: (860) 247-6090, x16**  
**Fax: (860) 524-0804**  
**Website: [www.cwealf.org](http://www.cwealf.org)**

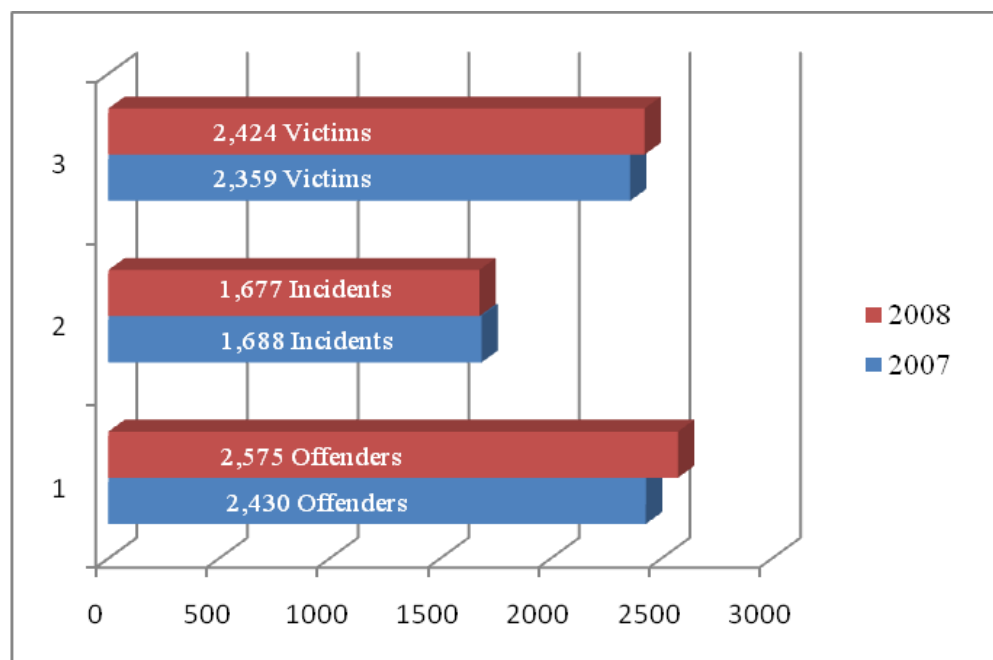
**GEORGIA**  
**United 4 Safety**  
**PO Box 29458**  
**Atlanta, GA 30359**  
**Helpline: (404) 200-5957**  
**[www.united4safety.com](http://www.united4safety.com)**

**ILLINOIS**  
**Center on Halsted Anti-Violence Project**  
**3656 N. Halsted**  
**Chicago, IL 60614**  
**Phone: (773) 472-6469**  
**Fax: (773) 472-6643**  
**[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**  
**Fax: (617) 536-7211**  
**[www.fenwayhealth.org](http://www.fenwayhealth.org)**

The report is divided into six sections. Section I provides the national statistics on hate motivated violence recorded by the National Coalition of Anti-Violence Project, giving an overview of the types, locations, and severity of violence as well as demographic analyses. Section II provides the regional data and summaries, highlighting the work of the individual contributing member organizations and the trends particular to their cities and regions. Section III offers personal narratives from survivors and the documentation of anti-LGBT hate-motivated murders. Section IV contains the list of recommendations based upon NCAVP's analyses of the issues and trends reflected in the data and in the overall work of the entire coalition. The final section of the report covers NCAVP's discussion of hate crimes legislation and offers strategies for safe dating both generally and online.

### **Victims, Offenders, and Incidents 2007–2008**





## Highlights of Findings

NCAVP identified the following key findings and trends.

- 2008, with 29 total murders, has the highest number of deaths since 1999, and an increase of 28% from 2007.
- Of the total injuries reported in 2008, 216 (46%) were classified as “serious,” meaning that the injury required medical attention.
- Reports of abusive treatment by law enforcement increased significantly between 2007 and 2008:
  - Reports of physical abuse at the hands of law enforcement increased 150%, from 10 in 2007 to 25 in 2008.
  - One hundred forty-three cases (73%) of reports received bias classification by law enforcement - an increase over the 35% in 2007.
  - Fifty three cases (27%) were refused bias classification by law enforcement in 2008.
- Reports of sexual assault rose 48% (from 94 to 138), continuing a three year trend of marked increases in reports of hate-motivated sexual violence.
- Bias violence from strangers climbed 36%.
- Weapons use during the commission of a hate crime increased significantly; at least 382 out of the total 1,677 incidents (23%) involved weapons use in 2008. The biggest increases in weapons use occurred in the “other” category (+34%) and the “bottles/bricks/rocks” category (+49%).
- There was a significant increase in reports in the 15 - 18 year old category (+118%).
- Anti-transgender bias comprised 12% (206) of the total incidents reported in 2008.
- Anti-HIV related violence comprised 5% (88) of the total incidents reported in 2008.
- Out of the total 1,677 incidents, 472 (28%) were also reported to the police, consistent with the percentage of reports made to police last year (29%).
- Incidents occurring in or around private residences constituted the most frequent site of anti-LGBT bias (32%).

### **NCAVP MEMBER ORGANIZATIONS (continued)**

#### **The Network/La Red**

P.O. Box 6011  
 Boston, MA 02114  
 Phone: (617) 695-0877  
 Fax: (617) 423-5651  
[www.thenetworkklared.org](http://www.thenetworkklared.org)

#### **MICHIGAN**

**Triangle Foundation**  
 19641 W. Seven Mile Rd  
 Detroit, MI 48219  
 Phone: (313) 537-7000  
 Fax: (313) 537-3379  
[www.tri.org](http://www.tri.org)

#### **MINNESOTA**

**OutFront Minnesota**  
 310 East 38th Street, Suite 204  
 Minneapolis, MN 55409  
 Phone: (800) 800-0350  
 Fax: (612) 822-8786  
[www.outfront.org](http://www.outfront.org)

#### **MISSOURI**

**Kansas City Anti-Violence Project**  
 P.O. Box 411211  
 KC, MO 64141-1211  
 Phone: (816) 561-0550  
[www.kcavp.org](http://www.kcavp.org)

#### **St. Louis Anti-Violence Project**

PO Box 15067  
 St. Louis, MO 63110  
 Phone: (314) 503-2050  
[www.avap-stl.org](http://www.avap-stl.org)

#### **MONTREAL**

**Centre De Solidarite Lesbienne**  
 4126, rue St-Denis, Bureau 301  
 Montréal, QC H2W 2M5  
 Canada  
 Phone: (514) 526-2452  
 Fax: (514) 526-3570  
[www.solidaritelesbienne.qc.ca](http://www.solidaritelesbienne.qc.ca)



### **NCAVP MEMBER ORGANIZATIONS (continued)**

**NEW YORK**  
**New York City Anti-Violence Project**  
 240 West 35th Street, Suite 200  
 New York, NY 10001  
 Phone: (212) 714-1184  
 Fax: (212) 714-2627  
[www.avp.org](http://www.avp.org)

**In Our Own Voices, Inc.**  
 245 Lark Street  
 Albany, NY 12210  
 Phone: (518) 432-4188  
 Fax: (518) 432-4123  
[www.inourownvoices.org](http://www.inourownvoices.org)

**Gay Alliance of the Genesee Valley Anti-Violence Program**  
 875 E. Main Street, Suite 500  
 Rochester, NY 14605  
 Phone: (585) 244-8640 x 17  
 Fax: (585) 244-8246  
[www.gayalliance.org](http://www.gayalliance.org)

**Long Island Gay and Lesbian Youth Anti-Violence Program**  
 34 Park Avenue  
 Bayshore, NY 11706  
 Phone: (631) 665-2300  
 Fax: (631) 665-7874  
[www.ligaly.org](http://www.ligaly.org)

**OHIO**  
**Buckeye Region Anti-Violence Organization**  
 P.O. Box 82068  
 Columbus, OH 43202  
 Phone: (614) 294-7867  
 Fax: (614) 294-3980  
[www.bravo-ohio.org](http://www.bravo-ohio.org)

- Workplace constituted the third most common site with (14%) and workplace incidents decreased 12% from 2007.
- Total number of offenders rose 5% over 2007, representing the most significant increase in terms of overall totals.
- Long-term data indicate that while hate violence against lesbian, gay, bisexual and transgender people has fallen 4.7% over the last ten years, overall crime in country has declined 9.81%.

## **REPORT FINDINGS AND DISCUSSION**

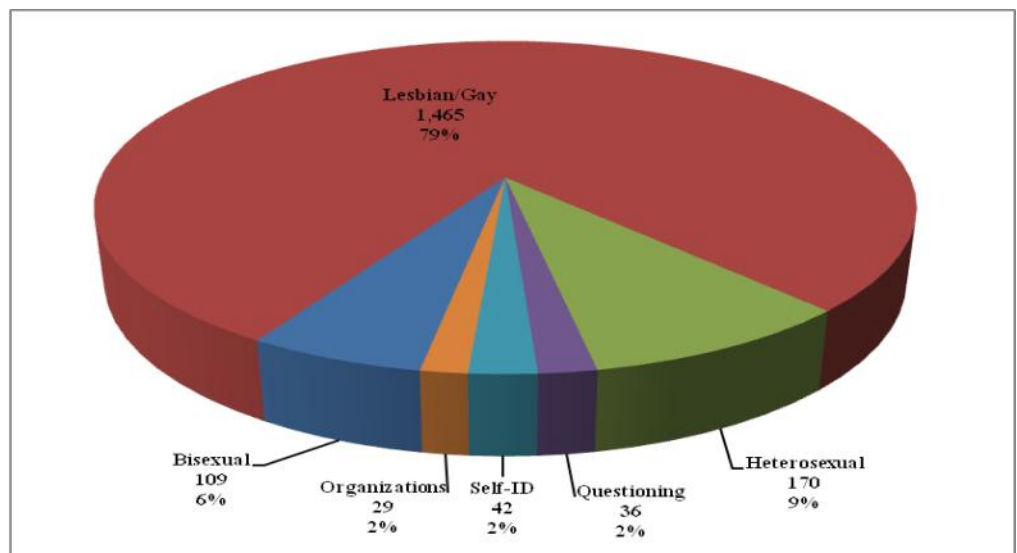
### **Victims and Survivors of Bias-Motivated Violence**

Lesbians and gay men represent the majority of those reporting incidents to participating programs. They represent 79% of all victims for whom sexual orientation was known. Bisexual-identified callers represented about 6% of reports. Those questioning their sexual orientation represent 2%. Two percent of victims provided a self-identifying label such as queer.

Those identifying as heterosexual made up 9% of victims, up slightly from the 6% who identified as such in 2007. Only a portion of these reports are from people of transgender experience who identify as heterosexual. Perpetrators seldom differentiate between sexual orientation and gender identity in the bias-motivation for their attacks.

### **Sexual Orientation of Victims & Survivors in 2008**

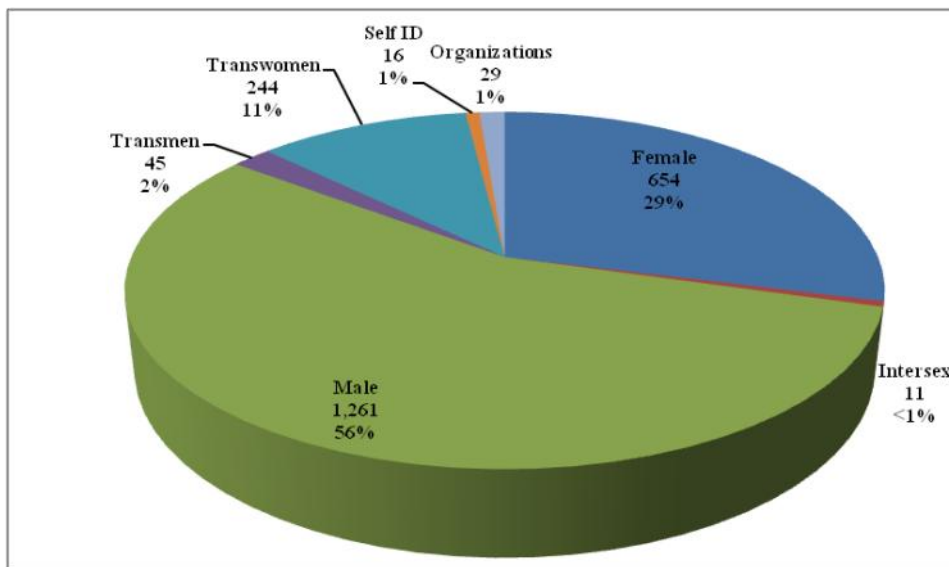
(n = 2,435, chart represents 1,851 callers whose sexual orientation was known)



There was an absolute increase of female-identified victims (6% over 2007), constituting 29% of total victims. And there was an absolute decrease in reports from male identified victims (-3%), who made up 56% of the total reports to NCAVP in 2008. Reports from transgender, gender self-identified and intersex people increased 12%.

### Gender Identity of Victims & Survivors in 2008

(n = 2,435, chart represents 2,260 callers whose gender identity was known)



People of color comprised 52% of callers for whom such data was known in 2008. Specifically, people of African descent made up 20% of victims, up 3% over the previous year. Latina/o victims comprised 23%, up 2% from the previous year. People of Arab/Middle Eastern descent made up about 3% of victims, as did those identifying as multi-racial. Native American/Indigenous people made up 2% and people of Asian descent comprised 1% of victims, down 2% from 2007. White callers comprised 48% of the total for whom race was known. The chart does not include the relatively large 26% of victims for whom race was unknown.

In addition to documenting race and ethnicity, NCAVP has been working on documenting country of origin and immigration status. Not enough member programs are currently documenting immigration status for us to have a real sense of numbers of LGBT immigrants who are targeted. Some organizations avoid asking immigration status in order to avoid putting survivors at risk for deportation even though survivor/victim information is confidential. Without comprehensive immigration reform, LGBT immigrant communities will continue to have less access to services of all kinds and be less accurately represented when they do seek services when they experience hate violence.

### NCAVP MEMBER ORGANIZATIONS (continued)

**The Lesbian & Gay Community Service Center of Cleveland**  
6600 Detroit Avenue  
Cleveland, Ohio 44102  
Phone: (216) 651-5428  
Fax: (216) 651-6439  
[www.lgbtcleveland.org](http://www.lgbtcleveland.org)

ONTARIO  
**The 519 Anti-Violence Programme**  
519 Church Street  
Toronto, Ontario  
Canada M4Y 2C9  
Phone: (416) 392-6878  
Fax: (416) 392-0519  
[www.the519.org](http://www.the519.org)

PENNSYLVANIA  
**Equality Advocates Pennsylvania**  
1211 Chestnut Street Suite 605  
Philadelphia, PA 19107  
Phone: (215) 731-1447  
Fax: (215) 731-1544  
[www.equalitypa.org](http://www.equalitypa.org)

TEXAS  
**Montrose Counseling Center**  
401 Branard Avenue, 2nd floor  
Houston, TX 77006  
Phone: (713) 529-0037  
Fax: (713) 526-4367  
[www.montrosecounselingcenter.org](http://www.montrosecounselingcenter.org)

**Project Get the Word Out**  
501 North Kansas  
Suite 203  
El Paso, TX 79901  
Phone: (915) 626-5292  
[www.freewebs.com/thewordout/](http://www.freewebs.com/thewordout/)

### NCVAP MEMBER ORGANIZATIONS (continued)

**Resource Center of Dallas Family Violence Program**  
PO Box 190869  
Dallas, TX 75219  
Phone: (214) 540-4455  
Fax: (214) 522-4604  
[www.rcdallas.org](http://www.rcdallas.org)

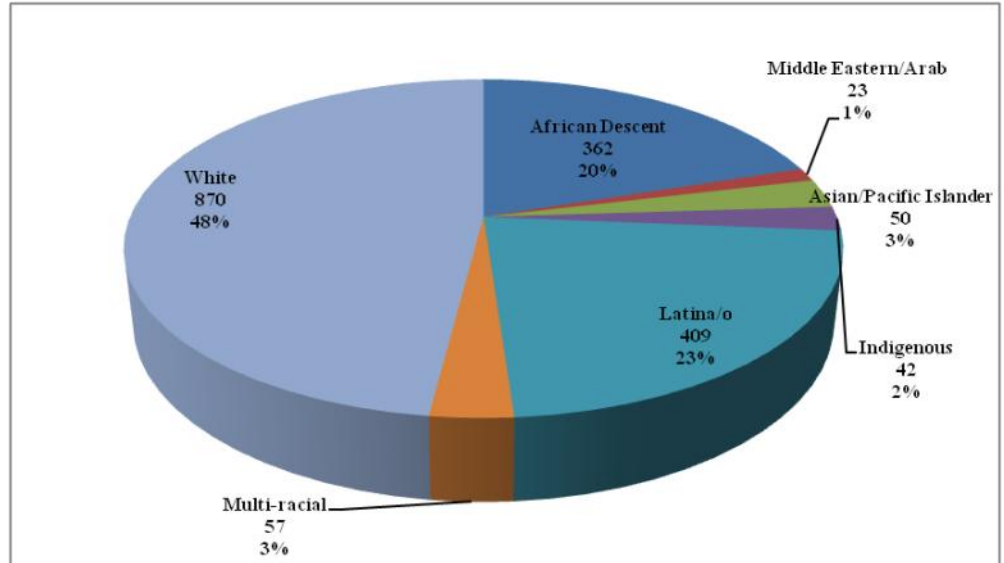
**VERMONT SafeSpace a Program of the RU 12? Community Center**  
P.O. Box 5883  
Burlington, VT 05402  
Phone: (802) 863-0003  
Fax: (802) 861-6487  
[www.ru12.org](http://www.ru12.org)

**VIRGINIA Equality Virginia, Anti-Violence Project**  
403 N. Robinson Street  
Richmond, VA 23220  
Phone: (804) 643-4816  
[www.equalityvirginia.org/avp](http://www.equalityvirginia.org/avp)

**WISCONSIN Milwaukee Lesbian, Gay, Bisexual and Transgender Community Center**  
315 West Court Street  
Suite 101  
Milwaukee, WI 53212  
Phone: (414) 271-2656  
Fax: (414) 271-2161  
[www.mkelgbt.org](http://www.mkelgbt.org)

### Race/Ethnicity of Victims & Survivors for 2008

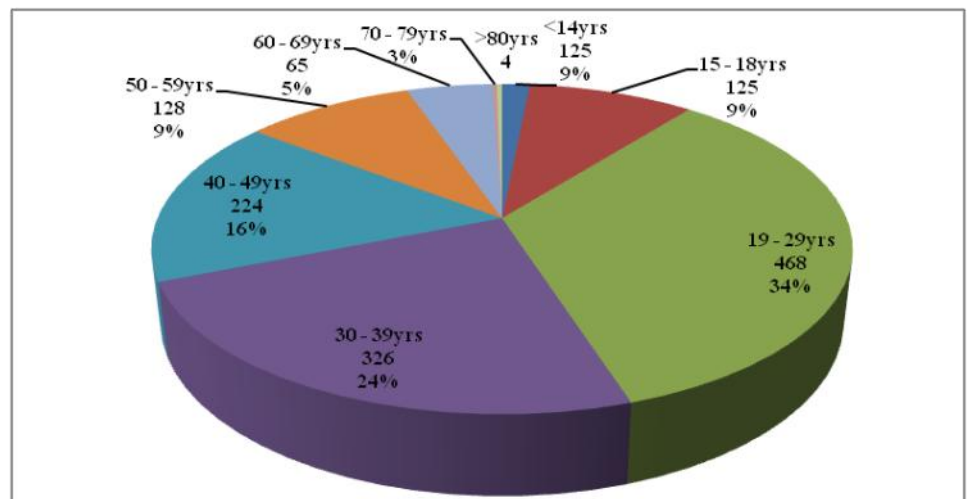
(n = 2,435, chart represents 1,813 callers whose race was known)



There were increases in nearly every single age category from 2007 to 2008. Documenting the ages of people seeking services and safety planning around hate violence continues to be challenging, as it is often the demographic information least likely to be disclosed on a hotline call. This year, 44% of all reporting victims' ages were unknown, though this is an improvement over last year, with almost 400 fewer unknowns than in 2007. Alarming, a significant increase in reports came from the 15- to 18-year-old category (+118%).

### Age of Victims & Survivors in 2008

(n = 2,435, chart represents 1,469 callers whose age was known)



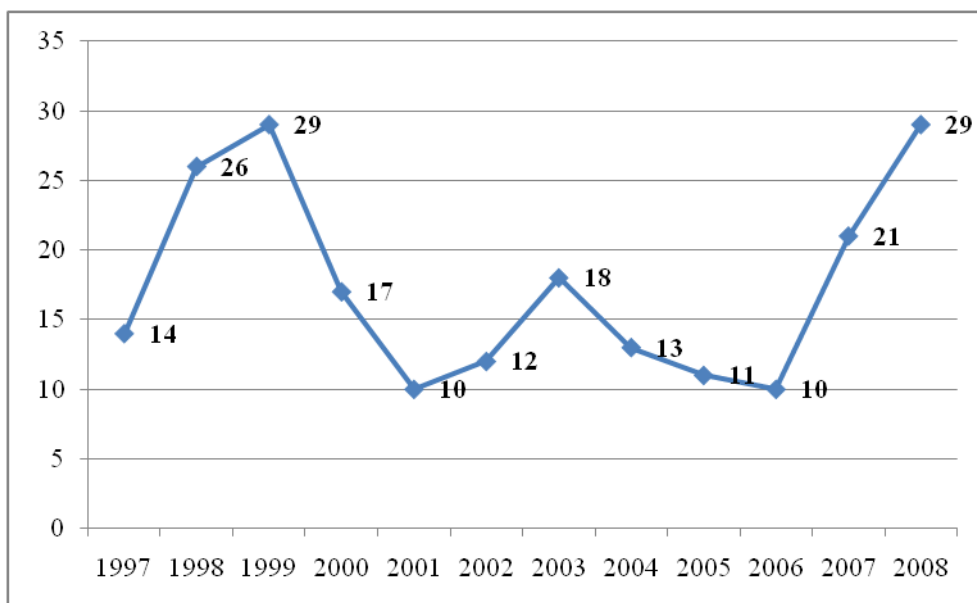
Reports from person's age 19 - 29 year olds increased 57% (from 295 to 468), reports from 30 - 29 year olds rose 71% (190 to 326) and reports from 60 - 69 year olds increased 261% (from 18 to 65). Smaller increases in reports occurred in the 14 and younger category (18 to 25, +17%); the 40 - 49 year old category (189 to 224, + 16%); and the 80 years and older category (from 1 to 4). Reports from 50 to 59 year olds stayed relatively the same and reports from 70 - 79 year olds fell slightly from 8 in 2007 to 3 in 2008.

## Types of Incidents

One of the most frightening aspects of hate violence is that it feels very personal and difficult to avoid. This means that LGBT people spend a significant amount of their energy negotiating the world to maximize their safety, knowing that this safety may at any time be compromised. Generally, hate violence against any marginalized community occurs along a spectrum of escalation. Therefore, verbal attacks cannot be considered mere isolated and inconsequential incidents. Perpetrators of such violence often feel they have broad support for their actions. At the very least, they often believe that they are attacking someone who is an easy target because they are gay, because they are a person of color, because they are an immigrant, a woman or a low-income person with little or no societal protection or support. For instance, a perpetrator may target someone they perceive as belonging to a particular immigrant community because they believe that someone from that community would not report such violence or that the police would not respond to such a report of violence.

### Anti-LGBT Murders since 1997

(Total = 210)



### NCAVP MEMBER ORGANIZATIONS (continued)

#### WASHINGTON

##### **The Northwest Network**

PO Box 20398  
Seattle, WA 98102  
Phone: (206) 568-777  
[www.nwnetwork.org](http://www.nwnetwork.org)

#### WASHINGTON DC

##### **WEAVE Inc, Anti-Violence Project**

111 16th Street NW  
Suite 200  
Washington, DC 20036  
[www.weaveincorp.org](http://www.weaveincorp.org)

#### NATIONAL

##### **For Ourselves: Reworking Gender Expression, Survivor Project**

PO Box 1272  
Milwaukee, WI 53201  
Phone: (414) 559-2123  
[www.forge-forward.org](http://www.forge-forward.org)

##### **National Leather Association - International Domestic Violence Project**

P.O. Box 423  
Blacklick, OH 43004-0423  
[www.nlaidvproject.us](http://www.nlaidvproject.us)

### CONTRIBUTING NON-MEMBER ORGANIZATIONS

**Asian Women's Shelter**  
3543 18th Street, Box 19  
San Francisco, CA 94110  
Phone: (415) 751-7110  
Fax: (415) 751-0806  
www.sfaws.org

**Madre Tierra**  
1208 Ellis Avenue Office 2  
Fredericksburg, VA 22401  
Phone: (202) 270-7326

**Just Detention International**  
3325 Wilshire Blvd. #340  
Los Angeles, CA 90010  
Phone: (213) 384-1400  
www.justdetention.org

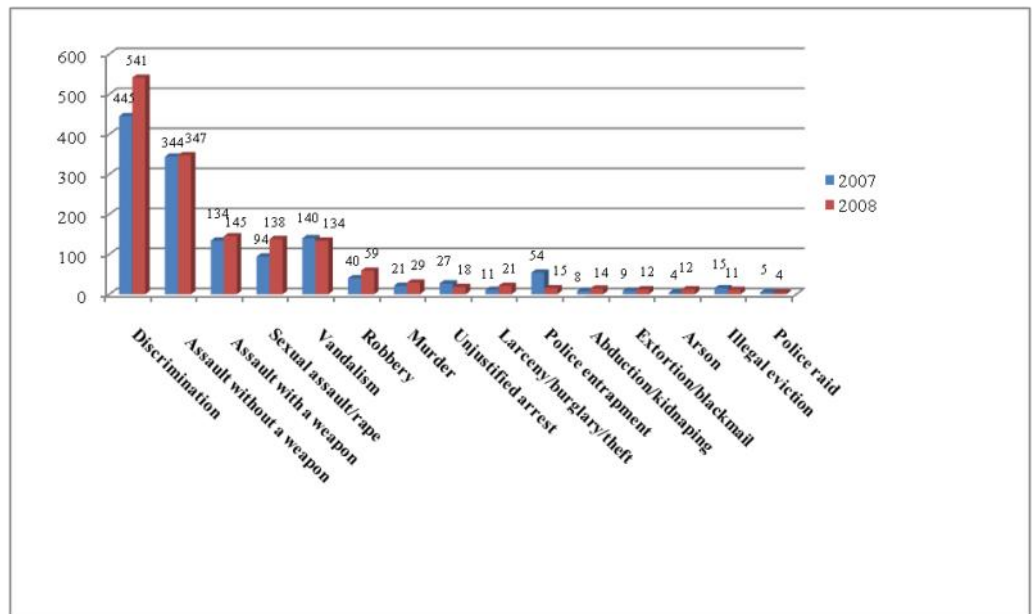
**Gender Public Advocacy  
Coalition**  
1731 Connecticut Ave NW, 4th  
Fl Washington, DC 20009  
Phone: (202) 462-6610  
www.gpac.org

Some perpetrators also regularly receive social affirmation for acting out biases such as when a politician calls a hate crime a hoax, when a faith leader condemns LGBT people as sinners in a public space, when political leaders stand in the way of civil rights progress or, on a more intimate level, when a friend laughs at a racist joke, when a man is perceived as more masculine for mistreating a woman, when a straight student moves up the social hierarchy at school by routinely harassing the gay student. The acceptance of these behaviors can provide a normalizing justification to escalate violence against LGBT people.

Reports to NCAVP member programs run the gamut from acts of vandalism, verbal abuse, threats, physical abuse, sexual abuse, and murder. Anti-LGBT motivated murders in 2008 (29) represent the highest ever in NCAVP's reporting history. In 1998, the year of Matthew Shepard's murder, NCAVP members documented a total of 26 anti-LGBT murders. Incidents peaked in 1999 at 29.

Reports of sexual assault rose 48% (from 94 to 138), continuing a three year trend of marked increases in reports of hate-motivated sexual violence. Stigma around sexuality, gender identity, and sexual assault is frequently utilized by perpetrators of hate violence to simultaneously harm and silence LGBT people.

### Crimes and Offenses 2007 - 2008

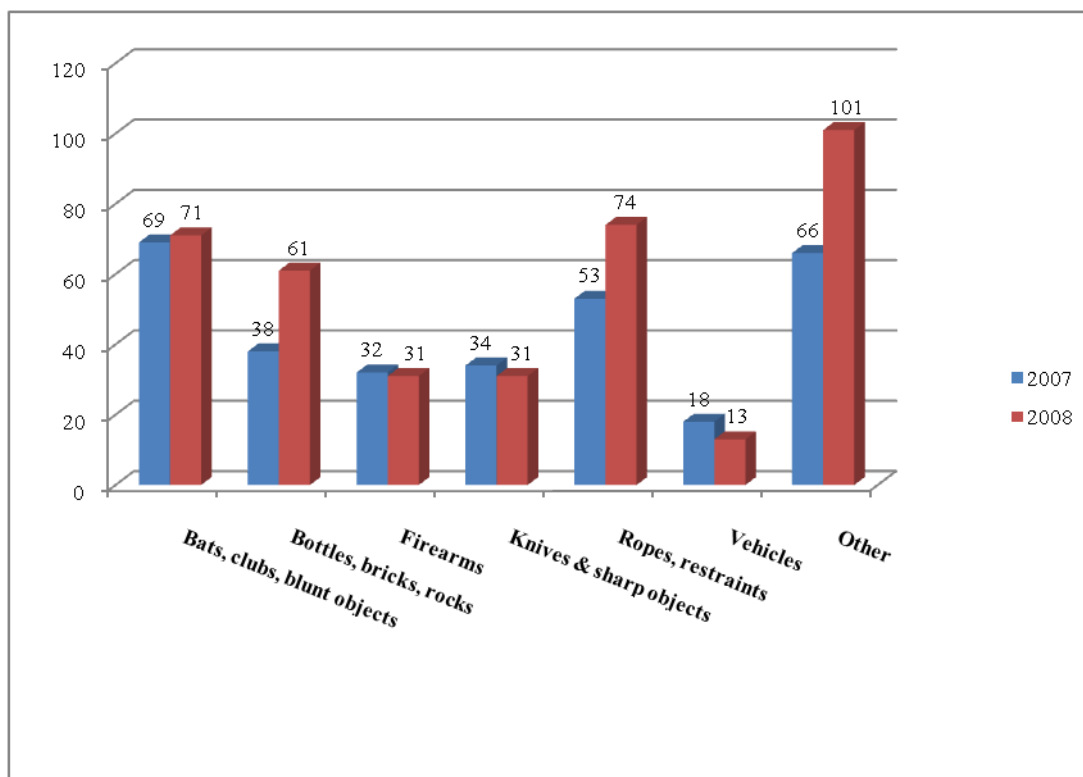


The chart above depicts all individual incidents reported by victims of anti-LGBT violence to NCAVP members in 2008, minus the category "harassment and intimidation." There were 1,687 reports of acts of harassment and intimidation in 2008, down 5% from 2007. Overall anti-LGBT incidents stayed relatively the same (-1%) and use of weapons during an assault also stayed relatively consistent (from 195 to 199). The biggest increases in weapons use occurred in the "other" category (+34%) and the "bottles/bricks/rocks" category (+49%).

More investigation into the “other” category is needed, as it represents the largest of any weapons category in this survey. The high rate rates of weapons use and injury is also demonstrated by FBI data, the only other national report on this violence, which reports that from 2003 to 2007 murders, rapes and assaults – the most serious of all hate crimes – accounted for 52.3% of all anti-LGB crimes reported by the FBI, as compared to 38.2% of all reported hate crimes.<sup>1</sup> Of the total injuries reported in 2008, 216 (46%) were classified as “serious,” meaning that the injury required medical attention.

Crime against LGBT communities appears to be falling at a slower rate than overall crime in the United States. Seven anti-violence programs have submitted data for the last 10 consecutive years and those programs show an overall 4.7% decrease in incidents (1,375 incidents in 1999 vs. 1,311 in 2008). Overall crime in the nation during the last 10 years for which FBI data is available (1998-2007), however, has fallen at more than twice that rate, 9.8. In other words, hate violence remains a much more intractable problem than other forms of crime.<sup>2</sup> FBI statistics paint an even grimmer picture. For the last ten years for which data are available (1998-2007), total hate crime incidents reported by the FBI fell only 1.7% (from 7,755 in 1998 to 7,624 in 2007), and anti-LGB incidents fell even less: -0.4%.<sup>3</sup>

### Weapon Use 2007 - 2008



<sup>1</sup> U.S. Department of Justice, Federal Bureau of Investigation, *Hate Crimes Statistics* (2003-2007) (See Table 4 for each year). NCAVP's data is more inclusive and representative of the experiences of LGBT victims and survivors of violence but corresponds with the FBI's more limited data. The FBI only measures “crimes” and does not include data about crimes against transgender people.

<sup>2</sup> *United States Crime Rates 1960 – 2007*, <http://www.disastercenter.com/crime/uscrime.htm>.



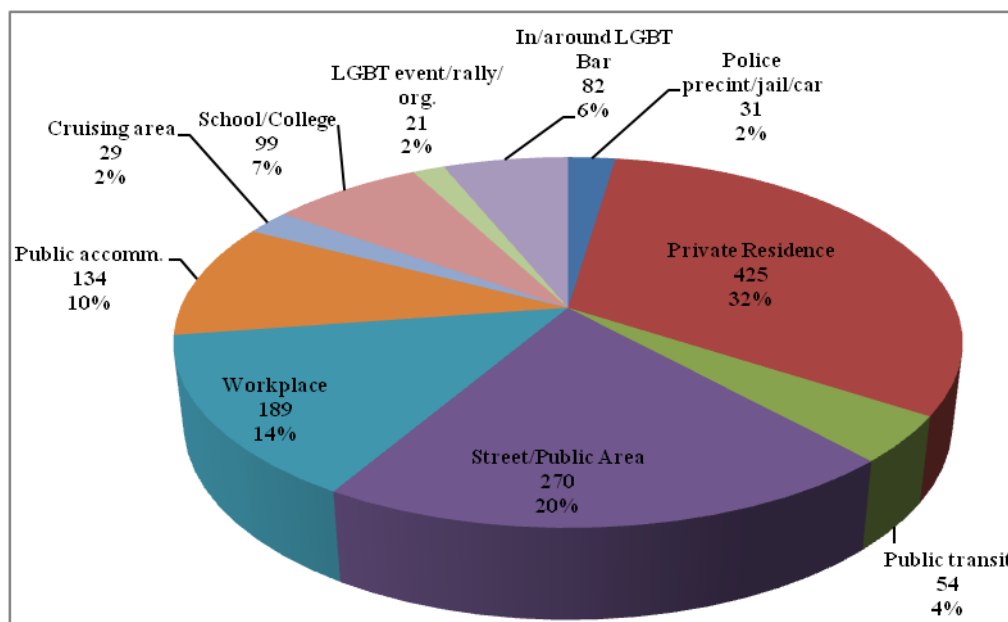
## Location of Incidents

Though overall reports of incidents in and around private residences fell slightly, nearly one third of all incidents where location was known took place in or near a private residence, a slight absolute increase over the previous year when such locations constituted about 30% of all sites. Street/public areas are still the second most common site with 20% of incidents perpetrated publicly, an absolute increase of 3% over the prior year.

Workplace is the third most common site for hate violence (14%), though reports of workplace incidents fell 12%. Public accommodation (10% of total known sites) primarily represents targeting of transgender and gender non-conforming people in restrooms, locker rooms, shelters, jails, and other gendered spaces. Incidents at areas of public accommodation increased 20% this year (from 112 to 134) and incidents on public transportation increased 46% (37 to 54).

### Sites of Anti-LGBT Incidents in 2008

(n = 1,557, chart depicts the 1,334 cases where site was known)



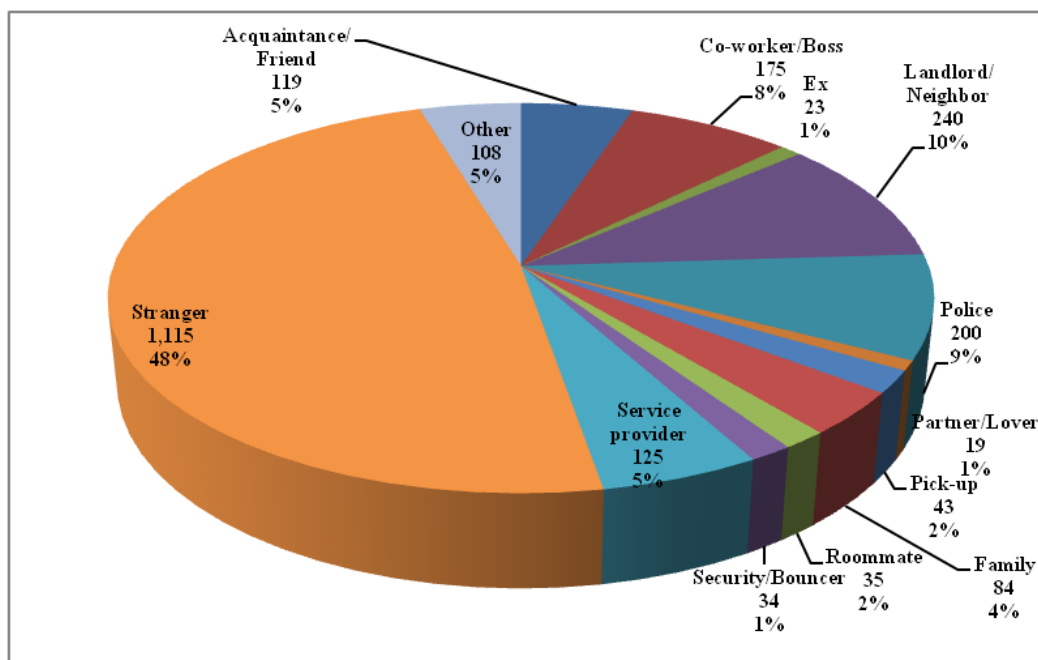
## Victim/Offender Relationship

Bias violence from strangers represented the largest increase in reports to NCAVP in 2008 increasing 36% over 2007, representing nearly half of all incidents. In 2007, strangers made up 37% of total offenders. In 5% of the incidents (269), the offender/victim relationship was not reported. Landlords and neighbors (recorded as one category) represented the second largest group of offenders in this year's report. As reflected in the numbers, anecdotally we know the harassment from neighbors is a very commonplace experience for LGBT people. Bias attacks and harassment occurring in and around one's home are particularly unsettling as the offender(s) know where the victim lives, and may live in the same building, increasing their access to the victims. Additionally, victims have a hard time finding safety when moving is presented as the only option (and a very unsettling one at that). Lease agreements are often not very easily broken, especially if landlords are unsympathetic to issues of bias.



## Relationship of Victims to Offenders in 2008

(n = 2,564, chart depicts the 2,329 cases where relationship was known)



## Law Enforcement Response

Police were known to have been called in 472 (28%) of the total cases reported to NCAVP in 2008. In 712 (43%) cases, the victim(s) did not report to police. And 47 (3%) of victims were weighing the possibility of reporting to police at the time they called an organization for help. Additionally, there were 59 (13%) cases where the victim attempted to report and the report was refused by the police. This

means there were about 446 (27%) cases where we are not certain if the survivor reported to the police. Arrests of offenders were made in 100 of cases reported to police (19%).

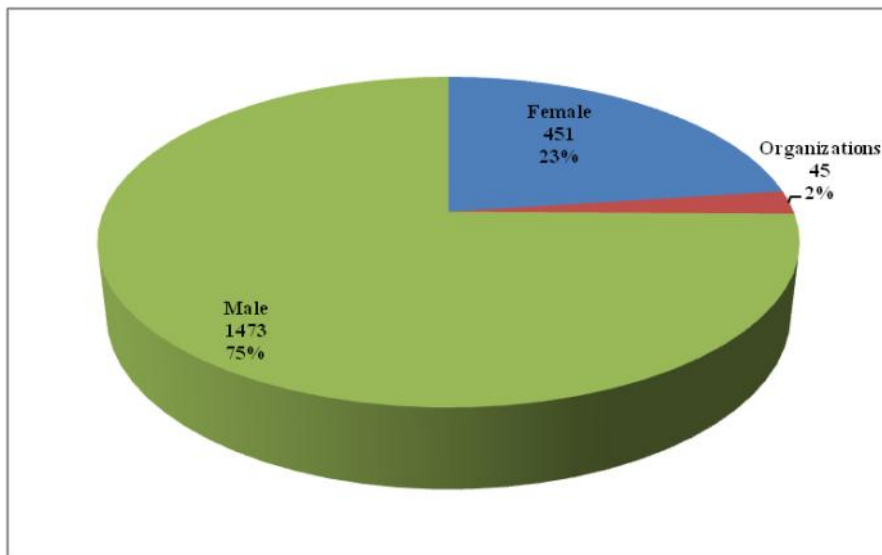
Reports of abusive treatment by law enforcement increased from 2007 to 2008. Law enforcement made up an overall 196 of the primary offenders, an increase of 11% in 2008. Reports of physical abuse went from 10-25 (150%). Reports of verbal abuse, including use of slurs, increased from 34 to 51 (50%). Thirty-two incidents took place in police custody - a precinct, jail, or car. In 38 cases (a 43% decrease from 2007), the individual identifying as the victim was arrested. Overall, reports of abusive treatment by law enforcement increased 58% during a year when overall reports to police rose only 12%. Reports of courteous treatment increased 12% and reports of indifferent treatment decreased 4% in 2008.

There were fluctuations in information relative to the disposition of reports made to law enforcement. One hundred forty-three cases (73%) of reports received bias classification by law enforcement - an increase over the 35% in 2007. Fifty three cases (27%) were refused bias classification in 2008.

## Offenders

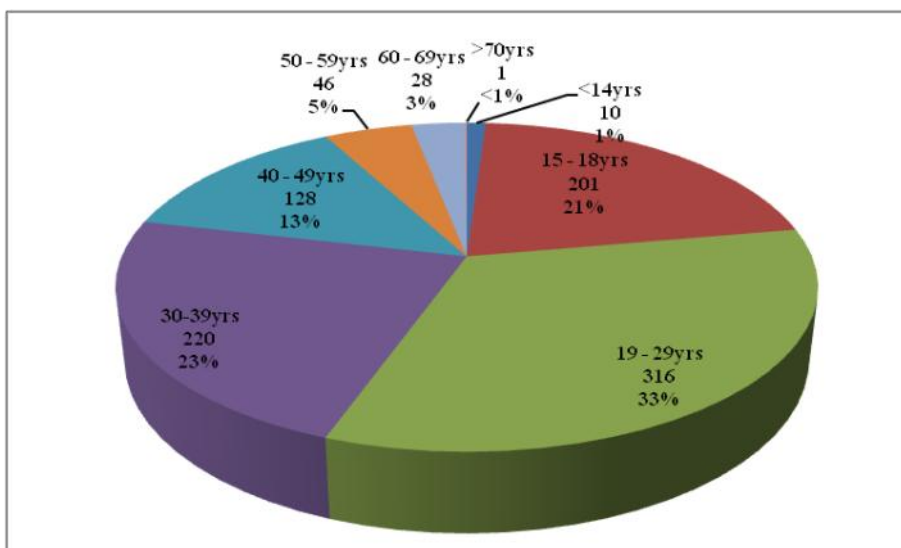
There was only a slight increase (5%) in offenders in 2008. Missing offender data from Los Angeles in both 2007 and 2008 gives an incomplete picture of total number of offenders. Los Angeles reported over 500 victims in 2008, which would likely bring the total number of offenders closer to 3,000.

A significant change that occurred in offender demographics this year was that 100 more reports of female offenders in 2008, resulting in a 29% increase over 2007. Male offenders made up 75% of the total where gender was known, about the same as the previous year.



**Gender Identity of Offenders in 2008**

(n = 2,583, chart depicts the 1,969 offenders where gender identity was known)

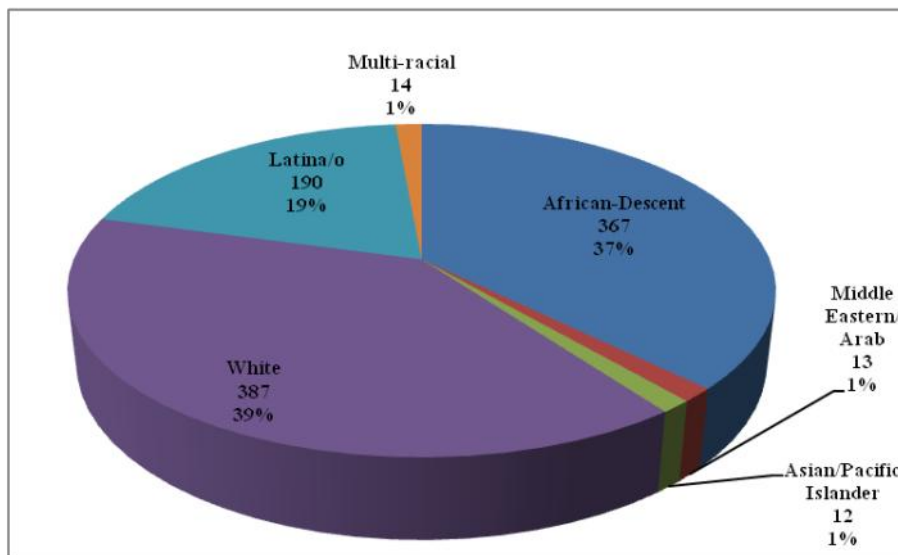


**Age of Offenders in 2008**

(n = 2,583, chart depicts the 950 offenders where age was known)

Every year, there is a substantial number of unknowns in the offender demographics, in part because cases of bias involving vandalism, mail/literature harassment, and other offenses where acts of bias are committed anonymously. Additionally, many victims of bias violence choose not to report information on offender demographics, either because they do not know, or because it simply is not the focus of the conversation when an individual is calling in crisis.

Law enforcement made up the third largest category of anti-LGBT bias offenders, accounting for 9% of all incidents in 2008, a slight decrease (-4%) from 2007. Some, cases involving law enforcement as offenders happened when an LGBT person has called the police after experiencing a hate incident involving a different perpetrator. Employers and co-workers made up the fourth largest category of offenders, though reports of these types of offenders fell 25%.



### Race/Ethnicity of Offenders in 2008

(n = 2,583, chart depicts the 983 offenders where age was known)

## LIMITATIONS OF THE REPORT

### Self-Selected Sample

The information contained in this report comes from people who experienced violence and who called or visited NCAVP member organizations for information, support, and/or services. There are a variety of factors that will impact the number of people that report to an organization. Factors such as outreach campaigns, changes in demographics within an area, and visibility of the local AVP can have an impact on reporting. When a particular region charts increases or decreases in reports, it may be unclear whether those numbers represent an actual change in incidents of hate violence occurring in that community or a change in reporting patterns. Much reporting is done through hotlines or other phone contact which may also decrease the information callers are willing to disclose over the telephone.

local or regional availability of the service, a victim's knowledge of the existence of these organizations and the desire to access their services (rather than report solely for statistical purposes). 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-LGBT violence has historically been poorly addressed by law enforcement (and because law enforcement officials remain one of the prime 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 LGBT population have improved.

### **Categories of “Unknowns”**

Much of the information in this report is gathered through calls to member organizations' hotlines for LGBT victims of violence. The primary purpose of a hotline call is to meet the caller's needs for self determination and safety. On a hotline call it is not always possible to record all data about the victim(s), the offender(s) or the incident(s) while ensuring victim safety. As well, many survivors prefer to remain anonymous and many prefer not to disclose any information beyond the recent incident they experienced. As a result, there is consistently a significant number of “unknowns” with regards to some specific demographic in annual NCAVP reports.

### **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 35 programs, only 13 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 Report consistently exceed those of national FBI statistics and those of local law enforcement.

## REGIONS REPRESENTED

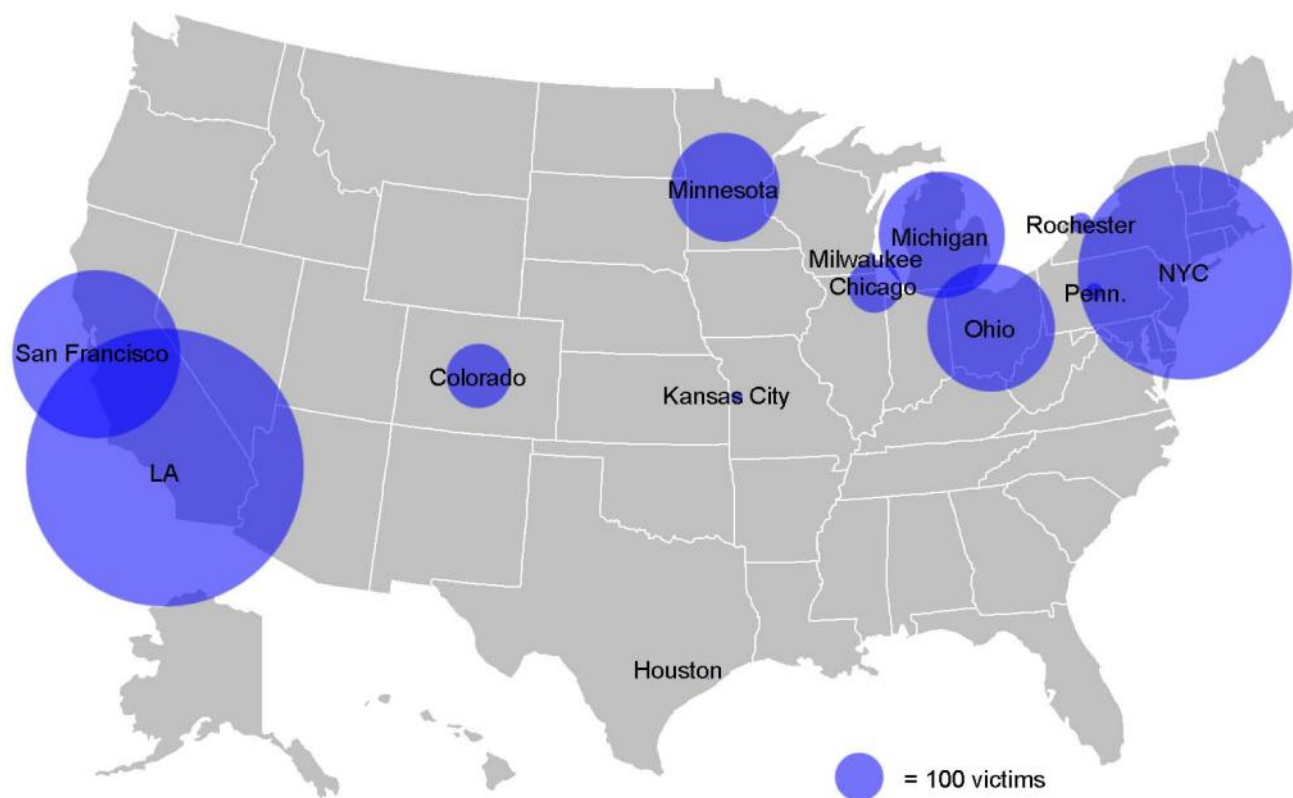


Figure 1. Number of victims of anti-LGBT violence reported in 2008

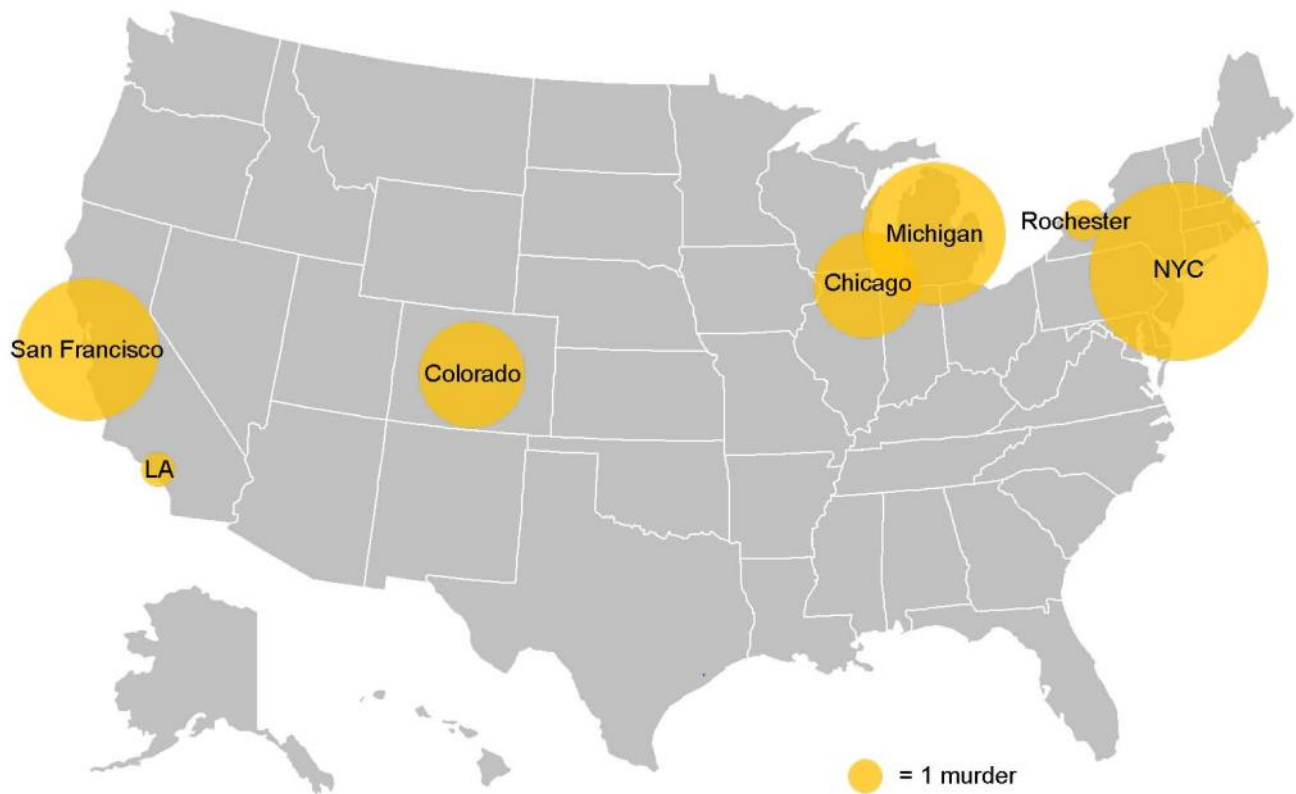


Figure 2. Number of anti-LGBT murders reported in 2008

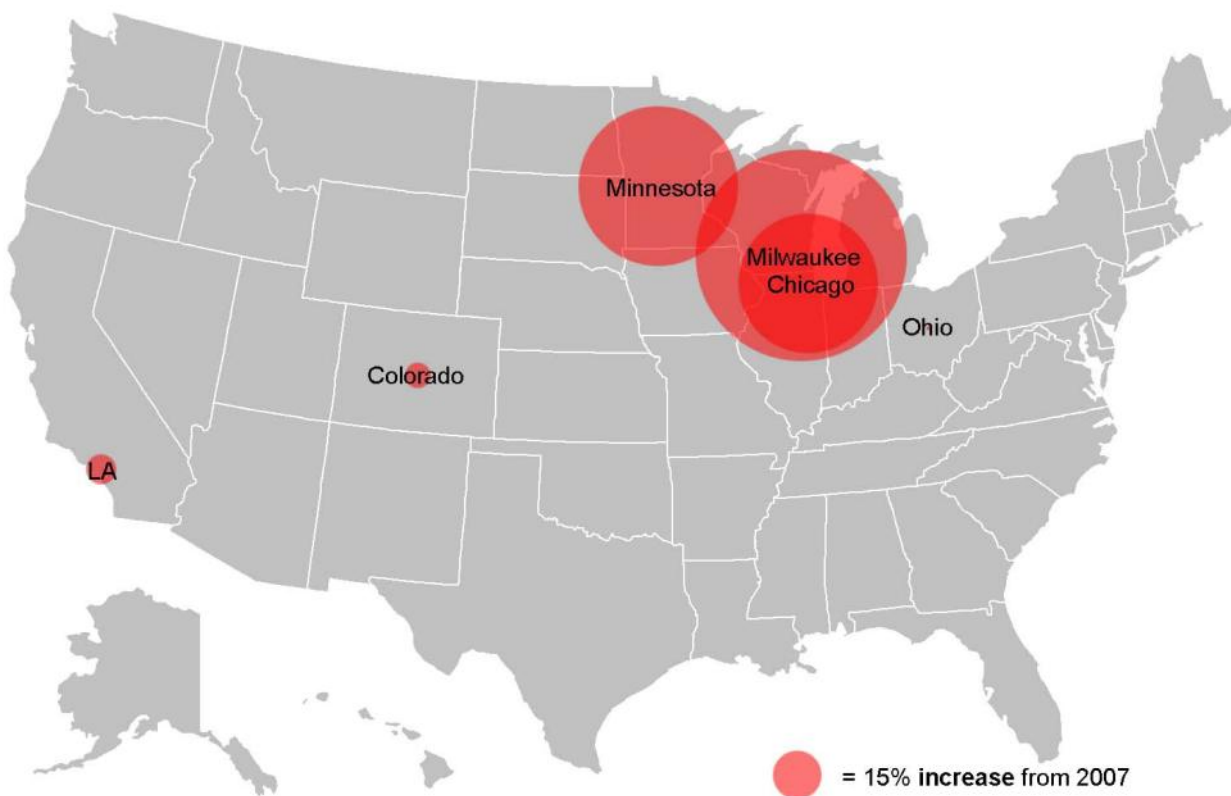


Figure 3. Percent increase in number of victims of anti-LGBT violence reported in 2008



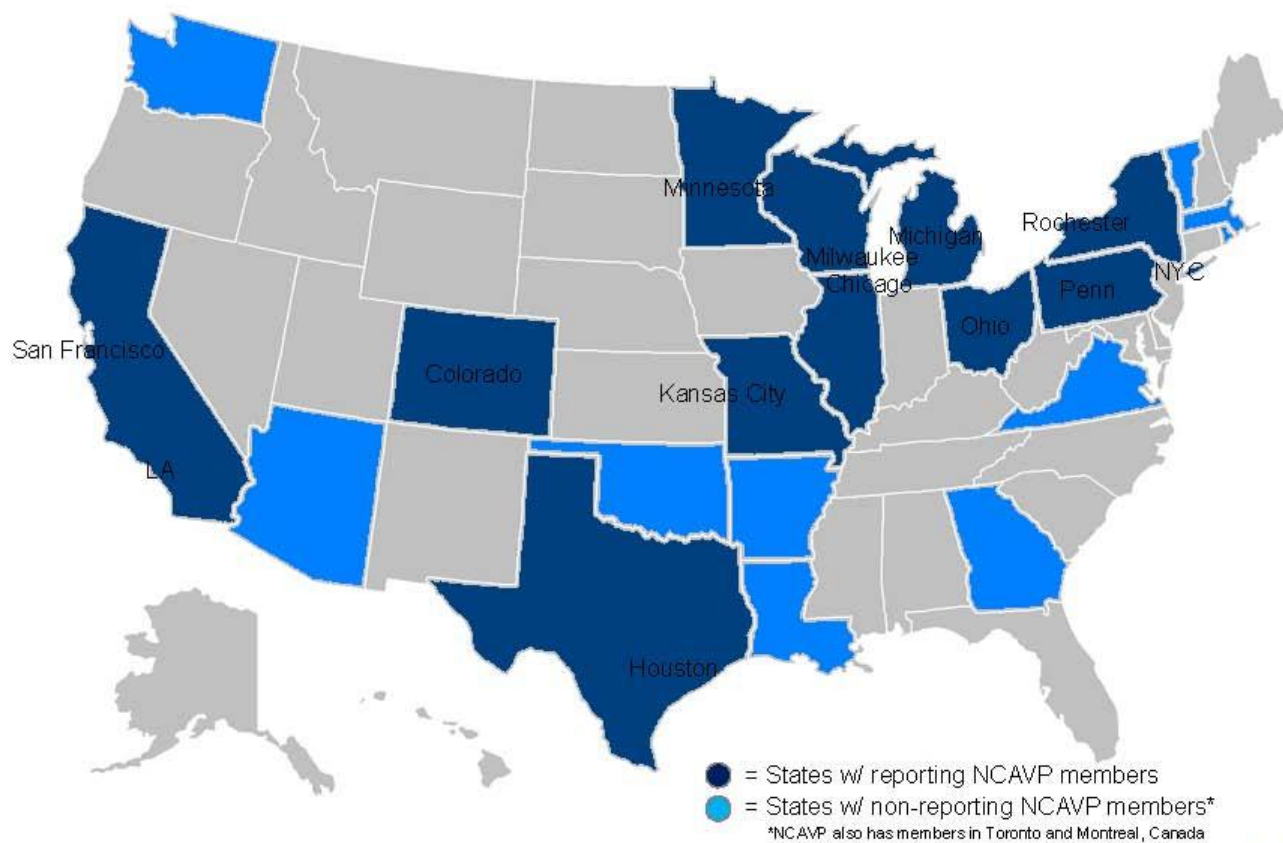


Figure 4. State-by-state distribution of NCAVP members and the 2008 Hate Violence Report

## RECOMMENDATIONS

As a result of the above data, the data in past annual Hate Violence Reports and the work of the 35 NCAVP member organizations, NCAVP makes the following recommendations.

### **Recommendation 1:**

#### **Create a Climate of Respect that Shuns Violence**

##### Foster Public Awareness

Foster public, educational, political and cultural messages 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- LGBT 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-LGBT violence in its proper context, i.e., without placing blame on a victim's gender presentation, family status or occupation.

##### Support School Based LGBT Initiatives and LGBT Inclusive Curricula

Hate violence prevention begins in the playground and school yard. School districts should adopt violence prevention education curricula for youth, as well as develop protocols for protecting students who identify themselves as, or are perceived to be, LGBT. State and local legislatures should endorse such programs and allocate funds for their support.

### **Recommendation 2:**

#### **Add Protected Communities to Anti-Violence Legislation and Expand Legislation Aimed at Ending Violence**

Pass new legislation at the federal and state levels expanding protected categories by adding sexual orientation and gender identity and expression to existing statutes. Ideal federal legislation would both authorize the U.S. Attorney General to investigate and prosecute bias motivated crimes, particularly those cases in which it is determined that local law enforcement does not have the adequate resources, mandate, or willingness to do so. A primary piece of any federal hate crimes legislation should provide additional resources for enhanced law enforcement agencies, criminal justice personnel and community education, training and assistance programs actively addressing hate crimes. Such resources should be the primary goal of hate crimes legislation rather than the emphasis on the element of penalty enhancements.

Further address violence motivated by homophobia and transphobia at the state level through legislation designed to heighten public awareness. This includes mandating safe schools and requiring state-sponsored anti-violence campaigns to specifically include sexual orientation and gender identity.

### **Recommendation 3:**

#### **Increase Local, State and Federal Funding to Anti-Violence Work**

##### Support Community-Based Anti-Violence Solutions and Strategies

Make additional local, state and federal funding resources available to support the development of commu-

nity-based initiatives, responses and solutions to anti-LGBT 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-LGBT 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 identity to leverage this expertise and provide training for other, less knowledgeable anti-violence programs. This funding will mitigate and prevent acts of violence against LGBT individuals, improve the lives of those who are victimized by them and build cooperative relationships between LGBT communities and a wider range of partners in both the public and private service sectors.

**Include Lesbian, Gay, Bisexual and Transgender People 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 that do exist do not receive adequate support to provide necessary services to address direct service needs or to do the necessary organizing and prevention work to end violence. Many states and localities have no anti-violence program 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 agencies include local and national Health and Human Services and the Center for Disease Control in funding preventative and health-focused initiatives and the Department of Justice Office of Victims of Crime when funding crime victim service provision.

**Recommendation 4:**

**Provide Rehabilitation & Alternatives to Incarceration**

Provide enhanced rehabilitation, education, and intervention for offenders to reduce recidivism and interrupt escalating cycles of abuse instead of advocating for hate crimes laws that provide only increased penalties. As organizations dedicated to eliminating anti-LGBT violence, NCAVP recognizes that increased penalties are part of legislative and criminal justice strategies to combat hate violence and believes that penalty enhancement cannot 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.

**Recommendation 5:**

**Increase the Efficacy of Law Enforcement**

**Increase Police Training for LGBT-Specific Violence; Create a No Tolerance Policy for Police Violence Against the LGBT Communities**

Establish and promote anti-bias units or hate crimes task forces in every major metropolitan and state police force. Require law enforcement training and resources that specifically address anti-LGBT violence through training academies and regular trainings over the law enforcement career and institute effective use of evaluations of the implementation of training suggestions. Require, through law enforcement policy or local legislation, rigorous investigation and prosecution of acts of harassment, intimidation and abuse committed by police officers against LGBT individuals. Mandate monitoring of bias motivated police misconduct and immediate and effective response and reprisal when police misconduct is identified.

### Reform Sexual Assault Laws to End Silence and Stigma Around LGBT Sexual Assault

Reform sexual assault laws so that the legacy of sodomy laws does not continue to impact societal distinctions between sexual assault in heterosexual situations and same-sex situations, such as rape being defined as the penetration of a vagina by a penis. Provide resources for local LGBT anti-violence programs to develop adequately resourced sexual assault programs. Provide resources to train rape crisis centers to recognize the use of sexual assault in acts of hate violence against LGBT victims.

### Disallow the Gay and Trans Panic Defenses

Disqualify the so-called “gay panic defense” and the “trans panic defense” put forth by attackers to attempt to explain their violence as a response to learning the victim was gay or transgender, as legal resorts for those accused of committing hate-motivated acts against LGBT people. In the alternative, the burden of proof in such cases should be shifted onto defendants - similar to that required in many temporary insanity cases.

### Support Cooperative Projects Between Community Anti Violence Programs and Civil Courts

Fund research on and pilot programs for cooperative work between the civil court systems and LGBT anti-violence programs to do work with youthful offenders. Youth are reflected in statistics on anti-LGBT 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 will reduce the likelihood of the youth re-offending.

## **Recommendation 6:**

### **Fund Research and Mandate Statistical Reporting of LGBT hate violence**

Fund comprehensive research involving surveys of LGBT people and their experiences of anti-LGBT violence throughout the United States. An accurate picture of the violence that LGBT people face can help put an end to the victim-blaming, minimizing, and denial of the violence and good documentation will provide a solid basis for effective prevention and intervention practice. Research should include qualitative and quantitative approaches to the prevalence of violence, origins, and impacts on physical, financial and social wellbeing and analysis of data from community organizations that investigate and address bias violence. Mandate and provide resources for participation in gathering and reporting data by every political jurisdiction, down to the county level, to measure violence based on sexual orientation and gender identity. The information gathered by such violence will provide an indication of the types of violence that occurs most frequently and in which geographic regions. It will also provide a better indication of what services may already exist in an area that we can partner with or provide technical assistance to and from whom we can receive technical assistance and information. The data will also help NCAVP members to focus our collective resources on helping the local residents of an underserved region until we are able to either establish a member program or help an already existing program in the area to increase its services and/or prevention work. Further, such data will enable NCAVP to concentrate our efforts on creating local AVPs in areas that show the highest prevalence of violence against LGBT communities and individuals. Additionally, it will help NCAVP to improve the types of technical assistance and trainings that we offer, particularly in areas that have no or little support to address anti-LGBT violence.

## Conclusion

The need for education and prevention measures has never been clearer.

Over a two year period NCAVP witnessed a 26% increase in reported incidents. And while the national average showed a slight increase in one year (2%) this by no means represents a plateau or lessening of hate violence. Several locations continue to see increases in hate violence. Minnesota, Michigan and Milwaukee, WI reported close to or over 50% increases in reported hate violence over an already escalating numbers in 2007. Others, including New York City, San Francisco, and Los Angeles, which represent some of the larger anti-violence programs, saw a decrease in reported incidents. The severity of hate crimes increased alarmingly, with a continuing escalation of murders and weapons use. Transgender people were the target of extreme acts of violence and police abuse has increased dramatically. The need for education and prevention measures has never been clearer.

Over the past decade and certainly in the past several years, LGBT visibility has increased. Nationally there have been several high profile legislative battles regarding civil rights, such as federal hate crimes laws (the Mathew Sheppard Act), an inclusive Employment Non-discrimination Act (ENDA) and consideration of repeal of the Don't Ask Don't Tell policy - all at the federal level. There are vigorous debates in the courts, legislatures, media and the public square about same-sex marriage, evidenced by Proposition 8 in California, and arguments in the courts and legislatures in at least 10 states including California, Connecticut, Iowa, Massachusetts, Maine, New Hampshire, New York, New Jersey, Rhode Island, and Vermont. Municipalities across the country have been giving consideration to anti-bullying laws, non discrimination laws and extending civil rights on the local level. There have been ever increasing public dialogue about the civil rights of LGBT people, immigrants, poor people and other marginalized citizens.

When visibility increases, LGBT communities are more able to publically call for equality, respect and dignity. As these arguments become a part of the public dialogue, those who would promote hate violence based on sexual orientation or gender identity are given a more visible platform upon which to do so as well. LGBT people must continue to seek civil rights and must be able to do so safely. Only a dedicated and consistent message of education and prevention can create a true counter balance to the hostile voices of opposition leaders - elected officials, clergy, and other community leaders who, through anti-LGBT rhetoric, condone and encourage hate violence.

Public awareness, education, documentation, and prevention efforts to end bias motivated violence against all historically marginalized communities are necessary to prevent more harm to LGBT people. Elected officials and community leaders must show their commitment to ending violence against LGBT people with resources, support and a willingness to speak out against this violence. LGBT communities have made great strides in LGBT civil rights since the Stonewall Rebellion, the White Night Riots and Matthew Shepard's death. But as this and past NCAVP Hate Violence Reports demonstrate, the world continues to be a dangerous place for lesbian, gay, bisexual, transgender and queer people. NCAVP presents this information as a call to action to end violence against LGBT communities and to see this work as integral to the struggle for civil rights and human rights for our communities.

## Stories from Survivors of Hate Violence in 2008

### CALIFORNIA

#### **Tom, 13, an African American gay youth**

experienced getting harassed at school and at home from a fellow-student who threatened to hurt him. He reported the incident to his school and is out to most students and teachers there. Tom has experienced homophobia from his mother who has used religion to alienate her son. He is getting care from other positive adult figures in his life.

#### **Lucha, 35, a Latina lesbian**

was attacked by two roommates who punched her in the face and ribs and yelled anti-butch and anti-gender-variant slurs at her. Lucha defended herself while another roommate watched and did not intervene. Lucha received help from a neighbor who brought her to the emergency room. The case is no longer being investigated and was not tracked as a bias-based attack.

#### **Alex, 50, a Native American Indian gay man**

was threatened with anti-gay threats and anti-HIV death threats in the form of a vandalism memorial of Alex. Alex's case was tracked as a hate crime by the police; however, the District Attorney is not prosecuting his case as a hate crime. Alex would like the defendant's anger management and anti-gay bias to be addressed in counseling.

#### **Sam Richards, 32, a white gay man**

was taking a walk, going to a gay bar in a well-known gay neighborhood. He started to walk home when he was approached near a park. A stranger approached Sam and asked him questions then threatened to rob him, then attempted to sexually assault him. Sam pled with the attacker to stop and the attacker did stop attacking him. Sam fled for his home. A similar attack was reported in the same area a week later. Sam received support from a neighbor, CUAV, and community members.

#### **Judy and Claire, a white lesbian couple**

experienced homophobia and transphobia when they stayed at each other's apartments. Claire, is a MTF with disabilities, and Judy, who identifies as butch would experience homophobic comments and harassment from the building management. Judy had also been called anti-lesbian slurs and was threatened with arrest on two occasions for visiting her Claire. CUAV arranged emergency housing for the couple because the threats had escalated and they were in fear for their lives.



### **Richmond Rape of a Lesbian Woman**

A 28-year-old out lesbian in Richmond, CA was attacked outside her residence by four males on December 13, 2008. The four males allegedly kidnapped and drove the survivor seven blocks from the location. They attacked her then gang raped the survivor, and said anti-lesbian epithets while they were perpetrating violence against her. The survivor, who lived in the neighborhood with her partner and child, also has a rainbow sticker on her license plate. The case is being investigated as a hate crime. Many communities in the Bay Area showed solidarity and support for the survivor and her family by holding peace rallies/vigils, fundraisers, and neighborhood door-to-door flyering regarding this case. Through the neighborhood flyering and media attention on this case, the suspects were brought forward. Two of the males were brought into to the police department by their families.

January 6, 2009, Humberto Hernandez Salvador, 31, and Josue Gonzalez, 21, were charged with kidnapping, carjacking, and several counts of forcible oral copulation, forcible rape, and sodomy. Salvador faces additional charges of forcible sexual penetration and a hate crime. Salvador was also charged with being armed with a gun. Bail was set at \$2.2 million for Salvador and \$1.9 million for Gonzalez and both men are being held at Contra Costa County jail. The suspects face the possibility of life in prison if convicted.

Darrell Hodges, 16, is being charged as an adult with similar offenses against the victim. A 15-year old Richmond boy, who allegedly participated in the assault and whose name hasn't been released by authorities, and Hodges are awaiting arraignment. The prosecutor is asking the court to prosecute the boys as adults. The youth are being held at a juvenile detention center.

### **“No on 8” Backlash**

“No on 8” backlash - CUAV tracked and received a high number of hate violence incidents of “anti-gay marriage” backlash. Extremely well-funded anti-gay legislation, combined with “Yes on 8” rallies and groups of people harassing LGBTQIQ communities leading up to election day and anti-gay hate violence harassment at the voting polls on November 4<sup>th</sup> increased CUAV's hate violence numbers tremendously. Incidents reported to CUAV ranged from LGBT folks and Heterosexual allies experienced being almost hit with cars by “Yes on 8” protestors, spit upon, yelled at with anti-gay epithets, death threats, bitten, struck several times with “Yes on 8” signs. Community United Against Violence (CUAV) worked collaboratively in an event for LBGTQQ/Same-Gender-Loving/Two Spirit people of color and their allies who were on the front-lines of the struggle against Prop 8, and also for those who feel marginalized by the white-washed marriage equality movement. Sessions focusing on mind-body-spirit healing of the individual and collective trauma and distress were offered. All of these creative partnerships and cross-community conversations were intended to help heal the pain that Prop 8 has inflicted on our diverse queer communities.



## COLORADO

### **Sean, a white gay male teenager (suburban)**

I'm a senior in high school and have been discriminated against by my principal because I want to wear more feminine clothes to school. I'm a gay man but feel more comfortable in women's clothes. These are the clothes I've been wearing at home for years and my mom supports me. My principal told me that I would be suspended if I wore women's clothes again. During Pride week at school, other guys came in wearing women's clothes and they didn't get into trouble. When I asked the principal, I was told it was because they didn't know the policy. At school, I'm called "faggot" on a regular basis and I used to report it, but I stopped when I realized that no one was doing anything. CAVP helped set up meetings with the superintendent and the school board. They also are working on helping us look into possible legal options. The school has agreed to get training on gender identity issues.

### **Meredith and Susan, lesbian mothers of six children in a rural area**

We've been dealing with hate violence for quite a while. Mostly, it's coming from harassment and intimidation by the local police department. We've both been charged, unreasonably, with domestic violence and police come by our house, shining lights in our windows. We've also been evicted multiple times because of our sexual orientation. We had been working with CAVP to create a plan to move to a new area where we would be out of the jurisdiction of the local police but still in the same school district for our kids. During this time, we came home one day to find rags on fire in the kitchen. We have the kind of stove where you have to light the burner with a match, so we know this was not an accident. We put out the fires and left home for about ten minutes to clear our heads and figure out what to do next. When we got back, the entire house was in flames. The police and fire department refused to investigate the fire, saying it was an electrical fire. With the some financial assistance, we were able to move and things have been calming down a little bit.

## MICHIGAN

### **Family with two moms, urban**

In January of 2008, a family suffered the pain of discrimination. An eight-year-old girl was told she was not welcome in her friend's home because her parents are lesbians. As news spread that this young girl had two moms, the parents were not allowed to coach an athletic sport team with them being told it was because they weren't members of the church. The couple tried to appeal the decision only to be met by bible verses condemning their sexual orientation.

### **14 year old female high school student, rural**

On June 10, 2008, as students throughout the country were looking forward to the beginning of their summer break, a fourteen-year-old girl was viciously attacked in the halls of Wayland Union High School by two classmates, Crystal VanderLaan and Syndee Longhurst. The assailants told police that they attacked the victim because she was a "gay advocate". The beating was videotaped and posted to the Internet, adding to the

humiliation of the attack. The Wayland Union Police Department was vigilant in their investigation, identifying the attack as anti-gay early on and demonstrating compassion publically for the victim. The assailants were charged in juvenile court. The Police requested prosecution of the girl who videotaped the attack, but charges were never issued. One assailant was expelled from the high school while the other moved out of the district. In an overwhelming show of support for the victim and the protection of all children from bullying, members of the Wayland Union community, including parents, educators, clergy and others, initiated a grassroots effort to address violence in the community. Triangle Foundation was honored to provide support to these courageous individuals as they began the process of challenging discrimination and prejudice in their community.

### **Lesbian couple, suburban**

Instead of compassionate medical treatment, a Grand Rapids lesbian couple received a "lifestyle" lecture from a Spectrum Hospital physician in March of 2008. When the couple, who had been married in Canada, went to Spectrum Health for treatment of one partner's lingering cold, the physician responded by asking the couple's opinion on "their" recent California Supreme Court marriage decision. He then told the couple that he was a Christian and there was no way that what they had could be called a marriage. In meetings both with Triangle Foundation as well as with the City of Grand Rapids Community Relations Commission, Spectrum Health reiterated its commitment to serving the needs of all families in the diverse Grand Rapids community and to specifically serving the needs of lesbian, gay bisexual, and transgender communities. Spectrum Health issued an apology to the couple and an assurance that the behavior of the offending doctor had "been addressed and that appropriate actions have been taken." A hospital spokesperson issued a statement to the press calling the incident a "teachable moment" for Spectrum Health.

### **Vandalism**

While Michigan saw a decrease in the number of anti-LGBT vandalism incidents from 21 in 2007 to 14 in 2008, the incidents that did occur were more publicly visible and more extreme in nature. For example, a lesbian couple left their home to start their day, finding their cars covered in salsa and sour cream. Their horror turned from anger to anguish as they saw "gay f---" written in lipstick on their car window. In another incident, a neighborhood in the state capital of Lansing known to be open to the LGBT community was vandalized with hate-filled messages like "Kill Gays" spray-painted throughout the neighborhood. The victims of this crime were not just members of the LGBT community, but also the businesses with owners, both LGBT and allies, who lost income because customers were afraid to enter their dangerous neighborhood. The Lansing community led a clean-up of the damage, telling the offenders that hate was not a neighborhood value, but the business owners are still suffering from the stigma of this bias crime and many residents are still fearful.

### **Gay, male high school student, rural**

A young gay man suffered constant, ongoing persecution at a Christian high school in west Michigan. The abuse he endured included everything from being called anti-gay slurs to being beaten with a ruler in the hallways to a dead cat and an obscene note being left on his car. Triangle Foundation and the American Civil Liberties Union provided support to the young man and his mother, while challenging the school to implement harassment policies that better protect students.

## MISSOURI

### **Michelle, 21, a white transgender woman who identifies as straight**

I was walking home from spending an evening with some friends when I was jumped by a group of men who began punching and kicking me and calling me names. I ended up making it home somehow and the next day I called KCAVP. I thought when I called they would pressure me to contact the police about what happened. The advocate instead listened to me and supported me in what I wanted to do. She provided me with referrals to a doctor where I could be checked out and she helped me to make a safety plan so I can feel a little bit safer in my neighborhood. It is good to know there is somewhere people in our community can turn to for help.

### **Michael, 18, a white male who identifies as gay**

During the summer I went to a birthday party of a friend of mine from work. Pretty much everyone there knew I was gay and were cool with it. Later in the night I was standing on the deck with some girls from work when this guy came up behind me, called me a “faggot,” and punched me in the back of the head. When I turned around he punched me in the face, breaking my nose and two teeth. My friends called the police and helped me out of the apartment. The police arrived quickly and arrested him. A few days later my friends gave me the number to KCAVP. I called and then met with an advocate who later attended all of my court dates with me and went with me to talk to the prosecutor. She also helped me apply for Crime Victim’s Compensation to pay for my medical bills. I didn’t really realize how long prosecution takes but my advocate has helped explain things to me and has been there through the whole court process.

## NEW YORK CITY

### **Joe, 40, urban, heterosexual**

My name is Joe Thomas. I’m from Brooklyn. I’m not gay but I know what gay-bashing is from my own experience. I was riding the subway from my home to work one night at about 10 PM and 2 young guys boarded the train. They looked around and started saying loudly, “There are faggots on this train and we hit faggots.” One of them came over to where I was sitting, and got in my face and called me a faggot. I stood up, and he punched me in the jaw. The two men ran off at the next stop, and I ended up with a swollen face and bruises. I reported it to the police, but the two men were never caught. I called AVP because, even though I am not gay, I figured they should know that this happened. My brother-in-law is gay and he told me about AVP. I was upset that the police couldn’t do much, but my counselor-advocate at AVP helped answer my questions and explain the law enforcement process.

**Kasey, 40, Dominican, AG**

I am a native New Yorker, Dominican, and 40 years old. As an aggressive lesbian I get comments from people every day. Stuff like, “You think you’re a man?” and “Lesbo” and much worse. About 10 years ago, my girlfriend and I were attacked by a group of men yelling anti-lesbian slurs. Then, last year, another incident: Two guys who were a little drunk began verbally harassing me, calling me anti-gay words in Spanish. One of them tried to touch me on the hip; he then punched me in the face and broke my glasses. I called the police, but they didn’t help. AVP had been there for me 10 years ago, so I called them. My counselor-advocate helped me file a police report after the fact, assisted me in filing the CVB application, and has provided me support and hope when I felt like no one else wanted to hear that I had been gay-bashed again.

**Brandon, 21, Latino, gay**

I was on my way to a popular club party and stopped to ask a group of guys where the club was located. One of them asked me if the club was a gay club, and another called me a “faggot,” as well as the club and the people who go there. I realized how unsafe this was and turned to walk away, when one of them ran up behind me and punched me in the side of my head. I remember falling. I remember the rest of the group punching and kicking me while I lay on the ground. When the violence finally stopped, someone had loaned me a cell phone so that I could call the police. While on the phone, one of them came back after he noticed me on the phone and came after me again. When the police arrived, I was only able to identify two of the men, who were arrested. I suffered bruises on my face and ribs, a sprained ankle and scrapes on my knees. I called AVP so that such incidents could be documented and to help other people see that such incidents are still happening.

**Melissa, 21, Latina lesbian**

I was living with her grandmother when my father came to visit. I had recently gotten a haircut and the style was very short. At the sight of my short hair, my father began yelling at me, hitting me, and calling me anti-gay names. He even tried to strangle me. I fought back but he didn’t stop. This eventually led to a dislocated knee. My brother came to my defense and tried to intervene and our father beat him up too. While my brother and I were being treated at the hospital, our father called the police stating he had been the victim of violence by his own children and we were arrested.

## Bias-Motivated Murders in 2008

### CALIFORNIA

#### Lawrence King, 15

At least as early as third grade, Lawrence King began presenting in gender nonconforming ways and began experiencing a tremendous amount of bullying. King came out in the third grade at ten years old. King's home life was also very difficult. Adopted at age two, King was placed in a group home in 2007 after alleging that his adopted father has abused him. The bullying continued when King transferred to E.O. Green Junior High School in the seventh grade, and intensified when he began showing up to school wearing women's clothing and makeup in January 2008; King's younger brother Rocky also suffered bullying because of Larry's appearance. The school maintained King's rights to dress in this way, citing a California law that prevents gender identity discrimination. On the morning of February 12, 2008, Brandon McInerney was witnessed repeatedly looking at King during a class in a computer lab. At about 8:15 a.m., McInerney shot King twice in the head using a .22-caliber revolver he took from his backpack. Vigils and marches were organized across the United States following King's death.



A new diversity education bill was introduced on behalf of King by California Assemblyperson Mike Eng, who said, "We need to teach young people that there's a curriculum called tolerance education that should be in every school. We should teach young people that diversity is not something to be assaulted, but diversity is something that needs to be embraced because diversity makes California the great state that it is." The bill would require mandatory Classes on diversity and in California schools.

**Alfonso Jason Gallegos, 35, a Latino gay man**

Mr. Gallegos was found beaten and left unconscious inside the bathroom of a luxury home in the Laguna Beach area on August 30, 2008. Almost two weeks later Gallegos died from severe injuries. Police interviewed four men who allegedly were involved in the fight. Gallegos's attackers allegedly used bias-defense tactics similar to the gay-panic defense to justify their severe violence towards Gallegos. The District Attorney was reported to have passed on this case and ruled the case an accidental death.

**Theodore Neff, 66, a white gay man**

Mr. Neff was murdered on December 3, 2008 in his home. Alejandro Hernandez Rivera, 23, was found guilty of burglary and murder, killing Neff and one of Neff's cats by setting fire to Neff's townhouse. Rivera allegedly met Neff through a male escort service on line.

**Steven Paul Hirschfield**

Mr. Hirschfield was shot and killed by San Diego Police July 2008 on a night-time boat cruise at the San Diego Gay Pride Celebrations. His parents Alan and Nicole Hirschfield have filed a \$20 million law suit, charging the San Diego Police Department with their son's death. The parents charged that the SDPD showed bias in a printed statement by that made no acknowledgement of their son's sexual orientation.



### Case Update

#### Satendar Singh, 26, a recent Fijian male immigrant

Mr. Singh was murdered while hanging out with friends at Lake Natoma (Sacramento County). On July 1, 2007 a group of Slavic men began calling Singh and his friends "7-Eleven workers" and "Sodomites." Eventually one of the assailants, Andrei Vusik, sucker-punched Mr. Singh in the head causing him to fall to the ground, unconscious and bleeding. Singh suffered a brain hemorrhage as a result of the attack. On July 5, 2007 when tests confirmed that he was clinically brain dead his family removed him from artificial life support. The attack was a day long series of verbal insults, taunts, and harassment that became physically violent.

Aleksandr Shevchenko was sentenced to 150 days in county jail for his participation in the events that lead to Satendar Singh's death. Shevchenko was not convicted of hate crime. Seven out of 12 jurors believed it was a hate crime. The prosecutor asked for a substantial part of the sentence and diversity counseling. The charges against Shevchenko, were: 1 count disturbing the peace, challenging another person in a public place to fight, punishable by up to 90 days county jail, 1 count simple assault, punishable by up to 180 days in county jail, and 1 count of hate crime, punishable by up to 1 year in state prison.



Theodore Neff



Steven Paul Hirschfield



Satendar Singh



## COLORADO

### **Angie Zapata, 18, Latina, transgender woman, rural**

died on July 17, 2008 due to blunt force trauma to the head. Two weeks later, Allen Ray Andrade was arrested in connection to a stolen vehicle belonging to Zapata's sister. In an affidavit released by the Greeley Police Department during the investigation, Andrade indicated that he had spent the night at Zapata's apartment and was left there alone the following day. Upon her return, Andrade allegedly questioned her gender and after learning of her transgender status, severely physically assaulted her. Despite her inability to fight back because of injuries, Andrade struck her in the head with a fire extinguisher. Two of Zapata's sisters found her body in her apartment under a blanket the next afternoon. Andrade's trial took place in April 2009 and he was found guilty on four charges: First degree murder, bias-motivated crime, motor vehicle theft and identity theft. In a hearing in early May, he was also found guilty of being a habitual offender. While there was initial speculation about sexual contact between Zapata and Andrade, the prosecution argued that there was no such contact. In the state of Colorado, conviction of a first degree murder charge is life in prison without parole. We believe that this is the first time, nationwide, that a state's bias-motivated or hate crime statute was applied in the prosecution of the murder of a transgender person, followed by the prosecution of the men accused of Latiesha Green's murder in Syracuse, NY.

### **Amie Wilcoxson, 30s, a white heterosexual transgender woman, urban**

was found deceased in her apartment on November 3, 2008. CAVP was contacted with concerns from friends and co-workers about the investigation being conducted by local law enforcement. Along with a law enforcement based victim advocate and Wilcoxson's place of employment, CAVP was able to coordinate a community meeting which served two purposes. It allowed a space for community members to voice their concerns in a way that provided additional information for the investigation as well as provided a space for community members to talk about and deal with feelings of loss for Wilcoxson and personal fears. After a thorough investigation, law enforcement provided a presentation of the facts of the investigation and the coroner on the case spoke about his findings, including that the cause of death was a toxic level of prescription medication. While many pieces may have indicated suicide, her death was officially undetermined.



**Angie Zapata**



**Ashley Sweeney**

## MICHIGAN

### Ashley Sweeney

Ashley Sweeney, a transgender woman, was found shot to death in a field on the east side of Detroit on February 4, 2008. She was described by police to reporters as “a man in woman’s clothing” who was a “known prostitute”, resulting in a headline of “Police: Body of Cross-Dressing Prostitute Found”. The community quickly responded to both police and the press regarding their insensitivity. There was no information published regarding the funeral, so the community held a candlelight vigil in memory of Ashley at the Ruth Ellis Center, a drop-in center for homeless LGBT youth. This homicide remains unsolved. It is unknown as to whether this was an anti-transgender hate crime, but Triangle Foundation remains committed to trying to bringing Ashley’s killer to justice.

### Victor Manious

In April of 2008, Steven Scarborough went on trial for the murder of Victor Manious. This was not recorded in the 2007 Anti-LGBT Violence Annual Report because there was no indication that this was an anti-gay hate crime. During the trial, however, the Scarborough successfully used the gay panic defense with the jury convicting Scarborough of Manslaughter instead of Murder. The jury accepted Scarborough’s explanation that the 62-year-old victim knocked the 22-year-old perpetrator unconscious, sexually assaulted him, and that he employed self-defense by hitting Manious in the head, caring him to the victim’s car, locking him in the trunk, driving to a remote location and leaving Manious there to die while he used the victim’s credit cards to go out to eat, shop and travel.

### Jeremy Waggoner

On June 10, 2008, the body of Jeremy Waggoner was found on the east side of Detroit. While it is not known whether this was an anti-gay hate crime, the brutality of the murder indicates the possibility. The victim’s partner, family, friends and members of the community have worked together to post flyers asking for any information regarding this murder. In addition to working with the community, Triangle Foundation has been actively working with the Detroit Police Department in search of leads in this horrendous murder.

### Dominic Maceri

On October 16, 2008, Dominic Maceri succumbed to injuries he sustained three weeks prior when an unknown number of men burst into his apartment and beat him within inches of his life. His partner called 911, but the police did not respond for almost an hour. This homicide remains unsolved.



**Jeremy Waggoner**



**Victor Manious**

## NEW YORK

### **Olympia Peck, 27**

Olympia Peck, 27 was found stabbed to death in the Bronx home she shared with Angelic McClennahan after 1:30am on July 3rd, 2008. Police have arrested Angelic and faces charge of murder and weapon possession.

### **Ewan Deszusa, 29, a Black gay man**

Ewan Deszusa was found dead in his Bronx apartment on January 15, 2008, fully clothed with multiple stab wounds in his chest and neck. He had been found face up in the apartments bathtub. DNA evidence and eye witness account places Jason Garcia at the scene. Though bias is a possibility, the motive for the attack remains unknown.

### **San jeer Seekoomar, 34, a South Asian, gay man**

On March 25, 2008, Sanjeer Seekoomar, was found dead in his apartment by his landlord. The door to his apartment had been pushed in and the apartment appeared ransacked. A suspect has been named but it is still unclear what led to the Sanjeer's murder. Paul Norris, 32, is charged with second degree murder.

### **Sanesha Stuart, 25, a Black Transgender woman**

On February 9, 2008, Sanesha Stuart, a transgender woman, was stabbed to death by Steven McMillan, who was still in Sanesha's apartment at the time the police arrived. After finding out Sanesha was a transgender woman, McMillan flew into a rage which led to her demise. McMillan was indicted with manslaughter in the 1<sup>st</sup> degree but not murder. Sanesha was loved by all in her building.

### **José Sucuzhañay, 31, Latino, heterosexual man**

On December 7<sup>th</sup>, 2008 after attending a church related gathering and stopping by at a bar to continue to the social festivities, Jose was brutally beaten to death by two men in Brooklyn. The two men Keith Phoenix, 28, and Hakeem Scott, 25, shouted anti-gay and anti-Latino slurs at the brothers as they walked home arm-in-arm to help with each other's balance. The two men got out of their SUV and proceeded to attack them. Jose's brother, Rommel, was able to get away and call the cops but the men continued to beat Jose with a glass bottle and aluminum base ball bat. Jose died December 12, 2008, five days after the attack. Both men are being charged with Second degree murder.



**Sanesha Stuart**



**José Sucuzhañay**

## 2008 Bias-Motivated Murders outside of NCAVP Catchment Area

### **Jessica Kalish, 57**

In Florida, Jessica Kalish was found dead in the back seat of her BMW behind medical offices at 2300 S. Congress Ave. Her former lover, Carol Anne Burger, 57, had stabbed her to death with a screwdriver 222 times. Jessica's body was found two days later on October 22, 2008. Carol did report Jessica as missing to the police but had committed suicide upon hearing police had reported it to the local media that Jessica's body had been found.

### **Milton Lindgren, 70, and Eric Hendricks, 73**

In Indianapolis, on October 20, 2008, an elderly gay couple were found dead in their home after friends notified police that the men had not been seen for some time. Milton Lindgren, 70, and Eric Hendricks, 73, had been targeted by vandals, who had cut their phone and cable lines twice and had posted anti-gay statements on their front door during the previous few months. It is believed that the men were killed because they were gay, although investigators said that while they do believe the vandalism was related to Lindgren and Hendricks being gay, they did not know if the killings were.



### **Duanna Johnson, 43, a Black Transgender woman**

On February 12, 2008, Duanna Johnson was arrested on a charge of prostitution, which was later dropped. Johnson was booked at the Shelby County Criminal Justice Center, and said former Memphis Police Officer Bridges McRae beat her and sprayed her with mace after making derogatory remarks about her sexuality. Officer J. Swain, held her down during the beating. The beating was caught on tape by the precinct's own security cameras and released to the media before being disseminated on youtube:

<http://tinyurl.com/19s8t3>. Both officers were fired from the department. Less than nine months later, on November 9<sup>th</sup>, Johnson was found dead from a gunshot wound to the head. Three men were seen near the crime scene before the officers arrived, but no arrests have been made.



**Ebony Whitaker, 20, a Black Transgender woman**

Ebony Whitaker was murdered by an unknown assailant in Memphis, TN, and was found dead on July 1, 2008. Whitaker had reportedly “been turning tricks for money since he was 16.” Whitaker’s cousin, Claudia Blair, told reporters that she thinks one of Ebony’s clients got mad and shot her after realizing that Ebony was not a woman. The murderer has not been identified or found yet. The Tennessee Transgender Political Coalition called upon the Memphis Police Department to be more responsive in crimes against the transgender community.

**Steven Parrish, 18, a Black gay man**

On March 3, 2008, Steven Parrish, a young gay man, was stabbed and stomped to death by gang members Steven T. Hollis, 18, and Juan L. Flythe, 17, who discovered text messages and pictures on Parrish's cell phone they believed indicated he was gay. Parrish, 18, lived with his parents in Woodmore, MD. He attended Randallstown High School, and was four days away from graduation when he was killed. Hollis and Flythe feared that their gang would appear weak to others if it became known that they had a gay member. Hollis and Flythe were both arrested and charged with first degree murder on August 15, 2008.



**Duanna Johnson**



**Ebony Whitaker**



**Latiesha Green**

**Simmie Williams, 17, a young Black man**

Simmie Williams, a 17-year-old African American gay man, was shot and killed on February 22, 2008, in Fort Lauderdale, FL, after an exchange of words with a group of young men. Williams was found wearing women's clothing, and residents in the neighborhood where Williams was killed said that the corner where he was found was a popular hangout for transgender sex workers. The murder was not being investigated as a hate crime by the Fort Lauderdale police, but the police had not ruled out that Williams' sexual orientation was a factor. The police investigation produced no information about the killer.

**Latiesha Green, 22, a Black Transgender woman**

On Friday night, November 14th, A friend told Lateisha Green and her brother Mark Cannon, 18, to stop by a party at 411 Seymour Street on Friday night. When they pulled up to the party, a number of people took issue with their arrival because the Lateisha was transgender and her brother was gay. Dwight DeLee, 20, one of party attendees, allegedly walked up to their parked car and began shouting profanities. Police say he then went inside the house and came back out with a 22-caliber rifle. According to reports, DeLee fired a single round through the driver's side window. The bullet grazed Mark Cannon's arm and hit Latiesha Green in the chest. Mark, who was sitting in the driver's seat, drove to Arthur Street where an ambulance picked them up and took them to the hospital. Latiesha Green was later pronounced dead. Mark was treated and released. At the time of this publication, DeLee is set to be the second person in U.S. history to be charged with a hate crime for the murder of a transgender person.



**Steven Parrish**



**Simmie Williams**



## Murders of LGBT People

In addition to the clearly anti-LGBT hate motivated murders in 2008, there were several other murders that took the lives of LGBT people and have not yet been defined as bias-related. This type of categorizing is often too simplistic to embrace the reasons for which an LGBT person might be murdered. Bias motivation is notoriously difficult to prove and yet, as marginalized communities understand, not being able to prove to the authorities that they have been targeted does not mean that there was not a significant bias component to an attack. Therefore, we report these murders to remember the victims and to remind the reader that the possible bias basis for these murders has gone unproven.

### **Ruby Molina, 22, Latina transgender woman**

Ms. Molina's body was found Sunday September 21<sup>st</sup> 2008, in the south bank of the American River approximately .85 miles southeast of the Highway 160 Bridge in Sacramento, CA. The case is being called a "suspicious" death as the cause of death remains unsolved. Currently this case is under investigation by the Sacramento Police Department.

### **Dennis Jr., 55, an African American gay man**

Mr. Jr. was shot and killed on February 9, 2008. Troy Tyrone Thomas III, 43, confessed to the murder and burglary. Thomas is being charged with murder with special circumstance, to show that the motive was for financial gain. Both men knew each other for 30 years. There was no apparent anti-gay bias or other motive appearing in this case.

### **Olga Rodriguez, 49, Latina**

Olga Rodriguez, 49, lived in the Melrose section of the Bronx was found murdered in her bathtub by the landlord. She had been in a relationship with Cecilia Rodriguez for four years before separating amicably. To this date, no arrests have been made. Her body was found June 21, 2008.

### **Kevin Pravia, 22, a white gay man**

A Pace University student was found dead in his Chelsea apartment on August 31<sup>st</sup>, 2008, with a cord around his neck and a plastic bag placed in his mouth. None of his possessions had been stolen so robbery was not a motive for his murder. Jeromie Cancel, 22, was apprehended in this crime. It was reported that Jeromie had been approached by Kevin with the intent of buying drugs and both went to Pravia's apartment. Kevin had fallen asleep and Jeromie took advantage of this opportunity. After he had committed the crime, Jeromie remained in Kevin's apartment and watched the movie "SAW". It is yet unclear if Kevin was killed because he was openly gay.

## **The Rape of LGBT Prisoners – A Hidden Hate Crime**

*By Just Detention International*

Sexual abuse pervades U.S. detention facilities and lesbian, gay, bisexual, and transgender (LGBT) inmates are especially likely to be subjected to rape while behind bars. The thousands of letters Just Detention International (JDI)<sup>1</sup> has received from prisoner rape survivors in recent years paint a shocking picture of the realities facing LGBT detainees<sup>2</sup>. The disproportionate victimization of LGBT detainees has also been documented in recent academic research reports and through government surveys.

LGBT inmates tend to be targeted for abuse because of their sexual orientation and/or gender identity. As such, the victimization of LGBT inmates constitutes a hate crime – a widespread bias-motivated form of violence that urgently needs the attention of policymakers at the federal, state, and local levels.

While any inmate can be raped while in custody, people who are marginalized in the community tend also to be the most vulnerable to abuse while in detention. In men's facilities, the power hierarchy is shaped firmly by concepts that put a premium on strength and masculinity – and that places gay, bisexual, and transgender prisoners firmly at the bottom of the social structure. Other groups that are at high risk for sexual abuse include youth (particularly youth housed with adults) and inmates who are incarcerated for non-violent offenses<sup>3</sup>. Many inmates held in male facilities are raped by other inmates, others by staff.

In women's facilities, typical survivors of sexual abuse are non-violent, younger, non-English speaking inmates and those with mental illness<sup>4</sup>. Studies have shown that lesbian, bisexual, and gender non-conforming inmates in women's prisons are targeted by other inmates as well as by staff<sup>5</sup>. Nevertheless, butch or gender non-conforming women and transgender men are frequently viewed as potential predators and automatically placed in punitive segregation – not for their own protection, but for the protection of other inmates<sup>6</sup>.

In a recent academic study, funded by the California Department of Corrections and Re-habilitation and conducted at six California men's prisons, 67 percent of inmates who identified as non-heterosexual reported having been sexually assaulted by another inmate during their incarceration, a rate that was almost 15 times higher than for the inmate population overall<sup>7</sup>. A follow-up study examining the experiences of 95 percent of the transgender women held in California men's prisons found similarly disheartening numbers:

- 59 percent of the transgender women stated that they had been sexually assaulted by another inmate (35 percent in their current housing unit).
- 14 percent of the transgender women had been sexually assaulted by staff.
- 70 percent of the transgender women had been victims of sexual misconduct.
- Zero percent of the transgender women considered California prison officials to be allies in the fight against sexual abuse<sup>8</sup>.

Recent government research has also confirmed that LGBT inmates are disproportionately targeted for sexual violence across the country, not just in California. A nationwide Bureau of Justice Statistics (BJS) survey of inmates in local jails found that, in the previous six months alone, 18.5 percent of inmates who identified as homosexual and 10 percent of inmates identifying as bisexual or indicating "other" as an orientation had been sexually assaulted, while inmates who identified as heterosexual had been victimized at a rate of 2.7 percent<sup>9</sup>. Gay, bisexual, and transgender prisoners entering male prisons and jails are often seen as fair game for attacks upon arrival, and marked as targets for further abuse that frequently continues for the duration of their time in detention<sup>10</sup>. Survivors in men's prisons tend to be labeled "punks," "queens," or described as having been "turned out." One 2006 academic study found that nearly 75 percent of prisoner rape survivors in men's facili-

ties and 57 percent of survivors in women's facilities were sexually abused more than once, and 30 percent of all survivors endured six or more assaults<sup>11</sup>.

Those who sexually abuse LGBT prisoners use a range of tactics, from violent attacks to more subtle coercion. For example, powerful inmates often offer protection to vulnerable inmates in exchange for sexual and other favors – a phenomenon known as “protective pairing” or “hooking up.” Entering into such a relationship can give vulnerable inmates a sense of control and can sometimes prevent more brutal attacks. As one gay male survivor said in a letter to JDI, “If you gotta have a man, you should pick carefully. Pick one that don’t rent you out, or at least keeps your ass for himself, and one that lets you say you won’t do certain stuff.”

In some protective pairing scenarios, the survivor may develop feelings of gratitude and affection for, or positive identification with, the more powerful partner. These feelings can make the arrangement appear to be consensual to observers. However, the more powerful inmate always sets the terms of the relationship and the survivor is not able freely to choose to end the relationship, mirroring the dynamics of domestic violence in the community. In especially egregious cases, the vulnerable inmate’s body becomes a commodity that is offered to friends, exchanged for contraband or commissary items, and used to pay off debts. Several survivors have described to JDI being permanently sold off to another inmate or gang, illustrating the deeply coercive nature of protective pairing relationships.

Corrections officials tend to confuse protective pairings with consensual relationships and will often discipline both the perpetrator and the victim, citing policies that prohibit any sexual contact between inmates. Punishment for violating such policies can include increased sentences, placement in administrative segregation or a loss of privileges. As a result, many survivors endure these abusive relationships in silence, not only fearing the wrath of the more powerful inmate, but also of being punished by corrections officials. Not surprisingly, most prisoner rape survivors choose not to come forward and report abuse that occurs as part of protective pairing arrangements.

The trauma experienced by survivors of prisoner rape is height-ened by the institutional apathy and homophobia they regularly face. Gay and transgender prisoners in male facilities are viewed by many corrections officials as weak and contemptible, and JDI regularly hears of assaults that were perpetrated, facilitated, or arranged by corrections officials. LGBT survivors also frequently describe to JDI how officials ignored, laughed at or refused to investigate their claims of abuse, stating or implying that the survivors deserved to be assaulted. A gay survivor in a Florida state prison said:

*The Florida Department of Corrections is aware of the fact that I was sexually assaulted but has neglected to do anything about the situation because I'm gay, Afro-American, and the fact that I'm incarcerated for prostitution. Just because of the aforementioned facts does not mean that anybody can just take advantage of me in prison because of my sexual orientation<sup>12</sup>.*

While it is becoming increasingly clear that LGBT inmates are targets of sexual violence while incarcerated, few corrections agencies have policies in place that protect the safety of this vulnerable population, even when such policies would be easy to implement<sup>13</sup>. For example, transgender women are generally housed in men’s institutions and are typically required to shower and submit to strip searches in front of male officers and inmates, placing them in particular danger. Allowing these women to shower alone and to have a say in their housing situation would vastly improve their safety. A transgender woman in Texas described her experience with the Texas Department of Criminal Justice (TDCJ):

*TDCJ routinely classify all transsexuals as “males” and houses them with “men” on all male units if they have a penis, functional or not. The “men” prisoners know we’re women, can see our breasts and staff strip search us so everyone can see us*

*naked and make fun of our bodies. The male guards squeeze and make fun of our breasts in the halls regularly without fear of the higher rank. We are denied our hormone medications, psych treatments for our GID and treated like freaks at a circus. Our housing is changed to punish us for complaining and “rocking the boat.” The housing assignments risk our health and safety, but if we bring it to their attention they threaten to ship us to another unit. We have absolutely no input on our housing assignments and are punished if we refuse to go into a cell with people we feel will harm us<sup>14</sup>.*

Some departments of corrections have created special classification designations or housing units to house vulnerable populations<sup>15</sup> but there is little evidence that this approach has been effective so far. Special classification units generally house not only LGBT inmates, but also sex offenders, former gang members, prison “snitches,” and others who are considered vulnerable to attacks in general population. As such, these units tend to bring together – often in dorm-like settings – inmates who are at high risk for abuse and inmates who are likely to be perpetrators of sexual violence. Not surprisingly, although they are meant to provide a safe environment, LGBT inmates are regularly preyed upon in these settings as well.

In the end, LGBT inmates often feel forced to seek protective custody, knowing that this will mean being placed in solitary confinement, locked in a cell for 23 hours a day, and losing access to programming and other services. Alarming, even such housing (usually called protective custody, administrative segregation, or, colloquially, “the hole”) does not always protect inmates from harm. Isolative housing is intended for inmates who violate prison rules or are a serious threat to other inmates or staff. LGBT inmates who request such housing for their own protection therefore often find themselves in close physical proximity to inmates who are violent or predatory, including perpetrators of sexual abuse. JDI has been in contact with several inmates who were assaulted by a staff member – or by another inmate with the acquiescence of staff – while in isolative housing.

Survivors of sexual abuse behind bars experience the same emotional pain as other rape survivors. The absence of confidential counseling in the aftermath of an assault causes many prisoner rape survivors to develop serious long-term problems, like post-traumatic stress disorder (PTSD), depression, and alcohol and other drug addictions. Moreover, the high rates of HIV and other sexually transmitted diseases in detention place incarcerated survivors at great risk for infection. Once released – and 95 percent of inmates do eventually return home – survivors bring their emotional trauma and medical conditions back to their communities.

The homophobia that places LGBT inmates in extreme danger also contributes to societal attitudes that permit continued violence and discrimination against LGBT people in the community. In the words of a survivor who recently wrote to JDI:

*[Corrections officials] feel that as a Gay person, I am less deserving and worthy of the already meager Prisoners Rights available to even the worse element of society in here...I say to all the Gays in the ‘Free World’: You need to understand that my plight inside here is a microcosm of the similar forms of bias and double standards inflicted upon you. Hence, my struggle is your struggle<sup>16</sup>.*

The following accounts are drawn from recent letters by LGBT survivors to JDI. These stories were not selected because they were unusually egregious; they represent some of the patterns and common forms of sexual abuse that LGBT prisoner rape survivors share with JDI on a daily basis.

## Survivor Stories, Incarcerated LGBT people

### Jason, Texas

Jason is a 30-year-old gay male who is currently incarcerated by the Texas Department of Criminal Justice (TDCJ). In the past four years he has been transferred to six different units within the TDCJ and has faced harassment and discrimination at each facility. While at the Allred Unit in Iowa Park, he was assaulted and extorted

relentlessly by members of the Aryan Brotherhood, a powerful prison gang. During each of the assaults he was physically beaten by at least three members of the gang until he agreed to perform oral sex. He wrote in one of his letters to JDI: “*I am an open male homosexual, but that doesn’t give anyone the right to force me to perform sexual favors by beating me up until I can’t take no more.*” Jason suffered severe injuries after each of the assaults but did not receive any medical treatment. He was eventually transferred from the Allred Unit, but was never placed in the TDCJ’s *Safekeeping* program – a special classification for vulnerable inmates who can not be safely housed in general population.

#### Shakria, Colorado

Shakria is a 36-year-old black transgender prisoner of the Colorado Department of Corrections. In 2007, she was raped by her cellmate, while a third prisoner acted as a lookout. After the first assault, she repeatedly requested protection but was denied each time. Months later, she was again raped by an “inmate who didn’t know how to take no for an answer.” Shakria described her experience in a letter written days after being transferred from the facility where the assaults took place:

*I was raped twice at the Limon Correctional Facility. When I was assaulted the first time, I was afraid to ‘snitch’ because I was in fear that my life would end. I complained and wrote two letters to [two different officials] and requested to be transferred to a safer facility, that I no longer felt safe there. The two letters were given to them in November 2007 and still they kept me there.*

*[In January 2008], I was sexually assaulted again and they caught one of the inmates who did it the next day. I was sent to medical where I had to wait 3 hours to speak with a street investigator and out of fear, once more I refused to press any charges so they refused to give me medical treatment or do a rape kit on me. I was placed in segregation for 14 days and when I requested grievances, I was refused. Finally I was transferred out of Limon.*

#### Dee Dee, New York

Dee Dee is a 37-year-old gender non-conforming prisoner incarcerated in a New York state men’s prison. For several months in 2008 Dee Dee was forced into a protective pairing relationship with a cellmate and was too frightened to report the ongoing abuse. Dee Dee was forced to perform oral sex, to have anal intercourse, and to “act like a woman.” Dee Dee eventually reported the abuse only to receive an institutional infraction for engaging in consensual sexual behavior. Since reporting the abuse, Dee Dee has received little protection and continues to fear further violence.

#### Owen, California

Owen is a 34-year-old gay Latino man incarcerated in a California state prison. While housed in a large dorm, he was raped twice by another prisoner. During the first assault, the perpetrator held a weapon to Owen’s throat and shoved a hot sauce bottle into his rectum. The perpetrator was equally violent in the second attack, tearing Owen’s rectum and biting him several times. Owen explained the circumstances surrounding the assault in one of his letters to JDI:

*My name is Owen and I was raped. I repeatedly told the officers in my building about my problem and they refused to re-house me. I eventually got a bed move and these officers and another sergeant reversed it stating I was ‘in check in that dorm’ and they didn’t want any of my fag shenanigans going on in other dorms. I was then eventually raped twice by my dorm-mate which led to me battering him. I am sitting in the hole for it. I told them about the rapes and they are not charging him.*

### Clifton, New York

Clifton is a 26-year-old black gay man who was physically and sexually assaulted while being held in a protective custody unit of Attica Correctional Facility in New York. Following the sexual assault, Clifton was forced to wait nearly a month before receiving medical treatment for tears in his rectum. He had difficulty navigating the state's grievance process and his claims were repeatedly written off by corrections officials. He was eventually placed in a special housing unit (segregation). Clifton described his ordeal in letters to JDI:

*[In February 2008] when coming back from a tier hearing, I was beat by four corrections officers. It had started with threats. I was hit on my arm, leg, back, and repeatedly hit on my right knee. I was dragged by my state shirt and told to get up and go to my cell ... [later that month] when I was in my cell, when the other inmates went to recreation, 3 corrections officers came in my cell, turned me over, pinned me down and put a night stick in my behind while laughing, saying, 'shut up, faggot, you're enjoying it,' then laughing while they left.*

### James, Texas

James is a 34-year-old gay biracial man from Dallas, TX serving a 20-year sentence. He has been incarcerated by the Texas Department of Criminal Justice since he was 17 and has suffered years of violent attacks by prison gangs. He stated in a letter to JDI:

*I have been rape and sold to [many] gangs, different races etc ... I been stab with a homemade knife [and] forced into sexual acts not willing to choose. I had my jaw broken twice, head busted in ... I am tired of being denied Safe Prisons and Safe Keeping or somewhere not so hostile. Just do my time without being force to have sex or harassed because I am a proud gay.*

The assaults have taken place in several different facilities and he stated that he is "being sold like store bought property" from one gang to another. He has reported each of the assaults but has been denied *Safekeeping* because corrections officials confuse his forced relationship to the gang for willing membership and classify James as a gang member rather than as a victim of persistent assaults. He believes that several of the assaults have been facilitated by corrections officers and stated that during one of the assaults, an officer watched what was happening and laughed. He has continued to request protection.

### Carlos, California

Carlos is a 35-year-old gay man incarcerated in a California state prison. He was repeatedly raped and forced to perform oral sex at knife point by his cellmate over a period of two months. He filed several official grievances requesting protection and told several officers about the assaults but stated that on more than one occasion he was told, "Nobody is going to believe you because you are a known homosexual." After two months of requesting help, he was placed in protective custody and taken to see medical staff for the rectal pain and bleeding he was experiencing as a result of the assaults. He stated that he received little medical treatment but was finally transferred to a different prison.

### Natalia, Idaho

Natalia is a 23-year-old transgender woman currently incarcerated in an Idaho state prison. Over a period of two years, Natalia has been raped eight times by members of a prison gang in retaliation for her refusing to enter into a sexual relationship with one of the gang members. She has filed several grievances requesting protection and each time her requests have been denied. She fears that she may have contracted Hepatitis as a result of the assaults and feels physically and emotionally devastated. She wrote in a letter to JDI:



*When I was raped it took my life away from me, I wasn't myself I'm still not myself. I was laughed at by staff and inmates. They didn't care. I was terrified to go back to the gym but when I finally tried overcoming my fear by going back I was raped again. When I requested P.C. [protective custody] I was denied. Even today I get denied because of who and what I am. A transgender woman. Being raped has taken my life away. It's taken a piece of me that I'll never ever get back.*

<sup>1</sup> Just Detention International (JDI, formerly Stop Prisoner Rape) is a human rights organization that seeks to eliminate sexual violence in all detention settings. 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. More information at [www.justdetention.org](http://www.justdetention.org).

<sup>2</sup> JDI receives 20-30 letters a week from inmates requesting resources and information about sexual violence in detention. Since 2002, 25 percent of the survivors who have written to JDI have self-identified as LGBT – in 2008, nearly 30 percent of the 260 survivor letters received were from LGBT inmates.

<sup>3</sup> HUMAN RIGHTS WATCH, NO ESCAPE: MALE RAPE IN U.S. PRISONS 63 (2001).

<sup>4</sup> Barbara Owen et al., National Institute of Justice, *Gendered Violence and Safety: A Contextual Approach to Improving Security in Women's Facilities* (2008).

<sup>5</sup> Cindy Struckman-Johnson & David Struckman-Johnson, *Sexual Coercion Reported by Women in Three Midwestern Prisons*, 39 J. Sex Res. 3 (2002); HUMAN RIGHTS WATCH, ALL TOO FAMILIAR: SEXUAL ABUSE OF WOMEN IN U.S. STATE PRISONS 2 (1996).

<sup>6</sup> For example: In 2008, a group of self-described “butch” lesbian women in a Virginia state prison reported to community advocates that they had been placed in a separate unit and told by officials that they were being segregated because they were “aggressive-looking.”

<sup>7</sup> Valerie Jenness et al., Center for Evidence-Based Corrections, *Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault* (2007).

<sup>8</sup> From Prof. Valerie Jenness' testimony and presentation of findings at the *Information Hearing on Issue Facing LGBT Inmates in California Prisons* before the CA Senate Committee on Public Safety in San Francisco, CA (December 11, 2008).

<sup>9</sup> ALLEN J. BECK & PAIGE M. HARRISON, BUREAU OF JUSTICE STATISTICS, SEXUAL VICTIMIZATION IN LOCAL JAILS REPORTED BY INMATES, 2007 (2008).

<sup>10</sup> 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).

<sup>11</sup> 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).

<sup>12</sup> Excerpt from a letter sent in November 2006 by Nicholas while he was detained in a Florida state prison.

<sup>13</sup> For policy recommendations see *Call for Change: Protecting the Rights of LGBTQ Detainees* available at <http://www.justdetention.org/pdf/CFCLGBTQJan09.pdf>

<sup>14</sup> Excerpt from a letter sent in March 2009 by Paula while she was detained in a *Safekeeping* unit of a Texas state men's prison.

<sup>15</sup> For example: *Safekeeping* in the Texas Department of Criminal Justice and *Special Needs Yards* (SNY) in the California Department of Corrections and Rehabilitation.

<sup>16</sup> Excerpt from a letter sent in March 2009 by Leroy who is currently detained in a Connecticut state prison.



## REGIONAL DATA & SUMMARIES

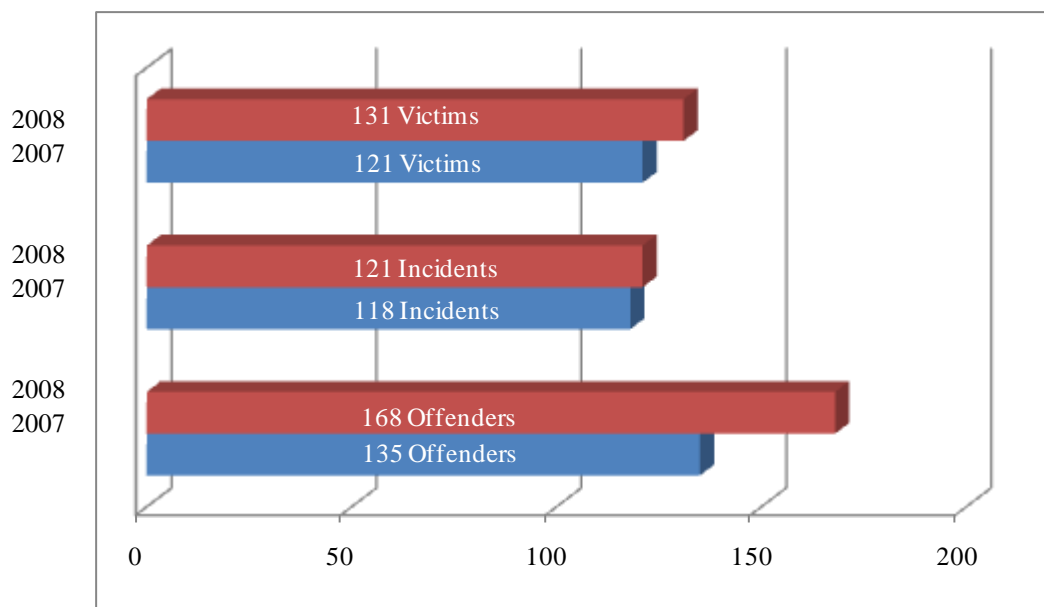
### COLORADO—Colorado Anti-Violence Program

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, self-defense, 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.

After a slight decrease in reported incidents in 2007, CAVP documented an increase of 3% of separate incidents in 2008 (from 118-121). This included an rise of violence directed towards LGBTQ organizations. We also witnessed a slight increase of weapon use, with the largest category of growth being knives/sharp objects. There was also a rise in the number of serial incidents (63%), many of which have not been previously reported to either community-based organizations or law enforcement.

#### Colorado: Victims, Incidents, and Offenders



2008 also brought an 8% increase in number of victims/survivors (from 121 to 131) with a 24% increase of number of offenders (from 135-168). This is particularly disturbing to note because it demonstrates the likelihood of incidents involving multiple offenders (i.e. 168 offenders and 131 victims/survivors in 2008).

Other rises in statistics to note:

- Number of victims/survivors between the ages of 40 and 49 (117%, from 6 to 13)

- Number of victims/survivors with disabilities (16 reported for 2008)

- Number of victims/survivors who self-identify as a person of color (34%, from 32 to 43)

Of the 121 incidents in 2008, only 25 had been reported to police (an additional 3 said they will report to police). Of those 25, only three are known to be reported by law enforcement as having a bias classification.

There are several possible reasons for an increase in reporting from 2007 to 2008. In both years, CAVP saw a spike of reports in March and the sharp decline in April. In 2008, reports again rose substantially in October and November, reflecting the presence of a new community advocate located in Colorado Springs. This position had previously been vacant for several months. As the advocate began conducting more outreach and holding regular office hours, more people in the surrounding area have been reporting incidents of violence. We have noticed that consistent outreach, training and collaboration efforts across the state have resulted in more consistent reporting. For this reason, we hope to place more advocates in areas where we are not having as much of a visible presence.

Another possible reason for an increase in reports has been the visibility of CAVP in the media. This media attention has not only let community members know that we are a community based organization serving the LGBTQ community, but also what services we provide and how to reach us. In July 2008, Angie Zapata was murdered in her northern Colorado home (see Personal Narratives). CAVP served as the spokespeople for the Zapata family to allow the family privacy to grieve their loss. In November 2008, Amie Wilcoxson was found deceased in her home. CAVP was able to assist in making sure community members' concerns were heard by local law enforcement (see Personal Narratives) as well as help bring media attention to the case. Both Angie Zapata and Amie Wilcoxson were transgender-identified.

The cases of anti-transgender violence are spread throughout the entire year and cover a variety of types of violence from discrimination in high school, institutional and interpersonal violence in a college setting, to sexual assault, homelessness, and murder.

While, as an organization, CAVP has seen many successes throughout 2008, we are constantly reminded of the need for our services. LGBTQ residents of Colorado are facing harassment, discrimination, homelessness, threats, physical violence, sexual violence, and even murder. There is still much work to be done to ensure the safety and health of all of Colorado's residents.

## LOS ANGELES—L.A. Gay and Lesbian Center, Anti-Violence Project

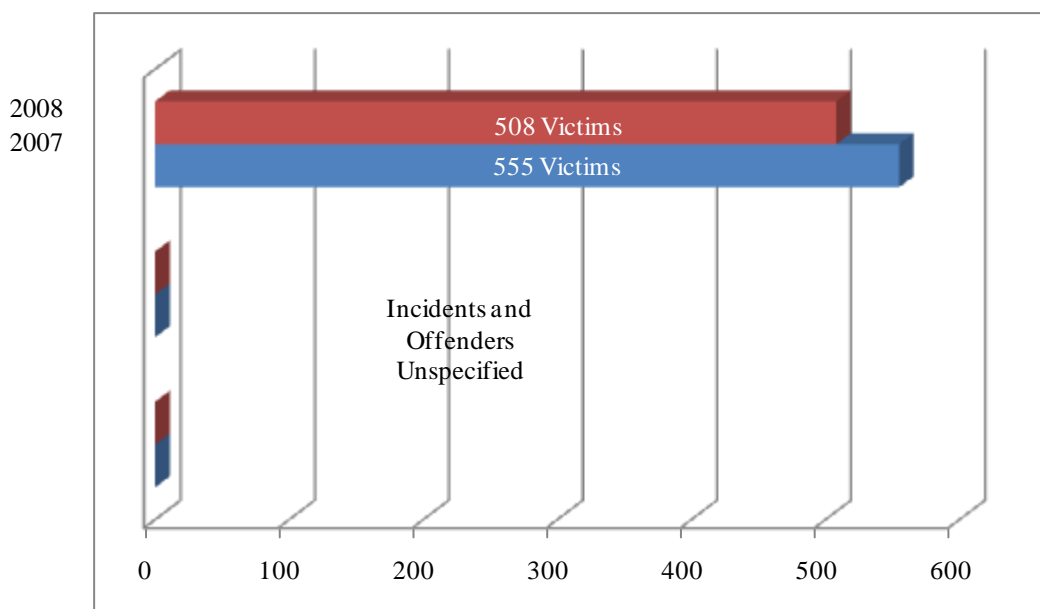
### Hate Violence Surrounding Proposition 8 Protests

On November 4, 2008, the passage of Proposition 8, which has amended California's Constitution to ban marriage for same-sex couples, galvanized days of protests and rallies that were attended by tens of thousands of LGBT activists and supporters around the state. In the Los Angeles area, news spread about anti-gay hate crimes and incidents directed at those participating in the rallies. The L.A. Gay & Lesbian Center received a report about an outbreak of violence in front of a Mormon Temple, the site of one of the largest protests. A group of Prop. 8 supporters arrived in a van at the Temple during the protest and reportedly shoved, harassed and intimidated protestors. Stories of similar acts of violence were heard throughout the LGBT community. The L.A. Gay & Lesbian Center was also targeted with threatening phone calls and e-mails that included anti-gay slurs, primarily from individuals angry about the demonstrations taking place. One of the threatening phone calls that LAGLC received resulted in a criminal proceeding against the perpetrator.

### Anti-Transgender Hate Violence Nearly Doubles

The L.A. Gay & Lesbian Center's Anti-Violence Project noted a spike in the number of anti-transgender hate crimes and hate incidents. In our experience, acts of hate violence against the transgender community are the most pervasive and vicious types of violence encountered by the clients we serve, and are the most underreported. Fear of law enforcement, language barriers, and lack of outreach and services are among the most significant barriers that have historically kept victims of anti-transgender hate violence in the shadows. The spike in hate violence reports we received in 2008 is attributed to increased community outreach and efforts to raise public awareness by the Anti-Violence Project. We believe that anti-transgender hate violence is still underreported, and we will continue to focus community outreach and engage in trainings and presentations to address this gap in services.

### Los Angeles: Victims

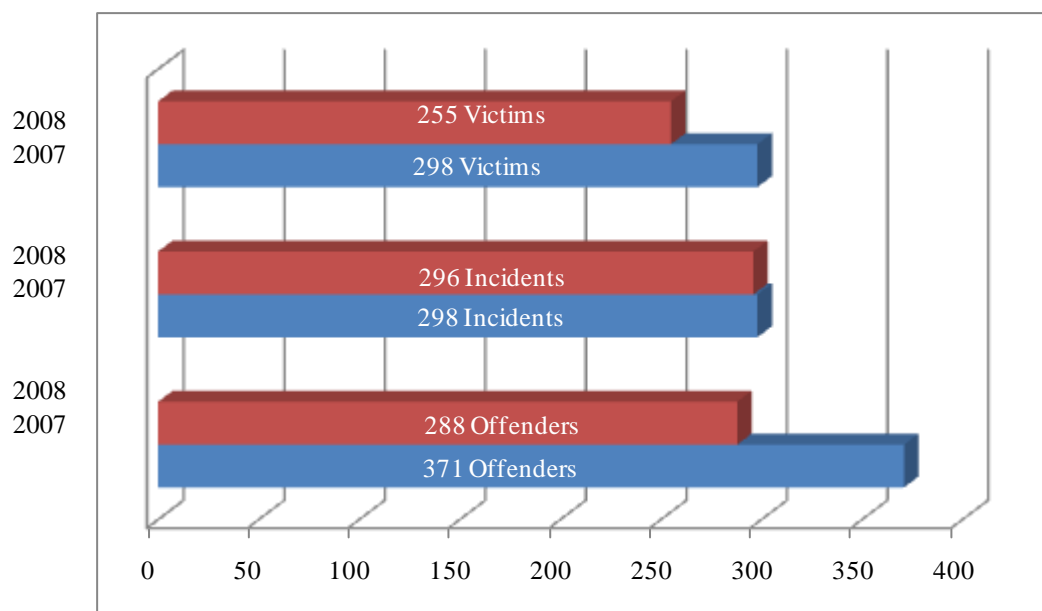


## MICHIGAN—Triangle Foundation

Triangle Foundation is a statewide non-profit that provides direct services to lesbian, gay, bisexual and transgender (LGBT) and HIV-positive victims of bias violence, vandalism, intimidation, harassment and discrimination. Triangle Foundation 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 2008 of 10,003,422. It is the mission of Triangle Foundation to promote equality and to secure freedom from violence, intimidation and discrimination for LGBT persons throughout Michigan. Triangle has offices located in Detroit and on the western side of the state in Grand Rapids.

The LGBT community in Michigan faces numerous obstacles to attaining full equality in the state of Michigan. In particular, the inclusion of discrimination in the state constitution with the adoption of a ban against same-gender marriage, as well as the exclusion of protections afforded most oppressed communities, pose serious challenges to fulfilling the mission of Triangle Foundation. To begin, there is a constitutional ban against same-sex marriage that states that “the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose”. Because of the reference to “or similar union for any purpose” the Michigan Supreme Court held that this ban also applied to domestic partnerships. This has seriously threatened the protection of LGBT families. The Elliot Larsen Act, Michigan’s civil rights bill, does not include the LGBT community. The Ethnic Intimidation Act, Michigan’s hate crimes bill, also does not include protections for the LGBT community. Crimes and other incidents motivated by bias against the LGBT community receive no acknowledgement as hate crimes in Michigan. It is difficult to promote tolerance in a state that so adamantly codifies exclusion.

### Michigan: Victims, Incidents, and Offenders



Because of changes in data software, it is problematic to do an overall comparison from 2007 to 2008. We must, therefore, look at the individual categories versus the overall number of incidents to gauge the climate and challenges in Michigan for LGBT victims. There were 4 murder cases, one of which that actually occurred in 2007 but was not known to include anti-gay motive until it went to trial in 2008. In all cases, the victim was either LGBT or perceived to be LGBT. At this time, with regard to the murders of Ashley Sweeney, Jeremy Waggoner and Dominic Maceri, there is no specific evidence that these three murders were hate crimes. Our hope is that the perpetrators will be caught and the motivation for the murders will be revealed. One murder, however, warrants special discussion as we believe it is reflective of the challenges we face in Michigan in creating a more tolerant and accepting society that is free from violence against the LGBT community.

On July 29, 2008, twenty-two year old Steven Scarborough bludgeoned Victor Manious with a baseball bat. He then locked Mr. Manious in the trunk of his own car and left him there to die. While Scarborough used the victim's credit cards, Mr. Manious' family made the gruesome discovery of his body. At trial, Scarborough used the gay panic defense stating that the sixty-two year old victim knocked him unconscious and that when he awoke, the victim

was performing oral sex on him. Scarborough stated that he hit Manious on the head with a baseball bat in self defense, locked Manious who was still alive in the trunk of the victim's car and drove the car to a remote location. The jury rejected murder charges, finding him guilty of manslaughter.

The fact that the jury could accept Scarborough's defense as justification to reduce the conviction to Manslaughter is appalling. To justify this verdict, the jury had to first accept that this sixty-two year old murder victim easily overpowered a twenty-two year old man in order to sexually assault him. They then had to accept that the only way for this young man to get the elderly victim off of him was to bludgeon him in the head with a baseball bat – something readily available for such a defense. The jury then had to accept as understandable the perpetrator's actions of not calling for help from the police or emergency but rather taking this man, beaten and bleeding from the head, putting him in the trunk of his own car and driving him to a location where help was not likely to come. They then had to disregard the murderer's revolting conduct of using the victim's credit cards to dine, shop and travel while Victor Manious lay dying in his car. Scarborough had numerous opportunities to save the life of Victor Manious. The jury disregarded his cold and calculating actions that ended the life of Victor Manious. The fact that twelve members of Michigan society could accept the gay panic defense in this case demonstrates the deeply rooted homophobia of the average Michigan citizen.

In 2008, we saw a slight increase in assaults with the total number increasing from 46 in 2007 to 49 in 2008. We saw assaults without a weapon increase from 31 to 33, assaults with a weapon decrease from 14 to 9, and attempted assaults increase 1 to 7. Weapons used included bats, blunt objects, knives, bottles and guns.

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 101 incidents in 2007 to 107 incidents in 2008. However, Triangle saw a significant increase in incidents involving intimidation, with such incidents increasing from 35 in 2007 to 58 in 2008. Triangle Foundation 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 it reflects a growing intensity in hatred and harm by offenders.

We also saw an increase in incidents involving discrimination only, rising from 72 in 2007 to 83 in 2008. This can most likely be attributed to increased efforts to track incidents involving discrimination only, a process still being refined within the database. Such incidents of discrimination occurred in schools, colleges, workplaces, residents and in public accommodations. These acts of discrimination were generally not actionable under the law in Michigan as discrimination against the LGBT community is not prohibited under current non-discrimination laws. It is difficult to ignore the strong probability that the failure for Michigan to include the LGBT community in non-discrimination laws and hate crime laws, as well as the inclusion of discrimination in the amended Constitution with the prohibition against same-sex unions is directly related to the increasing number of incidents involving discrimination in the state of Michigan.

The review of this Report can leave a reader with a sense of hopelessness. While Triangle Foundation supports the addition of the LGBT community to hate crime laws, we also assert that the LGBT community will only be free from violence when tolerance and acceptance flourish. There are many paths to accomplishing this goal. One is to challenge unlawful conduct. One of the most significant statistical changes from 2007 to 2008 was the category of police misconduct. In 2007, with the high profile restroom bust involving Senator Craig, we saw a tremendous jump in police sting operations, unjustified arrests and police raids throughout the state of Michigan. The police entrapment cases noted in this report and the 2007 report do not include public sex acts, but rather, incidents where an undercover police officer approached an individual man, trying to get him to engage in a conversation about sex. The majority of these arrests involved only the defendant discussing sex, much the same as conduct engaged in at any bar by straight individuals. There have been lawsuits filed regarding the alleged unethical conduct on the part of the police, a fact we think has contributed to the significant decrease in entrapment operations from 36 reported cases in 2007 to 1 case in 2008. In addition, unjustified arrests went down from 6 to 2 and police raids decreased from 7 to 0.

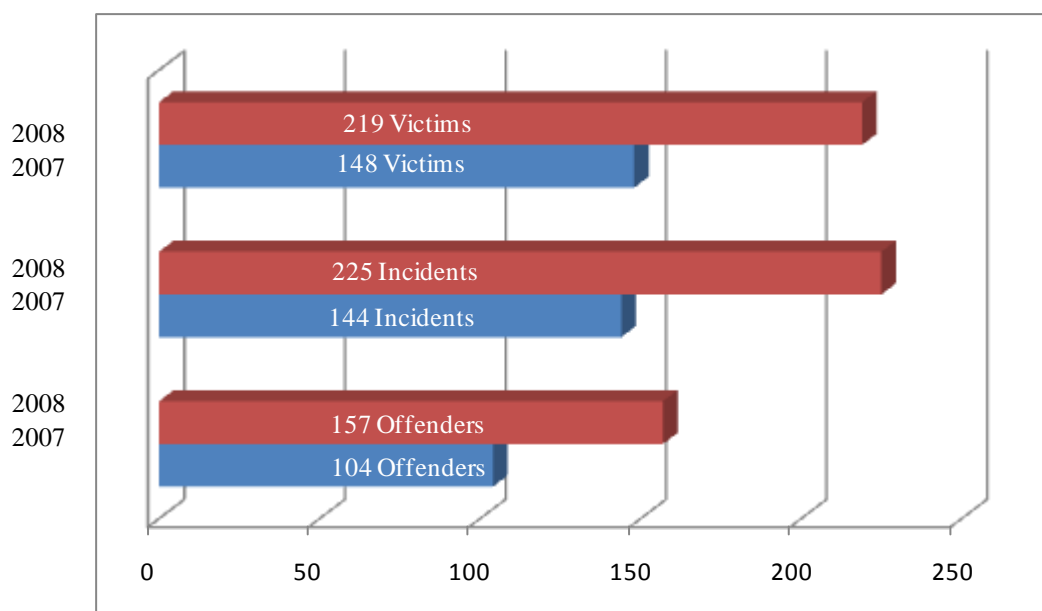
As legal actions can be limited according to the exclusion of the LGBT community, individuals and organizations must be active in the struggle to create a more accepting society. Being active in the struggle can come in many forms: involvement with LGBT organizations; lobbying for LGBT inclusive legislation; reporting hate crimes, discrimination and domestic violence to the Triangle Foundation; supporting organizations that challenge homophobia and transphobia; challenging homophobia and transphobia at work, in our schools and with our families; offering support to someone traumatized by discrimination; getting involvement with civic organizations so that there is an LGBT perspective in the organizations that impact your community; and running for elected office.

## MINNESOTA—OutFront Minnesota

OutFront Minnesota is the state's leading advocacy organization for the GLBT communities in Minnesota. Our Anti-Violence Program's main areas of focus include domestic violence/intimate partner violence survivors, hate/bias crime survivors and survivors of sexual violence. The program provides short-term crisis services including a 24 hour crisis line, individual peer counseling, support groups for both survivors and their families, friends and other concerned persons who have survivors of violence in their lives. In addition, we provide extensive individual crime victim advocacy related services including the navigation of systems, such as criminal justice, medical and social services, which have historically been sites of significant barriers to obtaining safe and effective services for GLBT survivors of violence. Finally, we offer a variety of trainings, community forums and other outreach strategies to create safe climates in schools, workplaces and other community areas as well as work in collaboration with other organizations toward violence prevention. We work to develop networks of safe and effective service providers in all areas of the state. Our mission is to improve the climate of safety for all GLBT Minnesotans in every facet of their lives.

2008 continued a multi-year trend of increased bias and hate crime activity throughout Minnesota. Critical analysis of our survivor reports this year unfortunately mirrored many of the same trends of increased hate and bias activity as in past years. While certainly not all the data was dismal and concerning, its analysis gave us significant pause in some very key areas. As we attended a vigil to honor the memory and anniversary of Matthew Shepard's death ten years ago, we have found that as the GLBT community, we are still in danger and that anti-violence work is unfortunately as vital as ever before, especially our work combat the very real possibility of negative experiences for GLBT Minnesotans throughout the state as a result of hate and bias activity.

### Minnesota: Victims, Incidents, and Offenders





2007 was a year of change in Minnesota. No longer was the state's focus entirely on a "marriage battle" but had shifted to laying the groundwork for safe schools legislation, coalition building and political change. Throughout Minnesota, record numbers of people were discussing safety and equality for the GLBT communities in town hall meetings, at political rallies as some candidates began advocating for GLBT equality in their campaign platforms and at our own kitchen tables. For many people, these discussions were being held for the first time and much of our work here at Out-Front Minnesota's Anti-Violence Program was to help people understand the impacts of homophobia and heterosexism, among the multitude of intersecting oppressions faced by traditionally underserved or marginalized communities. While marriage was a significant issue, we were able to move beyond that singularly focused debate. However, as the visibility remained high for the GLBT communities so did the incidents of hate and bias activity.

For example, in 2007, we saw a significant increase (135%) in the numbers of GLBT hate/bias crime victim/survivors. In 2008, we saw an additional 48% increase (148 to 219) which means that there has been a 300% increase (73 to 219) in victimizations related to hate and bias activity since 2006. As in previous reports, we recognize that there are several contributing factors to these increases. We believe that one reason for this increase is a result of increased and targeted outreach to the GLBT communities throughout Minnesota regarding reporting incidents of anti-GLBT hate and bias. However, we also believe that an even larger factor in these increases indicate a continued social willingness to commit acts of violence toward the GLBT community.

In 2008, we saw a 185% (73 to 208) increase in singular and unduplicated incidents reported to the Anti-Violence Program with a similar 51% (104 to 157) increase in offenders. With a continued trend of increasing numbers of assaults with weapons, vandalism and harassment, we believe that the social willingness to commit anti-GLBT violence can be highlighted by the number of survivors requiring medical care--over 40% of victims had injuries significant enough to warrant emergency or hospital care. One reason for the need for medical care corresponds directly relates to the most common tools used in these assaults against GLBT Minnesotans--bats, blunt, objects, firearms and ropes.

With larger groups of people directing their activity toward one survivor, there was a 20% increase in incidents that involved multiple offenders, including 24 incidents that included 2-3 (167% increase) offenders and 13 incidents that involved 4 or more offenders (225% increase). Many people have stated that these incidents can simply be written off as "youthful indiscretions" with the assumption being that most offenders are under the age of 18. This is not the case. In 2008, while many offenders were young, 67% of offenders were over the age of 19. This represents a significant change from past years. As a society, we can no longer dismiss hate and bias activity as "kids being kids" because currently many of the offenders committing anti-GLBT hate and bias activity are, in fact, adults.

While there was an 81% increase in the number of reports made to law enforcement, this number remains extraordinarily low (18%) in relation to the total number of reported incidents. While many law enforcement agencies and other criminal justice personnel have performed admirably in their response to this violence, we see a need for further education for law enforcement about the unique elements of hate and bias related activity and effective victim support strategies.

We have seen a sharp increase in the number of anti-transgender incidents in 2008. With a 29% increase in violence towards transgender men and a 113% increase in violence toward transgender women, we recognize that there is much work to be done throughout the GLBT community in order to create safety for all transgender, gender variant and gender queer community members.

We have a long way to go toward safety and a life free of violence for GLBT Minnesotans. Strong foundations are being laid and through the continued development of effective collaborative relationships in all sectors, our vision for social change is not only possible but realistic.

## NEW YORK—New York City Anti-Violence Project

In 2008, The New York City Anti-Violence Project documented 348 incidents of hate violence involving a total of 435 victims. When compared with 2007, these numbers represent a slight decrease in both categories. Incidents dropped 14% (403 to 348) and the total number of victims dropped 12% (496 to 435). While this decrease is promising, the data also reflects a disturbing increase in the severity of the violence. The number of murders documented by AVP increased 66.7% (3 to 5). The number of assault increased 22% (138 to 169) and the numbers of sexual assaults increased 171% (17 to 46). This shows a trend toward increasingly violent incidents of hate violence in New York City.

The intersection of identities within LGBT communities continues to be a factor, as many victims of hate violence are also members of other marginalized communities including people of color, recent immigrants, people with disabilities, youth, elderly and HIV positive people. Homophobic, biphobic and transphobic violence continue to be very much a part of New York City culture, despite the number and strength of NYC's LGBT communities. In many ways, the increasing severity of the violence can be interpreted as a cultural backlash for the strides the community has made in the areas of marriage and federal hate crime legislation. Reports of discrimination increased, for instance, by 66% in 2008.

The majority of hate violence victims (59%) continue to identify as male, which is a 13% decrease (294 to 256) from 2007. Only 19.3% of AVP's victims identified as female, which represents a 25% drop from (112 to 84). Six transgender men (1%) and 62 transgender women (14%) reported being victims of hate violence in 2008. These numbers reflect an increase for both transgender women (5%) and transgender men (50%). Sixty-two incidents of hate violence in 2008 were related to anti-transgender bias and homophobia (32) or anti-transgender bias only (30). These numbers represent 18% of the hate violence incidents that occurred in New York City in 2008.

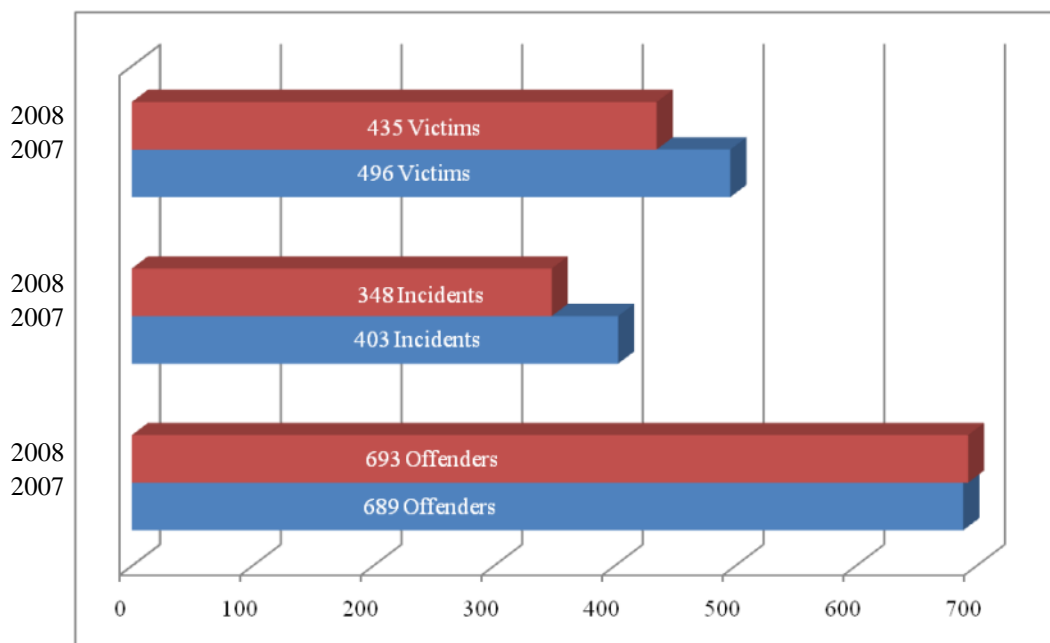
The majority of victims (60%) who report hate violence identify as lesbian or gay (259 of 435). This represents a 23% decrease from 2007 (338). The majority (23%) of those who reported bias incidents in 2008 identified as Latina/o (99 of 435) or people of African-Descent 22% (97 of 435). Overall, the number of hate violence victims who identified with communities of color in 2008 was 47% (206 of 435), with 12 victims identifying as "other" and 108 victims whose race/ethnicity is not known. Victims who identified as white totaled 24% (103 of 435) in 2008, a 20 % decrease from 2007. It is likely that members of other marginalized communities who identify as LGBT are not fully represented in the numbers that are reported, which is a reflection of the way that racism and other oppressions can limit resources and options for our diverse communities.

As in previous years, victims of hate violence continue to be younger. Of the 435 victims who reported incidents in 2008, 33% (142) were between the ages of 19 and 29. Young people under the age of 19 are underrepresented in this report. Currently, NYC AVP does not work with youth under the age of 18 in-house. Therefore, NYC AVP is unable to report statistics on LGBT youth.

However, we are currently developing a needs and readiness assessment in preparation for providing our much needed services to this particular population. Hate violence is a near universal experience for LGBT identified and questioning youth and for youth who are perceived to be LGBT. In 2003, GLSEN's *National School Climate Survey* found that 4 out of 5 LGBT and questioning students experienced verbal, sexual, or physical harassment at school. The word "faggot" is the most commonly heard epithet on a school playground, which is often ignored by teachers, faculty, and staff. This type of environment makes it very difficult for LGBT youth to report these incidents to school officials. There is some hope that the Dignity for All Students Act will pass in New York State in 2009, which will provide a measure of security for LGBT youth and recourse for anti-LGBT violence in schools.

LGBT young people have had a long history of negative interactions with law enforcement, therefore making it much less likely for them to report their victimization to the local police. According to the Pete Cicchino Youth Project at the Urban Justice Center, of the 20,000 teenagers living on the streets of New York City, almost half identify as LGBT. Many of these young people are the victims of hate violence, physical abuse, discrimination and harassment. These young people are thrown out of their homes or enter foster care. Often, many of these young people turn to survival sex and substance use, thus making them targets of law enforcement. In a National Youth Advocacy Coalition (NYAC) report, 58% of LGBT youth reported feeling depressed or contemplating suicide in the previous six months, a direct or indirect effect of anti-LGBT motivated hate violence.

### New York City Victims, Incidents, and Offenders



In the fall, the NYPD's vice squad targeted gay men in Manhattan at local book and video stores, who were falsely arrested and charged with prostitution leading to a 67% (3 to 11). rise in unjustified arrests. This, unfortunately, has not helped to foster the idea that marginalized groups should access the police when they have experienced violence.

Robbery also increased from 140% (5 to 12) and larceny/burglary/theft increased 250% (2 to 7). There are several explanations for these trends, including an increase in pick-up crimes that are related to bias incidents in which victims have experienced robbery and theft. A spike in violent incidents in cruising areas (1 to 6) resulted in a 500% increase in this type of victimization.

Hate violence perpetrators continue to outnumber victims. The common scenario, that many LGBT people know too well, is the group of two or more people attacking a single person or a pair perceived to be LGBT. The fact that perpetrators of violence act on perception was made clear in the murder of Jose Sucuzhany in Brooklyn, NY when he and his brother were attacked because two men perceived them to be a gay couple. The majority of perpetrators of violence recorded by AVP in 2008 are males (468) between the ages of 19 and 29.

Local trends of hate violence in New York City were not immune from 2008 being a presidential election year and the same-sex marriage debate receiving increasing media attention as the year progressed. The highest number of hate violence incidents in New York City occurred in October (45), May (40), and July (39). May and July are the two months before and after Pride. October was the month that preceded the presidential election. With the increase media attention of the same-sex marriage debate and the election of a president who is friendlier to the LGBT community, the LGBT communities have become more visible and more vulnerable to oppositional hate violence. As with mainstream culture, it is the most marginalized populations within LGBT culture that are most often singled out for acts of oppression. Poor LGBT persons of color require increased resources and attention to prevent future violence. Much more work needs to be done with the NYPD and the Hate Crimes Task Force in their ability to assess and classify hate crimes and to stop LGBT-related targeting and entrapment. Given the harrowing statistics of a two-thirds increase in murders, it is clear that in New York City prevention and education must be our first priority and that these measures must be adequately funded and supported by city, state and federal government agencies working to prevent and end violence.

## SAN FRANCISCO—Community United Against Violence

CUAV documented 274 hate violence incidents in 2008, compared with 302 incidents in 2007, a 24% decrease. The total number of victims for the year also decreased from 360 in 2007 to 336 in 2008, a 7% decrease.

Last year, we documented 5 deaths, 4 of which were classified as murders and 1 as a suspicious death. This is a 44% decrease from our 2007 documentation of 7 deaths, including 5 murders and 2 suspicious deaths. The number of African American and Asian hate violence victims documented in 2008 was slightly higher while the number of Latino/Latina and Multiracial hate violence victims was significantly lower. Victims who identified as African American increased from 22 to 24. Asian/Pacific Islander victims increased from 9 in 2007 to 10 in 2008. Indigenous/ First People victims increased from zero to 1, a 100% increase.

Victims who identified as Latino/Latina decreased from 61 to 39 in 2008, a 28% decrease. Victims who identified as Multiracial decreased from 65 incidents in 2007 to 9 incidents in 2008, an 80% decrease. Arab/ Middle Eastern cases went down from 4 to 2, a 50% decrease. Finally, Caucasian/ White victims decreased from 110 to 108.

CUAV received more calls—27 in 2008—about hate violence incidents in the Mission District where CUAV is located, than from any other neighborhood. The Castro and the Tenderloin, two neighborhoods where we generally see a high volume of hate crime incidents, repeated that trend. CUAV documented 20 hate violence incidents in the Tenderloin, an increase from 17 in 2007. CUAV also documented a decrease in hate violence incidents in the Castro in 2008 to 15, down from 18 incidents in 2007. Out of 274 hate violence calls last year, 142 incidents were reported occurring in San Francisco; 132 occurred in other Bay Area counties and Northern California.

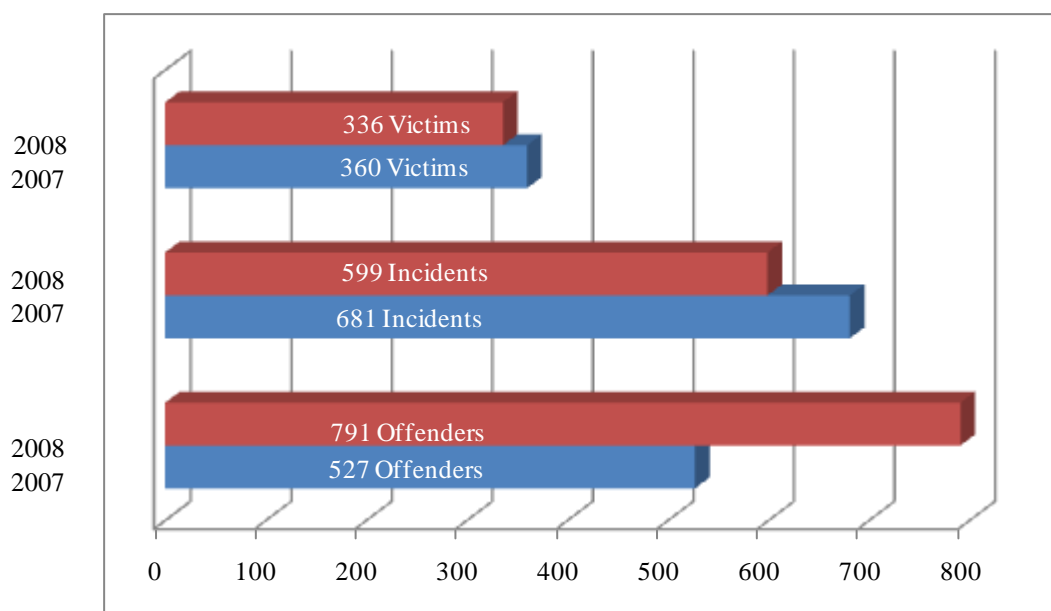
Proposition 8, California's 2008 election anti-gay marriage legislation, was associated with a huge increase in anti-gay protests, rallies and activity during pre-election campaigning. The number of offenders increased: female offenders increased from 84 in 2007 to 147, a 75% increase. Male offender numbers showed a 25% increase with 351 offenders in 2007 and 437 in 2008.

The number of stranger offenders increased dramatically by 333%, from 237 in 2007 to 791 in 2008; this increase was connected to the "Yes on 8" visibility actions and the anti-gay marriage backlash. As a result of Proposition 8, hate violence on the streets and in public areas increased 8% while incidents in public accommodations increased by 67%.

The "Yes on 8" campaign was an institutionally supported hate campaign built upon right-wing Christian organizing tactics and funding. The messages promoted by the campaign were acted out by offenders in the form of intimidation, hatred, physical violence and lies. The campaign mobilized large numbers of people to support further institutionalizing homophobia through legislation that blatantly discriminates against LGBTQIQ people and withdraws hard-won rights from them.

Out of the 25 total incidents related to the anti-gay marriage/Proposition 8 backlash, 13 incidents were categorized as perpetrated by hate groups, based on the following definition: A hate group is an organized group or movement that advocates hate, hostility, or violence towards members of a racial, ethnic, religious, gender or sexual orientation group, or other identified group. Law enforcement responses to Proposition 8 incidents ranged from anti-LGBT homophobic slurs; indifference; false arrests; failing to enforce voter polling rights when “Yes on 8” protesters blocked polls; and refusing to take reports when people reported being physically attacked or threatened.

### San Francisco Bay Area Victims, Incidents, and Offenders



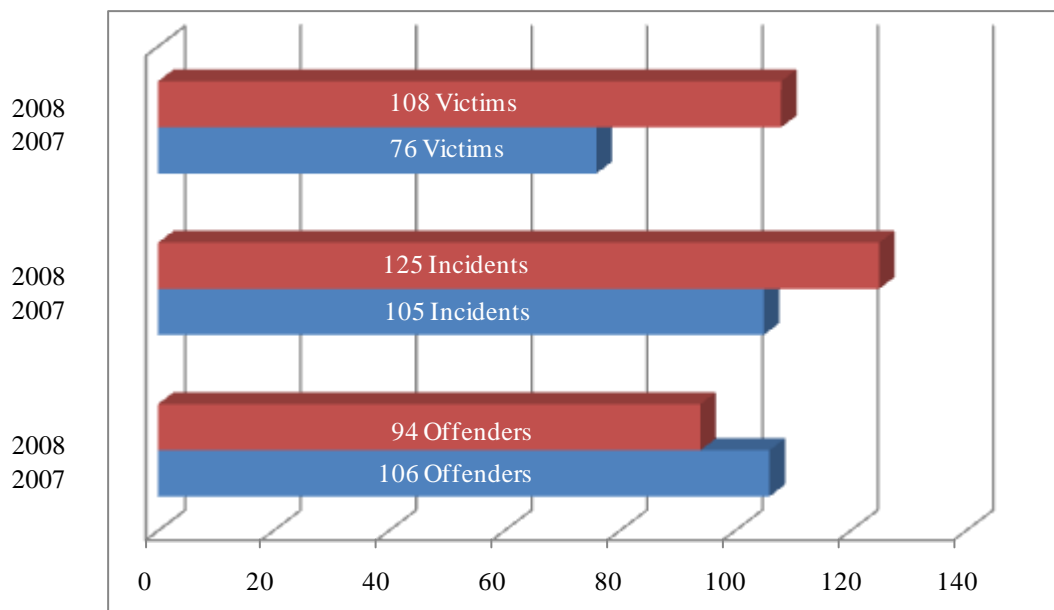
Law enforcement abuse and misconduct was up 113% in 2008, with law enforcement misconduct incidents increasing from 40 to 85.

Law enforcement responded with the following reported attitudes:

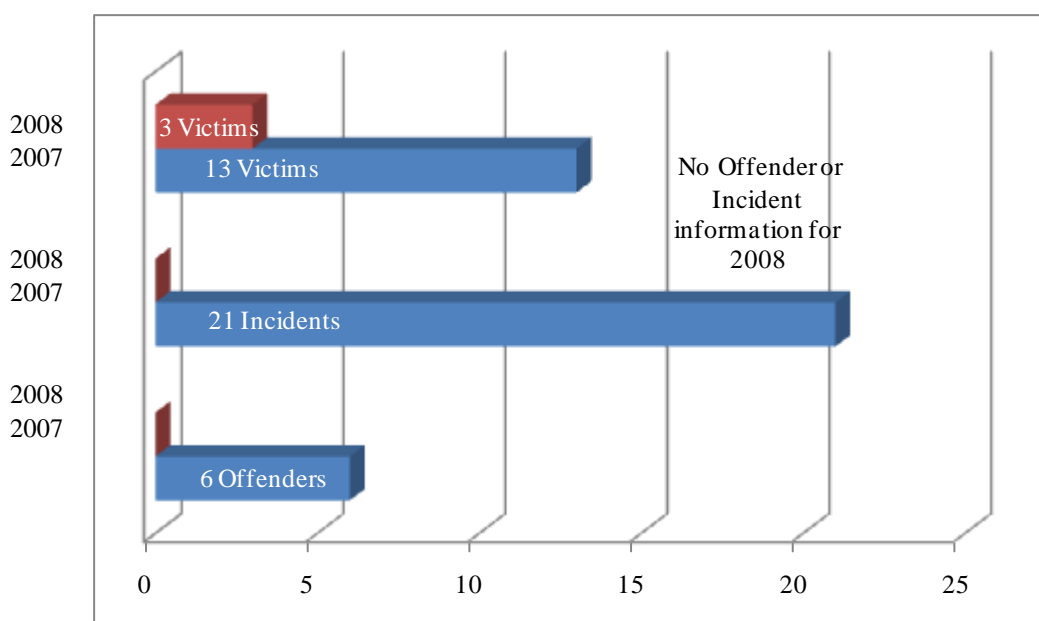
- courteous: 48 in 2007 compared with 59 in 2008
- indifferent: 20 in 2008 compared with 22 in 2008
- verbally abusive, no slurs: 7 in 2007 to 11 in 2008
- verbally abusive, with slurs: 1 in 2007 to 5 in 2008
- physically abusive, no slurs: 2 in 2007 to 6 in 2008
- physically abusive with slurs: 2 in 2006 to 5 in 2008

## GRAPHS FROM ADDITIONAL LOCATIONS

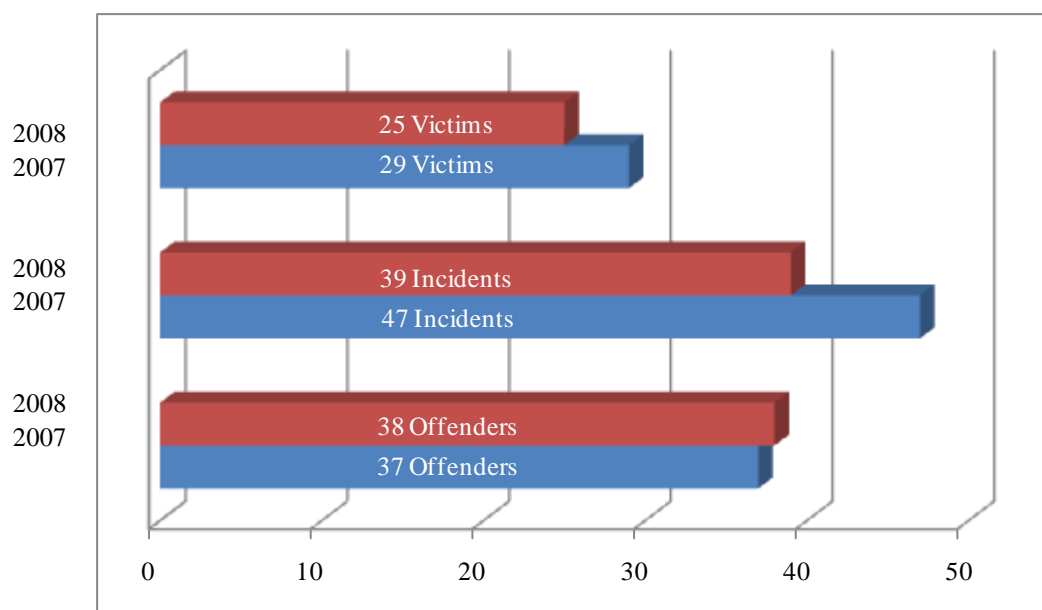
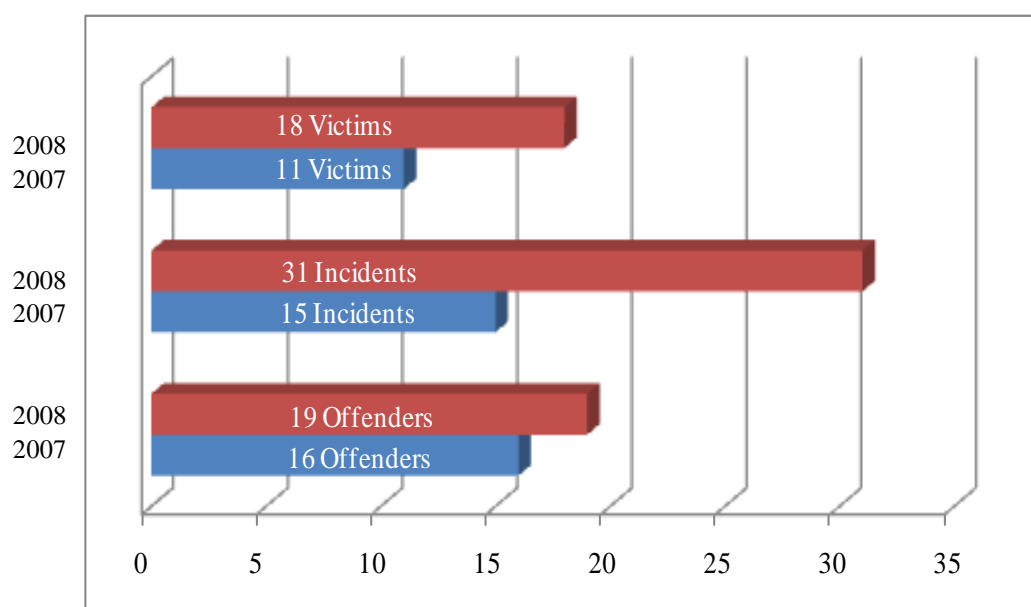
### Chicago (Center on Halsted Anti-Violence Project)

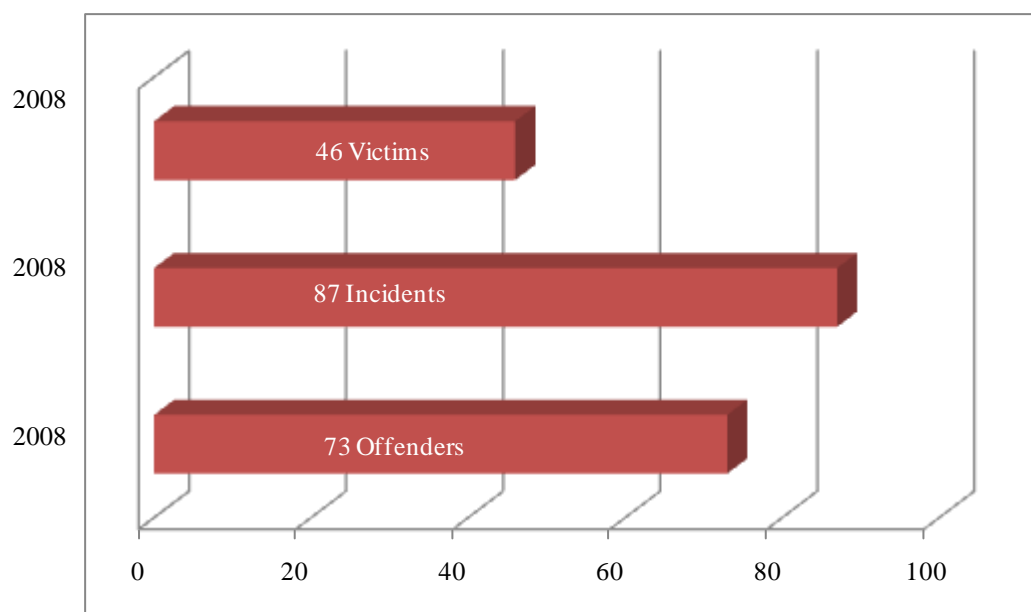
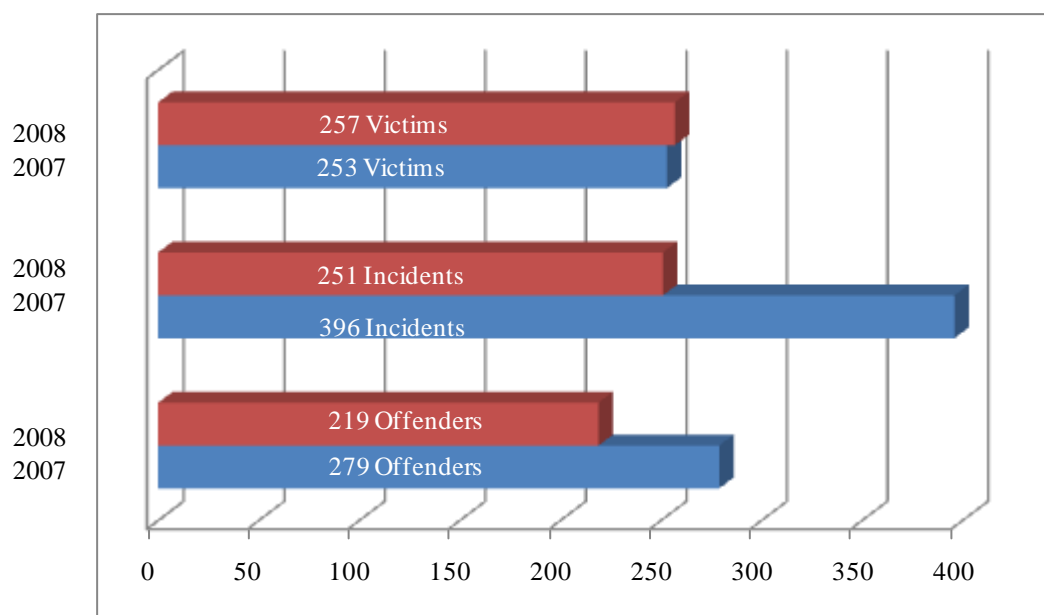


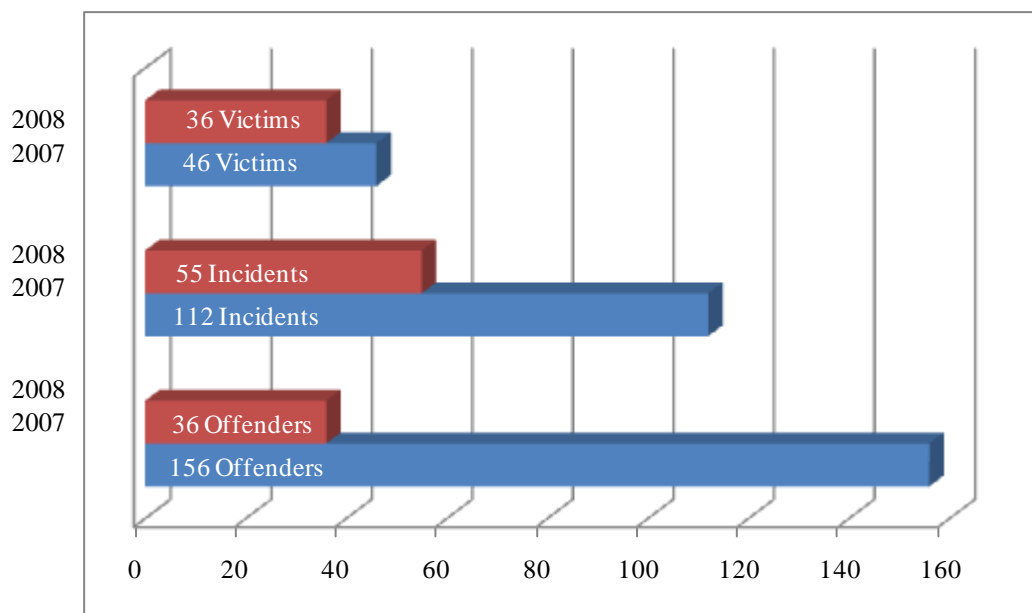
### Houston (Montrose Counseling Center)





**Kansas City, MO (Kansas City Anti-Violence Project)****Milwaukee (Anti-Violence Project)**

**Western NY (Gay Alliance of the Genesee Valley)****Ohio (Buckeye Region Anti-Violence Organization)**

**Philadelphia (Equality Advocates Pennsylvania)**

Data tables on following pages

	Chicago		Colorado		Columbus		Houston		Kansas City		Los Angeles		Michigan	
	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008
<b>Total Number of Victims</b>	76	108	121	131	253	257	13	3	29	25	508	555	298	255
<b>Victim Demographic Information</b>														
<b>Gender Identity</b>														
Female	16	27	33	24	116	116	4	1	4	7	107	120	67	76
Intersex	0	1	0	1	3	0	0	0	0	0	2	0	0	3
Male	44	61	45	52	105	123	8	1	22	13	355	337	184	121
Transgender F-M	2	1	3	5	4	2	0	1	1	1	4	9	3	3
Transgender M-F	6	10	16	19	7	3	1	0	1	3	40	63	20	19
Self-identified	0	1	2	3	2	4	0	0	1	0	0	3	0	0
Organization	3	0	3	5	1	2	0	0	0	1	0	0	16	4
Unknown/Not Applicable	5	7	19	22	15	7	0	0	0	0	0	23	8	29
<b>Total</b>	76	108	121	131	253	257	13	3	29	25	508	555	298	255
<b>Sexual Orientation</b>														
Bisexual	0	1	4	10	12	4	0	0	2	1	16	47	3	2
Lesbian/Gay	52	70	71	68	213	213	11	2	21	17	252	279	211	170
Heterosexual	0	10	6	9	3	3	2	1	1	2	21	30	13	17
Questioning/Unsure	1	3	5	3	4	4	0	0	0	0	1	4	1	1
Self-identified	0	3	2	8	6	2	0	0	0	0	5	0	0	2
Organization	3	0	3	5	1	2	0	0	0	1	0	0	16	4
Unknown	20	21	30	28	14	29	0	0	5	4	213	195	54	59
<b>Total</b>	76	108	121	131	253	257	13	3	29	25	508	555	298	255
<b>Age</b>														
<14	1	2	9	5	1	2	0	0	0	0	0	0	4	7
15 - 18	3	7	0	10	12	19	1	1	5	2	0	0	14	20
19-29	13	18	32	28	60	81	5	1	7	7	0	0	64	45
30-39	6	12	17	19	46	53	2	0	6	4	0	0	42	43
40-49	10	2	6	13	34	36	4	0	1	4	0	0	46	29
50-59	4	5	4	5	40	16	1	1	5	2	0	0	28	20
60-69	0	2	0	1	0	2	0	0	2	1	0	0	5	11
70-79	0	3	0	0	0	0	0	0	0	0	0	0	3	0
>80	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Unknown/N/A (e.g., organiza	39	56	53	50	60	48	0	0	3	5	508	555	92	80
<b>Total</b>	76	108	121	131	253	257	13	3	29	25	508	555	298	255
<b>Race/Ethnicity</b>														
African-Descent	17	22	4	8	52	63	1	1	4	2	0	62	48	35
Arab/Middle-Eastern	1	0	1	2	4	8	0	0	0	0	0	0	0	1
Asian/Pacific Islander	1	2	3	2	1	1	1	0	0	0	0	25	1	1
Indigenous/First People	0	3	6	5	0	0	0	0	0	0	0	6	1	11
Latina/o	5	14	12	18	4	5	1	0	0	1	0	200	5	3
Multi-racial	1	2	6	8	23	12	0	0	0	0	0	0	4	0
White	19	41	26	24	112	121	10	2	16	16	0	187	167	135
Other	0	1	0	1	0	0	0	0	0	0	0	0	0	0
Unknown/N/A (e.g., organiza	32	23	63	63	57	47	0	0	9	6	508	75	72	69
<b>Total</b>	76	108	121	131	253	257	13	3	29	25	508	555	298	255
<b>Victim Medical/Injury Information</b>														
<b>Extent of Injuries</b>														
1. No injuries	48	58	67	69	108	167	7	0	17	16	0	0	258	199
2. Minor injuries	8	14	32	36	34	23	3	0	7	3	0	0	17	20
3. Serious injuries	3	2	17	13	27	37	3	0	4	5	0	0	16	9
Subtotal of injuries (sum of 2 & 3)	11	16	49	49	61	60	6	0	11	8	0	0	33	29
4. Death	4	3	0	3	0	0	0	0	0	2	0	1	3	4
5. Unknown	13	5	5	10	84	30	0	3	1	1	0	0	4	23
<b>Total (must equal total victims)</b>	76	82	121	131	253	257	13	3	29	27	0	0	298	255
<b>Medical attention</b>														
None required	53	56	22	21	12	13	7	0	0	2	0	0	276	208
Needed, but not received	0	0	4	3	18	8	2	0	2	1	0	0	7	4
Out-patient (Clinic, MD, ER)	4	6	12	10	28	14	3	0	1	4	0	0	9	16
Hospitalization/Inpatient	2	1	4	6	3	7	1	0	3	2	0	0	2	2
Unknown	17	1	7	9	0	18	0	0	1	2	0	0	4	25
<b>Total (must equal sum of 2. &amp; 3.)</b>	76	64	49	49	61	60	6	0	7	11	0	0	294	255
<b>Total number of incidents</b>	105	125	118	121	204	185	13	3	47	39	0	0	298	255
<b>Crimes and Offenses (Specify number of incidents for each)</b>														
Assault without a weapon	13	15	13	14	49	32	3	0	6	10	0	0	31	33
Assault with a weapon	4	12	6	8	23	18	4	0	0	5	0	0	14	9
Attempted assault with a weapon	0	0	4	2	10	7	0	0	0	0	0	0	1	7
<b>Subtotal (assault)</b>	17	27	23	24	82	57	7	0	6	15	0	0	46	49

Minnesota		New York		Rochester	San Francisco		Pennsylvania		Milwaukee		Annual Totals		Annual %
2007	2008	2007	2008	2008	2007	2008	2007	2008	2007	2008	2007	2008	Inc/Dec
148	219	496	435	46	360	336	46	36	11	18	2359	2424	3%
58	81	112	84	20	66	84	14	7	5	7	602	654	9%
0	5	0	1	0	1	0	1	0	0	0	7	11	57%
39	86	294	256	20	184	162	22	23	5	6	1307	1261	-4%
7	9	4	6	0	14	8	0	0	0	0	42	45	7%
8	17	59	62	3	62	36	8	4	1	5	229	244	7%
0	0	0	0	0	6	5	0	0	0	0	11	16	45%
5	2	15	9	2	8	4	1	0	0	0	52	29	-44%
31	19	12	17	1	19	37	0	2	0	0	109	164	50%
148	219	496	435	46	360	336	46	36	11	18	2359	2424	3%
11	22	13	10	3	8	6	2	2	0	1	71	109	54%
97	146	338	259	34	178	181	34	18	10	8	1488	1465	-2%
9	14	54	57	4	21	13	2	6	0	4	132	170	29%
4	9	1	6	0	4	3	2	2	0	1	23	36	57%
0	0	0	4	1	20	17	0	1	1	4	34	42	24%
3	2	15	9	2	8	4	0	0	0	0	49	29	-41%
24	26	75	88	2	121	112	6	7	0	0	562	571	2%
148	219	496	433	46	360	336	46	36	11	18	2359	2422	3%
0	0	0	0	0	1	5	2	0	0	0	18	21	17%
9	16	0	28	6	9	12	4	2	0	2	57	125	119%
42	71	0	142	10	56	51	11	6	5	8	295	468	59%
30	63	0	70	3	32	51	7	5	2	3	190	326	72%
19	27	0	58	6	64	38	5	9	0	2	189	224	19%
12	11	0	34	3	27	24	6	6	0	1	127	128	1%
2	15	0	24	4	9	5	0	0	0	0	18	65	261%
0	0	0	0	0	4	0	1	0	0	0	8	3	-63%
0	0	0	0	0	0	2	1	1	0	0	1	4	300%
34	16	496	79	14	158	148	9	7	4	2	1456	1060	-27%
148	219	496	435	46	360	336	46	36	11	18	2359	2424	3%
24	31	81	97	10	22	24	9	4	3	3	265	362	37%
7	9	2	1	0	4	2	0	0	0	0	19	23	21%
1	6	8	2	0	9	10	0	0	0	1	25	50	100%
11	16	1	0	0	0	1	0	0	0	0	19	42	121%
15	17	117	99	4	61	39	2	8	0	1	222	409	84%
6	10	21	13	2	16	9	4	0	0	1	81	57	-30%
69	78	128	103	21	110	108	25	22	6	12	688	870	26%
0	0	11	12	0	3	3	4	0	0	0	18	17	-6%
15	52	127	108	9	135	140	2	2	2	0	1022	594	-42%
148	219	496	435	46	360	336	46	36	11	18	2359	2424	3%
82	123	350	237	34	157	145	22	5	6	7	1122	1060	-6%
17	39	67	69	9	42	37	17	6	3	1	247	257	4%
11	28	29	32	3	86	75	6	3	1	9	203	216	6%
							0	0					
28	67	96	101	12	128	112	23	9	4	10	450	473	5%
							0	0					
0	0	3	4	0	9	5	1	0	0	0	20	22	10%
38	29	47	82	0	66	74	0	22	1	1	259	280	8%
148	219	496	424	46	360	336	46	9	11	18	1851	1835	-1%
16	28	14	237	38	179	156	32	0	6	7	617	766	24%
2	9	22	25	1	11	7	2	0	2	3	72	61	-15%
7	13	37	31	4	52	31	7	2	2	7	162	138	-15%
3	5	14	15	3	16	11	2	1	0	0	50	53	6%
0	12	9	116	0	102	131	3	6	1	1	144	321	123%
							0	0					
28	67	96	424	46	181	180	46	9	11	18	1045	1339	28%
73	208	403	348	46	304	274	112	55	11	18	1688	1677	-1%
21	33	105	119	8	84	72	18	1	1	10	344	347	1%
14	28	35	38	5	29	21	4	0	1	1	134	145	8%
12	8	22	12	2	12	16	0	0	0	0	61	54	-11%
							0	0					
47	69	162	169	15	125	109	22	1	2	11	539	546	1%

	Chicago		Colorado		Columbus		Houston		Kansas City		Los Angeles		Michigan	
	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008
Intimidation	14	15	48	46	41	21	2	0	2	9	0	0	35	58
Harassment	22	29	39	42	86	27	7	0	3	10	0	0	44	39
Mail/Literature harassment	2	3	2	2	18	9	1	0	1	2	0	0	16	9
Telephone harassment	1	2	5	3	9	11	0	0	0	0	0	0	6	1
<b>Subtotal(harassment)</b>	<b>39</b>	<b>34</b>	<b>46</b>	<b>47</b>	<b>113</b>	<b>47</b>	<b>8</b>	<b>0</b>	<b>6</b>	<b>21</b>	<b>0</b>	<b>0</b>	<b>66</b>	<b>49</b>
Murder	4	3	0	3	0	0	0	0	0	0	0	1	2	4
Sexual assault/rape	10	6	8	6	16	26	1	0	0	0	0	0	3	4
Abduction/kidnaping	0	0	1	0	1	3	0	0	0	1	0	0	0	2
Extortion/blackmail	0	0	2	3	1	0	0	0	0	0	0	0	1	4
Bomb/bomb threat	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Illegal eviction	0	1	2	3	2	0	0	0	0	0	0	0	0	2
Police entrapment	0	1	0	0	16	0	0	0	0	1	0	0	36	1
Discrimination	22	35	33	39	49	26	1	0	1	5	0	0	72	101
Arson	0	0	0	1	0	3	0	0	0	1	0	0	2	0
Vandalism	6	2	6	5	53	42	1	0	0	0	0	0	21	14
Robbery	4	1	2	2	20	22	1	0	0	2	0	0	0	5
Larceny/burglary/theft	1	0	4	1	0	4	0	0	0	1	0	0	0	1
<b>Total</b>	<b>105</b>	<b>125</b>	<b>177</b>	<b>183</b>	<b>396</b>	<b>251</b>	<b>21</b>	<b>0</b>	<b>14</b>	<b>47</b>	<b>0</b>	<b>1</b>	<b>298</b>	<b>296</b>
Total Number of Incidents Involving Weapons	17	27	40	23	82	57	2	3	6	15	0	0	46	49
Total Number of Incidents That Involved Hate	39	49	61	47	58	47	8	0	6	21	0	0	101	107
<b>AIDS/HIV-Related Bias</b>														
Incidents inv. AIDS/HIV-related	1	3	7	4	16	16	0	0	3	0	0	0	22	11
Incidents involving AIDS/HIV-related	1	4	2	1	4	3	0	0	0	0	0	0	2	0
<b>Total</b>	<b>2</b>	<b>7</b>	<b>9</b>	<b>5</b>	<b>20</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>24</b>	<b>11</b>
<b>Transgender-Related Bias</b>														
Incidents inv. transgender-related	1	4	26	27	33	5	1	3	0	0	0	0	28	3
Incidents involving transgender-related	8	2	10	9	14	3	0	0	2	1	0	0	8	24
<b>Total</b>	<b>9</b>	<b>6</b>	<b>36</b>	<b>36</b>	<b>47</b>	<b>8</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>36</b>	<b>27</b>
<b>Hate Incident Information</b>														
Total number of incidents	105	125	118	121	204	185	13	0	47	39	0	0	298	255
<b>Number of incidents involving weapons</b>														
Bats, clubs, blunt objects	2	0	2	2	8	7	0	0	0	0	0	0	5	5
Bottles, bricks, rocks	0	2	1	1	2	8	0	0	2	1	0	0	2	2
Firearms	0	0	0	1	12	5	0	0	0	1	0	0	4	5
Knives & sharp objects	0	1	2	6	6	4	0	0	0	2	0	0	2	3
Ropes, restraints	0	0	1	0	0	0	0	0	2	2	0	0	1	0
Vehicles	0	0	0	0	13	10	0	0	0	0	0	0	1	1
Other	2	10	4	1	0	4	0	0	1	0	0	0	6	7
<b>Total</b>	<b>4</b>	<b>13</b>	<b>10</b>	<b>11</b>	<b>41</b>	<b>38</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>21</b>	<b>23</b>
<b>Serial incidents</b>														
1 previous incident	9	7	2	9	14	5	3	0	0	0	0	0	10	9
2-5 previous incidents	6	12	6	9	9	4	1	0	1	1	0	0	24	21
6-10 previous incidents	0	2	6	4	1	2	0	0	3	9	0	0	5	11
10 or more previous incident	1	9	2	4	0	0	0	0	1	0	0	0	15	34
<b>Total</b>	<b>16</b>	<b>30</b>	<b>16</b>	<b>26</b>	<b>24</b>	<b>11</b>	<b>4</b>	<b>0</b>	<b>5</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>54</b>	<b>75</b>
<b>Incidents committed by hate group</b>														
Site	0	0	2	0	0	0	0	0	0	1	0	0	4	7
Police precinct/jail/car	2	1	0	1	1	0	0	0	0	0	0	0	3	5
Private residence	21	17	28	24	43	38	0	0	10	10	0	0	60	56
Public transportation	1	2	2	2	2	2	0	0	0	0	0	0	1	3
Street/Public area	10	12	22	17	41	26	0	0	6	2	0	0	14	18
Workplace	9	15	15	6	38	21	0	0	2	1	0	0	68	60
Public Accommodation	4	3	9	10	1	3	0	0	5	3	0	0	46	61
Cruising area	0	0	0	0	27	14	0	0	3	0	0	0	36	3
School/college	2	2	11	7	16	23	0	0	0	3	0	0	24	33
GLBT institution	3	1	1	1	1	2	0	0	0	0	0	0	10	5
In/around GLBT bar, etc.	2	4	2	4	30	33	0	0	1	3	0	0	21	2
GLBT event/parade/rally	0	3	2	0	3	2	0	0	0	0	0	0	6	2
Other (specify)	3	5	15	9	1	1	0	0	1	3	0	0	8	6
Unknown	15	6	11	40	0	20	13	3	1	0	0	0	1	1
<b>Total (must equal total incidents)</b>	<b>72</b>	<b>71</b>	<b>118</b>	<b>121</b>	<b>204</b>	<b>185</b>	<b>13</b>	<b>3</b>	<b>29</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>298</b>	<b>255</b>
<b>Offender Demographic Information</b>														
Total number of offenders	106	94	135	168	279	219	6	3	37	38	0	0	371	288
<b>Gender Identity</b>														
Female	13	18	16	13	31	31	1	0	6	7	0	0	52	55
Intersex	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Male	38	51	62	49	168	140	4	3	24	23	0	0	174	133
Transgender F-M	0	0	0	0	0	0	1	0	0	0	0	0	0	0



Minnesota		New York		Rochester	San Francisco		Pennsylvania		Milwaukee		Annual Totals		Annual %
2007	2008	2007	2008	2008	2007	2008	2007	2008	2007	2008	2007	2008	Inc/Dec
38	66	339	386	39	203	174	35	16	2	5	759	835	10%
24	16	376	332	9	175	164	28	28	6	4	810	700	-14%
19	11	22	10	5	7	3	2	1	2	0	92	55	-40%
2	7	22	21	1	14	6	0	1	0	0	59	53	-10%
45	34	420	363	15	196	173	30	30	10	9	1720	1643	-4%
0	0	3	5	1	5	4	1	0	0	0	15	21	40%
0	5	17	46	1	18	35	1	0	1	9	93	138	48%
0	0	0	0	0	3	8	0	0	0	0	8	14	75%
0	0	3	1	0	2	3	0	0	0	0	9	11	22%
0	0	0	0	0	0	0	0	0	0	0	1	0	-100%
0	0	8	5	0	1	0	1	0	1	0	15	11	-27%
2	2	0	2	1	0	7	0	0	0	0	54	15	-72%
0	9	160	265	6	103	41	1	3	3	11	445	541	22%
1	4	0	2	1	1	0	0	0	0	0	4	12	200%
10	19	17	20	5	14	22	6	1	0	0	134	130	-3%
0	0	5	12	1	6	14	2	0	0	0	40	59	48%
1	0	2	7	2	3	4	0	0	0	1	11	21	91%
144	208	1139	1295	87	681	599	112	52	15	31	3560	3184	-11%
47	69	138	169	15	110	88	22	4	1	2	526	521	-1%
83	100	124	6	15	8	14	8	16	2	4	566	426	-25%
0	2	33	28	1	0	0	0	0	0	0	83	65	-22%
0	3	6	9	0	0	3	0	0	0	0	15	23	53%
0	5	39	37	1	0	3	0	0	0	0	98	88	-10%
3	2	34	32	3	29	10	0	0	1	5	156	94	-40%
9	15	17	30	0	42	22	8	5	0	0	123	112	-9%
12	15	51	62	3	71	32	8	5	1	5	279	206	-26%
73	208	403	348	46	304	274	26	55	5	11	1596	1667	4%
21	33	22	10	5	8	9	1	0	0	0	69	71	3%
14	28	14	14	0	2	5	0	0	1	0	38	61	61%
12	8	2	6	0	2	5	0	0	0	0	32	31	-3%
0	0	14	11	0	7	4	3	0	0	0	34	31	-9%
47	69	1	1	0	1	1	0	0	0	1	53	74	40%
0	0	2	1	1	1	0	1	0	0	0	18	13	-28%
38	66	2	4	0	11	8	1	0	1	1	66	101	53%
132	204	57	47	6	32	32	6	0	2	2	310	382	23%
9	7	13	24	2	9	14	10	3	0	2	79	82	4%
6	12	55	46	1	19	20	2	2	0	2	129	130	1%
0	2	31	21	0	12	12	5	0	0	0	63	63	0%
1	9	92	77	4	37	21	0	0	0	0	149	158	6%
0	0						21	8					
16	30	191	168	7	77	67	0	0	0	4	420	433	3%
20	0	2	2	1	1	13	0	0	0	0	29	24	-17%
4	7	8	9	0	9	7	0	0	0	1	27	31	15%
46	72	141	115	13	103	75	0	0	5	5	457	425	-7%
3	12	23	24	2	5	6	0	0	0	1	37	54	46%
14	23	90	84	14	66	71	0	0	3	3	266	270	2%
32	49	34	20	5	16	10	0	0	0	2	214	189	-12%
0	1	31	27	1	15	25	0	0	1	0	112	134	20%
7	5	1	6	0	0	1	0	0	0	0	74	29	-61%
11	9	9	5	7	9	10	0	0	0	0	82	99	21%
3	3	12	2	2	8	4	0	0	0	1	38	21	-45%
9	17	11	9	2	12	7	0	0	1	1	89	82	-8%
1	7	0	1	0	4	6	0	0	0	0	16	21	31%
0	1	36	36	0	34	18	0	0	0	0	98	79	-19%
31	2	7	10	0	23	34	13	3	1	4	116	123	6%
161	208	403	348	46	304	274	13	3	11	18	1626	1557	-4%
104	157	836	689	73	527	791	156	36	16	19	2573	2575	0%
21	43	112	111	23	84	147	10	0	0	3	346	451	30%
0	0	0	0	0	0	1	0	0	0	0	0	1	0%
68	109	508	468	45	351	437	37	0	14	15	1448	1473	2%
0	0	1	0	0	0	0	0	0	0	0	2	0	-100%



	Chicago		Colorado		Columbus		Houston		Kansas City		Los Angeles		Michigan	
	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008
Transgender M-F	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Self- Identified	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Organization	6	8	11	7	0	0	0	0	0	0	0	0	69	23
Unknown/Not Applicable	49	17	46	99	80	48	0	0	7	8	0	0	76	77
<b>Total</b>	<b>106</b>	<b>94</b>	<b>135</b>	<b>168</b>	<b>279</b>	<b>219</b>	<b>6</b>	<b>3</b>	<b>37</b>	<b>38</b>	<b>0</b>	<b>0</b>	<b>371</b>	<b>288</b>
<b>Age</b>														
<14	0	0	0	2	0	1	0	0	0	0	0	0	10	5
15-18	9	5	12	7	36	36	0	0	2	9	0	0	35	6
19-29	6	6	39	16	90	68	0	0	4	1	0	0	34	7
30-39	4	3	10	8	22	27	0	0	1	0	0	0	40	21
40-49	3	0	2	3	8	7	0	0	0	0	0	0	8	15
50-59	1	1	0	0	12	1	0	0	1	0	0	0	4	4
60-69	0	0	0	3	0	0	0	0	0	0	0	0	3	0
70-79	0	0	0	0	0	0	0	0	0	0	0	0	0	1
>80	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unknown/N/A (e.g., organization)	60	79	104	129	110	79	0	3	29	28	0	0	237	229
<b>Total</b>	<b>83</b>	<b>94</b>	<b>167</b>	<b>168</b>	<b>278</b>	<b>219</b>	<b>0</b>	<b>3</b>	<b>37</b>	<b>38</b>	<b>0</b>	<b>0</b>	<b>371</b>	<b>288</b>
<b>Race/Ethnicity</b>														
African-Descent	17	9	3	3	49	41	1	0	1	9	0	0	45	18
Arab/Middle-Eastern	1	0	0	0	2	2	0	0	0	0	0	0	3	6
Asian/Pacific Islander	2	2	0	0	0	0	0	0	0	0	0	0	1	1
Indigenous/First People	0	0	1	1	0	0	0	0	0	0	0	0	0	0
Latina/o	3	3	5	5	0	4	1	0	3	3	0	0	6	0
Multi-racial	0	1	0	0	1	10	0	0	0	0	0	0	4	0
White	9	9	36	29	122	79	3	0	10	7	0	0	59	72
Other	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Unknown/N/A (e.g., organization)	74	69	90	130	105	83	1	3	23	19	0	0	253	191
<b>Total</b>	<b>106</b>	<b>94</b>	<b>135</b>	<b>168</b>	<b>279</b>	<b>219</b>	<b>6</b>	<b>3</b>	<b>37</b>	<b>38</b>	<b>0</b>	<b>0</b>	<b>371</b>	<b>288</b>
<b>Relationship of offenders to victims</b>														
Acquaintance/friend	10	11	4	3	7	4	1	0	4	3	0	0	9	34
Employer/co-worker	8	16	15	12	39	8	1	0	4	1	0	0	77	69
Ex-lover	0	1	0	2	3	2	0	0	1	0	0	0	4	6
Landlord/tenant/neighbor	12	8	17	10	33	23	2	0	3	5	0	0	26	32
Law enforcement officer	8	10	9	7	2	0	0	0	4	2	0	0	53	14
Lover/partner	0	2	5	3	2	0	0	0	0	0	0	0	0	4
Pick-up	1	1	4	2	38	20	1	0	1	0	0	0	3	0
Relative/family	2	3	8	7	3	4	2	0	3	0	0	0	8	10
Roommate	1	1	5	1	0	1	0	0	0	0	0	0	2	2
Security force/bouncer	0	0	2	0	2	0	0	0	3	2	0	0	0	12
Service provider	10	9	16	9	2	2	0	0	2	3	0	0	35	46
Stranger	16	23	30	27	72	110	3	0	10	14	0	0	81	32
Other (specify)	0	0	11	11	0	0	3	0	1	7	0	0	35	3
Unknown	38	9	9	74	76	45	0	3	1	1	0	0	38	24
<b>Total</b>	<b>106</b>	<b>94</b>	<b>135</b>	<b>168</b>	<b>279</b>	<b>219</b>	<b>13</b>	<b>3</b>	<b>37</b>	<b>38</b>	<b>0</b>	<b>0</b>	<b>371</b>	<b>288</b>
<b>Number of offenders involved per incident</b>														
1	2	46	64	59	101	139	4	0	13	10	0	0	136	205
2-3	14	10	18	16	33	23	4	0	8	7	0	0	18	22
4-9	1	4	2	6	3	2	2	0	0	1	0	0	5	5
10+	0	0	0	0	0	0	0	0	0	0	0	0	3	0
Unknown	55	15	34	40	67	55	3	0	8	7	0	0	136	23
<b>Total</b>	<b>72</b>	<b>75</b>	<b>118</b>	<b>121</b>	<b>204</b>	<b>219</b>	<b>13</b>	<b>0</b>	<b>29</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>298</b>	<b>255</b>
<b>Police Response Information</b>														
<b>Incident reporting</b>														
Reported to police	29	10	19	25	68	53	6	0	11	13	0	0	64	57
Complaint taken/no arrest	15	9	11	16	42	38	6	0	7	9	0	0	44	47
Complaint taken/arrest	7	5	4	6	15	12	0	0	3	1	0	0	12	9
Complaint refused	7	1	4	3	11	3	0	0	1	1	0	0	7	1
<b>Subtotal</b>	<b>29</b>	<b>15</b>	<b>19</b>	<b>25</b>	<b>68</b>	<b>53</b>	<b>6</b>	<b>0</b>	<b>11</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>63</b>	<b>57</b>
Not reported to police	19	27	80	42	128	126	4	7	16	12	0	0	183	132
Will report to police	3	5	9	3	0	3	0	0	0	0	0	0	3	2
Victim/client arrested	1	0	2	4	1	0	0	0	0	2	0	0	46	2
Unknown	39	16	19	47	7	40	4	0	2	0	0	0	3	62
<b>Total</b>	<b>72</b>	<b>36</b>	<b>49</b>	<b>79</b>	<b>76</b>	<b>96</b>	<b>10</b>	<b>0</b>	<b>13</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>115</b>	<b>123</b>
<b>Bias classification</b>														
Not reported by victim as bias	2	0	2	1	18	14	2	0	3	3	0	0	0	6
Reported & classified as bias	5	0	1	3	34	22	10	0	2	1	0	0	26	13
Reported/classification refused	3	2	7	1	0	0	0	0	2	4	0	0	11	8
Attempting classification	2	1	0	2	0	0	0	0	1	0	0	0	0	3
No bias classification available	1	1	0	0	9	10	0	0	1	0	0	0	1	10
Unknown	16	18	9	18	7	7	1	3	2	5	0	0	25	17
<b>Total</b>	<b>29</b>	<b>22</b>	<b>19</b>	<b>25</b>	<b>68</b>	<b>53</b>	<b>13</b>	<b>3</b>	<b>11</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>63</b>	<b>57</b>

Minnesota		New York		Rochester	San Francisco		Pennsylvania		Milwaukee		Annual Totals		Annual %
2007	2008	2007	2008	2008	2007	2008	2007	2008	2007	2008	2007	2008	Inc/Dec
0	0	1	0	0	2	2	0	0	0	0	3	2	-33%
0	0	0	0	0	0	0	0	0	0	0	0	0	0%
0	0	0	0	1	1	1	1	0	0	1	88	45	-49%
15	5	67	114	4	89	203	108	36	1	0	538	611	14%
							0	0					
104	157	689	693	73	527	791	156	36	15	19	2425	2583	7%
0	0	0	0	0	2	2	3	0	0	0	15	10	-33%
11	38	0	38	8	32	52	6	0	0	2	143	201	41%
33	51	0	98	6	128	58	0	0	1	5	335	316	-6%
11	29	0	78	3	85	47	1	0	0	4	174	220	26%
4	17	0	50	2	27	32	4	0	0	2	56	128	129%
0	2	0	22	0	11	13	0	0	1	3	30	46	53%
0	4	0	16	0	4	5	0	0	0	0	7	28	300%
0	0	0	0	0	0	0	0	0	0	0	0	1	0%
0	0	0	0	0	0	0	0	0	0	0	0	0	0%
45	16	689	391	54	238	582	142	36	16	3	1670	1629	-2%
104	157	689	693	73	527	791	156	36	18	19	2430	2579	6%
0	0	133	211	20	42	53	4	0	4	3	299	367	23%
0	0	1	0	0	3	5	0	0	0	0	10	13	30%
0	0	3	3	0	5	6	0	0	0	0	11	12	9%
0	0	1	0	0	1	0	0	0	0	0	3	1	-67%
0	0	162	130	0	61	44	0	0	0	1	241	190	-21%
0	0	6	0	1	5	1	0	0	0	1	16	14	-13%
0	0	114	69	21	80	89	3	0	5	12	441	387	-12%
0	0	40	18	0	0	0	0	0	0	0	40	19	-53%
104	157	229	262	31	330	593	149	36	9	2	1367	1576	15%
							0	0					
104	157	689	693	73	527	791	156	36	18	19	2428	2579	6%
0	9	24	25	7	35	18	0	0	0	5	94	119	27%
18	26	22	17	4	44	20	5	0	0	2	233	175	-25%
4	6	21	5	1	3	0	0	0	0	0	36	23	-36%
16	12	78	70	20	51	55	14	5	4	0	256	240	-6%
4	6	30	57	3	40	85	48	14	7	2	205	200	-2%
3	7	32	1	0	5	2	0	0	0	0	47	19	-60%
4	6	4	4	0	6	10	0	0	0	0	62	43	-31%
0	9	30	36	0	20	12	0	0	2	3	78	84	8%
7	13	10	12	1	1	4	0	0	0	0	26	35	35%
4	3	18	11	0	2	6	28	0	0	0	59	34	-42%
0	0	28	35	0	16	21	15	0	0	0	124	125	1%
37	51	317	336	25	237	477	3	17	3	3	809	1115	38%
7	0	49	39	4	44	42	0	0	0	2	150	108	-28%
0	9	26	45	8	23	39	43	0	2	2	256	259	1%
104	157	689	693	73	527	791	156	36	18	19	2435	2579	6%
74	128	287	209	20	199	150	20	0	4	15	916	981	7%
9	24	69	101	11	69	36	11	0	4	1	273	251	-8%
4	13	35	43	6	17	36	6	0	1	0	80	116	45%
2	5	6	5	3	7	18	3	0	0	0	23	31	35%
72	38	6	2	6	12	34	6	36	2	2	403	258	-36%
161	208	403	360	46	304	274	46	36	11	18	1695	1637	-3%
21	38	133	138	20	128	108	10	5	5	5	494	472	-4%
12	22	79	75	16	96	83	4	0	1	5	317	320	1%
6	7	30	33	2	19	25	5	0	1	0	102	100	-2%
3	9	24	30	2	13	8	1	1	3	0	74	59	-20%
0	0						0	0					
21	38	133	138	20	128	116	10	1	5	5	987	951	-4%
0	0						0	0					
66	111	193	153	21	85	69	29	0	3	12	806	712	-12%
2	11	32	13	0	5	10	0	0	0	0	54	47	-13%
0	0	8	19	1	3	8	4	1	2	1	67	38	-43%
57	63	20	179	4	168	140	13	5	3	0	335	556	66%
73	95	193	349	25	304	274	26	10	10	6	1262	1353	7%
11	17	30	17	1	4	6	7	0	2	0	81	65	-20%
6	9	34	35	3	41	56	2	0	0	1	161	143	-11%
4	6	15	21	0	1	7	0	0	6	4	49	53	8%
0	6	3	8	0	5	6	0	0	0	0	11	26	136%
0	0	4	4	0	3	4	0	0	0	0	19	29	53%
0	0	47	136	16	74	29	1	14	3	0	185	263	42%
							0	0					
21	38	133	221	20	128	108	10	14	11	5	506	579	14%

	Chicago		Colorado		Columbus		Houston		Kansas City		Los Angeles		Michigan	
	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007	2008
<b>Police involved</b>														
City/municipal	24	20	9	15	47	40	5	0	8	12	0	0	55	50
County police	0	0	0	1	8	8	0	0	2	1	0	0	1	2
State police	0	0	2	0	0	0	1	0	0	0	0	0	0	0
Federal police	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Other (specify)	0	0	0	0	12	5	0	0	0	0	0	0	6	1
Unknown	4	9	8	9	1	0	0	0	1	0	0	0	1	4
<b>Total (must equal total reports)</b>	<b>29</b>	<b>29</b>	<b>19</b>	<b>25</b>	<b>68</b>	<b>53</b>	<b>6</b>	<b>0</b>	<b>11</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>63</b>	<b>57</b>
<b>Police attitude</b>														
Courteous	6	5	1	5	29	32	1	0	4	4	0	0	37	34
Indifferent	10	3	4	7	26	13	4	0	4	1	0	0	16	13
Verbally abusive/no slurs	1	1	2	7	1	0	0	0	1	0	0	0	4	0
Verbally abusive/slurs	2	0	1	2	0	1	0	0	0	0	0	0	1	0
Physically abusive/no slurs	0	0	0	1	0	0	0	0	0	1	0	0	0	2
Physically abusive/slurs	0	2	0	0	0	0	0	0	0	0	0	0	0	0
Unknown	10	16	11	3	12	7	1	0	2	7	0	0	5	8
<b>Total (must equal total reports)</b>	<b>29</b>	<b>27</b>	<b>19</b>	<b>25</b>	<b>68</b>	<b>53</b>	<b>6</b>	<b>0</b>	<b>11</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>63</b>	<b>57</b>
Total number of bias incidents reported	0	0	0	0	0	0	0	0	0	0	0	0	26	13
<b>Immigration Status</b>														
Citizen/Nonrecent Immigrant	0	0	3	26	0	165	13	3	29	25	0	0	0	0
Recent Immigrant w/ document	0	0	0	0	0	6	0	0	0	0	0	0	0	0
Recent immigrant no document	0	0	1	1	0	0	0	0	0	0	0	0	0	0
Unknown	76	108	117	104	0	86	0	0	0	0	555	0	298	255
<b>Total</b>	<b>76</b>	<b>108</b>	<b>121</b>	<b>131</b>	<b>253</b>	<b>257</b>	<b>13</b>	<b>3</b>	<b>29</b>	<b>25</b>	<b>555</b>	<b>508</b>	<b>298</b>	<b>255</b>
<b>Disability</b>														
Yes	0	0	6	16	24	27	0	0	7	5	0	0	27	22
No	0	0	17	18	135	113	13	3	13	10	0	0	195	43
Unknown	76	108	98	97	94	117	0	0	9	10	555	0	76	190
<b>Total</b>	<b>76</b>	<b>108</b>	<b>121</b>	<b>131</b>	<b>253</b>	<b>257</b>	<b>13</b>	<b>3</b>	<b>29</b>	<b>25</b>	<b>555</b>	<b>508</b>	<b>298</b>	<b>255</b>

Minnesota		New York		Rochester	San Francisco		Pennsylvania		Milwaukee		Annual Totals		Annual %
2007	2008	2007	2008	2008	2007	2008	2007	2008	2007	2008	2007	2008	Inc/Dec
0	0	129	143	12	98	94	4	0	4	5	383	391	2%
0	0	1	2	4	1	4	1	0	0	0	14	22	57%
0	0	0	0	1	0	2	0	0	0	0	3	3	0%
0	0	2	0	1	0	0	0	0	0	0	3	1	-67%
0	0	1	2	0	2	3	0	0	0	0	21	11	-48%
21	38	0	74	2	27	5	5	14	1	0	69	155	125%
21	38	133	221	20	128	108	10	14	5	5	493	583	18%
6	9	32	28	9	48	59	5	5	1	1	170	191	12%
11	14	31	37	6	20	22	3	7	3	4	132	127	-4%
1	7	5	5	1	7	11	1	0	0	0	23	32	39%
0	4	3	7	0	1	5	0	0	3	0	11	19	73%
0	0	1	3	0	2	6	0	1	0	0	3	14	367%
0	0	2	4	0	2	5	1	0	2	0	7	11	57%
3	4	32	137	4	48	0	0	4	0	0	124	190	53%
21	38	106	221	20	128	108	9	8	9	5	470	584	24%
0	21	34	37	2	41	44	1	4	0	1	102	122	20%
0	0	0	0	0	0	0	0	1	10	18	55	238	333%
0	0	0	0	0	0	0	0	0	0	0	0	6	0%
0	0	0	0	0	0	0	0	0	0	0	1	1	0%
148	219	496	424	36	336	360	19	21	1	0	2169	1646	-24%
148	219	496	424	36	336	360	19	22	11	18	2225	1891	-100%
21	64	0	1	0	55	55	0	1	0	2	140	193	38%
0	0	0	44	0	228	228	0	9	7	16	608	484	-20%
127	155	496	379	36	77	77	19	12	4	0	1677	1181	-30%
148	219	496	424	36	336	360	19	22	11	18	2401	2399	0%

## 2008 NCAVP Hate Violence Report Supplements

- I. State-by-State Guide to Hate Crimes Legislation
- II. NCAVP Q and A on Hate Crime
- III. General and Online Safe Dating Tips





### State by State Guide on Hate Crimes Legislation in the United States

State	State-based Criminal HC Legislation of any kind?	Inclusive of Sexual orientation?	Inclusive of gender Identity?	Calls for sentence/penalty enhancements?	Encourages or mandates law enforcement training?	Provides restorative justice options?	Encourages or mandates law enforcement to document HC?
AL	Yes	No	No	<b>Code of Ala. § 13A-5-13</b> Imposes additional penalties "where it is shown that the perpetrator committing the underlying offense was motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability."	No	No	No
AK	Yes	No	No	No	No	No	No
AZ	Yes	Yes	No	No	Yes	No	<b>A.R.S. 41-1750</b> Notwithstanding section 41-2205, the department is responsible for the effective operation of the central state repository in order to collect, store and disseminate complete and accurate Arizona criminal history records and related criminal justice information.
AR	No	No	No	No	No	<b>Ark. Stat. Ann. § 16-123-106</b> Provides action for damages or injunctive relief for victims of intimidation, harassment, violence, or property damage "where such acts are motivated by racial, religious, or ethnic animosity."	No
AR cont.	(Does include civil)					<b>Ark. Stat. Ann. § 16-123-105</b> Provides civil action for damages and injunctive relief for deprivation of No	



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CA	Yes	Yes	Yes	Cal Pen Code § 422.75 Enhances penalty for felony committed because of victim's actual or perceived "race, color, religion, nationality, country of origin, ancestry, disability, gender, or sexual orientation."	Cal Pen Code § 13519.6 Covers hate crimes training for peace officers.	Cal Pen Code § 422.95 Covers conditions of probation for hate crime perpetrators, including civil rights training and payments to organizations that help hate crime victims.	Cal Pen Code § 628.1 Mandates development of reporting form for hate crimes, for use by all school districts and county offices of education.  Cal Ed Code § 44670.3 Addresses staff development activities to assist school personnel in building greater awareness of issues of diversity, prejudice, and discrimination.  Cal Ed Code § 233.8 Mandates regional training to assist school district personnel in the identification and determination of hate violence on school campuses.
CO	Yes	Yes	Yes	No	No	The victim, or a member of the victim's immediate family, is entitled to recover damages from any person, organization, or association who commits or incites others to commit hate crime.	No
CT	Yes	Yes	Yes	Conn. Gen. Stat. § 53a-40a (2001) <input type="checkbox"/> Mandates sentence enhancement for "persistent offenders of crimes involving bigotry or bias."	Yes	No	2000 Ct. AS 72 (eff. 7/01) <input type="checkbox"/> States that the Division of State Police within the Department of Public Safety shall monitor, record and classify all crimes committed in the state which are motivated by bigotry or bias.





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DE	Yes	Yes	No	11 Del. C. § 1304 <input type="checkbox"/> Increases penalty for offender who selects a victim based on the victim's "race, religion, color, disability, sexual orientation, national origin, or ancestry."	No	No	No
DC	Yes	Yes	Yes	D.C. Code § 22-4003 Specifies penalty enhancement for commission of bias crime.	No	No	D.C. Code § 22-4002 Covers collection and publication of data related to bias crimes.
FL	Yes	Yes	No	Fla. Stat. § 775.085 <input type="checkbox"/> Enhances penalty for crimes evidencing "prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability, or advanced age of the victim."  Fla. Stat. § 775.0845 <input type="checkbox"/> Enhances penalty for crimes committed by offenders wearing hood or mask.	No	No	Fla. Stat. § 877.19 Mandates collection and dissemination by the Governor of data on "incidents of criminal acts that evidence prejudice based on race, religion, ethnicity, color, ancestry, sexual orientation, or national origin."
GA	No	No	No	No	No	No	No
HI	Yes	Yes	Yes	No	No	No	No
ID	Yes	No	No	No	No	No	No
IL	Yes	Yes	No	No	Yes	No	20 VILCS 2605/55a <input type="checkbox"/> Mandates training for state police officers in identifying, responding to, and reporting hate crimes.
IN	No	No	No	No	No	No	No



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IA	Yes	Yes	No	<b>Iowa Code § 716.6A</b> <input type="checkbox"/> Increases penalty for institutional vandalism. <b>Iowa Code § 712.9</b> <input type="checkbox"/> Increases penalty for hate crimes.	<b>Iowa Code § 729A.4</b> Mandates training designed to sensitize law enforcement personnel and prosecuting attorneys to the existence of violations of individual rights and the criteria for determining whether a violation of individual rights has occurred.	No	<b>Iowa Code § 692.15</b> <input type="checkbox"/> Mandates reporting of hate crimes.
KS	Yes	Yes	No	No	No	No	No
KY	Yes	Yes	No	No	Yes	No	<b>KRS § 15.331</b> Mandates the inclusion of training on bias-related crime in basic law enforcement training.
LA	Yes	Yes	No	<b>La. R.S. 14:107.2</b> Increase penalties for offenders who select victims based on "actual or perceived race, age, gender, religion, color, creed, disability, sexual orientation, national origin, or ancestry."	<b>La. R.S. 40:2403</b> Provides for the establishment and implementation of curricula and training materials to train peace officers to identify, respond to, and report all crimes "which are directed against individuals or groups, or by reason of their actual or perceived race, age, gender, religion, color, creed, disability, sexual orientation, national origin, or ancestry."	No	<b>La. R.S. 40:2403</b> Provides for the establishment and implementation of curricula and training materials to train peace officers to identify, respond to, and report all crimes "which are directed against individuals or groups, or their property, by reason of their actual or perceived race, age, gender, religion, color, creed, disability, sexual orientation, national origin, or ancestry."  <b>La. R.S. 15:1204.5</b> Provides for the imposition of penalties on agencies who fail to comply with data reporting requirements.
ME	Yes	Yes	No	No	No	No	Yes



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MD	Yes	Yes	Yes	No	No	No	<b>Md. Ann. Code art. 888, § 9</b> Mandates the collection and analysis of information relating to "incidents apparently directed against an individual or group because of the individual's or group's race, religion ethnicity, or sexual orientation."
MA MA cont.	Yes	Yes	No	No	<b>Mass. Ann. Laws ch. 6, § 116B</b> Mandates training of law enforcement personnel regarding hate crimes	<b>Mass. Ann. Laws ch. 265, § 39</b> Addresses criminal penalties for intimidation based on race, color, religion, national origin, sexual orientation, or disability. Requires offenders to complete designated diversity awareness program.	Yes
MI	Yes	Yes	No	No	No	No	<b>MCL § 28.257a, MSA § 4.469(57a)</b> Mandates reporting on crimes motivated by prejudice or bias based upon race, ethnic, origin, religion, gender, or sexual orientation.
MN	Yes	Yes	Yes	<b>Minn. Stat. § 609.749</b> Enhances penalty for designated offenses committed because of the victim's or another's "actual or perceived race, color, religion, sex, sexual orientation, disability, age, or national origin."	<b>Minn. Stat. § 626.8451</b> Mandates training on identifying and responding to crimes motivated by the victim's "race, religion, national origin, sex, age, disability, or characteristics identified as sexual orientation."	No	<b>Minn. Stat. § 626.5531</b> Specifies requirements for reporting of crimes motivated by victim's "race, religion, national origin, sex, age, disability, or characteristics identified as sexual orientation."



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MS	Yes	No	No	<b>Miss. Code Ann. § 99-19-301</b> Enhances penalty for crimes committed because of the "actual or perceived race, color, ancestry, ethnicity, religion, national origin or gender of the victim."	No	No	No
MO	Yes	Yes	Yes	<b>§ 557.035 R.S.Mo.</b> Provides enhanced penalties for crimes "the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims."	No	No	No
MT	Yes	No	No	<b>Mont. Code Anno., § 45-5-222</b> Describes enhanced sentences for offenses committed because of victim's "race, creed, religion, color, national origin, or involvement in civil rights or human rights activities or that involved damage, destruction or attempted destruction of a building regularly used for religious worship."	No	No	No



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NE	Yes	Yes	No	R.R.S. Neb. § 28-111 Enhances penalty for offenses against a person or a person's property because of the person's "race, color, religion, ancestry, national origin, gender, sexual orientation, age or disability."	No	No	Yes
NV	Yes	Yes	No	Nev. Rev. Stat. Ann. § 193.1675 Enhances penalty for crimes committed because the "actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of the victim was different from that characteristic of the perpetrator."	No	No	Yes
NH	Yes	Yes	No	RSA 651:6 Enhances penalty for crimes motivated "because of hostility toward the victim's religion, race, creed, sexual orientation, national origin or sex."	No	No	No
NJ	Yes	Yes	Yes	N.J. Stat. § 2C:33-4 Enhances penalty for harassment offenses committed "with a purpose to intimidate an individual or group of individuals because of race, color, religion, gender, handicap, sexual orientation or ethnicity." N.J. Stat. § 2A:4A-43.2 Provide for penalty enhancement for offenses if	N.J. Stat. § 52:9DD-9 Covers development of "cultural diversity training for law enforcement personnel."	No	Yes





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				committed by an adult would constitute bias-motivated violence and intimidation.			
NM	Yes	Yes	Yes	No	Yes	No	Yes
NY	Yes	Yes	No	NY CLS Penal § 240.31 Enhances penalty for aggravated harassment.	No	No	No
NC	Yes	No	No	N.C. Gen. Stat. § 14-3 Enhances penalty for offenses committed because of the victim's race, color, religion, nationality, or country of origin.	No	No	No
ND	Yes	No	No	No	No	No	No
OH	Yes	No	No	No	No	No	No
OK	Yes	No	No	No	No	No	Yes
OR	Yes	Yes	Yes	No	ORS § 181.642 Mandates training on the investigation, identification and reporting of crimes "motivated by prejudice based on the perceived race, color, religion, sexual orientation, marital status, political affiliation or beliefs, membership or activity in or on behalf of a labor organization or against a labor organization, physical or mental handicap, age, economic or social status or citizenship of the victim."	No	ORS § 181.550 Mandates the reporting of crimes "motivated by prejudice based on the perceived race, color, religion, national origin, sexual orientation, marital status, political affiliation or beliefs, membership or activity in or on behalf of a labor organization or against a labor organization, physical or mental handicap, age, economic or social status or citizenship of the victim."
OR cont.							



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PA	Yes	No	No	<b>18 Pa.C.S. § 2710</b> Enhances penalty for persons who commit specified offenses with "malicious intention toward the race, color, religion, or national origin" of the victim.	No	No	<b>71 P.S. § 250</b> Imposes power and duty on the State Police to collect information relating to crimes and incidents related to the race, color, religion or national origin of individuals and groups.
RI	Yes	Yes	No	<b>R.I. Gen. Laws § 12-19-38</b> Enhances penalty where the offender selects the victim "because of hatred or animus toward the actual or perceived disability, religion, color, race, national origin or ancestry, sexual orientation, or gender" of that person.	<b>R.I. Gen. Laws § 42-28-2-8.1</b> Provides for mandatory training standards on instruction for police officers in identifying, responding to, and reporting hate crimes incidents.	No	<b>R.I. Gen. Laws § 42-28-46</b> Provides for the development of a system monitoring the occurrence of, and collecting data regarding crimes motivated by "racial, religious, ethnic bigotry or bias on any other matter defined as a 'hate crime'."
SC	No	No	No	No	No	No	No
SD	Yes	No	No	No	No	No	No
TN	Yes	Yes	No (in progress)	No	No	No	No
TX	Yes	Yes	No	<b>Tex. Penal Code § 12.47</b> Enhances penalty for offense committed because of bias or prejudice.	No	No	<b>Tex. Gov't Code § 411.046</b> Provides for the establishment and maintenance of a central repository for the collection and analysis of information relating to crimes that are motivated by prejudice, hatred, or advocacy of violence.
TX cont.							
UT	Yes	No	No	No	No	No	No
VT	Yes	Yes	Yes	<b>13 V.S.A. § 1455</b> Enhances penalty for crimes motivated by the victim's "actual or perceived race, color, religion, national	No	No	No





### State by State Guide on Hate Crimes Legislation in the United States

State	State-based Criminal HC Legislation of any kind?	Inclusive of Sexual orientation?	Inclusive of gender Identity?	Calls for sentence/penalty enhancements?	Encourages or mandates law enforcement training?	Provides restorative justice options?	Encourages or mandates law enforcement to document HC?
VA	Yes	No	No	origin, sex, ancestry, age, service in the armed forces of the United States, handicap, sexual orientation or gender identity." <b>Va. Code Ann. § 18.2-57</b> Enhances penalty for assault and battery committed against a person selected because of his "race, religious conviction, color or national origin."	No	No	<b>Va. Code Ann. § 52-8.5</b> Provides for the creation of a central repository for the collection and analysis of information relating to criminal acts committed against a person or his property with the specific intent of instilling fear or intimidation because of that person's race, religion or ethnic origin.
WA	Yes	Yes	No	No	<b>Rev. Code Wash. (ARCW) § 43.101.290</b> Mandates training in identifying, responding to, and reporting crimes of bigotry and bias.	No	<b>Rev. Code Wash. (ARCW) § 36.28A.030</b> Provides for creation of central repository for the collection and classification of information regarding crimes of bigotry or bias.
WV	Yes	No	No	No	No	No	Yes
WI	Yes	Yes	No	<b>Wis. Stat. § 939.645</b> Enhances penalty for offenses where victim is selected because of the offender's "belief or perception regarding the race, religion, color, disability, sexual orientation, national origin or ancestry" of the victim. <b>Wis. Stat. § 939.641</b> Enhances penalty for mask wearing.	No	No	No
WY	No	No	No	No	No	No	No



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## **Hate Crimes Legislation Frequently Asked Questions**



### ***Why all this focus on ‘hate crime?’ Is there really any such thing as a ‘love crime?’***

The term hate crime is the current buzz word, but it is a misnomer. Essentially, it is referring to illegal acts which are committed against somebody because of the perpetrator(s) prejudices or biases against a group to which the perpetrator believes the victim belongs. The terms ‘bias-motivated violence’ or ‘bias-motivated crime,’ make more sense but are not used as commonly.

### ***So what is the difference between a bias-motivated (or hate) crime and a bias-motivated (or hate) incident?***

Bias-motivated crimes refer specifically to acts which are illegal - robberies, assaults, vandalism, homicide to name a few - where the motive (or one of the motives) of the offenders is his or her bias against the person he or she is targeting. A bias-motivated incident or bias motivated violence refers to *any* act committed against someone because of the offenders’ biases. For example, yelling ‘faggot’ at someone on the street is not illegal, but it is still a bias-motivated act of violence.

### ***What difference does it make what the motive for a crime was? If someone is beat up for being gay, is that somehow worse than someone who is beat up by a mugger, for example?***

The question is not about one act being worse than another, but about the *reasons* for the action and the *impact* it has. An example where motive matters: If a stranger bumps you and then immediately apologizes, because the contact was accidental, most of us would be less irritated than we would if we were bumped and the person responded with “get out of my way” instead of an apology. Even a minor act of intentional intimidation is more upsetting than an accident with perhaps more damaging effects. The motive - the intent to intimidate - is important. Similarly, most of us would agree that someone charged with assault who shows that their motive was self defense, ought to be acquitted. The motive of keeping oneself safe justifies the act.

The overall effect of the violence is also relevant. Violence perpetrated randomly, or solely for economic gain, certainly causes harm and trauma to the victim. However, when a person or a group intentionally selects a victim based on a belief that the victim is more deserving of violence or more vulnerable to violence, the trauma and fear is compounded. In the U.S., people belonging to certain groups are taught to expect violence in our lives solely because of who we are or how we look. Those groups include women, people of color, lesbian, gay, and bisexual people, transgender and gender nonconforming people, homeless people, people with disabilities, young people, and elderly people, to name a few. When a member of one of these groups is targeted *because* of hatred against that group, the fear generated by that act ripples out into the larger community.

### ***Doesn’t hate crime legislation interfere with free speech rights? Especially for people who disagree on religious grounds?***

Hate crime legislation is about addressing actions that are already illegal. Hate speech is not illegal unless it is intended to threaten or incite violence. Therefore, hate speech is legal anywhere in the U.S., regardless of what hate crime laws are in place. It is a myth that hate crime legislation regulates speech, religion, literature, media, or any non-criminal acts of hatred.

### ***What groups do they protect?***

The answer to this depends on one's location. Legislation can include race, ethnicity, religion, national origin, ancestry, age, disability, sexual orientation, gender, HIV status, immigration status, and gender identity but most jurisdictions do not currently include all of these categories.

***It sounds like you're saying that the lives of some people are more valuable than others. Otherwise, why have special laws for them?***

The laws were established to recognize and respond to the reality that some groups are more likely to be targeted for violence than others. For example, the FBI estimates that gay men are 400 times more likely to be targeted for violent crime than their heterosexual counterparts. So the idea of providing extra protection comes from the reality of extra targeting.

For the most part, the legislation does not protect specific groups of people, but rather broad categories. It is not written to protect Jewish people but rather to protect people targeted based on religion, for example.

***What do hate crime laws actually do?***

This also varies regionally. Hate crime legislation usually calls for penalty or sentencing enhancements. It can also include provisions for law enforcement education, research, documentation of hate incidents, funding for prevention initiatives, public awareness campaigns, and restorative justice options.

***Does NCAVP support hate crime legislation?***

NCAVP's current position is in support of legislation that mandates law enforcement tracking and reporting of bias motivated violence, and law enforcement training and education on how to identify bias motivated crimes and to respond sensitively to victims, as well as legislation providing for public education initiatives, victims' rights, funding for prevention initiatives, public awareness campaigns, restorative justice options, community accountability, and rehabilitation programs for offenders. NCAVP opposes legislation that calls for enhanced sentencing or penalties for those convicted of hate crimes.

***Why doesn't NCAVP support penalty enhancement? That seems like the most important aspect of the law.***

We do not support sentencing enhancements because they are, by definition, reactive, happening after an act of violence has already occurred. The biggest problem, however, is the issue of sentencing subjectivity. Racism, sexism, classism, and homophobia result in heavier sentences consistently being handed down to the exact same communities who are targeted for hate violence in the first place. Women and men of color in particular who are found guilty of committing bias crimes are given tremendous sentences.

Racism, sexism, and other forms of oppression are still impacting our legal system. As long as this is happening, NCAVP does not support enhanced penalties as a solution to the problem of hate violence. The root of sentencing disparities (institutional racism, sexism, homophobia, etc) and the root of hate violence (interpersonal racism, sexism, homophobia, etc) are one in the same.

Additionally, prosecution and conviction is rare. Consistently, NCAVP member programs work with survivors of hate violence whose cases are not classified as such by law enforcement. Even when they are, often this element is dropped in prosecution because it can be difficult to prove. Enhanced penalties for hate crimes cannot serve as a deterrent if cases never even get classified as bias. In situations where people are correctly identified and convicted of committing bias-motivated crimes, their 'enhanced sentence' is enhanced in length only. Incarcerated people are not unlearning hate in prison.

***What about survivors who call your organization for help? What if they want hate crimes penalty enhancement or the death penalty as part of the sentence for someone who attacked them?***

NCAVP and our member programs completely support victims, survivors, and their families in advocating for whatever sentencing they deem fair in their situation. While NCAVP will not endorse enhanced penalties legislation, we absolutely will not impose a position on any individuals within our communities, nor their friends, families, or allies.

### **General and Internet Safe Dating Tips**



Considering the large number of people who have met online for sex and dating, the occurrence of violence is relatively low. But there are some people who cruise with intention to harm. If you are targeted by one of these people, it is important to know it is *NOT YOUR FAULT*. Nobody has the right to violate your boundaries or commit violence against you. The following tips may help you identify when someone you are meeting has negative intentions.

#### **Trust your gut.**

When meeting up with someone new, if you get a feeling that something isn't right, trust your instinct and exit the situation. If you are afraid of offending the person, you can do so politely.

#### ***But what if I am overreacting? Sometimes I feel uncomfortable but can't actually name a reason.***

Trust your gut! It has gotten you this far. Sometimes, we get a feeling of discomfort or fear based on cues that we can't identify at that time. Our survival instincts sense danger faster than our logical mind. You may not be able to identify what made you nervous until later.

#### **Get a face picture and phone number before meeting them:**

A picture is better than simply a physical description. If they send you a picture, but the person who shows up looks nothing like it, that is a sign that you should probably exit the situation. If the person knows you have their photo in your email inbox, it could make them wary of doing something to harm you. A phone number allows you to talk beforehand (more on this below) and is another piece of information you can leave around or give to a friend.

#### **If/When you decide to meet someone in person, meet in public:**

If you are only conversing online, you may not have enough information to assess someone's intentions. If you agree to meet up with only one person, but multiple people show up, do not go with them. If you meet up and the person doesn't look like the picture, ask them about it. If they don't have a satisfactory answer, exit.

#### ***But why meet in public if we are meeting up for sex only?***

To be safe, meet in public close to your destination, and spend a few minutes talking about what you want to do (and what you don't want to do) sexually. This gives you some time to get a sense of this person with others around.

#### **Meeting in private:**

***I really don't want to meet in public. Is it safer for me to host or for them to host?***

There are safety advantages and disadvantages to both.

#### **If you host:**

- Leave all valuables out of sight, locked away, or with a trusted friend.
- Keep items that could be weapons out of sight (scissors, knives, bats, etc).
- Stay awake the entire time the person is there - no sleepovers the first time. Items can disappear while you are asleep and your safety could be in jeopardy.
- Generally speaking, it is better not to host if you don't live in a secure building. Remember, after one visit, the person knows where you live.
- Keep your cell phone charged and close to you at all times\*. If someone refuses to leave when you ask them, some options include using command type language (i.e. "Get out of my house now"), calling police, calling a friend, or activating your silent alarm (more below). Do what makes the most sense to you.
- While we do not have conclusive research on this yet, we have noted that many pick-up crime murders appear to happen at the home of the victim or in a third private location such as a hotel, rather than at the home of the assailant.



- People attempting identity theft often use picking people up as the way to get access to documents, targeting people of their same gender. Be aware of someone looking different than their online photo, be aware of elaborate stories they tell you about who they are, as these could be signs of someone trying to intentionally deceive. Don't be afraid to ask questions about them – and to ask them more than once – to note if their answers stay consistent.

**\*The police or your friend(s) can't be there immediately after you call.** This is a good safety measure to employ, but don't count on it being your only one.

#### **If they host:**

- PLEASE tell at least one person the exact address where you will be and for how long.
- Set up a silent alarm (more on this below).
- Bring your phone and keep it charged.
- Do not accept drinks, even water, at the person's home unless you observe the drink being poured. Date rape drugs have no odor or flavor even in water.
- If somebody else is at the home when you get there, exit. Most people hosting a guest will ask roommates to clear out.
- If at any point you feel uncomfortable or unsafe, leave immediately. **You don't have to give an explanation.** If someone prevents you from leaving, firmly re-state your intention to leave. More under the "Use your Voice" section below.

#### ***Isn't it rude to leave? What if we haven't 'finished?' Shouldn't I finish what I started?***

NO. You have the right to change your mind and cease sexual activity at any stage. Your emotional and physical safety comes first. **Consenting does not take away your right to stop.** If someone doesn't respect a boundary you set, no matter how small, this is a sign that they may not respect other boundaries as well. You deserve to be respected at all times. Leave if they do something you ask them not to. You will find other sexual partners.

#### **Meeting in public**

- Meeting up in well-lit place is best, a café or restaurant with other people around.
- If you would rather meet at a bar or a club, remember to get your own drinks. If you drink at all, drink only a bit. Intoxication may be seen as a vulnerability. If someone insists on getting your drink for you, tell them no. If they still don't respect that, please do not to take the drink and consider ending your time with the person.
- Another advantage of meeting in public is that you can bring friends with you. They can watch your back and they can let you know their impressions of your date.
- If you decide to leave with the person, get the address of where you'll be and their phone number. Introduce them to the bartender, friends, or acquaintances before leaving. Let them know you gave info to your friends so they know where you are for safety.

#### **Asserting Your Boundaries:**

##### **Use your voice.**

#### ***Will someone really stop if I tell them to? What if I just make them angry?***

One should always take verbal threats seriously, but know that verbal self-defense is a great first line of defense. Resistance breaks the assailant's script and places doubt in their mind about their ability to commit the crime. Note: there is a difference between being aggressive and assertive. Being aggressive is often perceived as confrontational and threatening. To de-escalate a situation, it is important to criticize the behavior, not the person. **We can exercise our rights without denying the rights of others by choosing to be assertive** Below are steps to assertive communication:

Maintain confident body language- Stand/sit tall, keep your head up, shoulders back

Make eye contact.

Respond firmly and quickly.

Speak in a steady, calm voice.

Use clear, command-type language, and use "I-statements" (i.e. "I feel uncomfortable when you talk to me that way and I want you to stop.").



Be specific as to what behavior it is you want stopped.

Send a clear and consistent message with your words, voice, eyes, and body language.

### More verbal techniques:

**Name The Behavior** that the person has just done or said that has made you feel uncomfortable (i.e. “Stop touching me after I’ve asked you to stop.”)

**Broken Record Technique** involves repeating your command. This is especially useful when someone appears intoxicated or is indecisive on what to do next. (i.e. “Leave my apartment now. Leave my apartment now!”)

**Make a Scene and Enlisting the Help of Others** strips the person of the power of secrecy and sends the message that you are not ashamed to call attention to the situation in public.

It also lets others around you know what is happening. To enlist the help of others be directive (i.e. pick a person out of the crowd and address them directly with commands such as “Call 911!”)

**Reasoning or Negotiation** will distract an assailant. They are expecting things to go a certain way, and you responding differently throws them off. Negotiation may include asking the assailant to use a condom, put a weapon down, or to move to a different location. **THIS IS NOT THE SAME AS GIVING CONSENT!** You may decide at any point to resist, escape or comply. All are options for survival.

**Making Yourself Human/Distraction** violates the assailant’s idea of you being fearful and silent. When you are active, you become real and not necessarily what they expect. It is more difficult to hurt someone who is seen as a human being rather than an object.

### *What is a Silent Alarm?*

There are numerous ways to utilize your cell phone as a safety tool. If you do not have a cell phone, and you are not going to be in public place, try to make sure there will be a landline before you agree to go. Tell one friend that, if everything is going well with your date/ hook up, you will call or text at a specific time (usually after the date is over) with a specific code word. It should be something not guessable – i.e. NOT “all is well,” “I’m fine,” etc. This word (could be a color or a flavor of ice cream or a fruit, for example) tells the friend that all is well and the alarm is disarmed. Beforehand, tell your friend the address of where you will be and you both agree on the code words and what the friend should do if you do not call. Typically, the agreement is that if you call and say ‘everything is fine’ but do not use the code word, the friend should call police. And if you do not call or text at all at the time agreed upon, the friend should *call you*. If you do not answer or if you answer and do not say the code word, your friend should call the police.

***I really don’t want to tell my friends that I am cruising online. I am embarrassed about it. Plus, I don’t know if any of them would even do this for me.***

TONS of people meet online. It is nothing to be embarrassed about. But even if it’s not possible to confide in someone, it is possible set up the alarm without telling them exactly why. If you really do not want anyone to know, or you don’t feel like you have time to set one up, leave the picture of the person you are meeting open on the desktop of your computer and leave your computer on, with the person’s name, e-mail address or chat name, phone number, and address of where you’ll be written down nearby and easily visible.

### A few other reminders:

- Set up an anonymous e-mail account if you plan to communicate outside of a dating site.
- Do not publish your address, phone number, or e-mail address in personal ads.
- Ask lots of questions when chatting, but don’t necessarily take every answer at face value. Remember online, you cannot read nonverbal, body language cues.
- If someone is abusive to you online, block them right away.



- If you decide to meet in person, do not rely upon your date for transportation and do not provide transportation for them.
- Even if you have met them in person once or twice before, stay alert. There have been reports of perpetrators targeting someone after multiple meet ups. If at any point you feel uncomfortable, even if you have never felt that way this person in the past, exit the situation.

***I am Transgender. Should I tell my date? And if so, when?***

There is no absolute right or wrong answer to these questions. Such a decision is very personal. Above all else, remember it is your right to choose if or when to discuss your gender identity, your genitals, or any other part of your body. If someone insults or attacks you because of *their* expectations about your body, that is NEVER YOUR FAULT.

***Do I have to disclose the fact that I am trans to my partner?***

NO. Plenty of non-trans people do not have discussions about their gender or their bodies prior to having sex. However, while you do not owe it to anybody to talk about your genitals prior to a sexual encounter, it may be safer to do so. It may also be less awkward or uncomfortable in general. So it may be ideal make space to have a conversation about the type of sex you would like to have beforehand. If this is simply not your style or not an option, that is okay.

In terms of safety, there are advantages and disadvantages to disclosing in various situations. Your decision may be different depending on the person you are talking with and how sensitive or aware they seem.

**Disclosing in a personal ad:**

The advantage of this is that you have a better shot at weeding out people who are unfamiliar with trans people which may mean not having to endure as many annoying questions on a date. Another distinct advantage is attracting people who are specifically attracted to your gender identity and/or your body type. Disadvantages? You may also attract people who eroticize trans people in a non-respectful way. If you feel any discomfort from the language someone uses with you in an e-mail, feel free to tell them so and/or ignore or block them.

**Disclosing in an e-mail or chat:**

If you are responding to another person's ad, disclosing at some point during the chat or e-mail exchange is an option. Again, you have the advantage of getting the conversation at least started before you meet in person and if there is a negative reaction, you don't have to deal with it face-to-face. A possible disadvantage could be that if someone responds negatively, they could potentially forward your e-mail or publicly 'out' you online or otherwise invade your privacy. This is why it is good to create an anonymous e-mail account.

**Disclosing over the phone:**

Privacy violations or public outing are probably less likely to happen this way if someone responds negatively. Also, being able to hear someone's tone of voice and gauge their language use in real time can be helpful. E-mail and chatting can easily be 'rehearsed' and can be less authentic. A phone conversation can give you a more realistic impression of how sensitive or knowledgeable someone is about trans people.

**Disclosing when cruising in person:**

Some trans people, when meeting potential dates or sex partners in person, choose to reveal information about trans identity and/or body before a sexual encounter. Unlike an online conversation, you will be able to read body language and other nonverbal cues. Often times, discussions about trans identity can be accompanied by discussions of what the two of you do and do not want to happen, and discussions about safer sex.

**Disclosing on a date:**

A date can be an ideal time to talk about gender identity, since general discussions about your lives, background, family, etc will likely be happening. If someone responds in a way that makes you uncomfortable, you will be in public. Again, it can be brought up in the context of a safer sex discussion, or in the context of your past.

**Disclosing during a sexual encounter:**

Some people choose to have gender identity, genitalia-related, and/or safer sex discussions at this point. It may feel like having the discussion prior would be assuming too much or that the opportunity just wasn't there. Waiting until this point does in fact allow you to be certain that a sexual encounter is desired. One potential disadvantage however is that you may no longer be in public at this point if the person responds in a threatening manner. Also, sexual conversations can actually sometimes be *less* awkward when they are brought up in a non-sexual setting, like a public place. Sometimes it can actually be harder to talk about personal, sexual topics after sexual activity has already begun.

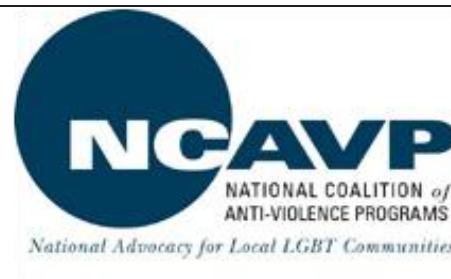
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These are safety tools that have been useful for some people in some situations. You are never responsible for the actions of someone else, so you are not to blame if following some or none or all of these tips doesn't prevent an attack.

Tips like these can sometimes feel silly or paranoid, but they can often be helpful when meeting strangers. **Use the ones that fit best for you. Follow your instincts, and remember that you do not deserve to be mistreated. For more information, contact NCAVP at 212.714.1184 or [info@ncavp.org](mailto:info@ncavp.org).**

**NCAVP thanks the following members for your hard work throughout the year**

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If you or your organization would like to become members of NCAVP, please contact the New York City Anti-Violence Project at 212.714.1184 or [info@ncavp.org](mailto:info@ncavp.org).