

ANTI-LESBIAN, GAY, BISEXUAL AND TRANSGENDER VIOLENCE IN 2006

**A Report of the
National Coalition of Anti-Violence Programs**



The production of this report was coordinated by the
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2007 RELEASE EDITION

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SELECTED CASE NARRATIVES

A transgender woman was repeatedly harassed and threatened on a Metro Transit bus. (Minnesota)

A transgender woman survived an attack by a male who drove her home from a nightclub. The woman recognized the offender as a nightclub patron when he stopped his car to offer her a ride. The offender invited himself into the woman's home by asking to use the phone. Once inside of the residence, the offender proceeded to hit and choke the woman, leaving her with a broken nose, facial fractures, bruises, and he also ripped her ear during the attack. During the attack, neighbors called police and they arrived as the offender was leaving the residence. The offender was arrested and after several court appearances, paid the survivor's medical bills. (Chicago)

Lisa, a bilingual Spanish speaking Latina lesbian, experienced hate violence and sexual harassment at her job. The suspect, a fellow employee, has vandalized her car twice and harassed her in person. One instance of automobile vandalism was the result of an attempted arson. She received Spanish speaking counseling and advocacy in person and over the phone from CUAV. Lisa's supervisor was able to relocate her with a promotion. (San Francisco)

Summary of Recommendations

Recommendation 1:

Eradicate the Environment that Feeds Hate

Foster public, educational, political and cultural climates at local, state and federal levels that make clear that acts of anti-LGBT hatred and bias have no part in a civil society. Specifically, schools should design and adopt tolerance education curricula for youth, as well as develop protocols for protecting students who identify themselves as, or are perceived to be LGBT. 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 LGBT tolerance and anti-discrimination standards for the workplace; religious leaders should make clear that no major religious tradition holds violence as an acceptable tenet; and the media should explain and report anti-LGBT violence in its proper context, i.e., as a broader pattern of occurrence that reflects and causes harm to everyone in America.

Recommendation 2:

Add Protected Classes

At the federal and many state levels, expanding protected categories would be achieved by passage of new legislation 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 anti-LGBT hate incidents - particularly those cases in which it is determined that local law enforcement does not have the adequate resources, mandate or will 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, and in fact, it is our belief that such resources should be the primary goal of hate crimes legislation rather than the more typical or popular element of penalty enhancements.

Further address violence motivated by perceived sexual orientation and/or gender identity at the state level by passing bias-motivated crime bills to heighten public awareness and acknowledge the seriousness of the impact of such violence on the LGBT and other communities.

Recommendation 3: **Encourage development of Community-based solutions**

Additional resources should be made available to encourage the development of community-based responses and solutions to anti-LGBT violence, as well as hate-motivated violence targeting other vulnerable populations. These efforts should prioritize serving victims, reducing the number of incidents that occur through the use of education and information, as well as creating means of redress outside of the criminal justice system - particularly for youthful and first-time offenders.

Recommendation 4: **Fund research**

Commission a federal study, as well as substantial independent ancillary research, of anti-LGBT and other hate-motivated violence, its prevalence, origins, and impacts in physical, financial and social respects. In addition, mandate participation in gathering and reporting data by every political jurisdiction, down to the county level. Support the provision of, and include analyses of data from, community organizations that investigate and address related problems.

Recommendation 5: **Provide Rehabilitation & Alternatives to Incarceration**

As organizations dedicated to the cessation of violence in our society, many NCAVP members and NCAVP itself strongly oppose the use of the death penalty. By extension, though NCAVP recognizes that increased penalties may be part of a legislative and criminal justice strategies to combat hate violence, it does not believe they can comprise the sole or even primary method of addressing such violence. In fact, rather than viewing hate violence as a criminal justice problem with social implications, NCAVP believes that hate violence is a social and public health issue with criminal justice implications. To that end, NCAVP recommends that in addition to, or in many cases, instead of hate crimes laws that provide only increased penalties, enhanced rehabilitation be provided to convicted offenders to reduce recidivism and interrupt escalating cycles of abuse. Once again, it is essential that alternatives to incarceration be developed, particularly for youthful and first-time offenders.

SELECTED CASE NARRATIVES

Rev. Philip M. Mann was found lying on the floor of his Harlem apartment Monday afternoon after having been stabbed 7 times in the chest. His body was discovered by a parishioner and a building superintendent after Rev. Mann had missed an appointment. David Jordan (Age 44) was arrested the next day and charged with the murder. He confessed to the killing while being questioned by the police. Jordan said that he was at Rev. Mann's home by invitation. Jordan claimed that Rev. Mann asked to have sex with him and when he refused Mann became aggressive and tried to molest him. Rev. Mann was last seen giving a ride to a man after leaving church on Sunday. It is not clear if it was Jordan. Jordan pled not guilty during his arraignment on May 10, 2006 and is being held without bail. (New York)

Client's home was vandalized by neighborhood kids aged 13-19. He also received death threats. While he was gone during over a holiday weekend, the youth broke into his home, spray painted hate language on the walls and broke furniture. When he returned unexpectedly, the youth beat him so severely that he required long-term hospitalization. (Minnesota)

SELECTED CASE NARRATIVES

As a man left a nightclub after its regular Thursday "gay night," he was attacked by four to five assailants swinging baseball bats and shouting anti-gay slurs. The survivor recognized one of the offenders as someone who was in the nightclub that same evening. The man was beaten repeatedly and robbed while he was called a "faggot." The man was hospitalized for broken ribs, head wounds that required stitches and staples and other injuries. No arrests were made following the report. (Chicago)

Paul, a white gay man, and his partner Jayme, a Pilipino gay man, have experienced anti-gay harassment from neighbors for almost six years. CUAV has provided peer counseling in person and over the phone, as well as advocacy with local law enforcement. Paul is weary of working with local law enforcement as a survivor of police abuse. He experienced police abuse in the form of an attempted sexual assault by a local Sheriff. Currently, Paul and his partner have considered relocating. (San Francisco)

Recommendation 6: Fund Local Initiatives

A realistic appraisal of the work being accomplished to combat hate-motivated violence at the community level must acknowledge that there is a cost associated with that effort. It is essential that local, state and federal governments fund community-based anti-violence initiatives such as training programs for law enforcement officers and district attorneys, victims' services and monitoring and reporting efforts like this one. The benefit will be to mitigate and prevent acts of violence against LGBT individuals, salvage the lives of those who are victimized by them, and build cooperative relationships between the LGBT community and a wider range of partners in both the public and private service sectors.

Recommendation 7: Increase the Efficacy of Law Enforcement

Establish and promote anti-bias units or hate crimes task forces in every major metropolitan and state police force. Investigate and prosecute acts of harassment, intimidation and abuse committed by police officers against LGBT individuals. Also provide training and resources to change police cultures and attitudes overall, and end the use of police as instruments of officially sanctioned anti-LGBT oppression.

Recommendation 8: Disallow the Gay Panic Defense

Disqualify the so-called "gay panic defense" as a legal resort 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.