

RESEARCH OVERVIEW



HATE CRIMES AND VIOLENCE



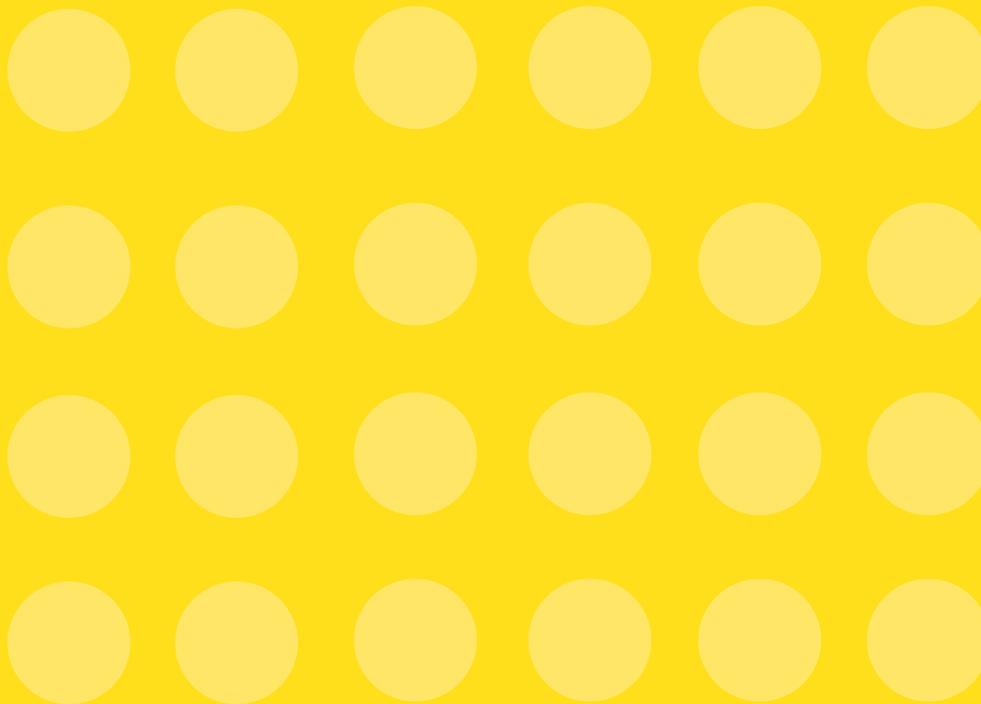
AGAINST LESBIAN, GAY, BISEXUAL
AND TRANSGENDER PEOPLE



By Michelle A. Marzullo and Alyn J. Libman



HUMAN
RIGHTS
CAMPAIGN
FOUNDATION™



Research Overview: Hate Crimes and Violence against Lesbian, Gay, Bisexual and Transgender People

By Michelle A. Marzullo and Alyn J. Libman
Edited by Ché Juan Gonzales Ruddell-Tabisola

Human Rights Campaign Foundation

1640 Rhode Island Ave., N.W., Washington, D.C. 20036
phone **202/628-4160** TTY **202/216-1572** fax **866/369-3348**
website **www.hrc.org**

The Human Rights Campaign Foundation believes that all Americans should have the opportunity to care for their families, earn a living, serve their country and live open, honest and safe lives at home, at work and in their community.

Through pioneering research, advocacy and education, the HRC Foundation pursues practices and policies that support and protect lesbian, gay, bisexual and transgender individuals and their families in education, healthcare, corporate, public and private organizations across the country.

The HRC Foundation also provides accurate, timely research and information vital to the LGBT community, straight allies and policymakers on a wide range of issues, including: family law, senior health and housing, parenting, schools, workplace policies and law, religion, civil unions, marriage, adoption, financial planning and healthcare.

Our programs, which include the Workplace Project, the Religion and Faith Program, the Coming Out Project, the Family Project, and Youth and Campus Outreach, are possible through the generous gifts of individual donors and corporate and private philanthropic foundations. Contributions to the HRC Foundation are tax-deductible to the fullest extent of the law. See www.hrc.org for more.

© May 2009 by the Human Rights Campaign Foundation. The HRC Foundation grants permission for the reproduction and redistribution of this publication only when reproduced in its entirety and distributed free of charge. The Human Rights Campaign name and Equality logo are trademarks of the Human Rights Campaign.

ISBN 1-934765-08-2
ISBN 978-1-934765-08-1

CONTENTS

LETTER FROM THE HRC FOUNDATION PRESIDENT | 1

INTRODUCTION AND BACKGROUND | 2

FEDERAL LEGISLATIVE EFFORTS | 3

ANATOMY OF VIOLENCE | 5

PREDICTORS OF BIAS AND SEXUAL PREJUDICE | 8

HATE CRIME RESPONDERS AND REPORTING | 10

BIAS CRIME REPORTING | 11

BEST PRACTICES FOR HATE CRIME REPORTING | 12

FUTURE RESEARCH AND ADVOCACY EFFORTS | 13

CONCLUSION | 14

BIBLIOGRAPHY | 15

END NOTES | 16

ABOUT THE AUTHORS | 19



LETTER FROM THE HRC FOUNDATION PRESIDENT

There is plenty of evidence that violent, bias-motivated crimes are a serious, widespread problem across the United States. It's not the frequency or number of these crimes, however, that set them apart from other types of crime. It's the impact these crimes have on the victims, their families, their communities and, in some instances, the entire country.

The violent death of Sean Kennedy clearly underscores the need for national hate crimes legislation.

On May 16, 2007, Kennedy was leaving a bar in Greenville, S.C., when a man approached, called him an anti-gay name and punched him. Kennedy fell to the ground and later died in a hospital. Local law enforcement officials asked for the case to be prosecuted as a hate crime. But because South Carolina has no hate crimes law, charges were reduced from murder to involuntary manslaughter, and Kennedy's assailant was sentenced to three years in prison.

Recently, the U.S. House of Representatives passed the Local Law Enforcement Hate Crimes Prevention Act. It specifically gives the Justice Department the power to investigate and prosecute bias-motivated violence by providing it with jurisdiction over crimes of violence where the victim was selected because of his or her actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability. Once this measure wins full congressional approval and the president signs it into law, heinous crimes like those committed against Sean Kennedy will be fully prosecuted.

In an effort to help lawmakers, law enforcement officials and others better understand hate crimes, the Human Rights Campaign Foundation is publishing *Research Overview: Hate Crimes and Violence against Lesbian, Gay, Bisexual and Transgender People*. This report

lays new ground in several areas, including why so many anti-LGBT hate crimes go unreported and what motivates individuals to commit these crimes.

Moreover, the report highlights the need to standardize hate crimes reporting procedures and teach law enforcement how to recognize bias-based and identity crime. Additionally, the report summarizes research from law enforcement, opinion polls and several studies published since 2006.

We hope this report helps all of us understand the full range of steps that must be taken to eliminate these violent crimes of hate.



Joe Solmonese
President, Human Rights Campaign Foundation

INTRODUCTION AND BACKGROUND

A hate crime or bias-motivated crime occurs when the perpetrator of the crime intentionally selects the victim because of who the victim is. While an act of violence against any individual is always a tragic event, violent crimes based on prejudice have a much stronger impact because the motive behind the crime is to terrorize an entire group or community.

Statistical information collected by the Federal Bureau of Investigation consistently shows that lesbian, gay and bisexual people, and those perceived to be LGB, are attacked more than heterosexuals relative to their estimated population size in the United States. Since 1991, more than 100,000 hate crime offenses have been reported to the FBI. In 2007 alone, 1,265 LGB-biased hate crimes were reported to the FBI, which is a 6-percent increase from 2006. Sexual orientation consistently ranks as the third-highest motivator for hate crime incidents (17 percent of total attacks). Attacks motivated by race-based bias are the most prevalent (51 percent in 2007), followed by religion-based attacks (18 percent in 2007). Bias-motivated attacks on the basis of gender identity are not tracked on the federal level.

Anecdotal evidence suggests that hate crimes against LGB and transgender persons are under-reported in the United States. Some victims do not report sexual orientation-motivated hate crimes because they do not want to be identified (“outed”) in police reports as lesbian, gay, bisexual and/or transgender. Moreover, sexual orientation- and gender identity-based hate crimes may not be perceived as bias-motivated by responding officers because of their inexperience, lack of education or their own biases. Many police departments do not have protocols in place for the accurate reporting of bias crimes. In addition to this, many hate crime victims occupy more than one out-group position in terms of sexual orientation, gender identity and expression, sex,

race, ethnicity, religion, national origin and/or disability. As a result, hate-based attacks may be identified in simpler terms than was actually the case, or their details may be lost as these characteristics are grouped as “multiple bias” attacks in federal reporting.

This report presents an overview of research about LGBT hate crimes from law enforcement statistics, opinion polls and several studies published since 2006. The report also discusses best reporting practices for law enforcement agencies and presents recommendations for future research and advocacy efforts on hate crimes for LGBT populations.

In 2007 alone,
**1,265 LGB-biased
hate crimes** were
reported to the FBI,
which is a 6-percent
increase from 2006.
Bias-motivated
attacks on the basis
of gender identity
are not tracked on
the federal level.

FEDERAL LEGISLATIVE EFFORTS

The federal government has been collecting information on hate crimes since 1990, when the Hate Crime Statistics Act (P.L. 101-275) was passed. The purpose of the act was to develop a systematic approach for documenting and understanding bias-motivated crimes in the United States. In 1991, the FBI implemented a bias-crime data collection program and integrated this system under their Uniform Crime Reporting (UCR) program and National Incident-Based Reporting System (NIBRS) (Cronin, McDevitt, Farrell and Nolan 2007, 217-218, 214)ⁱ.

THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT (“LLEHCPA”) / MATTHEW SHEPARD ACT

The identification of the incidence and prevalence of hate crimes relies upon the accurate reporting of these crimes. It is important to note that U.S. law enforcement agencies reporting hate crime statistics do not collect statistics based on gender identity. In addition, in a study of eight comparative police departments, local law enforcement agencies often did not have the training to distinguish between a hate crime based on the sexual orientation of a victim and one based on a victim's gender identity (Cronin, McDevitt, Farrell and Nolan, 2007). These facts mean that gender identity-based bias attacks will either be erroneously grouped as sexual orientation bias crimes or not reported as hate crimes. Importantly, the LLEHCPA would expand the categories of hate crimes statistics to include hate crimes based on gender identity.

The LLEHCPA has been introduced in the past several Congresses and was reintroduced in the 111th Congress. The Matthew Shepard Act would (GovTrack.us 2008):

- **Authorize the attorney general to provide technical, forensic, prosecutorial or other assistance in the criminal investigation or prosecution of any crime that:**

1. Constitutes a crime of violence under federal law or a felony under state, local or Indian tribal laws; and

2. Is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability of the victim or is a violation of state, local or tribal hate crimes laws.

- **Direct the attorney general to give priority for such assistance:**

1. With respect to crimes committed by offenders who have committed crimes in more than one state; and
2. To rural jurisdictions that have difficulty covering the extraordinary investigation or prosecution expenses. Authorize the attorney general to award grants to assist state, local and Indian law enforcement agencies with such extraordinary expenses.

- **Direct the Office of Justice Programs to:**

1. Work closely with funded jurisdictions to ensure that the concerns and needs of all affected parties are addressed; and,
2. Award grants to state, local or tribal programs designed to combat hate crimes committed by juveniles.

- **Amend the federal criminal code to impose criminal penalties for causing (or attempting to cause) bodily injury to any person using**

68% of people favor including sexual orientation and gender identity in federal hate crimes law.

fire, a firearm or any explosive or incendiary device because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability of such person.

• Amend the Hate Crimes Statistics Act to require the attorney general to:

1. Acquire data on crimes that manifest evidence of prejudice based on gender and gender identity; and
2. Include in an annual summary of such data crimes committed by, and against, juveniles.

Federal hate crimes legislation as embodied in the Matthew Shepard Act is crucial to understanding and preventing hate crimes. It would equip the Justice Department with the ability to aid state and local jurisdictions either by lending assistance or, where local authorities are unwilling or unable, by taking the lead in investigations and prosecutions of violent crime resulting in death or serious bodily injury that were motivated by bias. The LLEHCPA also makes grants available to state and local communities to combat violent crimes committed by juveniles, train law enforcement officers, and/or to assist in state and local investigations and prosecutions of bias-motivated crimes. As we show below, the improvements called for by this act are sorely needed for the victims and law enforcement personnel dealing with the aftermath of such attacks.

Hate crimes legislation also categorizes hate offenses as deserving increased punishment and condemnation as an emphatic message to society and potential offenders that such actions are no longer tolerated.

Christopher J. Lyons, *Social Psychology Quarterly*, 2006

ALMOST SEVEN OUT OF 10 PEOPLE SUPPORT LGBT-INCLUSIVE HATE CRIMES PROTECTIONS

A majority (68 percent) of people favor including sexual orientation and gender identity in federal hate crimes

law (Gallup 2007). Support for inclusive legislation is strongest among self-identified liberals (82 percent), Democrats (75 percent), those affiliated with non-Christian religious faiths (74 percent), and Catholics (72 percent). However, more than half of conservatives (57 percent) and Republicans (60 percent) also support the measure.

SUPPORT FOR HATE CRIMES LEGISLATION

THERE IS A PROPOSAL TO EXPAND FEDERAL HATE CRIMES LAWS TO INCLUDE CRIMES COMMITTED ON THE BASIS OF THE VICTIM'S GENDER, SEXUAL ORIENTATION OR GENDER IDENTITY. WOULD YOU FAVOR OR OPPOSE EXPANDING THE FEDERAL HATE CRIME LAWS IN THIS WAY?

	FAVOR (%)	OPPOSE (%)
TOTAL	68	27
Republicans	60	34
Independents	69	27
Democrats	75	21
Conservatives	57	37
Moderates	74	22
Liberals	82	15
Protestants and non-Catholic Christians	65	30
Catholics	72	23
Other religious identity	74	23
No religious identity	74	25
Attends church weekly	64	30
Attends church almost every week/monthly	67	29
Attends church seldom/never	73	23

From a national survey of 1,003 adults conducted May 10 to May 13, 2007, by the Gallup Organization.



ANATOMY OF VIOLENCE

Sexual orientation ranks as the third-highest motivator for hate crime incidents (17 percent of total attacks). Attacks motivated by race-based bias are the most prevalent (51 percent), followed by religion-based attacks (18 percent). Bias-motivated attacks on the basis of gender identity are not tracked on the federal level.

A study of more than 1,000 hate crimes reports to the Los Angeles County Human Rights Commission from 1994 to 1995 found that, on average, sexual orientation- and gender identity-motivated hate crimes yielded higher levels of violence than other hate crimes (Dunbar 2006). Five population-based surveys of high school students found that bisexual, lesbian and gay youth reported strikingly higher rates of sexual abuse and forced intercourse than their heterosexual counterparts (Saewyc et al. 2006). Collectively, these data and FBI statistics below tell the story of the rampant crimes-against-the-person to which many LGBT people are victims.

RANKING OF HATE CRIMES BY MOTIVATION

	INCIDENTS (%) 7,624	OFFENSES (%) 9,006	VICTIMS* (%) 9,535	KNOWN OFFENDERS** (%) 6,965
RACE	51	52	52	53
RELIGION	18	16	17	8
SEXUAL ORIENTATION	17	16	16	21
ETHNICITY/NATIONAL ORIGIN	13	14	14	17
DISABILITY	1	1	1	1

* The term "victims" may refer to a person, business, institution or society as a whole.

** The term "known offender" does not imply that the identity of the suspect is known, but only that an attribute of the suspect has been identified, which distinguishes him/her from an unknown offender. Federal Bureau of Investigation - U.S. Department of Justice, 2007a

LGB HATE CRIMES ARE USUALLY CRIMES AGAINST PERSONS

Like racially and ethnically motivated violence, sexual orientation bias crimes are more frequently committed against persons than property. For violent bias crimes overall, "sexual orientation crimes (Mⁱ=4.69) were more

severe for crimes against the person than both racial/ethnic (M=2.78) and religious (M=0.68) hate crimes" (Dunbar 2006,ⁱⁱⁱ 329-330). The most common hate crimes committed against lesbians, gays and bisexuals are physical assault and/or intimidation. Tragically, five of the nine nationally reported hate crime murders in 2007 were motivated by sexual orientation bias.

HATE CRIMES AGAINST PERSONS COMPARED TO PROPERTY

	CRIMES AGAINST PERSONS (%)	CRIMES AGAINST PROPERTY (%)
RACE (4,724 OFFENSES)	64	36
RELIGION (1,477 OFFENSES)	29	71
SEXUAL ORIENTATION (1,460 OFFENSES)	71	29
ETHNICITY/NATIONAL ORIGIN (1,256 OFFENSES)	70	30
DISABILITY (82 OFFENSES)	46	51

Federal Bureau of Investigation - U.S. Department of Justice, 2007b

NUMBERS OF SEXUAL ORIENTATION-MOTIVATED HATE CRIMES

CRIMES AGAINST PERSONS	
Murder and non-negligent manslaughter	5
Forcible rape	0
Aggravated assault	242
Simple assault	448
Intimidation	335
Other	9
CRIMES AGAINST PROPERTY	
Robbery	53
Burglary	16
Larceny – theft	23
Motor vehicle theft	2
Arson	3
Destruction/ damage/ vandalism	314
Other	7
CRIMES AGAINST SOCIETY	
	3

Federal Bureau of Investigation - U.S. Department of Justice, 2007b

ANTI-LGB HATE CRIMES ARE MOST COMMONLY PERPETRATED IN HOMES

The FBI hate crimes statistics from 2007 show that the most common location of sexual orientation-bias crimes is a residence or private home (30 percent). Twenty-four percent of the crimes occurred on streets, highways, roads and in alleys, and 11 percent occurred at schools. Seven percent of sexual orientation-motivated hate crimes occurred in parking lots or garages, and 4 percent occurred at bars and nightclubs.

MOST FREQUENT LOCATIONS OF SEXUAL ORIENTATION-MOTIVATED HATE CRIMES

	%
Residence/home	30
Highway/road/alley/street	24
School/college	11
Parking lot/garage	7
Bar/nightclub	4
Restaurant	2
Field/woods	2
Commercial office building	2
Air/bus/train terminal	1
Convenience store	1
Other locations/unknown	15

Federal Bureau of Investigation - U.S. Department of Justice, 2007c



MORE THAN HALF OF LGBT PEOPLE ARE CONCERNED ABOUT BEING THE VICTIM OF A HATE CRIME

Fifty-four percent of LGBT people say they are concerned about being the victim of a hate crime (Harris Interactive 2006). Of those polled, 20 percent of gay men and 27 percent of lesbians are “extremely concerned.” This fear contrasts strongly with the feelings of most Americans. Less than one in 10 out of the general population (6 percent in 2007 and 7 percent in 2006) frequently worries about hate violence; just more than half (55 percent in 2007 and 52 percent in 2006) never worry about becoming the victim of a hate crime (Gallup 2007 and 2006).

LGB YOUTH REPORT DRAMATICALLY MORE SEXUAL ABUSE THAN THEIR HETEROSEXUAL PEERS

Sexual and physical abuse can occur at any time in one's life, but “peak prevalence of maltreatment in the United States appears to be during adolescence” (Saewyc et al. 2006,^{iv} 208). A study of five population-based health surveys of high school students found that the prevalence of sexual abuse or forced intercourse for girls identifying as bisexual ranged from 24 to 40 percent, as lesbian ranged from 18 to 43 percent, and as heterosexual ranged from 14 to 27 percent (Saewyc et al. 2006, 204). The prevalence ranged from 15 to 31 percent for bisexual boys, ranged from 17 and 31 percent for gay boys, and ranged from 3 to 6 percent for heterosexual boys. (Saewyc et al. 2006, 204). The finding on bisexual sexual abuse is striking. “Bisexual boys were up to 10 times more likely and bisexual girls at least twice as likely to report sexual abuse as their heterosexual peers of the same age” (Saewyc et al. 2006, 204). Histories of sexual and physical traumas are highly predictive of adolescent risk behaviors, such as substance use, suicide attempt and high-risk sexual activities (Saewyc et al. 2006, 199).

Effective prevention of violence and enacted stigma targeting sexual minority teens will require further societal efforts to reduce the stigma of LGB orientation.

Elizabeth M. Saewyc, Carol L. Skay, Sandra L. Pettingell, Elizabeth A. Reis, Linda Bearinger, Michael Resnick, Aileen Murphy and Leigh Combs, *Child Welfare*, 2006

IN ONE SAN FRANCISCO STUDY, 41 PERCENT OF TRANSGENDER PEOPLE ATTEMPTING SUICIDE WERE RAPE VICTIMS

The pervasive, daily discrimination many transgender people experience leads to an increased risk of suicide for some (Clements-Nolle, Marx and Katz 2006^v). A San Francisco study of more than 500 transgender people found that 41 percent of transgender people attempting suicide were victims of forced sex or rape^{vi} (Clements-Nolle, Marx and Katz 2006, 59). The prevalence of suicide among male-to-female and female-to-male transgender persons is identical, and there is no significant correlation of sexual orientation^{vii} with transgender suicide risk (Clements-Nolle, Marx and Katz 2006, 59). This finding means that real or perceived gender non-conformity, outside of sexual orientation, is associated with increased victimization based on gender or gender identity.

LGBT PEOPLE'S CONCERNS ABOUT BEING A VICTIM OF A HATE CRIME

Thinking about various reasons for why one may not come out, how concerned would you be about being the victim of a hate crime?

	%
Extremely concerned	19
Very concerned	10
Concerned	25
Somewhat concerned	18
Not concerned at all	29

From a national online survey of 324 LGBT adults conducted Sept. 7 to 14, 2006, by Harris Interactive in conjunction with Witeck-Combs Communications Inc.

PREDICTORS OF BIAS AND SEXUAL PREJUDICE

Certain behaviors help to predict sexual prejudice and the attribution of blame toward lesbian and gay victims of hate crimes. It is important to understand that these characteristics do not necessarily make one a perpetrator of sexual orientation/gender identity-based hate crimes.

WHEN RACE IS KNOWN, MOST PERPETRATORS OF LGB-BIASED HATE CRIMES ARE WHITE

The identity or race of sexual orientation-based perpetrators was unknown for 31 percent of the attacks in 2007. When race was known, whites^{viii} were the main perpetrators in 46 percent of all attacks. Whites perpetrated hate crimes against gay males 47 percent of the time, against perceived homosexuals 47 percent of the time, against lesbians 39 percent of the time, against heterosexuals 33 percent of the time, and against bisexuals 26 percent of the time. African Americans were the next highest racial group perpetrating sexual orientation-motivated hate crimes at 18 percent.

SEXUAL ORIENTATION-MOTIVATED HATE CRIME OFFENDERS BY RACE

	%
White	46
Black	18
American Indian/Alaskan Native	1
Asian/Pacific Islander	1
Multiple races, group	4
Unknown race	6
Unknown offender	25

Federal Bureau of Investigation - U.S. Department of Justice, 2007d

RELIGIOUS PERSONALITY DIMENSIONS CORRELATE WITH NEGATIVE ATTITUDES TOWARD LESBIANS AND GAYS

Strong religious fundamentalism^x correlates with negative implicit^x evaluations of lesbians and gays (Rowatt et al. 2006,^{xi} 403). Being orthodox Christian^{xii}

and scoring high on a right-wing authoritarianism^{xiii} scale also has a relationship to explicit negative attitudes toward homosexuals (Rowatt et al. 2006, 403). The three factors of religious fundamentalism, orthodox Christianity and right-wing authoritarianism also intercorrelate^{xiv} with each other (Rowatt et al. 2006, 403).

Religious fundamentalism is the strongest predictor of negative implicit evaluations of homosexual relative to heterosexual individuals.

Wade C. Rowatt, Jo-Ann Tsang, Jessica Kelly, Brooke LaMartina, Michelle McCullers and April McKinley, *Journal for the Scientific Study of Religion*, 2006

SEXUALLY PREJUDICED MEN RESPOND WITH ANGER TO THEIR ANXIETY AND FEAR OVER GAY MEN

A study of 159 heterosexual men exposed to male-male erotic videos found a significant relationship between sexual prejudice and an anger-related cognitive network (Parrott, Zeichner and Hoover 2006,^{xv} 14). The specific negative feelings these men experienced had more to do with anxiety and fear than anger or sadness (Parrott, Zeichner and Hoover 2006, 13).

NEGATIVE ATTITUDES TOWARD LESBIANS AND GAYS PREDICT VICTIM-BLAMING BEHAVIOR

A study of 320 adults found that lesbian and gay victims were blamed for being attacked at a higher rate than heterosexuals (Lyons 2006^{xvi} 50). This blaming behavior is dependent on an observer's attitudes toward homosexuals as a group (Lyons 2006, 50). It was also



found that the use of verbal slurs during LGB-biased attacks may only increase sympathy for lesbian victims if those observing the crime hold more positive attitudes toward women (Lyons 2006, 51). Gay men and those being attacked on the basis of race elicited no additional sympathy from observers when such negative epithets were used (Lyons 2006, 49). "This result seems plausible because attitudes toward lesbians and gay men are related consistently and strongly to attitudes about women" (Lyons 2006, 51).

OFFENDERS ARE BLAMED LESS WHEN LESBIANS AND GAYS RESPOND TO BEING ATTACKED

The study also found that when lesbians and gays made eye contact or verbally responded to their attackers with a question or an obscenity, the victims were blamed more often for their attack than their heterosexual counterparts (Lyons 2006, 52-54). "Blame is attenuated when the offender interacts socially with gay or lesbian victims before an altercation; this finding suggests that the behavior of gay and lesbian victims may be perceived as more provocative" (Lyons 2006, 55).

OBSERVERS BLAME LESBIAN AND GAY HATE CRIME VICTIMS FOR PUBLIC DISPLAYS OF AFFECTION

It was also found that observers blamed lesbian, gay and bisexual victims more when attacks occurred just after publicly displaying affection for their partner (hand-holding, kissing hello or goodbye), with no difference for the race or sex of the victim (Lyons 2006, 50). This effect does not generally hold for heterosexual victims as "public display of affection is counternormative and blameworthy only for homosexual victims," except in the case of Asian Americans, who blame all victims more when public displays of affection prompt the attack.

HATE CRIME RESPONDERS AND REPORTING

For many responding officers, confronting the facts of a case on the scene of a hate crime can be daunting because these crimes are often difficult to interpret. A study of eight comparative police departments found that reporting procedures may lack the necessary rigor to accurately characterize these (Cronin, McDevitt, Farrell and Nolan 2007). It was also found that most law enforcement officials did not receive adequate training to identify and report hate crimes.

RESPONDING OFFICERS OFTEN USE ARCHETYPE HATE CRIMES TO ASSESS SITUATIONS

The study of eight police departments also found that a lack of training means that many officers use ideas of archetype bias crimes, such as Matthew Shepard's brutal murder, to characterize an incident as a hate crime or not (Cronin, McDevitt, Farrell and Nolan 2007, 224). "Consequently, crimes that are less obvious and less dramatic might not be initially classified as bias by responding officers" (Cronin, McDevitt, Farrell and Nolan 2007, 224).

Patrol officers were left to make judgments about events with possibly ambiguous motivation, with minimal available information, and without much experience, owing to their infrequent contact with these crimes.

Shea W. Cronin, Jack McDevitt, Amy Farrell and James J. Nolan III, *American Behavioral Scientist*, 2007

IN A STUDY OF 188 CRIMINAL JUSTICE PROGRAMS, ONLY 21 PERCENT OFFERED HATE CRIMES COURSES

College-level programming for criminal justice courses comes from three departmental classifications: criminal justice-only departments, combined criminal justice departments (sharing courses with other social sciences, like sociology), and non-criminal justice departments (such as women's studies and race/ethnic studies with coursework on the criminal justice system) (Cannon and Dirks-Linhorst 2006^{vi}, 270). In a study of 188 programs, only 21 percent of criminal justice-only programs offered hate crimes courses, followed by 14 percent for combined courses and 7 percent for other departments (Cannon and Dirks-Linhorst 2006, 271).

NO SURVEYED PROGRAMS OFFERED SEXUAL ORIENTATION AND CRIMINAL JUSTICE COURSES

None of the criminal justice programs in the study offered courses specifically focused on sexual orientation and the criminal justice system (Cannon and Dirks-Linhorst 2006, 270). One reporting university had a course titled "Sex and the Law," which was cross-listed between criminal justice and women's studies, but sexual orientation was just one small component of that course (Cannon and Dirks-Linhorst 2006, 270). More than 75 percent of the coursework had no mention at all of sexual orientation (Cannon and Dirks-Linhorst 2006, 272). Only 9 percent of such programs formally incorporated gay and lesbian content into both required and elective coursework (Cannon and Dirks-Linhorst 2006, 273).

Even though no university offered focused courses on sexual orientation and the criminal justice system/hate crimes, the subject was included in certain coursework on "issues of minorities or crimes specifically targeting victims based on their status" (Cannon and Dirks-Linhorst 2006, 272). Sixty-nine percent of specific hate crimes courses offered sexual orientation-related coursework, followed by 52 percent of women's studies courses and 27 percent of race/ethnic studies courses (Cannon and Dirks-Linhorst 2006, 272).

Criminal justice as a discipline has not fully integrated discussions of gay and lesbian issues into its curriculum when compared to the inclusion of race and gender, even when crimes based on sexual orientation have been increasingly reported across the United States.

Kevin D. Cannon and P. Ann Dirks-Linhorst, *Journal of Criminal Justice Education*, 2006

BIAS CRIME REPORTING

Bias crime reporting responsibility usually falls to responding officers and victims. Anti-violence projects run by LGBT community members were an early response to police inaction regarding violence within those communities. The importance of these programs is that they provide victims with avenues outside of law enforcement for reporting hate crimes. The National Coalition of Anti-Violence Programs (NCAVP) is an LGBT-specific network of community-based organizations running such programs (www.ncavp.org). Anti-violence programs are especially important for helping transgender persons accurately report hate crimes and receive appropriate counseling, as the federal hate crime reporting system does not serve this community. Only 75 percent of agencies participating in the UCR also participate in the FBI's national bias crime data collection program (Cronin, McDevitt, Farrell and Nolan 2007, 215).

SEXUAL ORIENTATION HATE CRIME VICTIMS MAY BE RETICENT TO REPORT ATTACKS TO THE POLICE

Though lesbians and gays worry about being attacked for their sexual orientation, Dunbar found that they are reticent to report these attacks to police. In comparing hate crime statistics reported by the various Los Angeles-based law enforcement agencies with the statistics from an L.A.-based LGBT anti-violence program, only 72 percent of sexual orientation-motivated hate crimes were reported to the county-level Human Relations Commission by police agencies (Dunbar 2006, 331). Overall, that study found only 66 percent of lesbians, compared with 74 percent of victimized gay men, report such incidents to law enforcement (Dunbar 2006, 331). Together, this means that 28 percent of hate crimes were not reported to police agencies, and that gender strongly predicts police mistrust and reporting behavior for LGBT hate crimes.

RACE AND SEXUAL ORIENTATION COMBINE TO INCREASE RISK OF ATTACK AND DECREASE POTENTIAL REPORTING

With some hate crimes, multiple outgroup identities, such as a person's race, interact to make certain people more likely to be attacked and less likely to report the crime (Dunbar 2006). Dunbar's Los Angeles-based

study found lesbians of color are more frequently the victims of violent crime against the person (2006, 331). Lesbians of color report bias crimes at the lowest rate (52 percent), while 66 percent of gay men of color report these crimes, followed by 71 percent of white lesbians and 81 percent of gay white men. Dunbar found that almost 60 percent of attacks on gay men were perpetrated by someone of a different race (2006, 329).

The current findings would suggest that hate crime reportage declines when the offense is particularly violent.

Edward Dunbar, *Violence and Victims*, 2006

It is conceivable that multiple outgroup persons may be particularly reluctant to turn to law enforcement agencies in the wake of victimization due to sexual orientation.

Edward Dunbar, *Violence and Victims*, 2006

BEST PRACTICES FOR HATE CRIME REPORTING

Identifying hate crimes is difficult. Combined with the under-education and possible bias of law enforcement officials on the topic, sexual orientation-motivated hate crimes are punctuated with high levels of violence and often have sexual components. Victims who are attacked because of multiple prejudices may not want to report the true nature of the attack to police officers. “The issue of interviewing, debriefing and assisting victims of sexual orientation-motivated hate crimes is critical if law enforcement is to be seen as a credible ally in addressing intergroup violence” (Dunbar 2006, 333).

A TWO-STEP DECISION PROCESS

To overcome these barriers to reporting, a two-step decision process is suggested as the best practice for law enforcement agencies reporting hates crimes.

This reporting process is summarized below (Cronin, McDevitt, Farrell and Nolan 2007, 222, 228-229):

1. A patrol officer applies a broad, inclusive definition of a bias crime and identifies even suspected bias-motivated crimes.

Implementation recommendation: Add a bias crime checklist to the standard operating procedures for crime reporting, which identifies common characteristics of hate crimes.

2. A highly trained, experienced, expert investigator in bias-crime identification reviews the incident for accurate classification as a hate crime or not.

Implementation recommendation: Conduct a follow-up investigation for every crime. “The unit supervisor requires all detectives to formally document (in internal memos) every investigation action, such as interviews and witness canvasses, and to explain the reasons why they classified the incident as being bias-motivated, unfounded or non-bias-motivated” (Cronin, McDevitt, Farrell and Nolan 2007, 229).

This process will work best when integrated into the standard operating protocol of a police department, for example (Cronin, McDevitt, Farrell and Nolan 2007, 228-229):

1. Patrol officer responds to a crime
2. Completes an incident report and bias crime checklist
3. Submits the report to a supervisor (sergeant or lieutenant)

4. Supervisor forwards report to a bias-crime-designated detective for review
5. Bias-crime detective finds the incident to be bias-motivated, unfounded or non-bias-motivated
6. Supervisor reviews the report for completeness and accuracy
7. Report is sent to the central records unit for computer entry and a second accuracy check
8. Crime analysis personnel aggregate the crime data for reporting to a state agency or to the FBI

FUTURE RESEARCH AND ADVOCACY EFFORTS

Community-based anti-violence organizations are an extremely valuable resource for reporting sexual orientation-motivated hate crimes (Dunbar 2006, 333). Program evaluations of these efforts should document best practices for the systematic implementation of anti-violence projects in LGBT community centers around the United States. Such programs should provide greater accommodations for transgender persons, persons of color, “individuals for whom English is a second language and women in particular” because of the greater likelihood that these groups may be subject to incidents of hate crime violence (Dunbar 2006, 336).

Additionally, the interaction between race- and sexual orientation-motivated hate crimes in “multiple-bias incidents” deserves more attention. Neither this interaction nor the multiple other motivational permutations (such as sexual orientation and race/ethnicity, religion, disability, etc.) is accurately captured in federal hate crime statistics or studied in the recent academic literature.

Law enforcement officials should implement staff diversity training to increase awareness of LGBT issues (Dunbar 2006, 333). Additionally, precincts with visible LGBT populations should be externally monitored to ensure that this population is well served by its police force, and those officers who “taunt, harass and harm” LGBT persons should be removed from service (Dunbar 2006, 333).

Improving criminal justice coursework on LGBT issues is vital, as graduates frequently move into law enforcement careers and interact with LGBT individuals. Future program evaluation research should examine attitudinal shifts in criminal justice majors after taking sexual orientation-related course content (Cannon and Dirks-Linhorst 2006). Sensitivity to sexual orientation issues would improve the recognition of hate crimes and the ability to respond appropriately to same-gender domestic violence situations (Cannon and Dirks-Linhorst 2006, 275). The incorporation of transgender information into course content and sensitivity training for criminal justice students, law enforcement officers and anti-violence staff is necessary.

More research is needed to surmise why lesbian and gay hate crimes issues are more frequently incorporated into

women’s studies courses than into race/ethnic studies courses (Cannon and Dirks-Linhorst 2006), especially in light of the finding that the most persecuted victims of sexual orientation-motivated hate crimes are lesbians of color followed by gay men of color (Dunbar 2006).

Saewyc and colleagues reported on youth experiences of sexual and physical abuse based on sexual orientation (Saewyc et al. 2006, 200). While the Saewyc article is not explicitly about hate crimes, we believe the data raise two important points for researchers and policymakers. First, many abused young people might also be victims of hate crimes via such abuse, especially when being raped or attacked because of their sexual orientation or gender identity. Therefore, future research should explore the similarities between bias crime classification and sexual and/or physical abuse among LGBT youth. Second, hate crime reporting is not stratified along age lines, yet many hate crimes occur on school properties. This raises two potentially fruitful areas for policy intervention. First, policymakers should establish consistent public school reporting standards and protocols for hate crimes in a way that may be similar to the protocol for law enforcement agencies discussed above. Second, public schools should consider holding educator trainings to address hate crime identification and proper reporting protocols for sexual orientation/gender identity bias crimes.

Basic population-level data on hate crimes perpetrated against transgender people are missing, yet this portion of the community is said to be attacked at higher rates and more violently than others (Clements-Nolle, Marx and Katz 2006). This lack of information under-defines the problem and may create a vicious cycle contributing to apathetic efforts for the monitoring, prevention and data collection on hate crimes for the transgender community.

CONCLUSION

The first step in providing adequate protection against sexual orientation or gender identity hate crimes is the swift passage of the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act. All told, hate crimes touch many lives and institutions beyond law enforcement agencies and courts. Youth may seek help in schools, the child welfare system and mental health system (Saewyc et al. 2006). Both adults and youth may seek help for bias-motivated attacks in emergency rooms, domestic violence and homeless shelters, and community organizations. Therefore, professionals should be trained to recognize when these incidents may be bias-motivated to understand the appropriate steps for reporting them and to treat victims with the same standard of care and respect given to all people who have experienced a violent crime (Saewyc et al. 2006).

Though most people feel sympathetic toward hate crime victims, lesbians and gays are blamed for their attacks at higher rates. When a person survives a particularly severe hate crime, the incident may go on to impede their well-being, leading to higher attempts at suicide, drug or alcohol abuse and sexual risk-taking behaviors, including possible exposure to HIV/AIDS (Cannon and Dirks-Linhorst 2006; Dunbar 2006; Saewyc et al. 2006). These negative outcomes affect everyone in our society, underscoring our urgent need for education and sensitivity around sexual orientation- and gender identity-based hate crimes. Improving our legislative, prosecutorial, training and reporting efforts will send a strong message that our society will not tolerate such attacks and will unequivocally support their victims, no matter their sexual orientation and/or gender identity and expression.

BIBLIOGRAPHY

Cannon, Kevin D. and P. Ann Dirks-Linhorst. "How Will They Understand If We Don't Teach Them? The Status of Criminal Justice Education on Gay and Lesbian Issues." *Journal of Criminal Justice Education*, 17, no. 2 (2006): 262–278, 397.

Clements-Nolle, Kristen, Rami Marx and Mitchell Katz. "Attempted Suicide Among Transgender Persons: The Influence of Gender-based Discrimination and Victimization." *Journal of Homosexuality*, 51, no. 3 (2006): 53–69.

Cronin, Shea W., Jack McDevitt, Amy Farrell and James J. Nolan III. "Bias-Crime Reporting: Organizational Responses to Ambiguity, Uncertainty, and Infrequency in Eight Police Departments." *The American Behavioral Scientist*, 51, no. 2 (2007): 213–225, 227–231.

Dunbar, Edward. "Race, Gender, and Sexual Orientation in Hate Crime Victimization: Identity Politics or Identity Risk?" *Violence and Victims*, 21, no. 3 (2006): 323–337.

Federal Bureau of Investigation, U.S. Department of Justice. "Table 1, Incidents, Offenses, Victims, and Known Offenders by Bias Motivation, 2007." Hate Crime Statistics, 2007a (released October 2008). www.fbi.gov/ucr/hc2007/table_01.htm (accessed Jan. 9, 2009).

Federal Bureau of Investigation, U.S. Department of Justice. "Table 4, Offenses, Offense Type by Bias Motivation, 2007." Hate Crime Statistics, 2007b (released October 2008). www.fbi.gov/ucr/hc2007/table_04.htm (accessed Jan. 9, 2009).

Federal Bureau of Investigation, U.S. Department of Justice. "Table 10, Incidents and Offenses, Incidents Bias Motivation by Location, 2007." Hate Crime Statistics, 2007c (released October 2008). www.fbi.gov/ucr/hc2007/table_10.htm (accessed Jan. 11, 2009).

Federal Bureau of Investigation, U.S. Department of Justice. "Table 5, Offenses, Known Offender's Race by Bias Motivation, 2007." Hate Crime Statistics, 2007d (released October 2008). www.fbi.gov/ucr/hc2007/table_05.htm (accessed Jan. 11, 2009).

Gallup Organization. Oct. 4–7, 2007. www.gallup.com/poll/1603/crime.aspx (accessed Sept. 21, 2008).

Gallup Organization. May 10–13, 2007. www.gallup.com/poll/27613/Public-Favors-Expansion-Hate-Crime-Law-Include-Sexual-Orientation.aspx (accessed Sept. 21, 2008).

Gallup Organization. Oct. 9–12, 2006. www.gallup.com/poll/25081/Americans-Crime-Worries.aspx (accessed Sept. 21, 2008).

Harris Interactive. Sept. 7–14, 2006. www.harrisinteractive.com/news/allnewsbydate.asp?NewsID=1099 (accessed Sept. 21, 2008).

Lyons, Christopher J. "Stigma or Sympathy? Attributions of Fault to Hate Crime Victims and Offenders." *Social Psychology Quarterly*, 69, no. 1 (2006): 39–59.

GovTrack.us. S. 1105–110th Congress: Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007, *GovTrack.us* (database of federal legislation). www.govtrack.us/congress/bill.xpd?bill=s110-1105&tab=summary (accessed Sept. 28, 2008).

Parrott, Dominic, Amos Zeichner and Rickamer Hoover. "Sexual prejudice and anger network activation: mediating role of negative affect." *Aggressive Behavior*, 32, no. 1 (2006): 7–16.

Rowatt, Wade C., Jo-Ann Tsang, Jessica Kelly, Brooke Lamartina, Michelle McCullers and April McKinley. "Associations Between Religious Personality Dimensions and Implicit Homosexual Prejudice." *Journal for the Scientific Study of Religion*, 45, no. 3 (2006): 397–406.

Saewyc, Elizabeth M., Carol L. Skay, Sandra L. Pettingell, Elizabeth A. Reis, Linda Bearinger, Michael Resnick, Aileen Murphy and Leigh Combs. "Hazards of Stigma: The Sexual and Physical Abuse of Gay, Lesbian, and Bisexual Adolescents in the United States and Canada." *Child Welfare*, 85, no. 2 (2006): 195–213.

U.S. Census Bureau, Census 2000 Redistricting Data (PL. 94-171) Summary File for states, Tables PL 1, PL 2, PL 3, and PL 4 (released April 2, 2001). www.census.gov/population/www/cen2000/briefs/phc-t1/tables/tab01.pdf (accessed May 11, 2009).

END NOTES

¹Study Description and Limitations – Cronin, Shea W, Jack McDevitt, Amy Farrell, and James J Nolan III. "Bias-Crime Reporting: Organizational Responses to Ambiguity, Uncertainty, and Infrequency in Eight Police Departments." *The American Behavioral Scientist*, 51, no. 2 (2007): 213-225, 227-231:

This study examined the different reporting methods law enforcement agencies use when investigating bias crimes. The aim was to improve the completeness and accuracy of bias-crime statistics by proposing a best practice for hate crime investigations and reporting protocols (detailed above). The article used eight comparative police department case studies. These were stratified along: city population size, whether the department used the UCR or National Incident-Based Reporting System, participation in a prior national survey conducted by Cronin et al., and agency involvement in state-regional reporting (Cronin et al. 2006, 219). The research design created a comprehensive view of the advantages and disadvantages of different methods of bias-crime reporting. Interviews and focus groups were conducted with personnel at all levels of the police departments. "The research team reviewed official department documentation on reporting protocols, standard operating procedures, and training material around general crime reporting and bias-crime reporting and response" (Cronin et al. 2006, 219-220). The limitations of this study are that these reporting methods were from large to medium sized cities, so non-comparative jurisdictions with smaller or rural populations may benefit from different techniques.

⁴In this quote, "M" stands for the mean of the contrast after running a Scheffé F test for a post hoc comparison. The Scheffé was run after the initial 2x3 ANOVA (violent and nonviolent crime severity by racial/ethnic, religious and sexual orientation crime classification) was found to be significant. Results yielded a "significant main effect for the Cormier-Lang Category 1 scores for violent crime $F(2, 1528)=71.26, p<.001$ " (Dunbar 2006, 329). The Scheffé test was used to understand how these means compare to each other in terms of crime severity (see Table 2. ANOVA Results of Cormier-Lang Crime Severity Estimates by Victim Group; Dunbar 2006, 330).

⁵Study Description and Limitations – Dunbar, Edward. "Race, Gender, and Sexual Orientation in Hate Crime Victimization: Identity Politics or Identity Risk?" *Violence and Victims*, 21, no. 3 (2006): 323-337:

This study aimed to distinguish a sexual orientation hate crime from other hate crimes and attempted to determine how a victim's gender and race/ethnicity might influence reporting to law enforcement agencies (Dunbar 2006, 323). Data included 1,538 hate crime reports to the Los Angeles County Human Relations Commission from 1994-1995. "For an offense to be classified as a hate crime, one of two pathways had to be initiated by the victim. Specifically, the victim needed to have reported the offense to a law enforcement officer, have the officer then note the incident as bias-related on the crime report, have the precinct hate crime's officer review and affirm the crime as bias-related, and then report the crime to the LA County Human Relations Commission ... An alternative pathway for reports to be included in the hate crime database requires that the victim contact the Anti-Violence Project of the Los Angeles Gay and Lesbian Center (LAGLC) and participate in an individual interview and assessment with a staff member responsible for hate crime assistance"

(Dunbar 2006, 326). Analysis of the report documents examined the specific bias intent of the crime, offender characteristics and characteristics of the indexed crime severity (Dunbar 2006, 326). Each case was coded using Crime Scene Behavioral and Demographic Characteristics, a Victim Functional Impact rating methodology and a Severity of Index Crime using the Cormier-Lang Crime Index to assess the intensity of the hate crime (Dunbar 2006, 327). One-way ANOVA and logistic regression analyses were used to understand the data. Limitations to this study were that behavioral characteristics of crimes were aggregated and weighted, hence that the results cannot be used to discuss the behaviors of individuals. This study does provide helpful, descriptive hate crime patterns and information about the help-seeking behaviors of victims. An additional limitation is that L.A. is a large, ethnically diverse setting with some neighborhoods composed primarily of gay and lesbian persons, so generalizing these hate crime patterns to areas that are more demographically homogenous or lack strong gay and lesbian communities may be problematic (Dunbar 2006, 334-335).

⁶Study Description and Limitations – Elizabeth M. Saewyc, Carol L. Skay, Sandra L. Pettingell, Elizabeth A. Reis, Linda Bearinger, Michael Resnick, Aileen Murphy and Leigh Combs. "Hazards of Stigma: The Sexual and Physical Abuse of Gay, Lesbian, and Bisexual Adolescents in the United States and Canada." *Child Welfare*, 85, no. 2 (Mar/Apr2006): 195-213:

This study reported on experiences of sexual and physical abuse based on sexual orientation and gender identity from youth self-reports (Saewyc et al. 2006, 200). Importantly, the study compared the prevalence of sexual and physical abuse of bisexual youth as a separate group from lesbian, gay and heterosexual youth (Saewyc et al. 2006, 200). Data sources were seven population-based high school health surveys conducted in the U.S. and Canada (Saewyc et al. 2006, 201). This chapter only reports on findings from U.S. surveys. Analytic techniques used were "cross-tabulations with Pearson's chi square to examine the prevalence of abuse by orientation in each survey, and logistic regression to calculate age-adjusted odds ratios with 95 percent confidence intervals for risk of abuse for bisexual boys and girls compared to the other groups" ($p<.01$ for all analyses, except comparisons between bisexuals and the gay/lesbian groups set at $p<.05$; Saewyc et al. 2006, 203). The main hypothesis was that bisexual boys and girls would report greater odds of victimization than lesbian, gay or heterosexual youth. This hypothesis was borne out by the data, especially with bisexual boys being victimized at higher rates than others (Saewyc et al. 2006, 203-205). Limitations of this study were that this cross-sectional data could have been confounded by maturation effects (some youth may not yet have identified as LGB, and some may have ultimately changed their felt identities). Also, the use of multiple data sets means that instrumentation differences, especially on questions of sexual orientation and victimization, made perfect data parity impossible. These problems were mitigated by the replication of the overall finding of increased sexual and physical abuse of LGB youth among the seven data sets. Therefore, this study has strong external validity even with presence of the listed limitations.

⁷Study Description and Limitations – Clements-Nolle, Kristen, Rami Marx, and Mitchell Katz. "Attempted Suicide Among Transgender Persons: The Influence of Gender-based Discrimination and Victimization." *Journal of Homosexuality*, 51, no. 3(2006): 53-69:

This study examined the independent predictors of attempted suicide among transgender persons. A total of 515 transgender persons were interviewed (392 MTF and 123 FTM) from community-based organizations in San Francisco over a six-month period (Clements-Nolle, Marx and Katz 2006, 56). Several basic demographic characteristics were measured. Suicidality was measured by asking: "Have you ever tried to kill yourself?" Gender discrimination was measured by asking about four different factors: 1) if they were ever fired from a job, 2) experienced problems getting a job, 3) were denied or evicted from housing, and, 4) experienced problems getting health or medical services due to their gender identity or presentation. Verbal victimization was measured by asking if participants had ever been verbally harassed because of their gender identity or presentation. Physical gender victimization was measured by asking if they had ever been physically abused or beaten, or if they had ever been forced to have sex or been raped. To measure mental health and substance abuse history, two measures were used: Center for Epidemiology Studies Depression scale (CES-D) and the Rosenberg Self-Esteem Inventory (RSEI) (Clements-Nolle, Marx and Katz 2006, 57-58). Data were analyzed using chi-square and multivariate logistic regression models. The prevalence of attempted suicide among this group was 32 percent, and the main factors associated with this were that the transgender individual was white, less than 25 years of age and had been incarcerated. Attempted suicide was also significantly associated with depression, a low self-esteem score, a history of drug and alcohol treatment, gender discrimination, verbal gender victimization and physical gender victimization (Clements-Nolle, Marx and Katz 2006, 59-63). Though these risks comingle individual and societal factors, the authors found that "gender-based discrimination and victimization are independently associated with attempted suicide" (Clements-Nolle, Marx and Katz 2006, 63). The limitations of this study were that causality cannot be ascertained because of the cross-sectional design. There was also an instrumentation limitation as only "suicide attempts" were queried, with no follow-up questions regarding severity of injury (Clements-Nolle, Marx and Katz 2006, 65). Future studies on trans suicide risk factors should be longitudinal and should rely upon standardized measures of sociality.

^vClements-Noelle et al. collected information on physical gender victimization by asking "participants whether they had ever been physically forced to have sex or raped" (2006, 58). We do not collapse the categories "forced sex" and "rape" into only a single category "rape" in order to remain true to the experience reported by the victim.

^{vi}Sexuality, sexual orientation and gender identity are different phenomena. A transgender person's sexuality may be heterosexual, gay, lesbian, bisexual, queer and/ or sexually flexible (or a variety of other orientations). Sexual orientation, attractions and behaviors may vary according to gender identity.

^{vii}Important to note, whites accounted for 75.1 percent of the total population in 2000 (U.S. Census Bureau 2001).

^{viii}Religious fundamentalism is "an authoritarian component of religiousness marked by agreement that one's religious beliefs contain fundamental, inerrant truth" (Rowatt 2006, 398). It was measured with the Religious Fundamentalism Scale, which is "a noncreedal measure of the degree to which one believes that one's religious beliefs 'contain the fundamental, basic, intrinsic, essential, inerrant truth about humanity and deity'" (Rowatt 2006, 399).

^{ix}"An implicit attitude is a relatively automatic evaluative reaction of which the actor is not fully aware at the moment of behavior" (Rowatt 2006, 397).

^xStudy Description and Limitations – Rowatt, Wade C.; Jo-Ann Tsang, Jessica Kelly, Brooke Lamartina, Michelle Mccullers and April McKinley. "Associations Between Religious Personality Dimensions and Implicit Homosexual Prejudice." *Journal for the Scientific Study of Religion*, 45, no. 3 (2006): 397-406:

This study assessed the empirical relationship between religious/personality dimensions and "covert, *implicit* evaluations of homosexuals relative to heterosexual individuals" (Rowatt et al. 2006, 397). "We infer that people who more quickly associate images representing gay men with pleasant words (e.g. gay+good) than with unpleasant words (gay+bad) possess more positive implicit attitudes toward gay men. Similarly, people who more quickly associate images representing gay men with unpleasant words than with pleasant terms hold more negative implicit attitudes toward gay men" (Rowatt et al. 2006, 398). Regression analyses were used to analyze the data. Hypotheses were: moderate levels of explicit and implicit sexual prejudice will be found toward homosexuals relative to heterosexuals; religious fundamentalism will correlate with more negative implicit attitudes toward homosexuals; when controlling for desirable responding, there will be a positive correlation between right wing authoritarianism and religiosity and the type of religious belief that will have an impact on this relationship (religious fundamentalism and Christian orthodoxy) (Rowatt et al. 2006, 399). A regression analysis was used to explore the degree to which religious fundamentalism, right wing authoritarianism, Christian orthodoxy and impression management account for the variability of implicit attitudes toward homosexuals (Rowatt et al. 2006, 399). Participants were: 124 undergraduate students from a university in the south-central US. Demographics reported were: 95 women; 29 men; mean age=19.68 years (SD=2.91); 105 (85 percent) Protestants and 19 (15 percent) Catholics (Rowatt et al. 2006, 399). The major limitations of this study were that correlations do not imply causation, thus these analyses cannot be said to cause hate crimes but they do allow us to understand the possible antecedent religious and personality dimensions that allow negative evaluations of homosexuals (Rowatt et al. 2006, 404). Also, the authors point out that the correlation between religious fundamentalism and implicit negative attitudes toward homosexuals is noncreedal; but, there were only two Christian creeds included in this study: Protestant and Catholic (Rowatt et al. 2006, 403). Thus, generalizations can only be made towards fundamentalist Protestants and Catholics. A future study should replicate this design with participants from several major religious creeds.

^{xi}Christian orthodoxy was measured using "six items that tap the degree to which a person accepts formal, creedal Christian beliefs and teachings (1=strongly disagrees; 7=strongly agree; e.g., 'Jesus Christ was the divine Son of God!)" (Rowatt 2006, 399).

^{xii}Right-wing authoritarianism refers to the "covariation of authoritarian submission, authoritarian aggression, and conventionalism" (Rowatt 2006, 398). It was measured with the Right-Wing Authoritarianism Scale... (1=very strongly disagree; 9=very strongly agree; e.g., 'Our country will be destroyed someday if we do not smash the perversions eating away at our moral fibers and traditional beliefs.')" (Rowatt 2006, 399).

^{xiii}Important to note, "as tempting as it might be to infer that RF [religious fundamentalism] causes implicit homosexual prejudice, the

correlational design of this research does not permit this inference" (Rowatt et al. 2006, 404; italics in the original and item in [brackets] added for clarity).

^{**}Study Description and Limitations – Parrott, Dominic, Amos Zeichner, and Rickamer Hoover. "Sexual prejudice and anger network activation: mediating role of negative affect." *Aggressive Behavior*, 32, no. 1 (2006): 7-16:

This study examined whether negative affect (such as fear, sadness, anxiety, anger) increased after viewing explicit male-male erotic videos to ascertain whether this exposure mediates the relationship between sexual prejudice and general anger network activation (Parrott, Zeichner, and Hoover 2006, 7). The theory driving this study is semantic-network theory. This theory purports "that the associative network has many emotion-specific nodes that play a pivotal role in the activation of discrete autonomic reactions, expressive behaviors, verbal representations, and other aspects of a given emotion. Each node can be activated by external as well as by internal factors, including verbal and physiological stimuli. Moreover, node activation is not only involved in behavioral and physiological responses, but also affects verbal and semantic structures related to that emotion" (Parrott, Zeichner, and Hoover 2006, 8). After viewing videos with explicit male-female or male-male sexual content, response times were recorded for lexical decision tasks as "information processing is affected by emotion-specific node activation." For example, the shorter the response times to "anger words" after viewing same-sex videos, the greater the anger network activation. Three main hypotheses were measured: 1. "among individuals who viewed male-male erotic material, we predicted a positive relation between sexual prejudice and facilitation of reaction times to anger-related words relative to neutral words"; 2. "sexual prejudice would be positively related to increases in negative affect following exposure to male-male erotica but not after viewing male-female erotica"; and, 3. "after controlling for sexual prejudice, increases in negative affect would be positively associated with facilitation of response latencies to anger words" (Parrott, Zeichner, and Hoover 2006, 8). The results indicated that a covariation pattern exists with male-male erotic viewing and increases in negative affect. The negative emotions of fear and anxiety were found to mediate the viewing/affect relationship. The findings suggest that "exposure to homosexuality elicits higher levels of anxiety/fear among sexually prejudiced men, which in turn leads to increased anger network activation" (Parrott, Zeichner, and Hoover 2006, 14). The main limitation of this study was that the sample size was small and the effects found were also small, which impact the validity of the results. The researchers also potentially sensitized the subjects to the treatment effect by administering instruments that assessed attitudes around "homosexuality and self-reported negative affect" before the videos were shown (Parrott, Zeichner, and Hoover 2006, 15). Recommendations by the authors are that this study be repeated with larger sample sizes and an alternative research protocol to correct these problems (Parrott, Zeichner, and Hoover 2006, 15).

^{**}Study Description and Limitations – Lyons, Christopher J. "Stigma or Sympathy? Attributions of Fault to Hate Crime Victims and Offenders." *Social Psychology Quarterly*, 69, no. 1 (2006): 39-59:

This study examines the ways that stigma and sympathy work differently based on the "relationship of social status and attributions of fault to victims and their assailants. Two social psychological perspectives offer contrasting predictions about the impact of social status on attributions of fault. According to a stigma perspective, the public will deride minority victims and offenders because of their marginal status. In contrast, what I call the sympathy perspective predicts that the public will be especially sensitive to imbalances of power, viewing attacks against minorities as deserving greater public sympathy than similar attacks against members of nonminority groups" (Lyons 2006, 40). Quasi-experimental, multi-

factorial vignette surveys were used to elicit judgments about specific crimes. Respondents were asked to read different, fictional stories about scenarios of "harassment, intimidation, and/or violence and then to evaluate the extent to which the victim and the offender were at fault for the incident. Each vignette consisted of a number of important dimensions (e.g., victim's sex) that varied systematically by type or level (e.g., male or female)" (Lyons 2006, 43-45). Respondents completed basic demographic information and the short version of Herek's *Attitudes Toward Lesbians and Gays* survey (1994). Additionally, respondents were asked whether or not they had been a hate crime victim, as such experiences would influence their reactions to hate crime vignettes (Lyons 2006, 46-47). Demographics of the group were as follows: n=320, all students from sociology courses at the University of Washington; race=56 percent White, 28 percent Asian, 9 percent African American, 7 percent other racial groups; 67 percent female; and 70 percent between the ages of 18-21 with an average GPA of 3.1 (Lyons 2006, 46). Simple random-coefficient linear modeling was used to understand the 1,600 subject ratings (320 respondents rated five vignettes each). Two regression models were estimated: one for within-subject rating variance and another for between-subject rating variance ($p < .01$) (Lyons 2006, 47-49, 52). Limitations of this study were that respondents exhibited warm feelings towards gays and lesbians, meaning that data collected from more biased populations will reveal higher levels of blaming behaviors and less sympathy for sexual orientation hate crime victims than the present study reports (Lyons 2006, 56).

^{**}Study Description and Limitations – Cannon, Kevin D. and P. Ann Dirks-Linhorst. "How Will They Understand if We Don't Teach Them? The Status of Criminal Justice Education on Gay and Lesbian Issues." *Journal of Criminal Justice Education*, 17, no. 2, (2006): 262-278, 397:

This study surveyed 188 university criminal justice departments or departments offering criminal justice coursework to understand the degree to which gay and lesbian course content was integrated into core and elective classes. The aim of the study was to understand the extent to which law enforcement professionals receiving university-level instruction were educated on gay and lesbian issues (Cannon and Dirks-Linhorst 2006, 263). Receiving such education often improves the response of officials in the criminal justice system to members of the LGBT community (Cannon and Dirks-Linhorst 2006, 268). The general hypotheses were: gay and lesbian coursework would not be offered as specialized coursework in criminal justice departments; race, gender and hate crimes courses would be offered as specialized courses; gay and lesbian content would be integrated with race, gender and hate crimes courses; and, stand-alone criminal justice departments would be less likely to include such coursework as opposed to other disciplines offering criminal justice-like courses (Cannon and Dirks-Linhorst 2006, 269). This convenience sample was derived from criminal justice departments listed in such professional organizations. The chair of each department was identified by name and sent a paper copy of a survey. In total, 490 programs were approached and 188 completed the survey (38.47 percent response rate). The survey asked questions regarding whether gay, lesbian, women's, racial and hate crime issues were covered in courses and, if so, the degree to which they were covered. Questions were also asked about gay and lesbian issues being offered in specialized coursework and in required vs. elective courses (Cannon and Dirks-Linhorst 2006, 270). Limitations of the study were that the instrument did not collect demographic information on program size, public or private university, or number of faculty specializing in, or advocating for, gay and lesbian criminal justice course content (Cannon and Dirks-Linhorst 2006, 275). Such information could be used to profile responsive institutions from those non-responders to further understand where efforts for improving curricula should be directed.

ABOUT THE AUTHORS

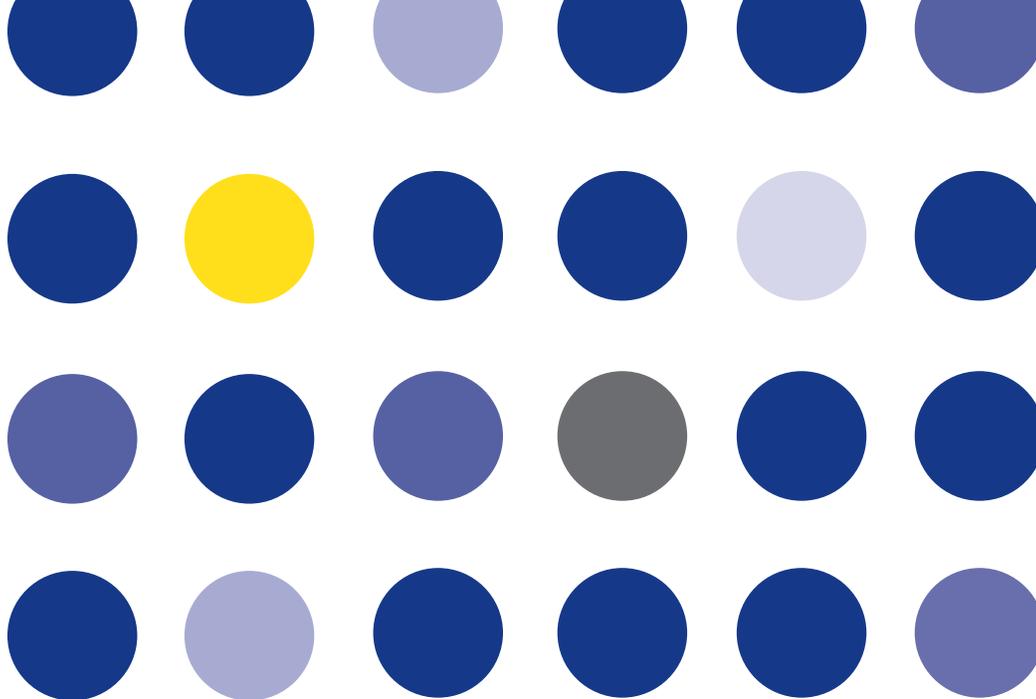
MICHELLE A. MARZULLO

Michelle A. Marzullo is a Ph.D. candidate in anthropology, concentrating in race, gender and social justice at American University in Washington, D.C. She holds a master's degree in human sexuality studies from San Francisco State University. Marzullo is currently researching the changing perceptions and enactments of marriage in the United States. Her past research projects have examined youth in gay-straight alliances, queer youth in the U.S. foster care system, HIV/AIDS treatment effectiveness and environmental toxicity on reproduction. Marzullo is a Point Foundation Scholar and a past recipient of the Carlos Enrique Cisneros Scholarship, the American University College of Arts and Sciences Dissertation Fellowship, the Genentech Out & Equal Scholarship and the Grant Larsen Fellowship. She received the 2007 Academic Achievement Award from the American University Lesbian, Gay, Bisexual, Transgender and Ally Center. Marzullo has been an LGBT activist and organizer for 18 years. She currently resides in San Diego, Calif., with her partner Cheri, Cheri's daughter and their puppies Samson and Delilah.

ALYN J. LIBMAN

Born and raised in Los Angeles, Alyn J. Libman is an out transgender educator, community organizer and civil rights activist who currently resides in Oakland, Calif. His experience includes facilitating workshops and panels about issues faced by LGBT youth, transgender healthcare and transgender inclusion in education and community organizations. He has also conducted diversity trainings for educators, administrators and students in the Los Angeles Unified School District, the Los Angeles Police Department and University of California, Berkeley. Libman recently graduated with high honors from the University of California, Berkeley, with a Bachelor of Arts in American studies and a minor in LGBT studies. His honors thesis explored the rise of religious identity as a form of political identity, the structural, organizational and tactical strategies of evangelical youth social movements, and the ways in which contemporary Christianity engages with the market. He was a Point Foundation Scholar and recipient of the University of California's Leadership Award, Cal Alumni Pride Scholarship, Alpha Delta Phi Memorial Foundation Scholarship, Models of Excellence Scholarship and the North Hollywood High School Alumni Excellence Award.

Special thanks are extended to the following individuals for conversations and comments about this work: Rebekah DeHaven, Cristina Finch, Gary Gates and Kenneth Sherrill.



HUMAN
RIGHTS
CAMPAIGN
FOUNDATION™

HUMAN RIGHTS CAMPAIGN FOUNDATION

1640 Rhode Island Ave., N.W.
Washington, D.C. 20036

phone **202-628-4160**
TTY **202-216-1572**

www.hrc.org