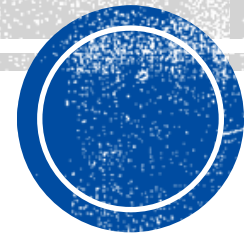
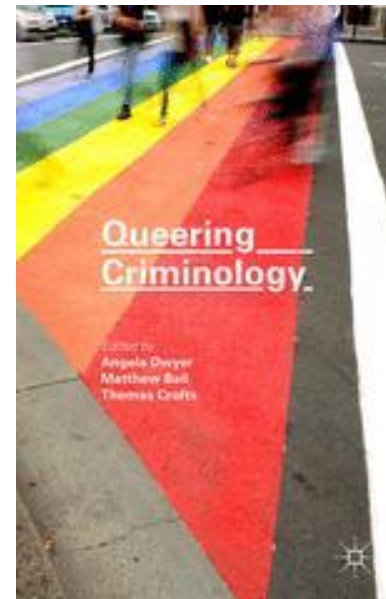
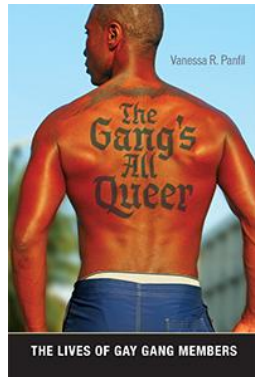
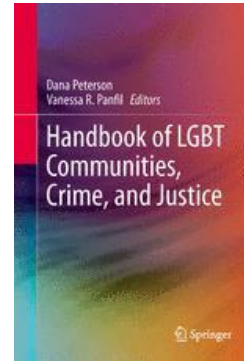
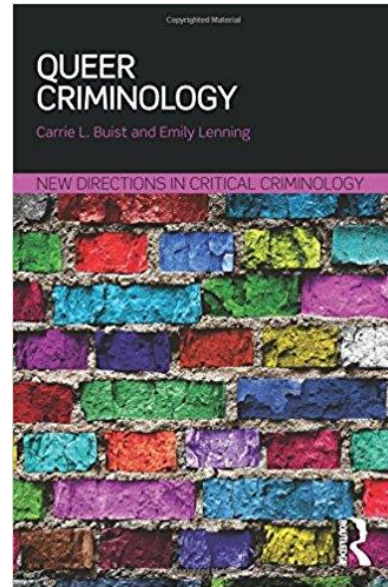


QUEER CRIMINOLOGY

Dr. Carrie L. Buist, Grand Valley State University

Dr. Emily Lenning, Fayetteville State University





LEARNING OBJECTIVES...

- Understand the history of the LGBTQ experience within the criminal legal system
- Understand terms and concepts related to LGBTQ identities
- Comprehend past and present examples of injustices against LGBTQ people
- Identify problems within police, courts, and corrections related to serving the LGBTQ population



V I E W E R

D I S C R E T I O N

A D V I S E D



ASK QUESTIONS!

**SHARE YOUR
INSIGHTS!**



LANGUAGE BASICS

- **LGBTQIA** = Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Asexual/Ally
- Queer = **umbrella** term for LGBTQIA
 - Inclusive, though potentially divisive (colonial inference)
- Queer = to **depart from the norm**, something that is odd or strange



MAINSTREAM
CRIMINOLOGY

CRITICAL
CRIMINOLOGY

FEMINIST
CRIMINOLOGY

QUEER CRIMINOLOGY...



WHAT IS QUEER CRIMINOLOGY?

- Theory, research, and praxis that falls outside the norms of criminological research
 - Considers the experiences of LGBTQ people as offenders, victims, practitioners
- Explores the role of the criminal legal system as a mechanism for the social control of Queer identities
 - Questions the state's role in criminalizing sexual orientation and/or gender identity



WHY DO WE NEED QUEER CRIMINOLOGY?

- “Mainstream” criminology fails to address the experiences of Queer people (**offenders, victims, practitioners**) in the criminal legal system
- **POWER** (rule makers)





CHALLENGE:

**AS A ROOM FULL OF RULE MAKERS
AND/OR ENFORCERS, WHAT IS OUR ROLE
IN MARGINALIZING QUEER YOUTH?**

*Shifting attention from the “rule-breakers”
to the “rule-makers”*

CRIMINALIZING QUEERNESS

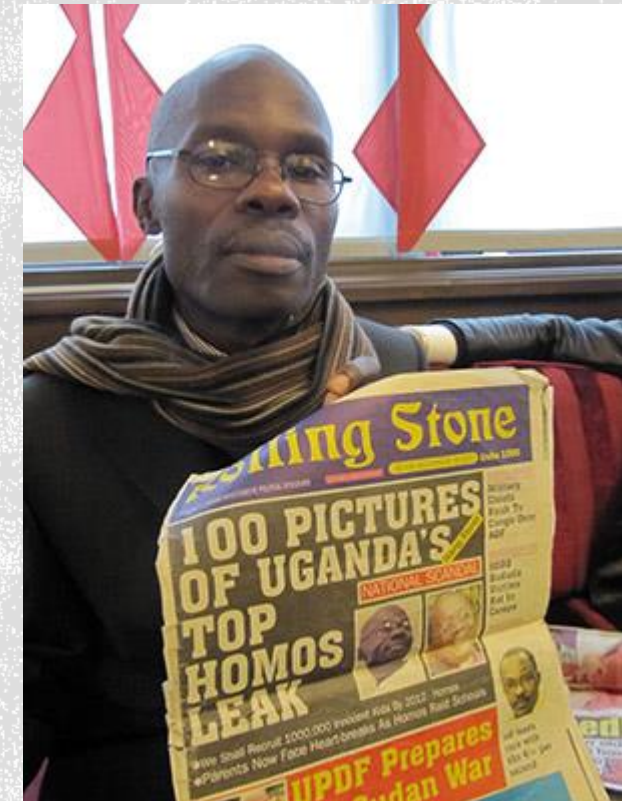
- To be “criminalized” is to have your body regulated, be arrested, or be punished for no other reason than WHO you are
- Laws that punish behaviors that define one’s identity





CRIMINALIZING HOMOSEXUALITY: SODOMY LAWS

- 78 Countries
- British colonialism
- Lawrence v. Texas 2003





CRIMINALIZING GENDER NON-CONFORMITY: “IMPERSONATION” LAWS

- Two states and several major cities across the U.S. have had “masquerade” or “impersonation” laws
- Often enforced through bar raids



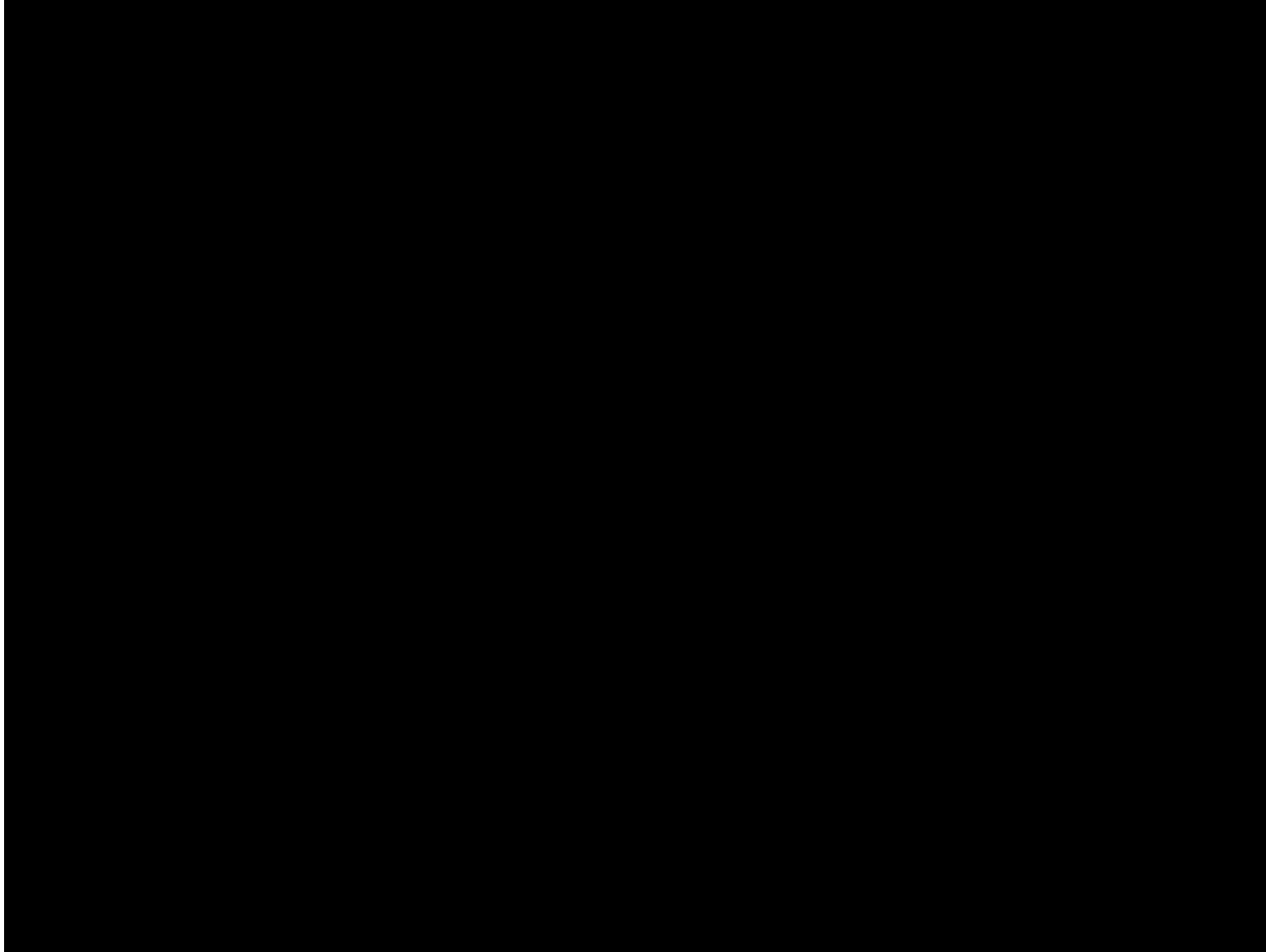




WALKING WHILE TRANS

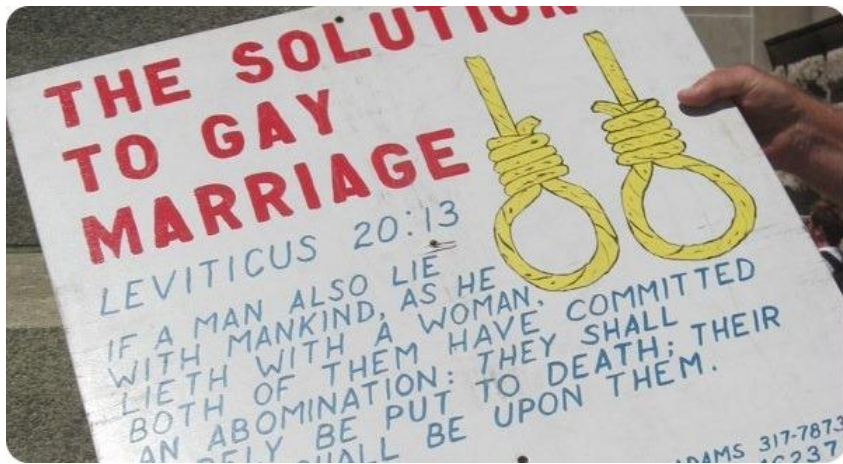


WWT IS A COMPLEX ISSUE...



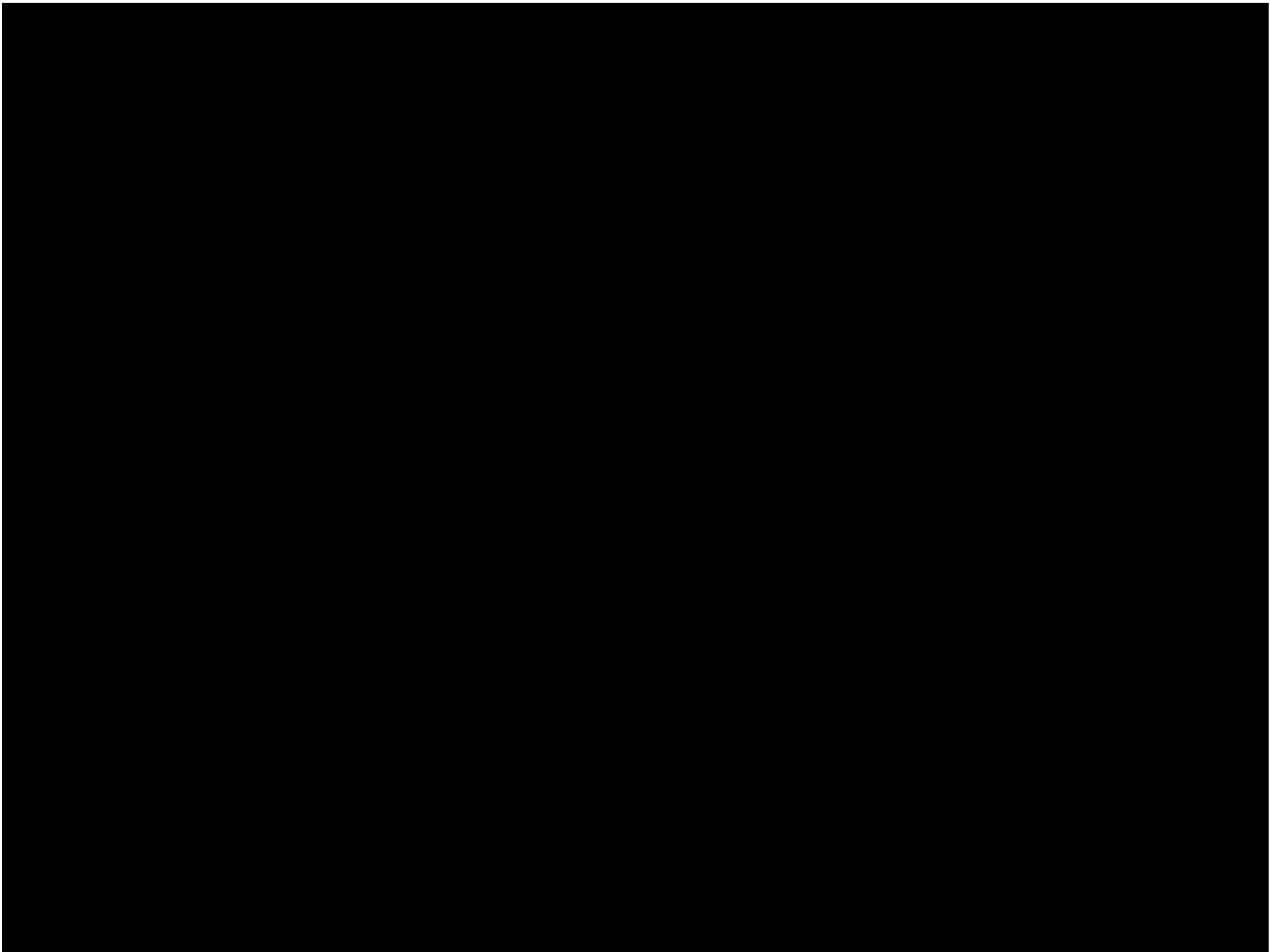


HOW DO THESE POLICIES AND PRACTICES RELATE TO VIOLENCE AGAINST QUEER PEOPLE?



VIGILANTISM IN RUSSIA: THE LINK BETWEEN POLICY & A CLIMATE OF VIOLENCE

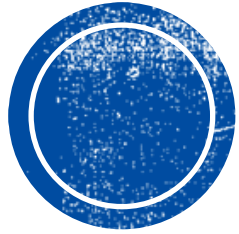




**WHY ARE LGBT
PEOPLE EASY
TARGETS IN
RUSSIA?**



*Do LGBT people in
the United States
face some of the
same issues??*



**TO DATE, 9 COUNTRIES HAVE
OUTLAWED OR PROPOSED
LEGISLATION TO OUTLAW
“GAY PROPAGANDA”**

329 VIDEOS ANALYZED

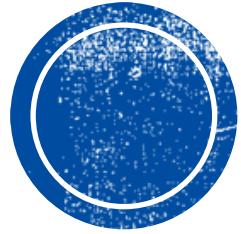
- Using only 2 search terms on 4 sites
- 89,233,760 views
- 601,300 shares
- 554,143 “likes”
- 230,262 comments



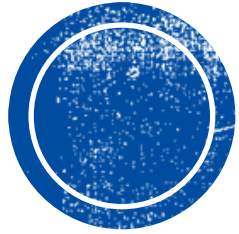
SPEECH RESTRICTION IN THE U.S....

- Arizona: “no district shall include in its course of study instruction which...(1) promotes a homosexual life-style...(2) portrays homosexuality as a positive alternative life-style...(3) suggests that some methods of sex are safe methods of homosexual sex.”
- Alabama: “Classes must emphasize, in a factual manner and from a public health perspective, that homosexuality is not a lifestyle acceptable to the general public and that homosexual conduct is a criminal offense under the laws of the state.”





**HOW DO THESE “NO
PROMO HOMO” LAWS
AFFECT QUEER YOUTH?**



**CAN YOU THINK OF OTHER
ANTI-LGBTQ POLICIES IN THE
U.S. THAT MAY PROMOTE A
CULTURE OF VIOLENCE?**



RELIGIOUS FREEDOM RESTORATION ACTS

Allow public and private servants to deny Queer citizens assistance based on religious objections to homosexuality and gender nonconformity.





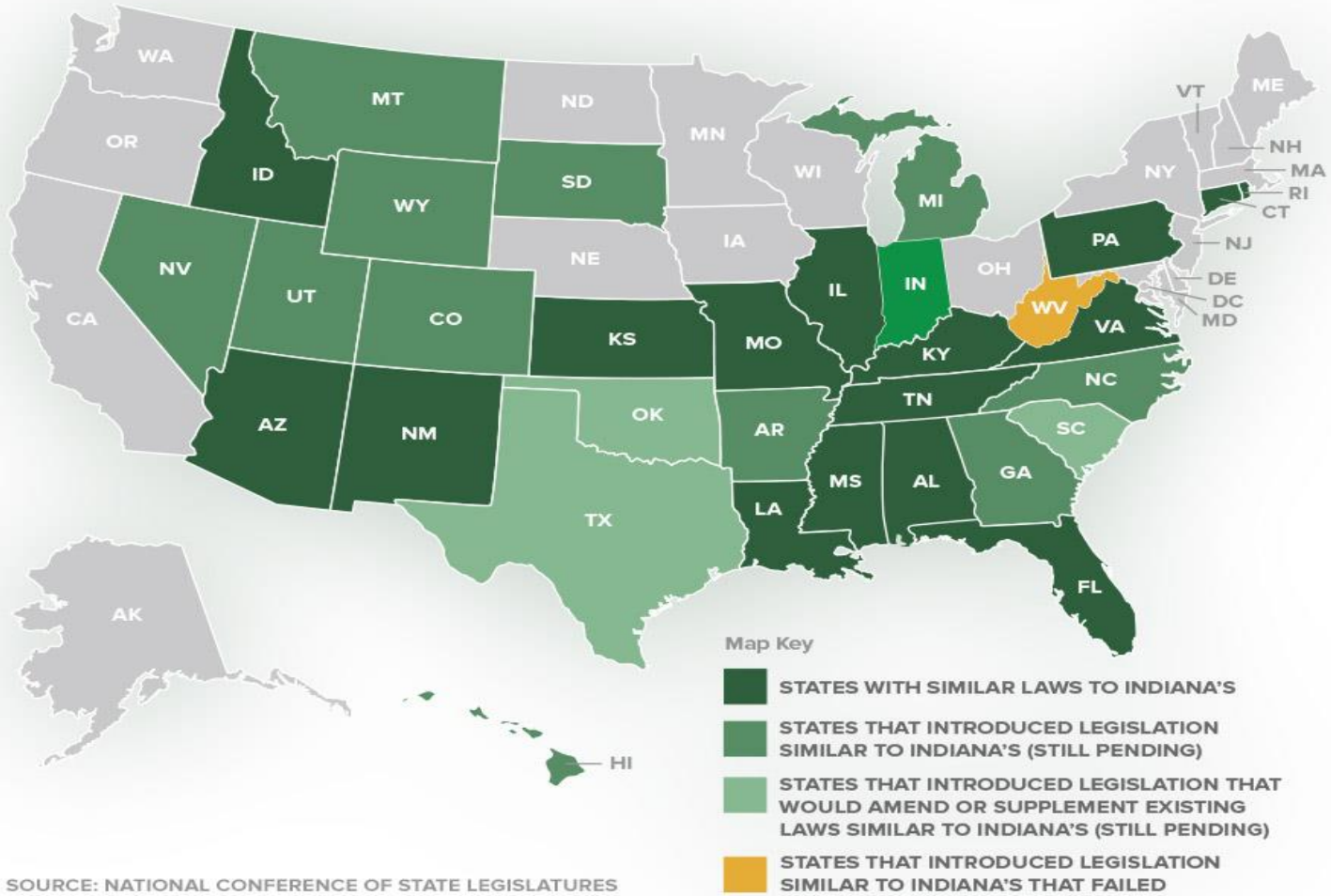
HISTORY REPEATING ITSELF . . .

- February 1, 1960
- Greensboro, North Carolina



U.S. States with Religious Freedom Restoration Acts and/or Legislation Similar to Indiana's

AS OF MARCH 2015



SOURCE: NATIONAL CONFERENCE OF STATE LEGISLATURES

“In all of this litigation and debate, this Department of Justice **will never allow** this secular government of ours to demand that sincere religious beliefs be abandoned. We will not require American citizens to give intellectual assent to doctrines that are contrary to their religious beliefs.”

Attorney General Jeff Sessions,

Speaking to *Alliance Defending Freedom* on 7/11/17





HB2

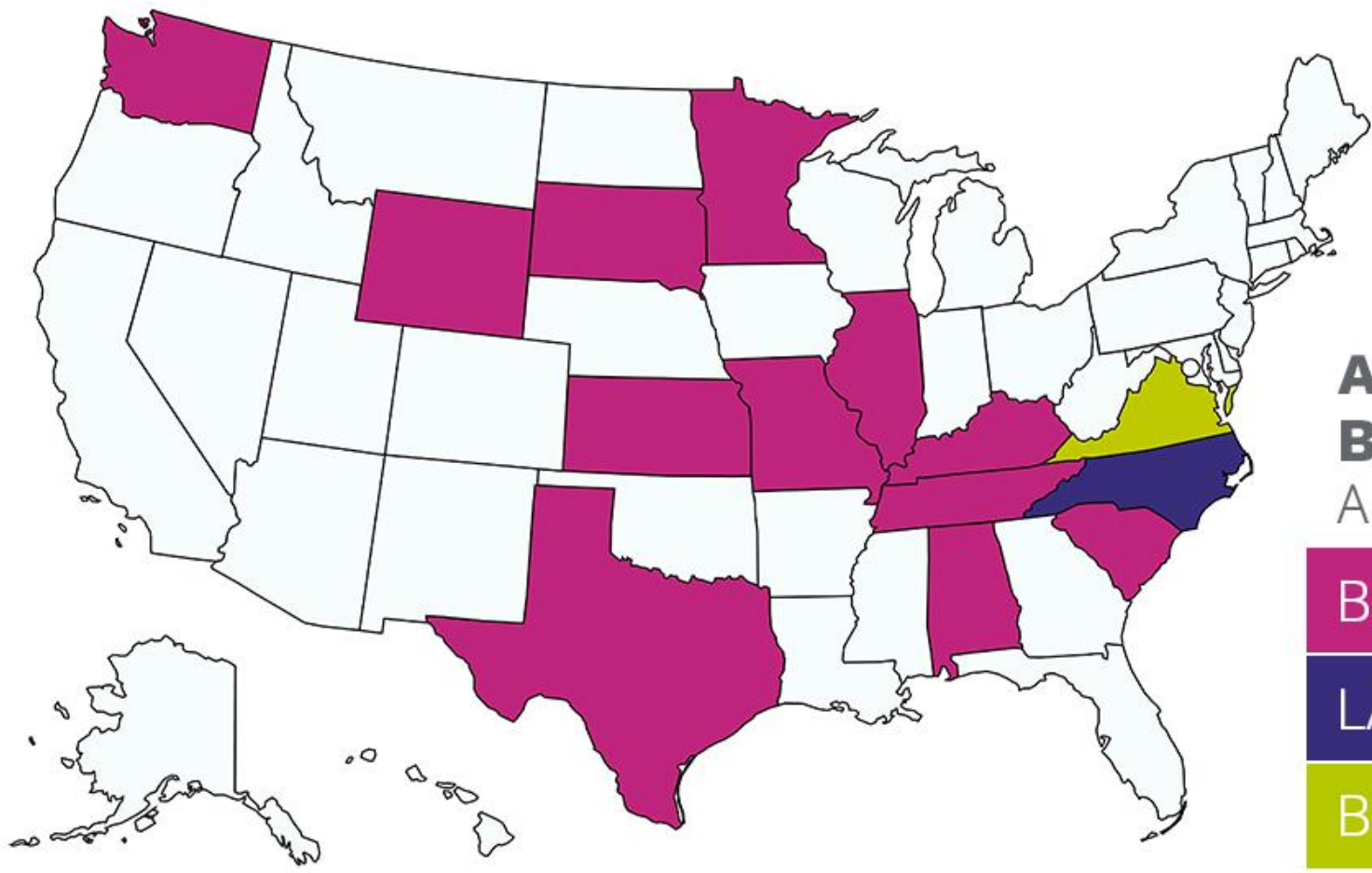
AKA “BATHROOM BILLS”

Prohibits Transgender
citizens from using their
bathroom of choice

HB2 passed in March 2016

Replaced March 2017





GLSEN[®]

glsen.org/bathroombills

**ANTI-TRANS
BATHROOM BILLS**
AS OF 2/9/17

- BILL INTRODUCED
- LAW
- BILL FAILED



Donald J. Trump
@realDonaldTrump

Follow

After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow.....

5:55 AM - 26 Jul 2017

18,553 46,294



Donald J. Trump
@realDonaldTrump

Follow

....Transgender individuals to serve in any capacity in the U.S. Military. Our military must be focused on decisive and overwhelming.....

6:04 AM - 26 Jul 2017

18,900 48,857



Donald J. Trump
@realDonaldTrump

Follow

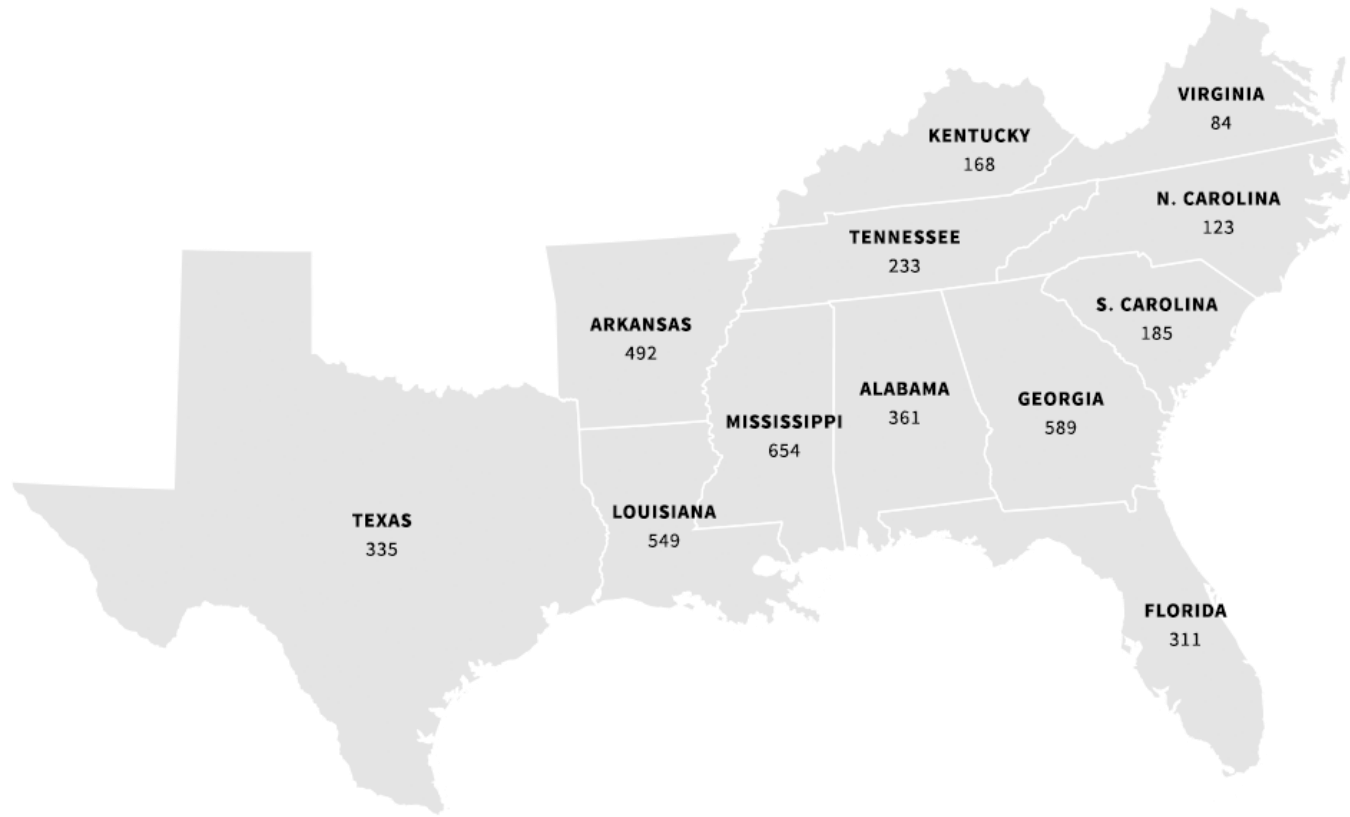
....victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail. Thank you

6:08 AM - 26 Jul 2017

CIVIL PROTECTIONS ERODED IN THE LAST YEAR...

- Affordable Care Act
- HB 2.0.
- “Transgender Persons in Custody: The Legal Landscape”
- Title IX





**SO WHAT? WHAT IS THE RELATIONSHIP
BETWEEN CIVIL PROTECTION AND VIOLENCE?**

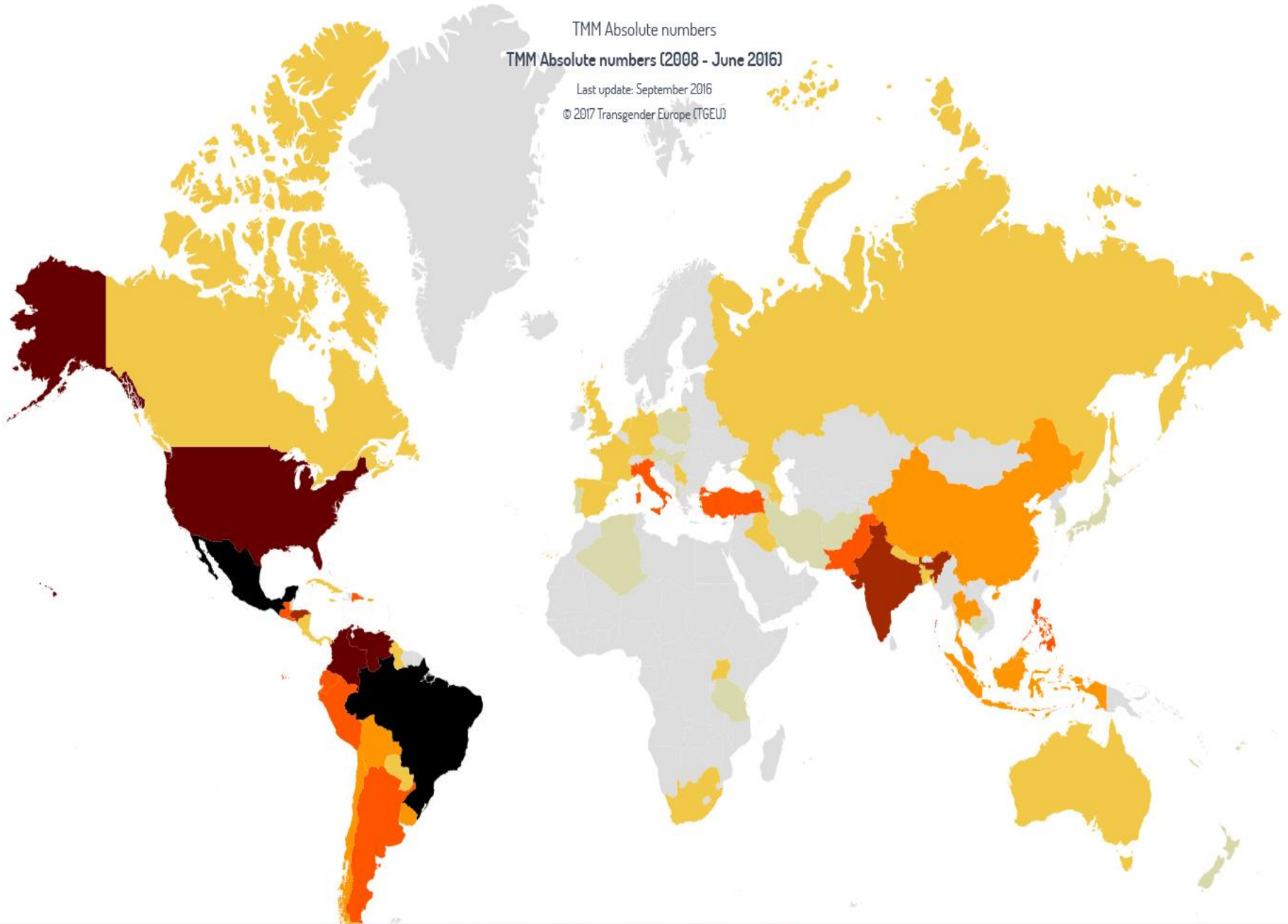


TMM Absolute numbers

TMM Absolute numbers (2008 - June 2016)

Last update: September 2016

© 2017 Transgender Europe (TGEU)



No data 1 2-8 9-20 21-50 51-100 101-250 >250



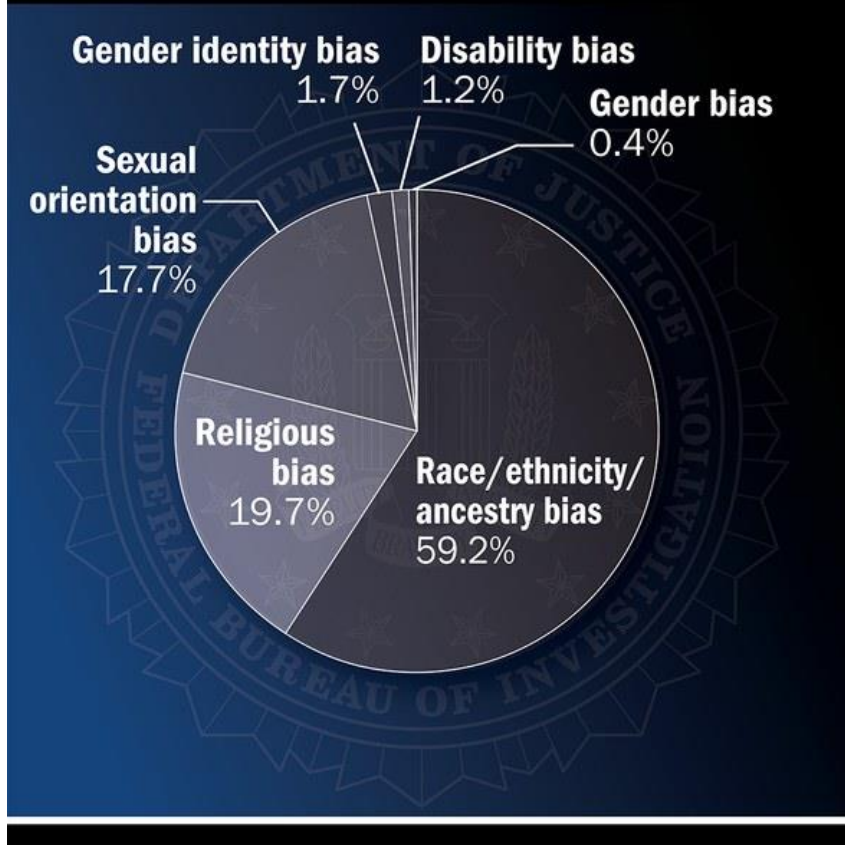


**IN 2016, AT LEAST 27 TRANS AND GENDER
NON-CONFORMING PEOPLE WERE
MURDERED IN THE UNITED STATES**



Hate in 2015

Here's a breakdown, by category, of why the 7,121 victims of the 5,818 single-bias incidents were targeted:



*From *Hate Crime Statistics, 2015*



PULSE – JUNE 12, 2016

 **Pkay**
@peterkaweesi Follow

The only good thing about the Orlando Shooting is that it was a gay club. So less gays in the world today.

6:01 AM - 12 Jun 2016

 **Jonathan Howell**
@Jhowell1214 Follow

Florida Pulse gay club attacked I'm so happy someone decided to start shooting perverts instead of innocent people.

 **Don Juan**
@Jesushatesfig Follow

Man I don't know what's better that fact that gays were killed or the fact that the killer was Muslim and a Democrat. 😂😂😂 #Orlando #Shooting

7:57 AM - 12 Jun 2016

 **Donald J. Trump** Verified
@realDonaldTrump Following

Appreciate the congrats for being right on radical Islamic terrorism, I don't want congrats, I want toughness & vigilance. We must be smart!

RETWEETS 8,837 LIKES 20,049 

11:43 AM - 12 Jun 2016

  8.8K  20K 

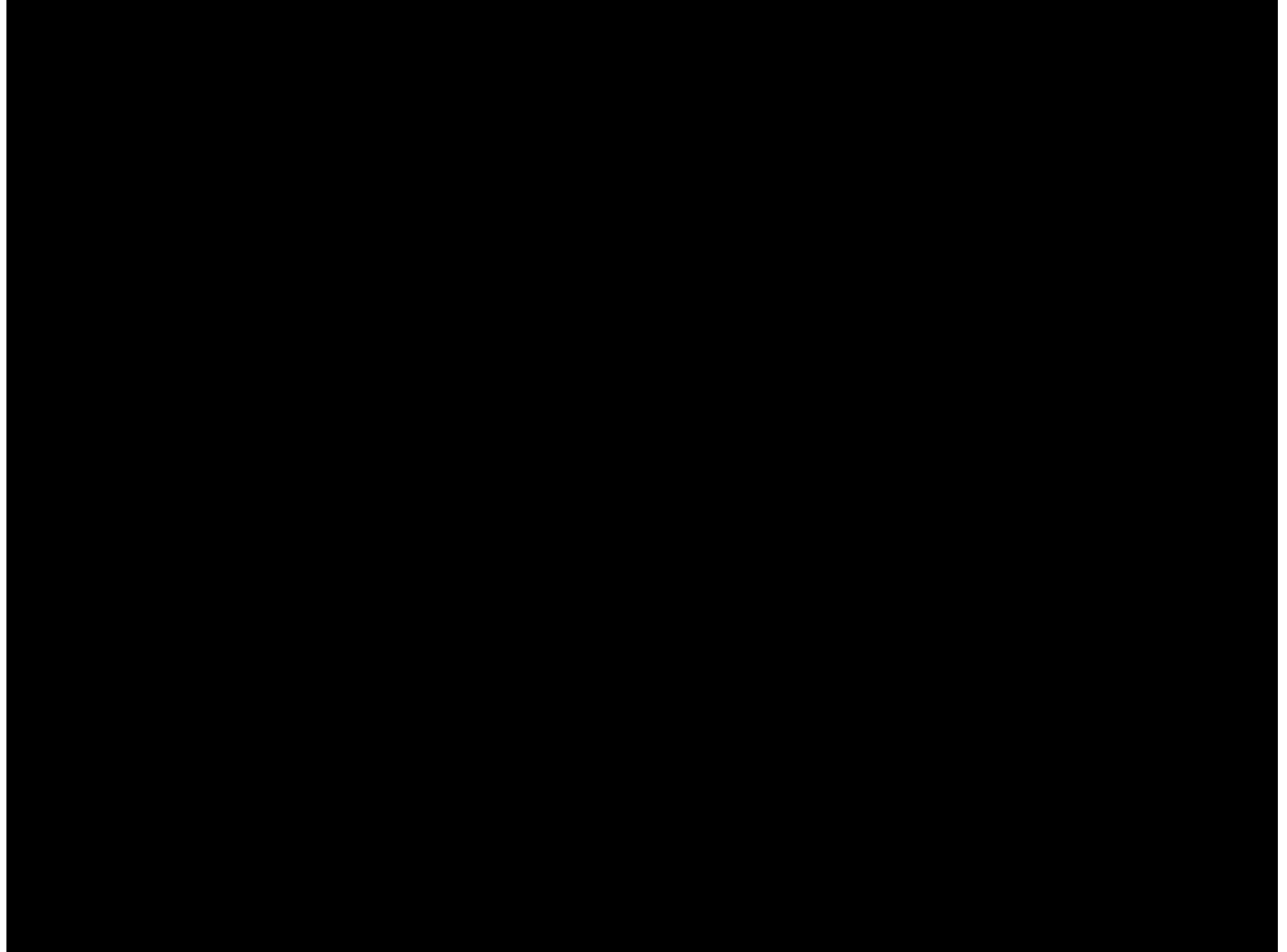
LAW ENFORCEMENT

- Distrust
 - Police distrust of citizens and citizens distrust of police
- Police harassment and the Queer community
 - Nearly 50% of respondents reported some level of discomfort seeking help from police
 - 29% were harassed or disrespected
 - 20% were denied equal treatment from police
 - 6% reported physical assault by police



BRANDON TEENA

- Nebraska, 1993
- Beaten and raped
- Reported victimization and was interrogated by police
- Later murdered by his assailants



QUEER & BLUE

- The policing occupation is dominated by straight, white men.
- Women and minorities, including LGBTQ folks often report harassment and discrimination on the job.
 - Scrutinized
 - Excluded
 - Lack of support
 - Violence
- *“Officers all too often are not accepted by their police community because they are gay and lesbian, and because they are cops, they are rejected by the lesbian and gay community.” - Robin A. Buhrke*



COURTS



Murder
(Self-Defense)



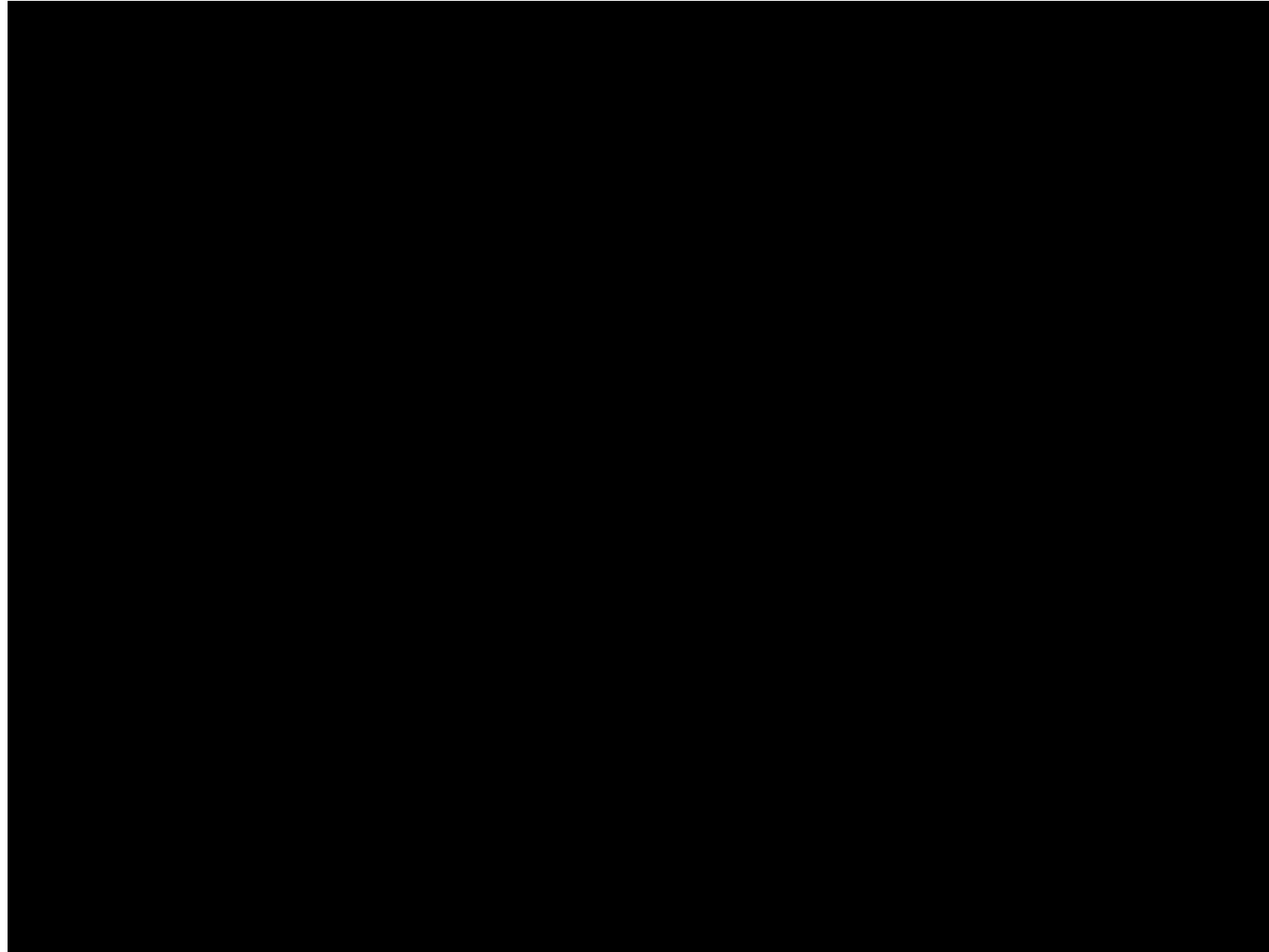
Differential
Sentencing
Laws



Gay
(and Trans)
Panic
Defenses



CECE MCDONALD



THE NEW JERSEY 4

Man Is Stabbed in Attack After Admiring a Stranger

By CARA BUCKLEY and KATE HAMNER

It all began harmlessly, the victim, a 28-year-old man from Queens said, with a comment he made to a woman who walked past him early yesterday on a Manhattan sidewalk. But things quickly escalated into an ugly and ultimately violent

pounds, but said he struggled to breathe and protect himself from more than a dozen flying. The fight broke up, but not Mr. [redacted] left a sick to his men. "I didn't even know I got a until the very end," Mr. [redacted]

NYC Weather 40° RAIN
NEW YORK POST
24 HOURS A DAY

SPORTS | PAGE SIX | BUSINESS | ENTERTAINMENT | OPINION | TV

Columnists | Local | National | International | Weird But True | NYPD Blot

ATTACK OF THE KILLER LESBIANS

MAN 'FELT LIKE I WAS GOING TO DIE'

RELATED LINKS

- RELAXING NIGHT
- WIN KEEPS IS
- BANKER'S AI
- STARS PUT TO THE GLOBES

MOST EMAILED

- ATTACK OF THE
- ON THE COUCH
- TOM'S QUACK
- MORE



By LAURA ITALIANO
April 12, 2007 — One of them was "slightly pretty," so the freelance film director decided to say hi.



Next thing he knew, he was

A TALE OF TWO MATTHEWS

Matthew #1



Matthew #2





MATTHEW #1

- Developmentally disabled 18 year old man who lives in Kansas.
- Diagnosed in the intellectual range between "borderline intellectual functioning" and "mild mental retardation."
- In 2000, Matthew was attending a residential school for the developmentally disabled, where he had consensual oral sex with a young man who was 15 years old – just over three years younger than him.
- The charge is statutory rape.





MATTHEW #2

- 20 year old man who has ADHD and some learning disabilities and lives in Nebraska.
- He begins dating a 12 year old girl named Crystal, who ends up getting pregnant at 13 years old.
- With their parent's permission the two go to Kansas and get married.
- At the time of their wedding, Matthew was 22 and Crystal was 14. Three months after getting married, Crystal gives birth to a baby girl.
- The charge is statutory rape.



WHAT SHOULD THEIR SENTENCES BE?

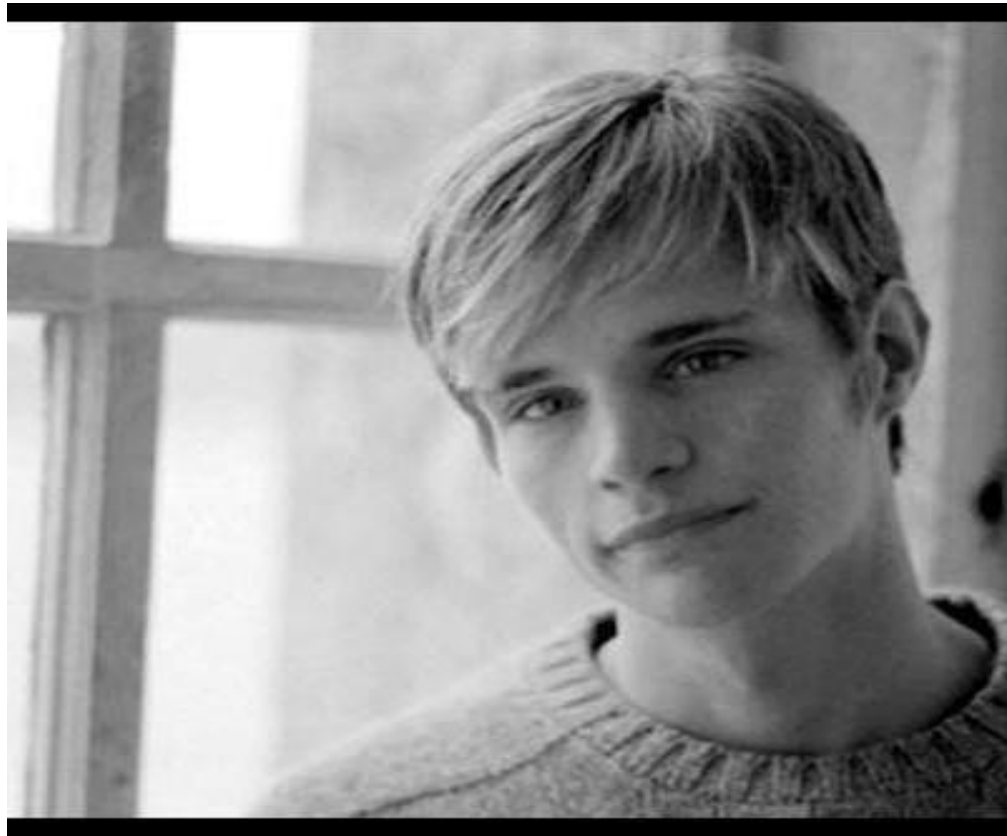
Matthew #1



Matthew #2



GAY AND TRANS PANIC DEFENSES





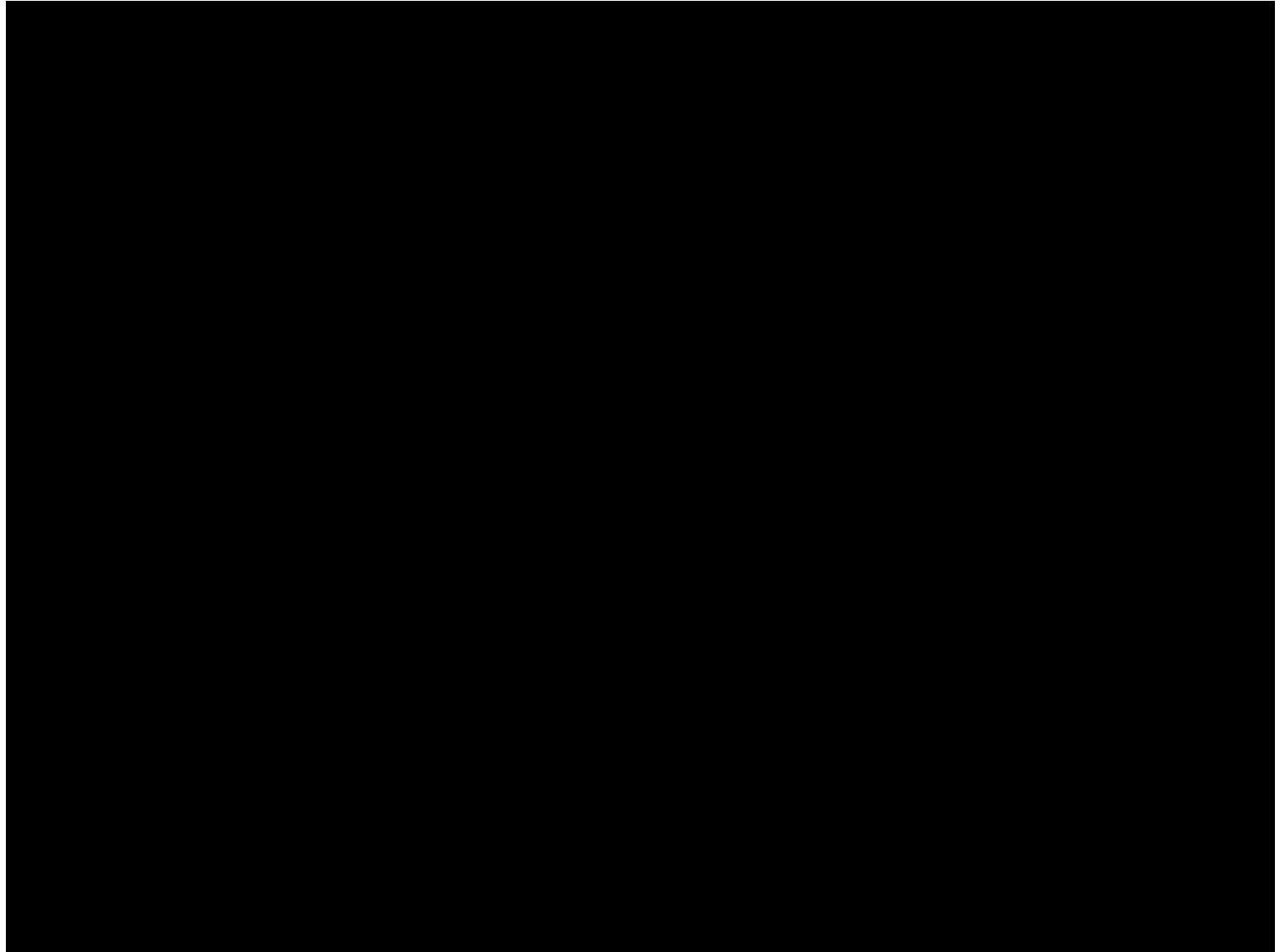
CORRECTIONS

- Pathways to prison
 - LGBTQ youth are often ostracized and lack support from family and community
 - Kicked out of homes
 - Expelled from schools
 - Fired from jobs
 - Evicted by landlords
 - Denied healthcare

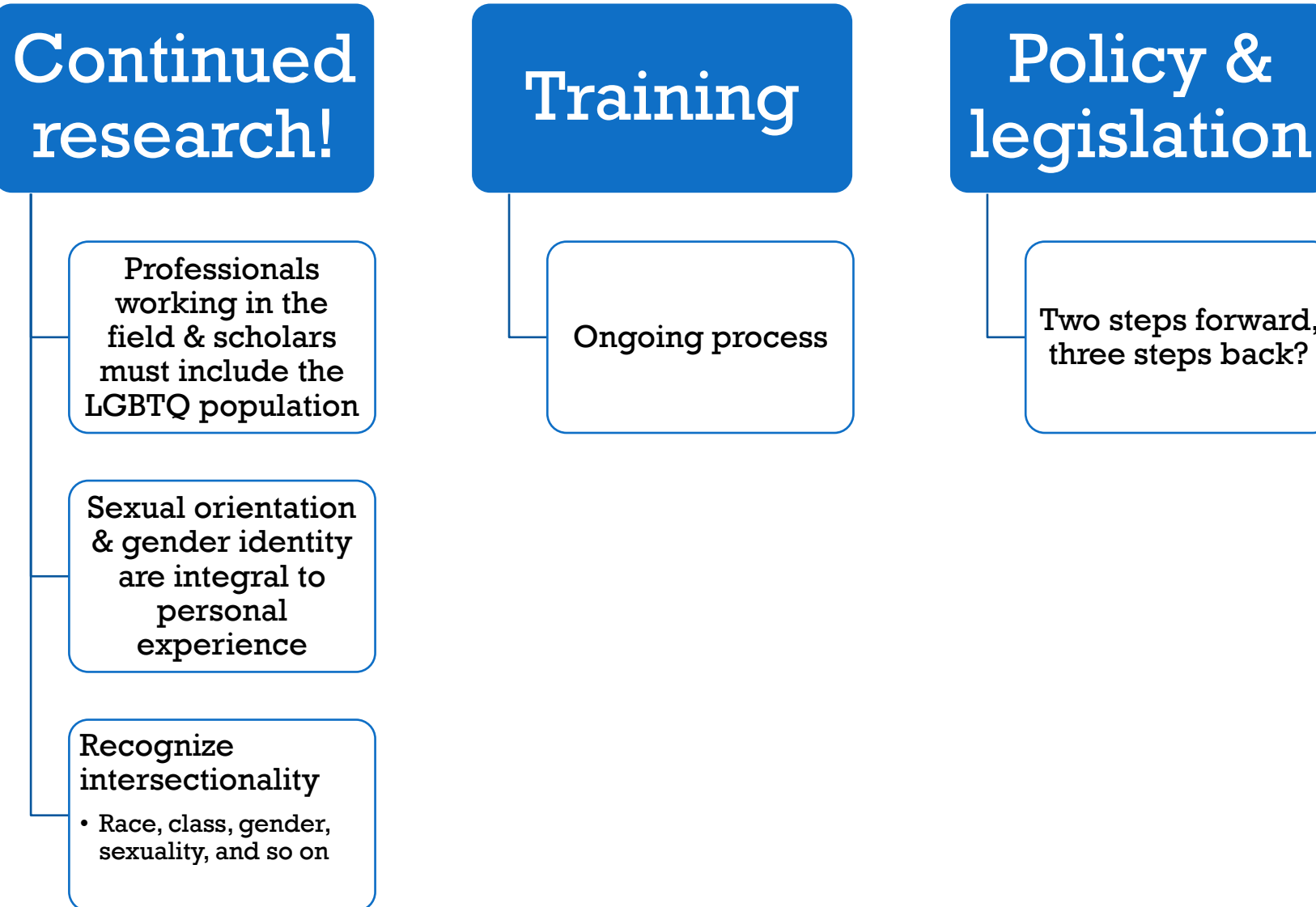


INCARCERATION

- Where to house LGBTQ offenders once incarcerated?
 - Safety
 - Rape & Assault
 - PREA
 - Incarcerated transgender individuals at highest risk
 - Medical care
 - Right to transition
 - Incarcerated juveniles
 - Alienated
 - Unique vulnerability



FUTURE DIRECTIONS





**“THE ONLY WAY I WILL
REST IN PEACE IS IF ONE
DAY TRANSGENDER
PEOPLE AREN'T TREATED
THE WAY I WAS, THEIR
TREATED LIKE HUMANS,
WITH VALID FEELINGS
AND HUMAN RIGHTS...MY
DEATH NEEDS TO MEAN
SOMETHING...**

FIX SOCIETY. PLEASE.”

~LEELAH ALCORN



