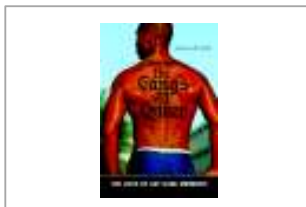
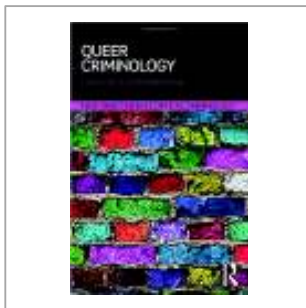


QUEER CRIMINOLOGY

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



**VIEWER
DISCRETION
ADVISED**



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”*

-



ITHA ELISA RODRIGUEZ



CRIMINALIZING GENDER NON-CONFORMITY: “IMPERSONATION” LAWS

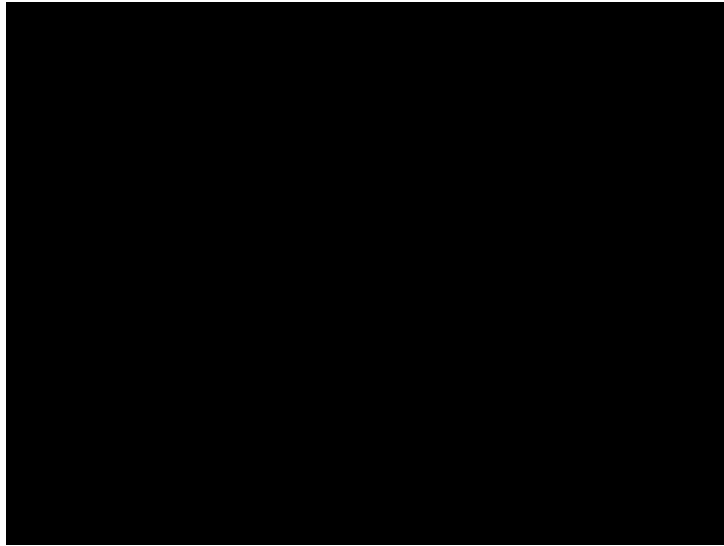
- Two states and several major cities across the U.S. have had “masquerade” or “impersonation” laws
- Often enforced through bar raids



WALKING WHILE TRANS



WWT IS A COMPLEX ISSUE...

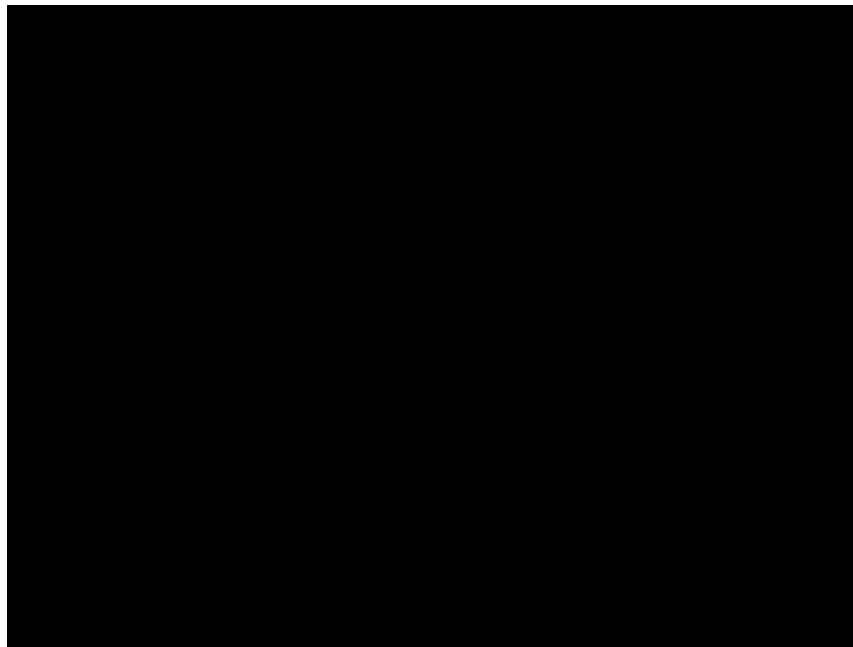


HOW DO THESE POLICIES AND PRACTICES RELATE TO VIOLENCE AGAINST QUEER PEOPLE?



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



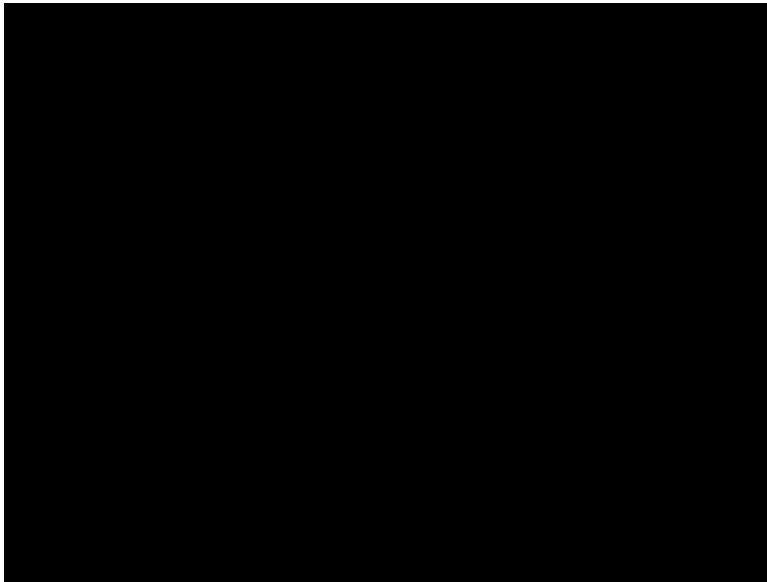


WHY ARE LGBT PEOPLE EASY TARGETS IN RUSSIA?



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?



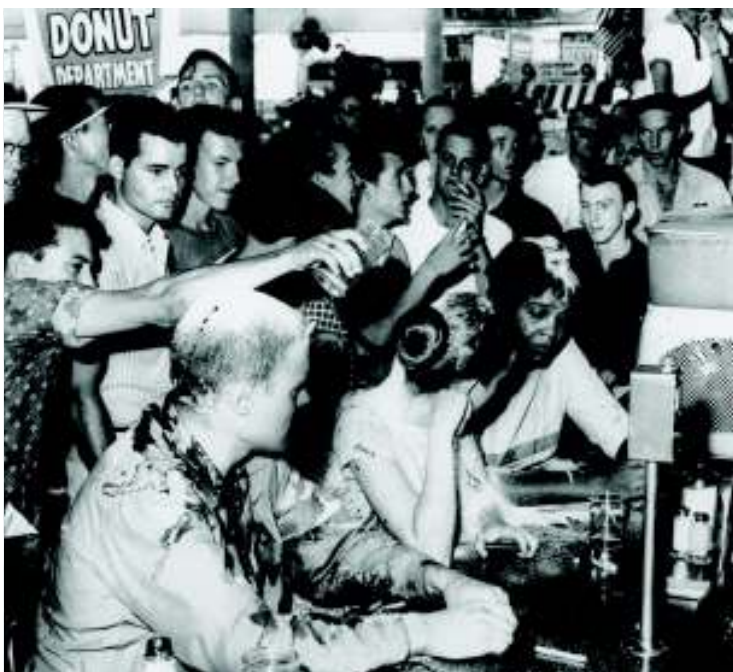


CAN YOU THINK OF OTHER ANTI-LGBTQ POLICIES IN THE U.S. THAT MAY PROMOTE A CULTURE OF VIOLENCE?



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



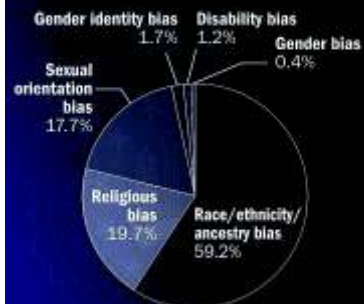


**IN 2016, AT LEAST 27 TRANS AND GENDER
NON-CONFORMING PEOPLE WERE
MURDERED IN THE UNITED STATES**



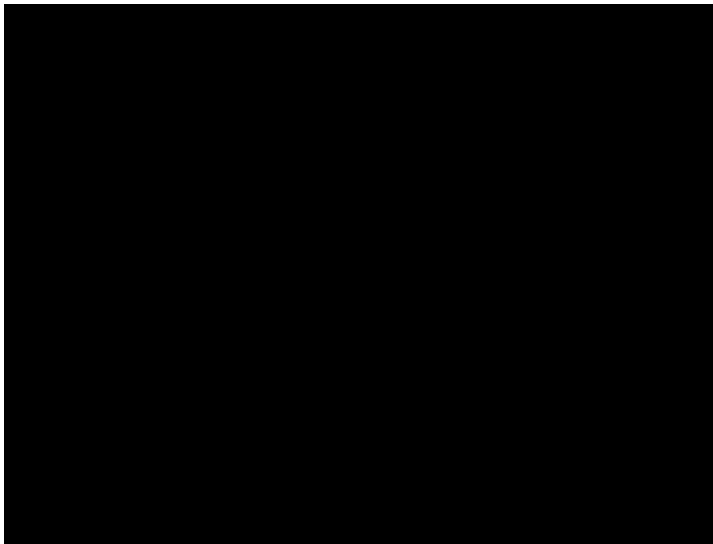
Hate in 2015

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



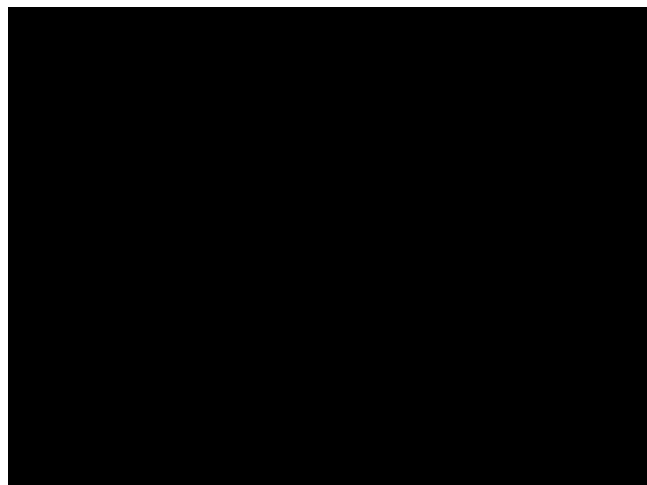
LAW ENFORCEMENT

- 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

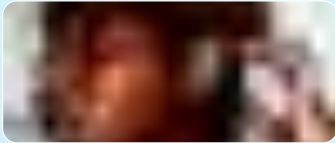
- Nebraska, 1993
- Beaten and raped
- Reported victimization and was interrogated by police
- Later murdered by his assailants



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)

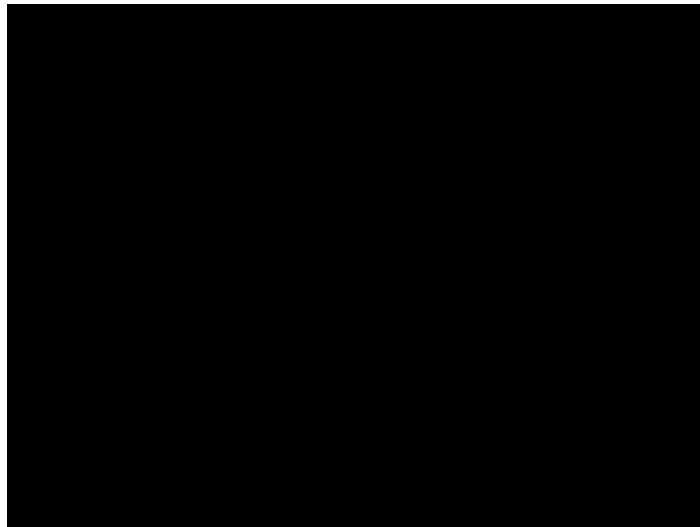


Differential
Sentencing
Laws



Gay
(and Trans)
Panic
Defenses

CECE MCDONALD



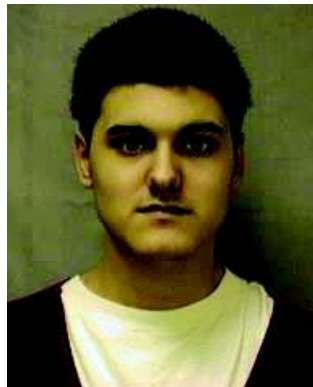


THE NEW JERSEY 4



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



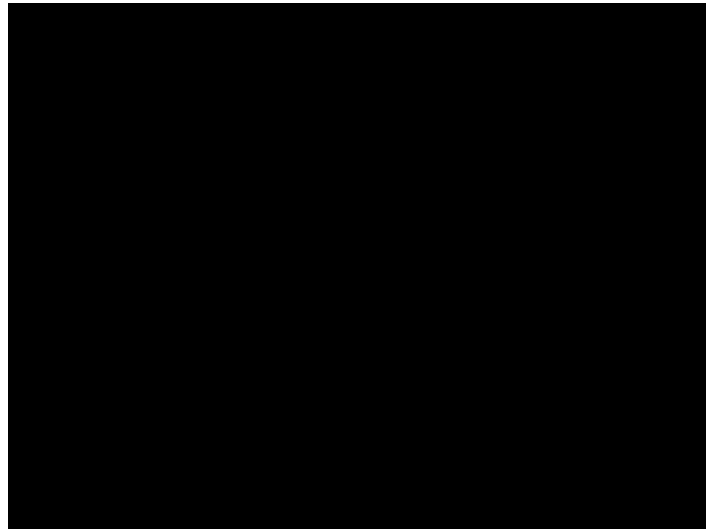


CORRECTIONS

- 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

Continued research!

Professionals working in the field & scholars must include the LGBTQ population

Sexual orientation & gender identity are integral to personal experience

Recognize intersectionality
• Race, class, gender, sexuality, and so on

Training

Ongoing process

Policy & legislation

Two steps forward, three steps back?



**"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

