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
ASK QUESTIONS!

SHARE YOUR INSIGHTS!

We are all experts!
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
“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”
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
States with anti-sodomy laws despite unconstitutionality

Despite the 2003 Supreme Court ruling in Lawrence v. Texas, North Carolina and 15 other states still have laws prohibiting anal sex. These statutes are considered unenforceable yet too controversial to remove.

SOURCE: WILLIAMS INSTITUTE

DTH/ELINA RODRIGUEZ
CRIMINALIZING GENDER NON-CONFORMITY: “IMPERS...
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"
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

Map Key
- States with similar laws to Indiana’s
- States that introduced legislation similar to Indiana’s (still pending)
- States that introduced legislation that would amend or supplement existing laws similar to Indiana’s (still pending)
- States that introduced legislation similar to Indiana’s that failed

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
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?
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:

- Gender identity bias: 1.7%
- Disability bias: 1.2%
- Gender bias: 0.4%
- Sexual orientation bias: 17.7%
- Religious bias: 19.7%
- Race/ethnicity/ancestry bias: 59.2%

*From Hate Crime Statistics, 2015*
The only good thing about the Orlando Shooting is that it was a gay club. So less gays in the world today.

8:01 AM - 13 Jun 2016

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

7:07 AM - 13 Jun 2016

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

7:21 AM - 13 Jun 2016

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

11:43 AM - 12 Jun 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
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
ATTACK OF THE KILLER LESBIANS
MAN 'FELT LIKE I WAS GOING TO DIE'

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 stabbing for his life.
A TALE OF TWO MATTHEWS

Matthew #1

Matthew #2
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.
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
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
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
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
TIME FOR LUNCH