

Obviously, leadership emerges as central to this dilemma. While there is a renewed call for unity and diversity from some corners of our movement, others (women of color who have dedicated years to this work) are appalled at the persistent whiteness of the nationally recognized leadership. As the bureaucratic and institutional apparatus of the antiviolence movement grows—bringing more funding, more recognition, and also more collaborations with partners who do not share our radical goals—there is little evidence of increasing racial/ethnic and class diversity. Despite some notable exceptions, the lack of women of color in leadership roles in antiviolence programs is startling and contrasts sharply with the rhetoric of inclusion, diversity, and commitment to antioppression work. While there may be structural excuses for this, the fact that so few national organizations (even feminist ones) have successfully promoted the leadership of women of color is almost a mockery of the values on which the movement was built. Given the similar invisibility of women of color as leaders in struggles for racial justice (again, with some

exceptions), the situation can seem dire as we face the new millennium.

Yet, for better or worse, the solutions are not enigmatic; they exist within our core values and the principles on which the antiviolence movement was organized. Feminist women of color need to step forward as never before, reclaiming our place as leaders both in the antiviolence movement and in struggles for gender equality in our communities. The antiviolence movement needs only to acknowledge the contradictions between its rhetoric and practice and to deal honestly with the hypocrisy in its work. As members of a social justice movement committed to ending oppression, we must reconsider the complexity of rendering justice by paying attention to specific vulnerabilities of race and class. As we claim victories on some very important fronts, our understanding of gender oppression must be broadened to include state-sanctioned abuse and mistreatment of women. If we are prepared to go there, we can begin the millennium ready to face the really hard, radical work of ending violence against women—for each and any woman.

48. • *Joey L. Mogul, Andrea J. Richie, and Kay Whitlock*

FALSE PROMISES: Criminal Legal Responses to Violence against LGBT People (2011)

The following piece, excerpted from *Queer (In)Justice: Criminalization of LGBT People in the U.S.* (Beacon 2011), was collective written by the three authors. Joey Mogul is a partner at the People's Law Office where he fights for justice for people who have suffered from police and other state torture, abuse, and misconduct. He also directs a clinic at DePaul University's College of Law. Andrea Richie is a leading Black lesbian police misconduct attorney who has written extensively on the profiling and policing of women of color and litigated *Tikkun v. City of New York*, a groundbreaking case that challenged unlawful searches of trans people in police custody. In 2014 she was awarded a Senior Soros Justice Fellowship to continue her

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In March 2002 April Mora, a lesbian teen of African American and Native American descent, was walking to a store in Denver, Colorado, to get a soft drink. A car pulled up behind her and the driver called out, referring disparagingly to Mora as a “dyke.” Two other men jumped from the car, attacked her, and pinned her to the ground. When Mora screamed, one man with a knife cut her tongue, causing blood to gather in her throat. He held a knife to her neck while the other used a razor blade to carve the word “dyke” on her left forearm and “R.I.P.” into the flesh of her stomach. Choking, she fought to get free. The man with the razor cut her face. Before leaving her on the street, both men kicked her in the ribs, telling her she was lucky they hadn’t raped her, and that next time, they would.

Dazed, injured, and bloodied, Mora walked back home and called her girlfriend, Dominique Quintana, at school. When Quintana arrived, they called an ambulance and the police. The scene that unfolded when the police arrived both compounded and complicated the homophobic ferocity of the original attack. According to Quintana’s mother, who lived with the two young women, the police immediately wanted to know if Mora and her girlfriend had been fighting, and if they were on drugs. They did not search for the men who attacked Mora

suffered could not have been self-inflicted, the police nevertheless insisted on focusing on Mora rather than on investigating her account of events, thereby foreclosing any opportunity to locate her attackers.¹

Violence against LGBT people at the hands of strangers on the streets and family members in our homes continues to be reported at alarming rates across the country. According to the National Coalition of Anti-Violence Programs (NCAVP), a national network of thirty-five local organizations providing services to and advocating on behalf of LGBT people, in 2008 there were over two thousand instances of homophobic and transphobic violence reported to just thirteen local organizations across the country, representing a 26 percent increase over 2006 figures.² Homophobic and transphobic violence spans a spectrum from brutal physical attacks such as that experienced by Mora, to pervasive verbal abuse and harassment. While commonplace, physical assaults make up the minority of reported incidents. Nevertheless, the viciousness and impunity of the violence in many instances shocks the conscience, prompts outrage, and spurs demands for action.

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Unfortunately, however, . . .

charged with protecting them. Often, police refuse to take reports, neglect to classify violence as motivated by anti-LGBT sentiment or as domestic violence, or fail to respond altogether.³ For many LGBT people, and particularly LGBT people of color, immigrants, youth, and criminalized queers, reliance on the police and criminal legal system for safety is simply not an option because of the risk of adverse consequences.

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VIOLENCE AGAINST LGBT PEOPLE

The virulently homophobic and transphobic assault April Mora experienced constitutes what is generally understood to be a *hate crime*, a term used to describe violence motivated, in whole or in part, by actual or perceived race, color, religion, ethnicity, national origin, sexual orientation, gender, gender identity or expression, or disability. According to the FBI, the majority of identity-related violence is motivated by race, followed by violence based on religion, homophobia, and national origin.⁴ Indeed, the grisly 1998 murder of James Byrd, Jr., who was beaten and then dragged behind a truck to his death by three white supremacists in Jasper, Texas, remains foremost among iconic representations of present-day manifestations of hate crimes in the United States.

Recognizing that many forms of violence are motivated by a range of intentions and hostilities, the terms *racist*, *sexist*, *anti-Semitic*, *anti-Muslim*, and *homophobic and transphobic violence* are used here in an effort to more accurately describe the phenomena under discussion: the terms *bias* or *hate crime* suggest that such violence is motivated entirely by prejudice (presumably irrational) and not informed by historical patterns of dominance and subordination that produce tangible political, social, and economic benefits for majority groups. Regardless of the terminology used or its targets, there is no question that such violence is abhorrent, structural, and pervasive.

Where violence against LGBT people is concerned, the problem is difficult to quantify for a variety of reasons. Like many forms of gender and

sexuality-based violence, it is underreported across the board, and particularly to law enforcement officials.⁵ Numerous factors may contribute to LGBT individuals' reluctance to report violence they experience, including fear of retribution by their attackers, and of disclosure of sexual orientation, gender identity, or immigration status, perceptions that police will not take the report seriously, or will blame them for the violence, and participation in informal or criminalized economic activity, including sex work.⁶ According to the NCAVP, "Because anti-LGBT violence has historically been poorly addressed by law enforcement (and because law enforcement officials remain one of the prime categories of offenders documented by NCAVP each year), it is very often underreported to police even in jurisdictions where relationships between law enforcement and the LGBT population have improved." As a result, LGBT antiviolence activists and service providers generally agree that much—perhaps even most—harassment and violence against queers is never reported.⁷

Moreover, official figures do not even accurately depict the number of incidents that *do* come to the attention of law enforcement, due to police officers' failure to adequately and appropriately respond to, classify, document, and report such instances.⁸ While the FBI issues an annual report that includes data on incidents reported to law enforcement where a motive based on sexual orientation and, more recently, gender identity or expression has been ascribed, it relies on inconsistent, voluntary reporting by a small and unrepresentative number of local law enforcement agencies. In 2007, for example, only 2,025 out of nearly 17,000 law enforcement agencies reported hate crime data to the federal Uniform Crime Reporting Program.⁹ The most reliable source of national data on anti-LGBT violence is compiled annually by the NCAVP. Although limited by resources and the fluctuating capacity of its member organizations to consistently collect and report data, the NCAVP's reports document incidents of homophobic and transphobic violence reported directly to its member organizations, including incidents in which victims have declined to report to the police, or where law enforcement refused classification as a hate crime.

The NCAVP's 2008 report paints a sobering picture. In addition to an increase of 26 percent over 2006 figures in incidents of vandalism, verbal abuse, and physical abuse, the incidence of sexual assaults reported to be motivated by homophobia and transphobia rose sharply for the third consecutive year. While murders represent only a small fraction of violence experienced by LGBT people, their numbers increased by 28 percent from 2007 to 2008, and, according to the NCAVP, constituted "the highest number of deaths since 1999."¹⁰

Since racially motivated violence makes up the majority of reported hate crimes, it is not surprising that LGBT people of color are overrepresented among those targeted for homophobic and transphobic violence.¹¹ Transgender people also experience high levels of violence: 12 percent of the total number of reported incidents of violence targeted transgender people, and transgender and gender-nonconforming people report some of the most pervasive and egregious forms of harassment and abuse.¹² Even among LGB people who do not identify as transgender, gender nonconformity has been found to be a predictor of both "every day discrimination" and violence.¹³ Finally, despite the prevailing perception that gay men are "the natural and most frequent targets of homophobic hate crime," some estimate that one in five lesbians have been assaulted in an antilebian incident in their lifetimes.¹⁴

No matter which numbers or populations we look at, homophobic and transphobic violence against LGBT people in the United States clearly demands a response. The question is whether responses rooted in a criminal legal system invested in policing and punishing sexual and gender deviance, rather than in community-based accountability and systemic change, are effective in actually preventing and protecting queers from violence.

THE "HATE CRIME" FRAMEWORK

The predominant response to violence against LGBT people over the past decade has focused on enactment of legislation against hate crimes. In almost all cases,

the underlying violation—criminal mischief, harassment, malicious intimidation or threat, vandalism, arson, assault, battery, rape, or murder—is already subject to criminal penalties.¹⁵ The addition of provisions specific to motivations for already-criminalized activity is intended to ensure harsher punishment of such offenses and promote law enforcement measures intended—at least in theory—to deter and prevent such violence.

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In 1981, the Anti-Defamation League (ADL)¹⁶ developed a "model" template for hate crime laws, promoted as an effective response to the problem of harassment, intimidation, and violence based on a victim's actual or perceived race, religion, or national origin. Sexual orientation and gender were later added to the ADL model. The core feature of the ADL approach is "a 'penalty-enhancement' concept: criminal activity motivated by hate is subject to a stiffer sentence" on the grounds that the harm extends beyond the individual, affecting the entire community.¹⁷

The model is based on the theoretical swift and harsh "retribution" for violence directed at any member of a particular group, without reference to historical context, the complexities of intersecting power relations, or consequences to members of other oppressed groups. The powerful appeal of such an approach rests in its implied promise that, by framing communities historically targeted for ongoing harassment and violence as "crime victims," law enforcement will "be on our side."

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In 1982, the National Gay Task Force initiated the first national antiviolence organizing project to document and increase public awareness of violence against lesbian and gay people, and mobilize "community indignation about hate crimes [in order to] finally end the long-ignored epidemic of anti-LGBT violence." The primary policy tool for bringing about an end to this violence would be "the passage of state and federal laws that recognize LGBT vulnerability

to crimes motivated by anti-LGBT hate and prejudice."¹⁸ Other national, state, and local groups representing LGBT communities also quickly embraced the hate crime framework. State hate crime legislation rapidly proliferated, particularly as advocates worked to expand the original list of protected categories to include actual or perceived ethnicity, sexual orientation, mental or physical disability, gender, and gender identity or expression. By late 2009, forty-five states had legislation addressing bias-motivated harassment and violence. Laws vary with regard to protected categories, though most include race, religion, ethnicity, and national origin. Twelve states and the District of Columbia include both gender identity and sexual orientation, while eighteen states only include sexual orientation.¹⁹

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New federal hate crime laws passed as well, beginning with the 1990 Hate Crimes Statistics Act. Sentencing enhancements were tucked into the much broader 1994 Violent Crime Control and Law Enforcement Act.²⁰ In 2009, the Local Law Enforcement Enhancement Act (LLEEA), also known as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, authorized the Department of Justice to assist or, where local authorities are unwilling or unable, take the lead in state and local investigations and prosecutions.

A push for the creation of specialized law enforcement units to investigate and prosecute hate crimes accompanied the rapid spread and expansion of these laws, a call taken up by many LGBT organizations. Such units now exist in a growing number of locales. In many more community liaisons are charged with educating law enforcement officers about affected communities and facilitating appropriate responses to hate crimes.²¹

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Closer examination of the hate crime framework reveals substantive flaws in this approach. A central shortcoming is its exclusive focus on individual acts

of violence rather than on dismantling the systemic forces that promote, condone, and facilitate homophobic and transphobic violence. Hate or bias-related violence is portrayed as individualized, ignorant, and aberrant—a criminal departure by individuals and extremist groups from the norms of society, necessitating intensified policing to produce safety. The fact is many of the individuals who engage in such violence are encouraged to do so by mainstream society through promotion of laws, practices, generally accepted prejudices, and religious views. In other words, behavior that is racist, homophobic, transphobic, anti-Semitic, anti-Muslim, and anti-immigrant, and violence against disabled people, does not occur in a political vacuum. And it is not always possible to police the factors that encourage and facilitate it.

For instance, violence against LGBT people generally increases in the midst of highly visible, homophobic, right-wing political attacks. Michigan saw the largest increase (207 percent) in anti-LGBT incidents reported to NCAVP in 2007, as the state's attorney general was concluding a three-year campaign against domestic partnership benefits.²² In 2008, during the volatile backlash that accompanied the statewide Yes on Proposition 8 campaign to reverse a California Supreme Court decision permitting same-sex couples to marry, Community United Against Violence (CUAV) reported a large increase in reported anti-LGBT violence.²³ Other tensions also produce notable increases in violence against LGBT people who are immigrants or people of color. For example, attacks against South Asian and Middle Eastern LGBT people surged in the aftermath of the anti-Arab and anti-Muslim rhetoric following 9/11.²⁴

Because they fail to address larger social forces influencing individual acts of violence, and instead focus on harsher punishment of individuals rather than prevention, there is no proactive "protection" in hate crime laws, despite the claims of supporters.²⁵ While the presumed deterrent value of enhanced penalties is advanced as a central argument for the laws, the hate crime statutes currently in place in thirty states and the District of Columbia do not appear to deter much, if any, harassment and violence. More than two decades after the first LGBT

embrace of hate crime laws, as NCAVP figures illustrate, violence directed against queers remains a serious problem.

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LGBT people of color do not escape the problematic effects of the hate crime framework. Police profile LGBT people of color, particularly youth, as potential perpetrators of hate crimes in predominantly white, gay urban enclaves. Given prevailing perceptions of LGBT people as predominantly, if not exclusively, white, people of color are perceived by police and residents to be criminally "out of place" in these neighborhoods. Archetypes framing people of color as inherently dangerous and more violently homophobic than whites further contribute to law enforcement targeting, aggressively harassing, stopping, and questioning LGBT people of color about the "legitimacy" of their presence in LGBT-identified areas. . . .

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LAW ENFORCEMENT RESPONSES TO ANTI-LGBT VIOLENCE

The hate crime framework is further compromised by placing primary responsibility for preventing violence in the hands of a criminal legal system that is itself responsible for much of the LGBT violence. As journalist Richard Kim has noted, "It seems improbable that the passage of hate crimes laws would suddenly transform the state into a guardian of gay and lesbian people."²⁶ Recent NCAVP data underscores the point: the 2008 report concludes that "law enforcement officers remain one of the prime categories of offenders documented by NCAVP each year."²⁷ Over the past three decades LGBT people have increasingly turned to police and prosecutors for protection, only to be met with responses that further devalue queer lives, sometimes placing victims in greater jeopardy. Nevertheless, resources allocated by hate crime legislation for responding to and reducing violence continue to be directed almost

exclusively to the expansion of policing, prosecution, and punishment.

But instances in which law enforcement-based approaches have failed to address or further contributed to the problem abound. For example, the Anti-Violence Project (AVP) of the Los Angeles Gay and Lesbian Center reported a case in which several youth in a car saw a Latina transgender woman, stopped, and proceeded to beat and stab her. Los Angeles Police Department officers responding to the scene demanded the victim's driver's license, which identified her as female, refused to accept it, and insisted that paramedics on the scene examine her genitals. The paramedics did not comply with the demand. Witnesses to the attack alleged the officers inquired in an intimidating fashion about their immigration status.²⁸ As in April Mora's case, criminalizing archetypes framing transgender and gender-nonconforming people as inherently deceptive and unworthy of protection drove police response, which in turn led the victim and witnesses to refuse to speak further to the police, even though they had information that could have helped identify the assailants.

Unfortunately, such responses do not appear to be the product of an aberrant few insensitive, untrained officers. Researchers studying police response to violence against LGBT people in Minnesota over a ten-year period described numerous instances of 911 operators failing to send assistance, police mocking and laughing at victims, and officers blaming victims for the violence they experienced. Overall, police engaged in verbal harassment of victims of homophobic and transphobic violence in 32 percent of all incidents in which police responded, although this percentage decreased over time.²⁹

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The Minnesota researchers found that "there continues to be a significant percentage of incidents where officers refuse to file a report indicating that a crime has occurred. Over the course of the nine years, on average, officers refused in 31 percent of the cases to file a general incident report."³⁰ More recent figures compiled by the NCAVP indicate a

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27 percent rate of refusal to classify violence against LGBT people as motivated by sexual orientation or gender identity.³¹

The Minnesota study also found that, despite deliberate efforts on the part of local LGBT anti-violence activists to build strong relationships with local police departments through education, outreach, sharing information about specific incidents, and advocating on behalf of victims of crime, negative interactions with police continued. More than half of the incidences of violence reported by LGBT people over this period were met with “negative” responses by law enforcement, compared to 20 percent positive responses. Although negative responses decreased by 50 percent over a nine-year period, they still made up the bulk of police-related incidents reported. The authors concluded, “While Minnesota has a reputation as one of the best states in the nation that offers protection against bias-motivated violence and intimidation, we still found low levels of reporting, refusal by police to indicate bias when requested by the victim, and police misconduct against those in the GLBT community.”³²

For almost thirty years, hate crime laws have existed as a kind of untouchable “third rail” of mainstream LGBT politics. In some respects debates around hate crime laws seem to powerfully distill all of the insult, harm, and fear born by queers for centuries. Many LGBT people—especially those who have little ongoing contact or engagement with policing and prison systems and their broader social and economic impacts—respond as if any challenge to these laws is an active betrayal of wounded gay people, an almost intentional reinfliction of murderous violence.

But it is also becoming apparent to at least some supporters of such legislation that, while data collection, civil remedies, and other provisions might be useful and important in particular contexts, penalty enhancements are largely ineffective. Three prominent transgender advocates hinted as much when they wrote, in 2006, “Including transgender people in hate crime laws does not create a change by enhancing penalties but by educating legislators, the media, the police, and the courts about the violence faced by trans people and by asking the public at

large to side with the victims rather than the perpetrators of hate.”³³ The NCAVP has distanced itself from penalty enhancements over a period of several years, and in 2008, NCAVP affirmed its opposition to enhanced penalties for those convicted of hate crimes.³⁴ In 2009, the Sylvia Rivera Law Project (SRLP), joined by FIERCE, INCITE! Women of Color Against Violence, Queers for Economic Justice (QEJ), Right Rides, the Transgender Intersex Justice Project (TGIJP), and the Transformative Justice Law Project (TJLP), declared their opposition to the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. Placing their stand within a larger context of opposition to mass incarceration, militarization, and colonialism, they said, “The evidence . . . shows that hate crimes laws and other ‘get tough on crime’ measures do not deter or prevent violence. Increased incarceration does not deter others from committing violent acts motivated by hate, does not rehabilitate those who have committed past acts of hate, and does not make anyone safer.”³⁵

DOMESTIC VIOLENCE IN QUEER RELATIONSHIPS

Over the past two decades, in addition to demanding protection from homophobic and transphobic violence at the hands of strangers, LGBT individuals and communities have increasingly sought protection for violence in intimate relationships. Although historically even more invisible than its heterosexual counterpart, the existence of violence in the context of queer relationships is being brought to light by antiviolence advocates working to counter reluctance both within and outside queer communities to recognize it. In so doing they have come up against resistance on the part of LGBT people concerned about feeding negative perceptions of queers as well as resistance on the part of policymakers loathe to appear to be condoning homosexuality by providing protections to victims of violence in homosexual relationships.³⁶ Despite these challenges, by 2008, thirty-seven states provided for civil orders of protection against an intimate partner of the same sex

under varying circumstances, although the availability of this remedy in reality varies from judge to judge and jurisdiction to jurisdiction.³⁷

Fifteen organizations in fourteen jurisdictions across the country provide services to LGBT survivors of domestic violence (DV) and jointly report on the populations they serve in an annual report published by the NCAVP. They define domestic violence as "a pattern of behavior where one partner coerces, dominates, and isolates the other to maintain power and control over their partner."³⁸ While this is a welcome expansion beyond a domestic violence frame that encompasses only physical abuse in heterosexual relationships, it does not include violence queers experience in other intimate relationships, including at the hands of family members such as parents, siblings, and extended family members, as well as caregivers. A significant proportion of homophobic and transphobic violence takes place within or near our homes, and often represents some of the most brutal violence experienced by LGBT people.³⁹ The widely used term same sex domestic violence, which appears to reflect an effort to shoehorn queer lives into mainstream domestic violence discourse, similarly excludes these experiences of violence, as well as those of transgender people involved in heterosexual relationships. Recognizing that LGBT people, and particularly queer youth and elders, are vulnerable to violence in a multitude of intimate contexts beyond monogamous relationships that mirror heterosexual marriage, many LGBT anti-violence activists use the broader term LGBT domestic violence to reflect this reality and distinguish these experiences from violence experienced at the hands of strangers or public authorities.

A recent study found, based on a review of the literature, that police are less likely to intervene in domestic violence cases that involve gay or lesbian couples. The study's authors suggest that failure to do so may be based on homophobia, and on notions that "women cannot be abusers and men cannot be abused." They also note that such beliefs are likely held not only by law enforcement officers, but also by others who will determine survivors' success in obtaining safety

through in the criminal legal system, including witnesses, health care workers, attorneys, judges, and jurors. As a result, the researchers conclude, lesbian and gay people who experience domestic violence "may not receive equal protection under the law."⁴⁰

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In far too many cases, police heap harassment and abuse on top of that already experienced at the hands of an intimate. NCAVP data indicates that, of the 18 percent of cases of LGBT DV reported to affiliates across the country in which the police intervened, police misconduct, including verbal abuse, use of slurs, and physical abuse, was reported in 6 percent. Arrest of survivors in addition to or instead of abusers took place in an additional 6 percent. And, overall reports of police misconduct in DV cases increased by 93 percent in 2008. In Los Angeles, which consistently reports the largest number of LGBT DV cases per year, a misarrest was reported in over 97 percent of cases in 2007: "Frequently both parties are arrested or law enforcement officers threaten to arrest both."⁴¹ . . .

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In some cases, police failure to respond, combined with an absence of alternative community-based responses, can prove deadly. On March 28, 1998, Marc Kajs was shot by his former partner at the restaurant where he worked in Houston, Texas. A lawsuit brought by Kajs' mother alleged that, although he contacted police to report abuse by the former partner on at least six separate occasions, each time officers failed to file written reports or offer him assistance. On the last occasion Kajs sought help from the police, he ran into a police station at two thirty in the morning while being chased by his former partner, who threatened him in front of a police officer. Kajs told the officer he was frightened, that the man had threatened his life and that of his friends and family members, and asked for protection. The officer gave him an incident number and sent him

back out on the street with his abuser, telling him to return the following Monday. Kajs was dead before Monday came around.⁴²

In many more cases, as with hate crimes, queers feel unable to seek protection from the criminal legal system, fearing ineffective or homophobic responses, disclosure of their sexual orientation or gender identity, or arrest, deportation, loss of custody of children, or other adverse outcomes.⁴³ NCAVP suggests that this is particularly true for LGBT people of color and LGBT immigrants. It is also the case for a substantial number of transgender people. According to NCAVP, "Since police officers were perpetrators in almost half (48 percent) of the incidents of antitransgender violence [in 2000], transgender people are not likely to seek police protection from an abusive partner." The number of incidents reported to NCAVP member organizations in which police were called decreased by 41 percent in 2008.⁴⁴

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Not surprisingly, the situation doesn't much improve once queer survivors of domestic violence reach the courts. As the National Resource Center on Domestic Violence notes, "In the overtly hierarchical structure of the legal system . . . survivors of violence in same-gender/gender variant relationships are not routinely afforded the same protections as those employed to protect privileged heterosexual victims of domestic violence."⁴⁵ Not only do queer survivors face generic and pervasive homophobic treatment, but in some jurisdictions courts continue to refuse to enforce existing protections for people who experience LGBT domestic violence on the grounds that they believe doing so would put gay relationships on equal legal footing with heterosexual marriage.⁴⁶ Further aggravating the situation, the STOP DV program of the Los Angeles AVP reports a lack of awareness among legal professionals regarding domestic partnership law and custody and visitation issues in LGBT relationships, which may lead to hesitation to offer assistance because the issues appear too complicated.⁴⁷

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For transgender women, the problem is endemic. Archetypes of transgender people as deceptive, mentally unstable, and sexually degraded permeate responses to domestic violence committed against them as much as they do other law enforcement activities. A San Antonio woman, who called the police for help when her boyfriend broke a window and some of her personal possessions, was arrested on the mere word of her abuser that she was "bipolar." A young African American transgender woman living in Los Angeles who repeatedly called police for assistance when her boyfriend was abusive was told each time that there was nothing the officers could do, despite the presence of visible bruises on her body. However, one morning two undercover officers knocked on her door and told her she was under arrest pursuant to an old warrant on a solicitation charge. In 2002, in Washington, DC, a transgender woman choked by her male partner managed to call police only to be arrested, handcuffed, pushed down the stairs, and referred to by male pronouns throughout her subsequent detention. Although charges against her were eventually dismissed, the message was clear: gender "deception" can be met with violence, with no recourse to the law.⁴⁸

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The challenge is to develop bolder justice visions and new frameworks for naming, analyzing, and confronting the myriad forms of individual and systemic violence that not only hurt individuals, but also destabilize entire communities—to shift our focus to our communities, to help them grow stronger, more just, more stable, and more compassionate. LGBT people need to deeply question whether institutions rooted in the control and punishment of people of color, poor people, immigrants, and queers can ever be deployed in the service of LGBT interests without abandoning entire segments of queer communities to continuing state violence. But how do we start to break out of the old frames, confront the inhumanity of criminal archetypes, and begin to open up what Angela Y. Davis calls "new terrains of justice"?⁴⁹

NOTES

1. "CAVP Condemns Assault on Lesbian Youth," Colorado Anti-Violence Project, www.coavp.org/content/view/35/44/ (accessed September 13, 2009); and Amnesty International, *Stonewalled: Police Abuse and Misconduct against Lesbian, Gay, Bisexual and Transgender People in the U.S.* (New York: Amnesty International USA, 2005), 76.
2. National Coalition of Anti-Violence Projects, *Hate Violence against Lesbian, Gay, Bisexual, and Transgender People in the United States 2008, 2009 Release Edition*, www.ncavp.org/publications/NationalPubs.aspx (accessed September 5, 2009).
3. Kristina B. Wolff and Carrie L. Cokeley, "To Protect and Serve? An Exploration of Police Conduct in Relation to the Gay, Lesbian, Bisexual and Transgender Community," *Sex Cult II* (2007): 1–23; and Amnesty, *Stonewalled*, 67, 78.
4. Federal Bureau of Investigation, *Uniform Crime Report: Hate Crime Statistics 2008*, www.fbi.gov/ucr/hc2008/documents/abouthc.pdf (accessed February 11, 2010).
5. See U.S. Department of Justice, Bureau of Justice Statistics, *Criminal Victimization, 2004*, Office of Justice Programs, NCJ 210674 (Washington, DC, September 2005); U.S. Department of Justice, Bureau of Justice Statistics, *Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992–2000*, Office of Justice Programs, NCJ 194530 (Washington, DC, August 2002); and Wolff and Cokeley, "To Protect and Serve?"
6. Wolff and Cokeley, "To Protect and Serve?"; Amnesty, *Stonewalled*, 67–68; and Suzanna M. Rose, "Community Interventions Concerning Homophobic Violence and Partner Violence Against Lesbians," *Journal of Lesbian Studies* 7, no. 4 (2003): 125–39.
7. NCAVP, *Hate Violence in 2008*, 16–17.
8. See, e.g., Wolff and Cokeley, "To Protect and Serve?" See also Amnesty, *Stonewalled*, 75–77.
9. U.S. Department of Justice, *Hate Crimes Statistics, 2007*, Uniform Crime Reporting Program, Federal Bureau of Investigation (Washington, DC, October 2008), www.fbi.gov/ucr/htm (accessed October 12, 2009).
10. NCAVP, *Hate Violence in 2008*, 16–17. Violence against LGB Individuals," *Journal of LGBT Health Research* 3, no. 3 (2007): 55–71.
14. Rose, "Community Interventions," 131.
15. James B. Jacobs and Kimberly Potter, *Hate Crimes: Criminal Law & Identity Politics* (New York: Oxford University Press, 1998), 29–44.
16. The ADL states that its mission is fighting "anti-Semitism and all forms of bigotry in the United States and abroad." The organization has been critiqued for its embrace of centrist/extremist theory, which fashions bigotry and violence as the product of extremism on the part of individuals while ignoring systemic forms of violence against marginalized groups by the state. See "Focus on Individual Aberration," www.publiceye.org/liberty/Repression-and-ideology-o6.html (accessed February 2, 2010). ADL has also been critiqued for its uncritical support of the policies and practices of the State of Israel, and its efforts to suppress dissenting voices. See, e.g., Edward W. Said and Christopher Hitchens, eds., *Blaming the Victims: Spurious Scholarship and the Palestinian Question* (New York: Verso, 1988), 10, 12. See also, e.g., Eric Alterman, "The Defamation League," *Nation*, February 16, 2009.
17. Anti-Defamation League, *ADL Model Legislation* (2003), www.adl.org/99hatecrime/penalty.asp (accessed September 15, 2009); Anti-Defamation League, *Hate Crimes Laws Introduction*, (2003), www.adl.org/99hatecrime/intro.asp (accessed September 15, 2009); and Levin, "Slavery to Hate Crime," 237.
18. National Gay and Lesbian Task Force Action Fund, *Hate Crimes Protections Historical Overview*, www.thetaskforce.org/issues/hate_crimes_main_page/overview (accessed September 10, 2009).
19. National Gay and Lesbian Task Force Action Fund, *Map of Hate Crime Laws in the U.S.* (updated July 14, 2009), www.thetaskforce.org/reports_and_research/hate_crimes_laws (accessed September 8, 2009). Two states include sexual orientation in their hate crime

- (2008). www.ncavp.org/publications/NationalPubs.aspx (accessed September 5, 2009).
23. NCAVP, *Hate Violence in 2008*.
 24. See National Coalition of Anti-Violence Programs, *Anti-Lesbian, Gay, Bisexual and Transgender Violence in 2002* (2003), 5, www.ncavp.org/publications/NationalPubs.aspx (accessed February 5, 2010). See also American Friends Service Committee, *Is Opposing the War an LGBT Issue?*, produced in partnership with the National Youth Action Coalition (2003), www.afsc.org/lgbt/ht/display/ContentDetails/i/i8752 (accessed February 4, 2010).
 25. Richard Kim, "The Truth about Hate Crimes Laws," *Nation*, July 12, 1999, www.thenation.com/article/truth-about-hate-crimes-laws (accessed October 15, 2009).
 26. Kim, "Truth about Hate Crimes."
 27. NCAVP, *Hate Violence in 2008*, 16.
 28. Amnesty, *Stonewalled*, 69.
 29. Wolff and Cokeley, "To Protect and Serve?" 12, 18.
 30. Wolff and Cokeley, "To Protect and Serve?" 13.
 31. NCAVP, *Hate Violence in 2008*, 13.
 32. Wolff and Cokeley, "To Protect and Serve?" 12, 19.
 33. Paisley Currah, Richard Juang, and Shannon Minter, eds., *Transgender Rights* (Minneapolis: University of Minnesota Press, 2006), xxiii. See also Lee, "Prickly Coalitions," 110–11.
 34. NCAVP, *Hate Violence in 2008*, 86.
 35. See SLRP's Web site: <http://srlp.org/fedhatecrimelaw> (accessed February 2010).
 36. National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual and Transgender Domestic Violence in the United States in 2007* (2008), 3, www.avp.org (accessed February 14, 2010); National Resource Center on Domestic Violence, *LGBT Communities and Domestic Violence: Information and Resources* (Pennsylvania, 2007), www.nrcdv.org (accessed February 14, 2010); and Amnesty, *Stonewalled*, 80.
 37. Sheila M. Seelau and Eric P. Seelau, "Gender-Role Stereotypes and Perceptions of Heterosexual, Gay and Lesbian Domestic Violence," *Journal of Family Violence* 20, no. 6 (2005): 363–71, 363; and NCAVP, *Domestic Violence in 2007*.
 38. National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual and Transgender Domestic Violence in the United States in 2008* (2009), 6, 11. NCAVP is moving toward the use of the term *intimate partner violence* to describe this phenomenon.
 39. *Ibid.*, 6, 11, 12. The NCAVP recognizes the existence of violence in these contexts, but nevertheless focuses its reporting on *intimate partner violence* and *domestic violence*, using these terms synonymously. Nearly one-third of all incidents reported to the NCAVP took place in or near a private residence.
 40. Seelau and Seelau, "Gender-Role Stereotypes," 364–70.
 41. NCAVP, *Domestic Violence in 2007*, 24, 19; and NCAVP, *Domestic Violence in 2008*, 2.
 42. Harvey Rice, "Judge Again Dismisses Law Suit over Gay Domestic Violence Case," *Houston Chronicle*, February 4, 2004; Harvey Rice, "Expert Questions Police Report on Gay Man's Death," *Houston Chronicle*, December 19, 2003; Rosanna Ruiz, "Court Reinstates Mom's Suit over Death of Gay Son," *Houston Chronicle*, December 15, 2001; Wendy Grossman, "Bullets after Brunch," *Houston Press*, May 4, 2000; and Amnesty, *Stonewalled*, 82.
 43. NCAVP, *Domestic Violence in 2007*, 19, 24; NRCDV, *LGBT Communities and Domestic Violence*; Danica R. Borenstein et al., "Understanding the Experiences of Lesbian, Bisexual and Trans Survivors of Domestic Violence: A Qualitative Study," *Journal of Homosexuality* 51, no. 1 (2006): 159–81, 162, 172; and Rose, "Community Interventions," 131.
 44. NCAVP, *Domestic Violence in 2008*, 3; NCAVP, *Domestic Violence in 2007*, 16; and National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual and Transgender Domestic Violence in the United States in 2000*, www.avp.org (accessed February 14, 2010).
 45. NRCDV, *LGBT Communities and Domestic Violence*.
 46. NCAVP, *Domestic Violence in 2007*, 35; and NRCDV, *LGBT Communities and Domestic Violence*.
 47. NCAVP, *Domestic Violence in 2007*, 25.
 48. NRCDV, *LGBT Communities and Domestic Violence*.
 49. Angela Y. Davis, *Are Prisons Obsolete?* (New York: Seven Stories, 2003), 21.