2001

A victimization study of transgendered individuals in San Francisco, California

A. R. Sousa
San Jose State University

Follow this and additional works at: https://scholarworks.sjsu.edu/etd_theses

Recommended Citation

Sousa, A. R., "A victimization study of transgendered individuals in San Francisco, California" (2001).
Master's Theses. 2245.
DOI: <https://doi.org/10.31979/etd.engz-4w7q>
https://scholarworks.sjsu.edu/etd_theses/2245

This Thesis is brought to you for free and open access by the Master's Theses and Graduate Research at SJSU ScholarWorks. It has been accepted for inclusion in Master's Theses by an authorized administrator of SJSU ScholarWorks. For more information, please contact scholarworks@sjsu.edu.

INFORMATION TO USERS

This manuscript has been reproduced from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps.

Photographs included in the original manuscript have been reproduced xerographically in this copy. Higher quality 6" x 9" black and white photographic prints are available for any photographs or illustrations appearing in this copy for an additional charge. Contact UMI directly to order.

**ProQuest Information and Learning
300 North Zeeb Road, Ann Arbor, MI 48106-1346 USA
800-521-0600**

UMI[®]

**A VICTIMIZATION STUDY OF TRANSGENDERED INDIVIDUALS IN
SAN FRANCISCO, CALIFORNIA**

A Thesis

Presented to

The Faculty of the Administration of Justice Department

San Jose State University

In Partial Fulfillment

of the Requirements for the Degree

Master of Science

by

Alex R. Sousa

December 2001

UMI Number: 1407321

**Copyright 2001 by
Sousa, Alex Ryan**

All rights reserved.

UMI[®]

UMI Microform 1407321

**Copyright 2002 by ProQuest Information and Learning Company.
All rights reserved. This microform edition is protected against
unauthorized copying under Title 17, United States Code.**

**ProQuest Information and Learning Company
300 North Zeeb Road
P.O. Box 1346
Ann Arbor, MI 48106-1346**

© 2001

Alex R. Sousa

ALL RIGHTS RESERVED

**APPROVED FOR THE ADMINISTRATION OF
JUSTICE DEPARTMENT**

Dr. Janet R. Johnston

Dr. Inger Sagatun-Edwards

Dr. Susan B. Murray

APPROVED FOR THE UNIVERSITY

ABSTRACT

A VICTIMIZATION STUDY OF TRANSGENDERED INDIVIDUALS IN SAN FRANCISCO, CALIFORNIA

by Alex R. Sousa

This study measured the frequency of criminal victimization, verbal abuse and other forms of harassment and discrimination against transgendered individuals in San Francisco, California (N = 44). The study employed non-probability sampling using a survey instrument that consisted of 31 questions. When compared to previous studies on gay men, lesbians, and bisexuals, transgendered individuals reported experiencing verbal abuse more frequently, however transgendered individuals report such victimization to law enforcement officials at roughly the same frequency as bisexual males. Male-to-female (MTF) transsexuals were more likely to experience physical victimization and verbal victimization by police officers than their female-to-male (FTM) counterparts. The results of this study emphasize the importance of including the transgendered in criminal justice policies and hate crimes legislation at both the state and federal level and the need for increased cooperation between community-based organizations and criminal justice agencies.

Contents

Chapter	Page
1. INTRODUCTION.....	1
2. BACKGROUND.....	3
An overview of the study	
Social movements from 1960-2000: A transgender presence.	
Gender and sex	
The transgendered: Who are they?	
Passing	
Primary Victimization	
The police as perpetrators of violence	
Secondary victimization	
Failure to seek medical attention	
Recapping violence against the transgendered	
Propositions	
Hypotheses	
3. METHODOLOGY.....	33
Subjects and setting	
Measure	
Data Analysis	
Hypothesis 1	
Hypothesis 2	

Hypothesis 3

Hypothesis 4

Qualitative Findings

4. SUMMARY AND DISCUSSION.....49

5. CONCLUSION: CRIMINAL JUSTICE SYSTEMS AND POLICY..... 52

Appendix

1. Questionnaire.....57

REFERENCE LIST.....62

TABLES

Tables

1. Comparison of verbal victimization between studies.	22
2. Incidents of victimization by the police.	25
3. Assigned gender at birth compared with current gender presentation.	41
4. Frequency of verbal victimization.	43
5. Frequency in which criminal victimization was reported.	44
6. Percentage of FTM and MTF individuals who experience physical Victimization.	44
7. Percentage of FTM and MTF individuals who experience verbal victimization by police officers.	45

Introduction

The transgendered comprise part of what is commonly referred to as the gay, lesbian, bisexual and transgender (LGBT) community. In the past decade there has been a proliferation of research on hate-motivated violence directed toward the gay and lesbian community. However, the transgendered community seems to be largely ignored in such studies. To date, only one soon-to-be published study exists and it is entitled, *GenderPAC: First national survey of transgender violence* (Lombardi, Wilchins, Preisling and Malouf, in press). For both those who are members of the LGBT community and those who are not, it is important to understand the nature of hate motivated violence, its prevalence, and its effects on the transgendered segment of the community against which such violence is directed.

In recent years, hate violence against transgendered individuals has received some media attention. Probably the most salient example of recent mainstream media attention to victimization of the transgendered persons is in the film *Boys Don't Cry* (Pierce et al., 1999). *Boys Don't Cry* is based on the real-life rape and murder of Brandon Teena. Brandon Teena was assigned to the female sex at birth and raised in the female gender role. Later in his life, however, Brandon lived in the male gender role. While living in the male gender role, two of Brandon's male associates became "suspicious" about his sex and forcefully removed Brandon's pants to determine his so-called true "sex." Upon discovering Brandon's female genitalia, he was subsequently beaten and raped. Approximately one week later the same two associates, angered over Brandon's audacity to report the rape to authorities, drove to Humboldt, Nebraska where Brandon was

staying with a friend and murdered Brandon, his friend Lisa Lambert and a third person named Patrick Devine. This film is important because it provides public recognition about the issue of hate-motivated violence directed toward people who are perceived to be acting outside what is generally considered socially acceptable for a given gender role. Further, it heightens awareness about the extent of the brutality involved and the ignorance and prejudice of law enforcement. Most horrifying was the seeming willingness of the perpetrators to use excessive amounts of force to brutalize and kill their victims based on the perception that the victims stepped outside of social norms.

Hate motivated violence is often directed at individuals because of the perpetrator's perception that the victim does not adhere to socially accepted gender roles. Perceptions, then, may be based generally on the victim's appearances and not on the perpetrator's direct knowledge of that person's actual sexuality or gender. In some instances, law enforcement officers have been known to victimize the LGBT community. That is, the very individuals expected to protect the community at large may victimize the LGBT community. Secondary victimization by persons in positions of authority may thwart the victim's desire to report hate-motivated violence or seek medical attention subsequent to a hate-motivated attack.

This study sought to understand the nature and frequency of hate-motivated violence and abuse against transgendered persons. Hate motivated violence was studied to better understand the context in which violence against the transgender community may occur, and to what extent law enforcement may be perpetrators of such violence. In some instances, transgendered individuals who are perceived to be acting outside of

socially accepted gender norms have been subjected to harassment and in some instances subjected to an unjustified arrest by law enforcement officers. Transgendered individuals who chose to participate in the study were required to fill out an anonymous questionnaire consisting of 34 questions. The subjects were recruited from San Francisco based transgender support organizations and through e-mail lists that are specific to the transgendered in the Bay Area.

Background

An Overview of the Study

The Civil Rights Movement of the 1960's might be considered a pivotal period in the history of transgender activism. Although some movements in that period afforded minority groups and women greater protections of their civil rights, transgendered individuals seemed to disappear from civil rights activism. The following sections briefly trace the history of the Civil Rights Movement of the 1960's and steer the reader through subsequent movements (i.e. the victim rights movement, and the gay and lesbian movement). Transgender activism of the 1960's, which might be considered the foundation for the gay and lesbian movement, are discussed in addition to the many reasons why transgender activism faded in the early 1970's and resurfaced again in the 1990's. The social movements discussion culminates with a brief mention of the Hate Crimes Statistics Act of 1990. The discussion proceeds to defining *who* are the transgendered and the significant distinctions between the various transgender identities (i.e. transsexual, cross-dresser, etc.).

Subsequent sections address primary and secondary victimization and how such victimization impacts the transgendered. Primary and secondary victimization may be mitigating factors in whether hate-based incidents are reported to police or whether the transgendered seek medical services after a hate-motivated attack. The fear of secondary victimization may be based on the perception that law enforcement or medical personnel will not be sensitive to the transgender's needs. Gender norm violation may be more visibly recognizable than sexual orientation. In light of this, the discussion focuses on the fact that the transgendered may be more likely to be victimized than gays, lesbians, or bisexuals. In addition, the issue of "passing" as a relevant issue to transsexuals is discussed; the male-to-female transsexual may, more often, be perceived to be acting outside of established social norms and may be subject to more violence than their female-to-male counterpart. The discussion culminates with a review of previous studies on hate-based crimes against gay, lesbian, bisexual and transgender individuals and a review of the 1998 statistics from the National Coalition of Anti-Violence Programs (NCAVP). Finally, research methodology, measures, and data analysis completes the discussion.

Social Movements from 1960-2000: A transgender presence

The Civil Rights Movement of the 1960's may be viewed as the foundation for all subsequent social movements (Jenness & Broad, 1997). Beginning with the Civil Rights Movement, Jenness and Broad (1997) group together independent movements and categorize those movements into three distinct tiers. The first movements within Jenness and Broad's tier system are those based on race, religion, color and national origin; these

categories comprise the first tier. The efforts behind the Civil Rights Movement proved successful when the Civil Rights Act of 1964 was signed. This Act provided legal protections against discrimination in housing, employment, and other services. Despite legal gains, however, some feel that the economic status of African Americans has either remained the same or deteriorated since the Act was signed (Jenness & Broad, 1997).

The second tier or second wave of social movements are those based on sexual orientation and gender. The gay and lesbian movement has paralleled the original civil rights movement in many respects; advocates for gay and lesbian rights have attempted to amend the Civil Rights Act of 1964 to include sexual orientation and gender (Jenness & Broad, 1997). It may be misleading to consider the gay and lesbian movement a movement by gays and lesbians for gays and lesbians. The transgendered, themselves, have played a crucial role in the gay and lesbian movement.

The transgendered have a historical presence in the San Francisco Bay Area—in particular San Francisco's Tenderloin District. Dating back as far as the mid-1960's there is evidence that the transgendered community was involved in organized activism (Gay and Lesbian Historical Society of Northern California [GLHSNC], 1998). Throughout the 1950's and early 1960's, the transgender community (which was largely comprised of "Queens", MTF transsexuals, and non-transsexual woman) was interwoven with the gay male community (GLHSNC). In 1966, Dr. Harry Benjamin published *The Transsexual Phenomenon*, which may be considered a pivotal point in transgender history and activism. Benjamin felt that intervention on behalf of the "transvestite" was medically justifiable, despite American beliefs that intervention was necessary only for

intersexed individuals (GLHSNC, 1998, p.353). In other words, medical intervention might aid the transvestite in attaining a level of comfort with his or her body, perhaps through hormone replacement therapy and surgical transformation of the body. With the advent of medical intervention, for the transgendered it seemed that specification of mutually exclusive categories within the gay community ensued which is echoed in the following:

Once medical intervention became more generally available, it seems, differences in the self-concepts, body images, structures of desire, ethnicity, and other socio-economic attributes of individual transgender people solidified all the more quickly—and on an enlarged social scale—into the increasingly reified categories of homosexual, transvestite, drag queen, and MTF transsexual (GLHSNC, 1998, p.354).

Although a network of transgender activism may have surfaced in San Francisco's Tenderloin during the mid to late-1960's the efforts to sustain such activism within the transgendered community dwindled by the early 1970's (GLHSNC, 1998). "Events of 1973 hit the transgender movement particularly hard, exacerbating the tensions over transgender participation that had existed all along within the gay and feminist movements and creating a breach that did not heal until the 1990's" (GLHSNC, 1998, p. 367). Further, the GLHSNC cites the "rise of cultural feminism" in the lesbian community and the "increasing disparagement of drag among gay men and pandemic hostility, apathy, and ignorance of society at large, transgender activists increasingly found themselves cut off from participation in other progressive social movements"

(p.367) as reasons for the publicly dormant nature transgender activism beginning in the early 1970's and lasting well into the 1990's.

The 1980's saw three significant changes in the transgendered community, according to Stryker, which contributed to renewed transgender visibility: "a burgeoning FTM community, the official pathologization of transgender identity, and the AIDS epidemic" (2000, p.27). By the 1990's renewed transgender activism resulted in some *symbolic* victories for the transgender community where the term "Transgender" was added to the title of San Francisco's gay pride parade (Stryker, 2000, p. 31). The transgender community made further progress when the San Francisco Department of Public Health established "Tranny Tuesday" at the Tom Waddell Public Clinic (Stryker, 2000, p.31). The Tom Waddell Clinic provides health care services to transgendered individuals every Tuesday evening on a drop-in basis.

Despite some social and symbolic gains made by gays, lesbians, bisexuals and transgendered individuals, hate motivated violence is occurring with greater frequency. Violence based on an individual's "real or imagined social characteristics and group membership is as old as humankind" (Jenness & Broad, 1997, p.22). With the growth of the gay and lesbian movement, and in response to the failure of the criminal justice system to protect gays and lesbians from anti-gay or anti-lesbian violence, anti-violence projects were established to meet the psychosocial needs of these victims subsequent to a violent attack (Jenness & Broad, 1997). The New York City Gay and Lesbian Anti-Violence Project is one example of an anti-violence project that originated because of the failure of the criminal justice system. Currently, the project provides counseling,

advocacy, information and referrals to gay and lesbian crime victims. Other anti-violence projects, such as Community United Against Violence (CUAV) in San Francisco, also collect data on hate-based crimes that occur to gay, lesbian, bisexual or transgender individuals. The advocacy services provided by the anti-violence projects to victims of crime can be said to have influenced the third tier in Jenness and Broad's model (1997).

The third tier also includes "other" movements such as the victim rights movement. The victim rights movement can be said to have its origins in the civil rights movement, the anti-violence movement, the women's movement, and the gay and lesbian movement (Jenness & Broad, 1997). The victim rights movement advocates for the support, assistance and the rights of victims of violent crime. In 1980, the victim rights movement made substantial progress when Wisconsin became the first state to pass a Victims Bill of Rights; in 1981, four more states passed such legislation and by 1989, 42 states had passed similar legislation. The Victim Bill of Rights established the proper governmental response to victims of crime by providing:

a.) a legal definition of crime victim; b.) that throughout the criminal justice process victims must be treated with dignity, respect, sensitivity, compassion, and fairness; c.) a guarantee that victims will be heard at various stages of the criminal justice process; d.) protection from intimidation, harassment, or abuse from the defendant or any person acting on behalf of the defendant; and e.) provisions for the victim to be compensated for the harm done by the offender (As cited in Jenness & Broad, 1997).

The Victims Bill of Rights officially recognized victims and in doing so established a legal consensus that victims are legitimately in need of certain protections. However, the vagaries of the Victims Bill of Rights did not provide for the circumstances under which an individual is to be considered a legitimate crime victim, nor does it extend rights to stigmatized individuals. As will be discussed later, some members of stigmatized groups may be apprehensive about reporting violent crimes to law enforcement for fear of being victimized a second time. It appears that, under the Bill of Rights, there is an “ideal” victim. For instance, male-on-male rape may not be perceived to be a crime. Therefore, some law enforcement agencies may not take a report of such an occurrence. In this instance, the male victim does not meet the socially acceptable criteria for a “rape” victim nor is male-on-male rape considered a crime. Protections afforded under the Victims Bill of Rights may be contingent upon social recognition of the crime, followed by social acceptance of who can and cannot be considered a victim of that crime. In other words, in order for there to be a victim, there must be a crime.

President George Bush signed the Hate Crimes Statistics Act (HCSA) of 1990. The HCSA requires the Attorney General to collect data on crimes in which evidence of prejudice based on race, religion, disability, sexual orientation, or ethnicity are present. However, the HCSA does not require that data be collected on crimes based on prejudice against one’s gender or perceived gender. Furthermore, the HCSA does not stipulate penalties for prejudice-based crimes nor does the Act provide legal recourse for victims (Jenness & Broad, 1997). The Federal government is lagging in extending protections to

individuals who are victimized because of their gender; and this includes the transgendered.

Legal protections that extend to the gay, lesbian, bisexual and transgendered population have most often been passed at the state and/or local levels. For example, in 1998 the State of California officially recognized “gender” as a protected category under its hate crimes legislation. Under this legislation, “‘gender’ means the victim’s sex, and includes the defendant’s perception of the victim’s identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with the victim’s sex at birth” (Penal Code § 422.76, 2000). Similarly, the City of San Francisco, in 1995, officially passed a city ordinance forbidding discrimination against transgendered persons in housing, employment, and public services.

Gender and Sex

The terms “gender” and “sex” are often used interchangeably despite having different meanings. Before defining the population to be studied it is first necessary to make the distinction between the terms gender and sex in order to ensure continuity in their usage throughout this study. The term gender refers to the “psychological, social, and cultural aspects of maleness and femaleness” (Kessler & McKenna, 1985, p. 7). In this context gender may include gender identity, that is, an individual’s feeling of his or her maleness or femaleness. Gender may also include gender roles. More specifically, gender roles are expectations about the type of behavior that is acceptable for a female or male. Sex, on the other hand, refers to “those aspects of being a woman (girl) or man

(boy) that have traditionally been viewed as biological” (Kessler & McKenna, 1985, p. 7). The biological aspects of sex may include references to chromosomes, genitals and/or reproductive capacity.

The Transgendered: Who are they?

The term “transgender” is known to have two generally accepted definitions from both the transgendered themselves and from clinicians. According to Brown and Rounsley (1996) the term transgender encompasses those who: a) choose to live in the world in the opposite gender on a full-time basis but do not wish to undergo sex reassignment therapy, or more generally b) those individuals who may have a conflict with or who may question their gender. The latter use of the term transgender may include the subcategories transsexual, transvestite, female impersonator, male impersonator, and drag queen/king—in other words, transgender is an umbrella term that includes *all* individuals who may question or have conflict with their gender. Israel and Tarver (1997) established a similar working definition to Brown and Rounsley, but included those individuals who “self-identify” as transgendered and those with “androgynous presentation” who may or may not have “found permanent roots within a specific transgender subpopulation” (1997, p. 8). Androgynous individuals may possess characteristics of both genders or may not present publicly as either gender. Individuals who may not have found permanent roots within a specific transgender population may feel as though the criteria used to delineate between such subpopulations do not accurately reflect their own sense of identity or their own sense of their gender. Any rigid application of the term transgender to this population ignores the fluidity of

identities in general; the potential for identities to change over time; and for the meanings of such identities to vary from individual to individual and to vary from location to location. Hence, the term transgendered, for the purpose of this study will be loosely applied and may include those individuals who have conflict with or question their gender. Such individuals may include transsexuals, transvestites, cross-dressers, drag queens, female impersonators, male impersonators, those of androgynous presentation *and* those who *self identify* as transgendered but do not fall into one of the sub-categories under the term *transgender*. The inclusion of those who self-identify as transgender precludes the notion that a clinical diagnosis is needed for participation in this study.

For further clarity, the known subcategories included under the term transgender such as transsexual, cross-dresser, drag queen, and intersexed will be defined. The term transsexual refers to individuals who feel they ought to be the opposite gender; the body they were born with does not reflect their own mental image of what their body should be (Brown & Rounsley, 1996). The prevailing distinction between the transsexual and other transgender identities is that transsexuals feel the need to live out their lives in the opposite gender (Israel & Tarver, 1997; Brown & Rounsley, 1996). Such individuals may undergo sex reassignment surgery (SRS) and hormone replacement therapy (HRT) in order to bring their bodies into congruence with the mental image they have of themselves. The term transsexual may include both the female-to-male (FTM) and male-to-female (MTF) transsexuals. In a recent article featured in *Frontiers Magazine*, Stryker (2000) provided probably the most accurate definition of the term transsexual. Transsexuals, according to Stryker, are “people who make a stable identification with the

so-called ‘opposite sex’ and who do everything in their power to present themselves to other people in a way that communicates their sense of themselves as clearly and unambiguously as possible” (p. 20). With Stryker’s definition in mind, *passing* becomes paramount to the transsexual. Passing will be discussed in greater detail at the end of this section.

Cross-dressers (or transvestites) are more often heterosexual males who wish to dress in clothing associated with the female gender for the sake of sexual or erotic gratification (Israel & Tarver, 1997; Brown & Rounsley, 1996). In fact, Brown posits that cross-dressers are more likely to be “heterosexual, married, well-educated men” (p.12). Often times the desire to cross dress is associated with a sexual fetish. Generally, cross-dressers do not wish to live permanently as the opposite gender and typically do not desire Sex Reassignment Surgery (SRS) or Hormone Replacement Therapy (HRT).

Drag queens are typically homosexual males who may cross-dress for “erotic or sexual pleasure” (Brown & Rounsley, 1996, p. 15). Drag is generally associated with entertainment (Israel & Tarver, 1997) as drag queens may take a campy or theatrical approach to their cross-dressing whereby female personalities and characteristics may be overemphasized. (Brown & Rounsley, 1996). Under the rubric of drag there is the drag king—that is, females who may dress as males for entertainment purposes and/or erotic and sexual pleasure. Drag is a form of cross-dressing that is typically associated with the gay and lesbian community.

Intersexed individuals (commonly known as hermaphrodites) are “those with medically established physical or hormonal attributes of both the male and female

gender” (Israel & Tarver, 1997). Intersexed conditions may include androgen insensitivity syndrome and congenital adrenal hyperplasia. At birth, many intersexed individuals are assigned a gender based on the appearances of the genitals (Israel & Tarver, 1997). Often times the assignment of gender is followed by surgical alteration of the genitals. Unfortunately, intersexed individuals who are assigned a gender at birth due to ambiguous genitals may, later in their lives, never find “gender congruence” due to being surgically altered (Israel & Tarver, 1997, p. 16). In some instances, intersexed individuals who cannot find gender congruence may elect to undergo SRS later in their lives (Israel & Tarver, 1997; Brown & Rounsley, 1996).

Passing

Passing is most often a serious issue for the transsexual. Passing is the ability to be seen or viewed by others as one intends him or herself to be viewed (Kessler & McKenna, 1985). Similarly, Brown and Rounsley (1996) define passing as being “unquestioningly perceived by others as the gender with which they self identify” (p. 135). Passing serves many functions for the transsexual. Passing enables the transsexual to avoid stigma normally associated with transsexualism. Since gender might be considered to have primacy (Kessler & McKenna, 1985) over other attributes it is paramount for the transsexual to present him or herself in the least ambiguous manner possible. Kessler and McKenna suggest that passing is an “on-going process...practiced by both parties” (1985, p. 137). For example, in as much as the transsexual may preoccupy him or herself with passing, the perceiver similarly contributes to the process of gender attribution. Although the transsexual makes the initial gender attribution by

way of his or her public appearance or speech, the perceiver of those gender attributes affirms the transsexual's gender by making the proper gender attributions for that gender. Unbeknownst to the perceiver in these instances, successful passing might weigh heavily upon whether the perceiver has made the correct gender attributes. What happens when the perceiver does not or cannot make proper gender attributions?

Secondary sex characteristics may also play a crucial role in successful passing. Male-to-female transsexuals (MTF) may have facial hair, an Adam's apple or male patterned baldness that must be hidden in order to successfully pass. Similarly, female-to-male transsexuals may have small hands, breasts, hips or other features generally associated with the female sex. When the MTF presents characteristics that are generally associated with the male sex (i.e. an Adam's apple) the perceiver may not know how to relate to the transsexual or transgendered individual. Recall that gender may be considered a primary attribute. If perceivers cannot make the unequivocal decision of the transsexual's gender, ambiguity may cloud subsequent interactions with the transsexual individual. It is quite possible that the perceiver's indecisiveness might lead to anger or perhaps violence toward a transsexual because of the perception that the transsexual has violated gender norms.

Passing might also be viewed as contemptuous, an attempt at deception, or an attempt to dupe others. For transsexuals who pass without question as to their gender, another slightly different scenario may occur. In these instances, the transsexual who has successfully passed among others may be outed, that is his or her transsexual identity becomes known to others. In this latter scenario, the disclosure of one's transsexual

identity may be met with frustration from others, disappointment, anger and in some cases violence. The case of Brandon Teena is an example of an individual who passed as a male among members of the community. When it became known that Brandon was born into the female sex, but was living in the male gender role his friends became upset. Brandon's friends viewed him as a liar; they wanted to know the *truth* and their thirst for the truth ultimately led to the forceful removal of Brandon's pants in order to confirm his sex.

Primary Victimization

Primary transgender victimization for the purpose of this study refers to those acts which are directed at another individual and based on the perpetrator's perception that the victim does not possess the mannerisms, style of dress, presentation or characteristics generally associated with the victim's gender assigned at birth. Hate violence against transgendered individuals is defined as the intentional infliction of physical, emotional harm, verbal abuse, humiliation, intimidation, and/or harassment of an individual or damage and/or theft of property because of a real or perceived violation of socially established gender norms. Such violence may be for the purposes of gratification and/or personal gain on the part of the perpetrator. Gender and sexual orientation are frequently cited as motivations for hate-based violence (Jenness & Broad, 1997).

Existing data on hate crimes must be viewed with caution. Due to a victim's apprehension in reporting, and the lack of systematic data collection in the United States, hate crimes cannot be measured with any accuracy (Berrill, 1992). The rise in reported hate crimes in recent years may reflect greater victimization or improved documentation

efforts. Although improved documentation may contribute to increased reporting of such crimes, NCAVP (1998) suggested that case reporting is “susceptible to the extent of resources available in any given time or place to gather, analyze, and communicate relevant information” (p. 21). Further, awareness of hate crimes and the resources available to the LGBT community through outreach programs may further increase reporting of such incidents. Alternatively, the creation of liaisons who interact with police departments (NCVAP, 1998) may further foster an environment of understanding between law enforcement and the LGBT communities and may result in increased reporting of hate based incidents.

Although grass-roots organizations have made an effort to document violence against the transgendered in recent years, the existing literature may be considered scant at best. Anti-violence projects such as San Francisco’s Community United Against Violence (CUAV) serve to document such occurrences. The National Coalition of Anti-Violence Programs (NCAVP) is a coalition of programs that documents and advocates for victims of anti-lesbian, gay, bisexual, and transgender (LGBT) and anti-HIV/AIDS violence/harassment, domestic violence, sexual assault, police misconduct, and other forms of victimization (NCAVP, 1998). CUAV has been tracking anti-LGBT violence since 1979 and works closely with NCAVP to document such violence. The incidences reported to the NCAVP rely on the victim to report the incident and the statistics should be viewed with caution. In analyzing the data it is worth noting that increases in reporting may be the result of increased awareness of anti-LGBT violence and agencies such as NCAVP in which to report such incidents. Although such reporting is fraught

with complications in terms of generalizing to the population at large and more than likely reflects gross underreporting of the actual occurrences of violence against the LGBT community, the statistics maintain their utility in offering a rough sketch of the pervasiveness and lethality of such violence. The NCAVP reported 2,552 hate-based incidents in 1998—these incidents were reported by 16 of NCAVP's 26 member agencies from cities throughout the United States.

The 1998 anti-LGBT violence report from the NCAVP states that where the gay and lesbian community is concerned there were fewer incidents. However, the incidents that occurred were far more serious with respect to the types of weapons used, and the extent of the injuries incurred was more serious than incidences reported in previous years. The use of restraints and rope increased as well as bats, clubs, blunt objects and firearms by perpetrators (NCAVP, 1998).

Recent research on violence against LGBT individuals

In recent years there has been a proliferation of research on violence against gays, lesbians and bisexuals. The transgendered, however, remain almost unnoticed in this area of research. To date there is only one known, soon to be published, study that specifically addressed violence against the transgendered (Lombardi, Wilchins, Preising and Malouf, in press). Lombardi et al. conducted a victimization study of transgendered individuals (N = 402). The questionnaire was devised in conjunction with the New York Anti-Violence Project and with some assistance from the University of Michigan's Comprehensive Gender Services Program. The questionnaire measured the victim's lifetime experience in addition to experiences with "recent" violence. The Lombardi et

al. sample was not random due to limited funding and the impossibility of randomly sampling an unidentified or unknown population. However, the questionnaire was distributed via the World Wide Web (WWW) and directly to individuals who attended transgender specific conferences. Lombardi et al. found that over 26% of their sample had weapons used against them. Of those, roughly 50% reported that bottles, bricks or rocks were used in the attack. Contrasting with the NCAVP report of increased use of rope and restraints, Lombardi et al. found that roughly 11% of the respondents reported the use of restraints or ropes in the attack. With respect to serious injuries requiring medical attention, over 25% of the Lombardi et al. sample (103 respondents) sustained some form of injury from the attack. Of those who reported injuries, 34% needed medical attention but did not seek out such services while over 20% reported seeking outpatient services and roughly 10% of those who sustained injuries needed in-patient care (Lombardi, et al., in press).

In 1997, Herek, Gillis, Cogan and Glunt published a study of hate violence in the gay, lesbian, and bisexual community in Sacramento, California (N = 147). Participants were recruited at the 1993 lesbian/gay/bisexual street fair in the city of Sacramento. The research team, itself, rented a booth at the fair in order to solicit participation and participants were paid \$5. One hundred fifty questionnaires were returned, but 3 questionnaires were ultimately discarded due to missing data (Herek et al, 1997). The initial questionnaire was subsequently followed up with face-to-face interviews with a sub-set of the original sample. The initial written questionnaire was based on previous victimization studies in the gay and lesbian community (see Herek & Berrill, 1992).

The Herek et al. study (1997) revealed that about half of the sample reported verbal harassment based on sexual orientation. Of those reporting verbal harassment within the past year, a majority (75% women and 88% men) reported verbal harassment since the age of 16. Herek further found that nearly 7% of the respondents had been assaulted with a weapon within the past year, while over 20% of the respondents reported being assaulted with a weapon since the age of 16. Over 20% of the women and almost 30% of men reported threats of violence based on their sexual orientation (Herek, et al., 1997). Similarly, Lombardi et al. (in press) found that of the 403 incidences reported, verbal victimization comprised 78% of all incidents, making it the most pervasive form of abuse incurred by the transgendered (Table 1.). Conversely, the NCAVP (1998) report revealed that overall verbal harassment and intimidation dropped 24% and 16% respectively nationwide.

Herek, Gillis, and Cogan (1999) followed-up their 1997 pilot study with a larger study of gay men, lesbians, and bisexual men and women living in the Sacramento, California area (N = 2259). The sample was recruited at various venues such as the Pride celebration, community organizations, cafes, clubs and bars where gay men, lesbians, and bisexuals socialize, through personal networks, advertisements and leaflets, etc. The participants were given a self-administered questionnaire that asked about their victimization experiences. The first portion of the questionnaire asked, “Have you *ever* been the victim of a crime or attempted crime—such as a physical attack, sexual assault, robbery, or vandalism--*because someone thought you were lesbian, gay, or bisexual?*” This questionnaire differs from the questionnaire used in the Herek et al. pilot study

(1997). The survey instrument used in 1997 asked respondents about incidents that occurred within the past year and incidents that occurred since the age of 16 versus the new format, which asked whether victimization *ever* occurred because of one's sexuality.

Herek et al. (1999) found that roughly one-fourth of the men and one-fifth of the women had experienced criminal victimization at least once because of their sexual orientation. With respect to verbal victimization more than half (56.1%) of the respondents reported being verbally victimized, 19% reported being threatened with violence, 17% were chased or followed, 12% had objects thrown at them, and 5% were spat upon because of their sexual orientation.

In 1997 the San Francisco Department of Public Health's Transgender Community Health Project (TCHP) conducted a study to assess the risk of Human Immunodeficiency Virus (HIV) and the Acquired Immune Deficiency Syndrome (AIDS) among female-to-male (FTM) and male-to-female (MTF) transsexual persons in San Francisco (Clements, Katz & Marx, 1997). The subjects were individuals who either live, work or socialize in the City of San Francisco (N = 515). Although the study was not specifically a victimization study, the study produced data relevant to this research. Almost 93% of the 392 MTF respondents reported some form of abuse or discrimination because of their gender identity or gender presentation. Verbal abuse proved to be the most prevalent form of abuse reported by respondents with 83% of MTFs reporting such abuse, 37% reported physical abuse and 27% reported housing discrimination. Not coincidentally, 65% of the MTF respondents reported a history of incarceration while

31% reported that they were incarcerated within the past year. Further, 59% of the MTF respondents reported a history of forced rape or sex.

There were striking similarities between the responses of the FTMs with that of their MTF counterparts with respect to violence, abuse and discrimination. Of the 123 FTM respondents, 85% reported verbal abuse, 57% reported employment discrimination, and 30% reported physical abuse. About 59% of the FTM respondents reported a history of forced rape or sex. FTM respondents differed from MTFs with respect to incarceration with less than one-third of the FTM sample reporting a history of incarceration. Only 5% of the FTM sample reported being incarcerated within the past year.

Table 1. Comparison of verbal victimization between studies.

Verbal Victimization	Herek ^a (1997) N = 142	Lombardi ^b (1997) N = 402	Clements ^c (1997) N = 515	Herek ^d (1999) N = 2259
In the past year	51.4%	33.6%	N/A	56.1%
Prior to the past year	89.4%	55.5%	83.3%	N/A

^aHerek et al. (1997) asked respondents about incidents that occurred since the age of 16 and events that occurred within the past year. ^bLombardi et al. (1997) asked respondents about incidents that occurred over the lifetime and events that occurred within the past year. ^cClements et al. (1997) asked respondents about abuse or discrimination that was related to gender presentation or gender identity. Percentage is based upon the average of the responses from both MTF (83%) and FTM (85%). ^dHerek et al. (1999) asked respondents if they had *ever* been the victim of any sort of crime or attempted crime because someone thought were gay, lesbian or bisexual.

The Police as Perpetrators of Violence

In some instances, the police have been known to be the primary perpetrators of violence against the transgendered. In San Francisco the term “walking while

transsexual” refers to the harassment that transsexuals encounter because of a police officer’s perception that transsexuals are engaged in prostitution or solicitation. Often, transsexuals are verbally harassed, subjected to “inappropriate strip searches”, or “gropings to ‘determine’ their gender” (Kingston, 2000, p. 32). Below are classic examples of police misconduct toward transgendered individuals.

Victoria Schneider, a transsexual, was awarded \$750,000 by a jury for the abuse she endured at the hands of San Francisco Sheriff’s deputies after being arrested for alleged prostitution. Upon being taken to the San Francisco County Jail, deputies ordered her to strip because deputies were *confused* [italics added] about her gender despite the fact that Schneider was listed on the department’s extensive database from a previous arrest. A simple check on the database would have confirmed her gender. Schneider’s clothes, wig and denture plates were taken from her. She was subsequently subjected to ridicule and mocked by sheriff’s deputies (Letelier, 1999).

Another example of blatant police misconduct and unjust arrest:

Nancy Lamot called the New York City Police Department to assist her. Her daughter JoLea, a transsexual, had taken some benadryl tablets for allergies and would not awaken. Shortly after arriving the police officers realized that JoLea was a transsexual and began referring to her as an ‘it.’ The officers then began ranting about ‘fucking trans-testicles.’ Before the evening was over the officers used mace, drew weapons, and assaulted residents at the LaMot’s household. Three members of the LaMot family were arrested for gang assault on a police

officer. JoLea was taken to Bronx-Lebanon for a psychiatric evaluation and subsequently released (Houppert, 1999).

These cases exemplify the hate-violence perpetrated by law enforcement against some transgendered individuals. The scenarios further illustrate the reasons why transgendered individuals may be fearful of law enforcement officers and choose not to report incidents to authorities.

Anti-violence projects such as Community United Against Violence (CUAV) collect data on hate crimes against the gay, lesbian, bisexual, and transgendered (LGBT) population. However, CUAV's method of statistics collection relies on the victim to report the crime to the organization rather than other traditional, more methodologically sound research designs. As a result, the statistics are inherently biased because the incidences reported do not reflect the LGBT community at large, but reflect only the experiences of victims who choose to report to anti-violence projects. In order to avoid such biases and report statistics on hate-based crimes against the LGBT community with any accuracy CUAV and other anti-violence projects would be required to conduct randomized victimization surveys similar to the National Crime Victimization Survey (NCVS).

In the 1998 National Coalition of Anti-Violence Programs (NCAVP) report, Community United Against Violence (CUAV) reported that San Francisco and New York City had the highest number of anti-transgender violence reports, while nationwide victims of anti-transgender violence increased over 20%. Further, San Francisco had one of the highest rates of police entrapment cases while police entrapment of LGBT

individuals rose 70% nationwide. Police entrapment sometimes occurs when individuals who may be perceived as gay, lesbian, bisexual or transgendered are enticed or propositioned for sex by a police officer and then arrested on moral grounds.

Unjust arrests of LGBT individuals increased 38% nationwide (NCAVP, 1998). Contrasting sharply, Lombardi et al. found that 5% of the all incidents reported occurred at a police precinct, jail or police car. Further, police entrapment and police raids occurred in only 3% and 1% respectively of all incidents reported in Lombardi's study (Table 2.).

Table 2. Incidents of victimization by the police.

Types of Victimization	Lombardi et al. ^a (1997)	NCAVP ^b (1997/1998)
Police Entrapment	12	72/79
Police Raid	4	123/94
Unjustified Arrest	18	8/15

^aLombardi et al. (1997) statistics are based solely on incidents reported by transgender respondents. ^bNCAVP (1998) statistics reflect comparisons between incidents reported by LGBT individuals in 1997 versus those reported in 1998.

Secondary Victimization

According to Herek and Berrill (1992), "Secondary victimization occurs when others respond negatively to a crime survivor because of her or his homosexual orientation" (p. 289). Similarly, secondary victimization may occur when others respond negatively to an individual because of his or her transgender identity. Reporting of hate crimes can be problematic for some individuals as it may alter the way in which the victim "responds to the primary victimization" (Herek & Berrill, p. 290). As such, a transgendered individual may be apprehensive about reporting a hate incident to police

for fear of secondary victimization (Israel & Tarver, 1997). Apprehension or fear of reporting hate crimes to police seemed evident in the 1999 study conducted by Herek, Gillis, and Cogan in Sacramento. Lesbians reported only 36% of hate crimes to the police, gay men reported 45.6% of hate crimes to police, while 34.8% of bisexual women and 23.9% of bisexual men reported hate crimes to police.

In the past there have been cases where the transgendered have been victimized by an individual in a position of authority (i.e. a police officer or health care professional). For instance, a police officer may refuse to take a report because he or she may not feel that the rape of a male-to-female transsexual constitutes rape. Such a rape may be viewed as male-on-male rape (Israel & Tarver, 1997; Bufkin, 1999), and as a result no action is taken. Further, a victim may fear reporting because reporting may mean “outing” one’s self publicly which may further result in discrimination in housing, employment or even being subject to rejection by family members (Levin & McDevitt, 1993). Simply put, secondary victimization of so-called deviant individuals can be viewed as both “legal” and “widely condoned” responses to the deviant victim (Herek & Berrill, p. 290).

The case of Brandon Teena is a perfect illustration of secondary victimization by law enforcement.

Upon being beaten and raped, Brandon felt apprehension about reporting the incident to authorities. While subject to questioning by the sheriff, Brandon was repeatedly asked irrelevant questions. Such questions addressed whether he was *really* a virgin. If he was in fact a 21-year old virgin, Brandon was asked whether

he thought the perpetrators would have trouble *penetrating* him vaginally. The sheriff further asked Brandon if he goes around kissing other girls, or whether he assisted the perpetrators in becoming aroused prior to being raped (Muska & Olafsdóttir, 1998).

The sheriff's questioning might best be thought of as a perfect example of how *not* to treat *any* victim of a rape. This line of questioning fails to take seriously the nature of the crime, and simultaneously degrades the rape victim even further than the act of rape itself. The sheriff's reaction to Brandon is demonstrative of law enforcements seeming lack of knowledge of the transgendered. Brandon was quite clearly living his life in the male gender role and was known to have dated local females. The sheriff's questioning overlooked this fact and Brandon was subsequently treated as a female who might have been the instigator of the rape.

Statistics reveal that victims may feel reluctant to report hate crimes to law enforcement out of fear of secondary victimization. For instance, the National Coalition of Anti-Violence Programs (NCAVP) reported in 1998 that the statistics for hate based incidents were much higher than those reported by law enforcement agencies. This suggests that LGBT hate crime victims may feel more comfortable in reporting their victimization to community-based organizations rather than reporting to police (NCAVP, 1998). Despite the LGBT community's reluctance to report hate crimes in the past, the NCAVP's 1998 statistics on incidents of hate violence revealed a 39% increase in reports made to law enforcement agencies. However, in roughly 15% of the incidents reported the police refused to take the victim's report (NCAVP, 1998). Of those victims who

reported incidents to police 20% were subject to further violence at the hands of police, while one in 14 victims who reported their incident reported being specifically subjected to physical violence by police.

Documenting the prevalence of police misconduct against the transgendered community is important to understanding the nature of anti-transgender violence and its effects on the community as a whole. Police misconduct victimizes the community that police are entrusted to protect (Levitt & McDevitt, 1993; Berrill, 1992). Further, police misconduct toward the transgendered creates mistrust between officers and transgendered individuals. As a result, transgendered individuals who need the assistance of law enforcement to report victimization may be unlikely to report the incidents due to fear of secondary victimization by the police.

Failure to Seek Medical Attention

Because of the unusually brutal nature of some hate-based crimes, some victims may require medical attention. Secondary victimization of the transgendered by medical personnel has been known to occur. In some instances, a transgendered individual may feel that his or her needs may not be met at a hospital or clinic; a transgendered individual may be denied treatment or possibly ridiculed or humiliated for being transgendered (Israel & Tarver, 1997; Kreiss & Patterson, 1997; Hutson, Anglin, Stratton, & Moore, 1997). This section examines the extent to which the transgendered seek out medical services after a violent attack especially when those services are needed, and addresses the reasons why transgendered individuals may forego medical treatment.

In some instances, health care personnel do not recognize the signs of hate-motivated attacks, nor are they aware of “the appropriate care of victims of hate crimes” (Hutson, et al., 1997, p. 789). As a result some victims may be apprehensive about the prospect of seeking medical attention subsequent to an attack based on “negative historical experience” (Hutson et al., 1997, p. 789). In some instances, transgender victims of violence may forego seeking medical attention when their injuries require such care. Many of the same reasons a transgendered individual might have for not reporting a hate-based incident to police are similar to the reasons for not seeking necessary medical attention. Hutson et al. (1997) have proposed guidelines for the treatment of victims of hate violence. Proposed guidelines will be discussed in the policy implications section of this study.

A salient example of failure to provide needed medical attention to a transgendered person is the case of Tyra Hunter. The following example highlights the seeming lack of training and awareness of transgender issues among some health care professionals.

Tyra Hunter was a transgender woman living in the Washington D.C. area when she sustained serious injuries in an automobile accident. Shortly after arrival at the scene, paramedics discovered that Ms. Hunter was a pre-operative transsexual who had a penis. Upon making this discovery the paramedics ceased treating Ms. Hunter and according to witnesses began laughing at her, referring to the bleeding woman as a “bitch” and refusing to render further medical treatment. Hunter was left lying on the pavement for 3-5 minutes before the EMS supervisor began

treating her. Ms. Hunter died shortly thereafter at a local hospital (Lombardi et al., in press).

This example reflects blatant discrimination and dehumanization on the part of the paramedic, and accordingly illustrates the reasons why a transgendered person may be fearful of seeking medical attention, and the consequences of having undereducated medical personnel treating transgendered individuals. Ms. Hunter's experience further heightens potential crime victim's awareness of negative historical experience with respect to treatment by health care professionals. From a public policy standpoint this scenario underscores the possible inadequacy of some aspects of medical training and a seeming lack of awareness and sensitivity to transgender issues by some medical professionals.

In 1994, the San Francisco Human Rights Commission (SFHRC) investigated the prevalence of discrimination against transgendered people. Numerous transgendered individuals, healthcare workers, and law enforcement officers provided testimony. Dr. Barry Zevin from the San Francisco Department of Public Health testified "that the transgendered face serious discrimination when seeking health care and as a result, the community is "underserved" (1994, p. 25). Dr. Sandra Hernandez, in written testimony, attested to the unique difficulties that the transgendered encounter when seeking medical attention. She further acknowledged that more steps must be taken to ensure that the transgendered have access to "safe" and "supportive" medical attention (SFHRC, 1994, p.39). The testimony of some transgendered individuals reflected the level of discrimination encountered while attempting to access basic public services that most

non-transgendered individuals may take for granted, even medical attention. One transgendered woman testified before the Human Rights Commission that she was “thrown out of a psychiatric clinic for being transsexual, and out of another one when she complained that her therapist forced himself on her sexually” and was further denied services at a rape crisis center for being a transsexual (SFHRC, 1994, p. 22).

Recapping violence against the transgendered

Violence against the transgender community takes nearly every imaginable form. The above-mentioned studies have revealed that verbal victimization is the most prevalent form of abuse encountered by the gay, lesbian, bisexual and transgender (LGBT) community. Verbal victimization serves to keep LGBT individuals in their place, and to communicate a perceived indiscretion in violating established gender norms. Further, fear of secondary victimization or negative historical experience may be mitigating factors in a victim’s decision to report hate-based incidents to police or in seeking medical attention. In some cases, law enforcement personnel have been known to ignore crimes against the transgendered.

Propositions

Based on the above literature review, it is proposed that individuals who are perceived to have violated established gender norms will encounter more violence and discrimination than individuals who conform to such norms. This proposition is based on the premise that gender is impossible to hide—gender is a primary attribute. Gender roles may be so fixed that those roles are perhaps taken for granted. When something so seemingly fixed as gender is called into question by a perceived violation of gender

norms, those who feel they are following the gender rules may be compelled to communicate their disapproval toward violations of those rules. Such disapproval may be manifested in a variety of forms; physical violence, verbal harassment, and/or discrimination to name a few.

The transgendered may be less likely to report criminal victimization to law enforcement officials. Transgendered individuals may choose not to report hate incidents to law enforcement agencies because some hate motivated incidents against stigmatized individuals such as the transgendered may not be perceived as crimes by some law enforcement agencies. As a result, transgendered individuals may not report victimization to law enforcement because they may be fearful of secondary victimization by law enforcement officials.

Because some transgendered individuals may be perceived to be acting outside socially acceptable gender roles, they may be subject to criminal victimization from random citizens. When transgendered individuals are perceived to be acting outside of acceptable gender norms, the issue of passing then becomes paramount to the transgendered's safety. Similarly, transgendered individuals experience verbal victimization from law enforcement officials. In San Francisco, the term "walking while transgendered" has been coined to refer to the treatment that some transgendered individuals receive from law enforcement. In such cases, transgendered individuals are verbally victimized by law enforcement due to the perception that the transgendered are engaged in some form of sex work or solicitation.

Hypotheses

1. Transgendered experience verbal victimization more frequently than gays, lesbians or bisexuals.
2. Transgendered victims of hate violence are less likely to report hate-motivated incident to police compared to gay, lesbian or bisexual victims.
3. Male to female (MTF) transsexuals experience more physical violence than female to male (FTM) transsexuals.
4. Male to female (MTF) transsexuals experience more verbal harassment from law enforcement officers than female to male (FTM) transsexuals.

Methodology

Subjects and Setting

This study was conducted among transgendered individuals in San Francisco, California. These are defined as: individuals who self-identify as transgendered; who were at least 18 years old; and who either live, work or socialize in the City and County of San Francisco. A non-probability convenience sampling was employed. Although convenience samples may be considered acceptable for exploratory research such as this, it is acknowledged that convenience-sampling procedures are inadequate in terms of making generalizations to a larger population (Sudman, Sirken, & Cowan, 1988). Subjects were solicited from numerous transgender support organizations in the City of San Francisco. Those organizations include FTM International (FTMI), the Tenderloin AIDS Resource Center, and the Lavender Youth Recreation & Information Center (LYRIC). FTMI is an informational and support organization serving female-to-male

transgender persons and holds monthly meetings that address the needs of the FTM community. The Tenderloin AIDS Resource Center offers both group and individual counseling to transgendered persons. The Center holds transgender support meetings every Wednesday and Friday. LYRIC is a youth-centered support organization that offers services to LGBT individuals age 25 and under. These three support type groups were targeted due to the diversity of the transgender community served with respect to age, ethnicity, and gender identity. The study was also announced on Bay Area specific e-mail lists and questionnaires were mailed to subjects who fit the study parameters through the United States Postal Service.

It is, therefore, acknowledged that this study was subject to sample bias. The methods used to obtain a sample relied heavily on the participation of those individuals who sought social support and counseling services offered by the organizations discussed above. The sample may not reflect the experiences of transgendered individuals who may have been too afraid to seek social services, who may have had exceptionally low self-esteem and forego seeking support, or who were generally unaware of the social services available to them. In addition, individuals who may have been unable to attend local support-oriented services (for any variety of reasons including employment related commitments or the lack of transportation) might have been excluded. Further, the distribution of the survey via the Internet posed a seeming class bias in that those transgendered individuals fortunate enough to have owned computers with Internet access had knowledge of and the option of participating in the study. On the other hand, those individuals with knowledge of the study may have informed other transgendered

individuals about the study and thus created a form of snowball sampling. Although snowball sampling is not the primary sampling method in this study, it is acknowledged that word-of-mouth may have generated participant interest.

Measures

This study was a survey study. The survey instrument was taken, in part, from the survey instrument used in a study of gay men, lesbians and bisexuals in Sacramento, California (N = 2259) (Herek, Gillis, & Cogan, 1999). The remainder of the survey instrument was taken from the sample victimization questionnaire in Herek and Berrill's (1992) article, "Documenting the Victimization of Lesbians and Gay Men: Methodological Issues." The instrument was modified so that it was applicable to the transgendered community. Specifically, the word *transgender* was substituted for the words *lesbian* or *gay man* in the questionnaire. A point of departure with respect to this study was whether the respondents were "out" with respect to their sexuality in their daily lives. In the case of the transgendered, being out means that one's family, friends, coworkers, neighbors, etc. may have knowledge of one's transgender identity versus "in the closet" where such information is kept from others. Thus, questions pertaining to the degree of one's out status were omitted from the questionnaire. Although the issue of gender and sexuality are frequently confounded, the rationale behind omitting the *out* status lies in the fact that this is not a study of sexuality but a study of violence and discrimination based on perceived gender transgression. Further, transsexuals who currently live in the gender opposite to the gender assigned at birth are more than likely to be out in some capacity—the transitioning process from one gender to another may

preclude the option of remaining entirely “in the closet” as the physical transformation that occurs while changing one’s gender will most likely be apparent to others, especially coworkers, acquaintances, friends, family, etc. In many instances, the transition process from one gender to another may necessitate a formal declaration of the transitioning party’s intent to change genders (i.e. a formal written letter to co-workers or family). And finally, any person who presents to the public in such a manner as to raise questions as to his or her gender identity appears to forfeit the option of *not* coming out.

Although this study was modeled after Herek et al. (1999) study of gay men, lesbians, and bisexuals in Sacramento, the study is not, however, concerned with the emotional impact of victimization or the psychological correlates of victimization in the transgender community. The measurement of psychological correlates is beyond the scope of this study and beyond this researcher’s currently available resources. This study was not concerned with victimization that was unrelated to an individual’s transgendered identity, but addressed victimization that occurred *because* an individual is transgendered. In order to better access the subject’s own perception of victimization, harassment, and discrimination they have experienced, one open-ended question was used at the end of section two. Since this study was not specifically concerned with random victimization, unrelated to the transgender identity, the open-ended question enabled the subjects to discuss why they felt that the victimization, harassment and/or discrimination they experienced was based on their transgender identity. The frequency of verbal victimization and frequency in which incidents were reported to law enforcement officials reported by transgendered respondents in this study were compared

to frequencies reported by gay men, lesbians, and bisexuals in the Herek et al. (1999) study in order to evaluate the first and second hypotheses.

This study shares many of the methodological complications and concerns associated with Herek et al. (1997) pilot study of gays, lesbians and bisexuals. Although there is a substantial advantage in distributing a questionnaire due to its low cost, a questionnaire has some complications that must be reckoned with. Some of the complications associated with victimization questionnaires are as follows: validity problems associated with memory lapse or forgetfulness, and differences in interpretation of the questions (Herek et al., 1997). Herek suggested that questionnaires fall short in that the subject does not have verbal cues or prompts which may enable him/her to recall past victimization. Thus, the number of incidents reported in a study may ultimately reflect gross underreporting of actual incidents. Recall of events may also be affected by the victim/offender relationship (Skogan, 1986). It may be likely that the more closely related the victim and offender are, the less likely victims will report having been victimized. For instance, victims of domestic violence may not perceive their victimization as being criminal.

Conversely, victimization that occurs between strangers might result in an over-reporting of such incidents. Interpretation of questions may bias responses because respondents over-report incidents on the questionnaire (Herek et al., 1997). Skogan (1986) suggested that respondents may be inclined to report incidents that never occurred. In such instances, a series of “no” responses to victimization may lead the respondent to erroneously believe that “no” responses reflect lack of productivity on his

or her part. To compensate for the respondent's own perceived lack of productivity, the respondent may give false information about his or her victimization experience.

Because this study precluded face-to-face interviews it was impossible to crosscheck the data reported on the questionnaire. Although the inability to crosscheck may be viewed as a potential shortcoming of this study, this inquiry into hate-motivated violence against the transgendered rested simply on its ability to contextualize the nature and frequency of violence against a relatively understudied population.

The anonymous questionnaire distributed in this study began by asking, "Have you ever been the victim of any sort of crime or attempted crime—such as a physical attack, sexual assault, robbery or vandalism—*because someone thought you were transgendered?*" If the respondent answered affirmatively, he or she was then asked, "How many times have you *ever* been the victim of any sort of crime or attempted crime because someone thought you were transgendered? For the respondents who reported being victimized one or more times he or she was then asked *when* the crime occurred. Check boxes were provided that correspond to the present year and for each year prior dating back as far as 1995, and check boxes were provided for the period 1991-1994; 1980-1990; and before 1980. A series of questions were asked that encompassed verbal victimization, physical assault, sexual assault, rape, property crimes, victimization by law enforcement officers and the witnessing of the murder of a friend of loved one, attempted physical assault, attempted sexual assault, and attempted robbery.

Subsequent questions asked, (a) if a gun, knife or other weapon was used; (b) whether the incident was reported to police; (c) if the respondent obtained medical

attention after the incident; (d) the respondent's reasons for not seeking medical attention; and (e) what the medical personnel response was to the victim. If the respondent reported more than one incident, the respondent continued onto page two with an identical set of victimization questions that address the next most recent incident.

For those who did not experience a second incident, the respondents resumed by answering 9 questions regarding their experiences with *other types of harassment* because they are transgendered. The questions that addressed harassment include a question about discrimination in housing, job or denial of services; questions on verbal threats, verbal insults or verbal abuse by police officers; verbal insults or abuse by other citizens; whether someone threw an object at the respondent; whether the respondent was chased or followed; whether the respondent was spit upon, or if the respondent had been subject to an unjustified arrest or experienced police entrapment. Other questions that specifically address the hypotheses are as follows: "Someone verbally insulted or abused you?"; "You were verbally insulted or abused by a police officer or other law official?"; "Did you report this event to the police, sheriff, or other law official?."

The background questions in this survey instrument that addressed age, education, employment status, income, and ethnicity were taken from Herek and Berrill's (1992) sample questionnaire. The gender related questions, on the other hand, were written by Lombardi (personal communication, February 11, 2000) and pre-tested on a small sample of transgendered-identified individuals (N = 10). The respondents were asked about their biological, psychological and social gender. Instead of simply asking about the respondent's gender, the respondent was first asked, "What gender were you

assigned at birth?” Followed by, “What is your mental gender or gender identity, that is, what do you think of yourself as?” Then, the respondent was asked, “Which of the following best describes your current gender presentation?” Each of these questions allowed the respondent to more accurately speak to his or her experience of gender identity and gender presentation without making assumptions about the respondent’s biological gender, gender identity, or gender presentation. Further, it avoided the assumption that transgender identities are fixed and that universal agreement upon those definitions exists throughout the transgender community. For example, because an individual may be defined as transsexual in the definition provided earlier does not mean they personally self-identify as such.

Data Analysis

A total of 46 questionnaires were returned to this researcher. Two questionnaires were omitted: one questionnaire due to the large number of unanswered questions and another because the respondent did not appear to fit the study parameters, that is, his/her responses did not appear to indicate that the individual was transgendered identified. In this latter scenario, it was possible that the respondent misinterpreted the questions related to gender or made an error in marking his or her response. Nearly two-thirds of the respondents were between the 20 and 39 years of age. Overall, the population was highly educated with nearly 56% of the sample holding at least a bachelor’s degree or higher and another 25% of the sample reported having at least some college. Similarly, 61% of the sample reported being employed at least part-time and roughly 54% reported a yearly income of \$25,000 or higher. The population was predominantly Caucasian

(59%) while African-Americans, Hispanic/Latino/a, and Asian respondents comprised 14%, 5% and 7% respectively.

With respect to the three questions that addressed gender, the following was reported. Of the 44 respondents, 22 (50%) reported being assigned to the female gender at birth and 22 (50%) reported being assigned to the male gender at birth. When asked about gender identity, 11 (25%) respondents reported that they feel they are men while nearly 14 (32%) reported feeling they are women. Roughly 6 (14%) respondents felt they are *both* male and female and 2 (4.5%) felt they are *neither* male nor female. However, 11 (25%) members of the population felt they are something other than male or female; one individual, for example, reported that she felt her gender to be that of a Mermaid. The third question that related to gender presentation was equally as varied. Based on the responses each respondent reported some form of cross-gender presentation (Table 3.).

Table 3. Assigned gender at birth compared with current gender presentation.*

Gender Assigned at Birth	Present as a man	Present as a woman	Present as man, but wish to present as woman	Sometimes man, sometimes woman	Other	Total
Male	0(0%)	16(36%)	1(2%)	3(7%)	2(5%)	22(50%)
Female	12(27%)	0(0%)	0(0%)	7(16%)	3(7%)	22(50%)

N = 44; *Although categories for “present as woman, but wish to present as a man” and “present as neither” were provided on the survey, none of the respondents responded to these choices. For ease in interpretation of the data presented, these categories were omitted from this table.

The variables Gender and Present were recoded into the dichotomous variable Trans, which specifically distinguishes between FTM (n = 22) and MTF (n = 22) individuals. These variables were recoded in order to test the third and fourth hypotheses.

Of the 20 respondents who reported experiencing at least one crime, 11(55%) reported a physical attack, rape or sexual assault; 3(15%) reported an attempted physical attack and 2(10%) reported property damage or vandalism. Out of 11(55%) respondents who reported some form of physical attack, rape or sexual assault, 3 (27%) respondents required medical attention. Of the 20 respondents who experienced at least one crime, 5(25%) reported that crime to law official. Similarly, of the 8 respondents who reported experiencing a second crime, 4 (50%) reported experiencing a physical attack, rape or sexual assault; 1(12.5%) of those respondents required medical attention; and 1(12.5%) of respondents reported the incident to a law official.

Hypothesis 1

With respect to verbal victimization, 41(93%) transgendered respondents reported experiencing verbal abuse because they are transgendered; of those who reported verbal abuse, 34(77%) reported experiencing 2 or more incidents of verbal abuse. In evaluating the first hypotheses, “transgendered experience verbal victimization more frequently than gays, lesbians or bisexuals,” these data contrast sharply with frequencies of verbal victimization reported in Herek et al. (1999) where it was found that approximately 56% of respondents in that study reported experiencing verbal victimization in the previous year. Transgendered individuals report experiencing a greater frequency of verbal victimization compared to their gay, lesbian and bisexual counterparts (Table 4.).

Table 4. Frequency of verbal victimization.

Variables	Herek (1999) N = 2259	This Study (2001) N = 44
Gay Men, Lesbians, Bisexual Men and Women	56%	N/A
Transgendered	N/A	93%

Hypotheses 2

In evaluating the second hypotheses, “transgendered victims of hate violence are less likely to report hate-motivated incidents to police compared to gay, lesbian, or bisexual victims” the following was found. Out of 20 respondents who reported experiencing at least one incident of criminal victimization, 5(25%) reported that incident to police. When these data are compared to Herek et al. (1999), transgendered individuals report their victimization at a rate that is similar to that of bisexual males (Table 5).

Table 5. Frequency in which criminal victimization was reported.

Variable	Herek et al. (1999) N = 2259	This Study (2001) N = 44
Gay Male	898(46%)	N/A
Lesbians	980(36%)	N/A
Bisexual Male	191(24%)	N/A
Bisexual Female	190(35%)	N/A
Transgender	N/A	5(25%)

Hypothesis 3

In testing the third hypothesis, a bivariate analysis was conducted between the dependent variable Victim and the independent variable Trans (Table 6.). Trans is a statistically significant variable when compared with Victim. The results indicate that MTF individuals are significantly more likely to experience physical victimization than their FTM counterparts. These results lend support to the third hypothesis, "Male-to-female (MTF) transsexuals experience more physical violence than female-to-male (FTM) transsexuals."

Table 6. Percentage of FTM and MTF individuals who experience verbal victimization.

Variable	FTM	MTF	Chi-Square	Sig.
<i>Trans</i>				
<i>Violence</i>				
No Violence	16(72.7%)	8(36.4%)	5.85	.02
Exp Violence	6(27.3%)	14(63.6%)		

N = 44, df = 1

Hypothesis 4

Similarly, a bivariate analysis was conducted between the dependent variable Police and the independent variable Trans (Table 7.). These results indicate that male-to-female (MTF) transsexuals experience significantly more verbal harassment from law enforcement than female-to-male (FTM) transsexuals which lends support for the fourth hypothesis.

Table 7. Percentage of FTM and MTF individuals who experience physical victimization.

Variable			Chi-Square	Sig.
<i>Trans</i>	FTM	MTF		
<i>Police</i>				
No Verbal Victimization	18(81.8%)	12(54.5%)	3.77	.05
Verbal victimization	4(18.2%)	10(45.5%)		
N = 44, df = 1				

Qualitative Findings

A single, open-ended question posed in this questionnaire resulted in 25 articulate and detailed responses from individuals who reported experiencing verbal and/or physical victimization because they are transgendered. These responses characterize the violence and harassment that some transgender individuals encounter on a daily basis. Of the 25 responses, 14 described detailed accounts of verbal harassment. Meanwhile, four respondents discussed their experience with simultaneous physical and verbal victimization. For example, epithets such as “faggot” were used in the course of physically victimizing the individual. In other scenarios, the victims were explicitly told by the perpetrator(s) why they were being attacked. For example, one FTM respondent

reported being attacked because he was “trying to look like a man.” Another respondent reported, “a woman told me she was gonna kill me—boy or girl—whatever I was.” With respect to discrimination, two respondents described discrimination in the work place or in obtaining services. In both instances, the respondents felt that their public gender presentation was the reason for such discrimination.

Of the 14 respondents who reported experiencing verbal harassment, all 14 reported that they felt the harassment occurred because the perpetrator(s) were confused about the victim’s gender. In some instances, the victim was asked directly whether he or she was male or female, or not so specifically asked “what are you?” In one instance, the perpetrators openly discussed the victim’s gender in a public place while standing within very close proximity to the victim—as if to ensure that the victim overheard the conversation. Four of the respondents who reported verbal harassment were specific in maintaining that the issue of not *passing* as male or female resulted in some form of harassment. In two of those instances, epithets such as “faggot” or “queer” were also used to denigrate the victim. Although these terms were meant to denigrate the victim, the term “faggot” seems to be more often associated with homosexuality, not gender variance. It appears that in using such terminology, perpetrators have associated gender variance with homosexuality, that masculine women or feminine men are inherently lesbian or gay.

Three respondents’ remarked that their experience with victimization occurred because others could not determine their sex, which in some cases made the perpetrators angry or nervous. For example, a respondent maintained that he/she experienced

harassment at a time in his/her life "...where I was presenting as very blatantly genderqueer or was passing as gender inconsistent with someone's expectations/wants for the situation..." Another individual remarked, "I get harassed as a TG person because people are afraid of what they do not understand. I live outside of most peoples' experience in terms of the "basic" rules of gender and gender presentation." Similarly, another respondent wrote:

There is a moment when a person first encounters me that is spent trying to figure out what pronoun to use—or what gender I am. At first I look male, then they see something in the softness of my face that makes them look closer, at my chest to check for breasts, or some other indicator of my gender. Some people never see the femaleness and treat me as male. I experience no discrimination in these instances. But when I see that look that means a person's brain is stalling because they have seen my mixed gender signals they most of the time...become uncomfortable and can escalate into unpleasantness, rudeness or even threats of violence. People have different responses to me. I am not doing anything special...just in line at the store, trying to use a public restroom, crossing the street. But just by being who I am and looking the way I do (masculine, short hair, work boots, and clothing) causes a commotion. People get angry because they feel I am deliberately trying to fool them into thinking I am something I am not and it makes them angry and sometimes violent. People are repulsed because they have ideas about what sort of person I am—that being T means I'm a pedophile or some kind of pervert and their imagination runs wild so they

actually physically back away from me. One woman pulled her kids from me and said, “keep away from...him/her...whatever it is.

Each of these responses seem to reflect the respondent’s understanding that in some instances others will overtly question their gender. Also, the aforementioned responses seem to illustrate a profound level of resiliency on the part of each respondent and the danger that may be present as a result of appearing gender variant. Further, the responses seem to underscore the potential sense of heightened uncertainty that respondents may possess when navigating various social scenarios. Undoubtedly, many individuals may be consciously aware of how they feel when entering new environments, but many of the responses to this survey seem to indicate that simple, everyday tasks such as using a public restroom may be fraught with complications. In other words, everyday tasks that may seem ordinary to some individuals, might be pain staking or anxiety inducing to some transgendered individuals.

With respect to harassment from law enforcement, two respondents reported that they have been harassed by police officers in San Francisco. In both instances, the officers thought that the respondents were involved in sex work. In one of those instances, the respondent was waiting on the sidewalk for her husband to pick her up from work. Upon the husband’s arrival, the police searched him for drugs because they thought he had stopped to pick up a prostitute.

Summary and Discussion

To briefly summarize the results of this study, it was found that 41 (93%) respondents reported experiencing at least one incident of verbal victimization because they are transgendered. Additionally, 34(77%) reported experiencing two or more incidents of verbal victimization. When compared with gay men, lesbians, and bisexual men and women, transgender individuals reported experiencing verbal victimization more frequently. Further, of the 20 (45%) individuals who reported experiencing criminal victimization, 5(25%) of those reported that incident to law enforcement officials. When compared to gay men, lesbians and bisexual men and women, transgender individuals report their victimization at about the same frequency of bisexual men, but at a lower frequency than their gay male, lesbian, or bisexual female counterparts.

With respect to verbal victimization by police and physical violence, the results indicate that male-to-female (MTF) transsexuals are more likely to experience verbal victimization by police officers than their female-to-male (FTM) counterparts. Similarly, MTF individuals are also more likely to experience physical violence than FTM individuals.

The results of this study cannot be used to make generalizations to the larger transgender population. First of all, the sample size ($N = 44$) is much too small to draw significant conclusions with respect to victimization to the transgendered. Second, the overall sampling was problematic because it created a significant class bias. Because respondents were sought through the internet or through organizations that

provide social-support or services to the transgendered, the sample was overwhelmingly Caucasian, educated, and/or employed.

It was quite common for respondents to ask if they were being paid or if they were to receive a prepaid phone-card in lieu of their time for filling out the survey. In such instances, respondents seemed hesitant to fill out the survey because such compensation was not provided. Questions regarding payment in exchange for filling out the survey were asked when the researcher recruited at Transgender organizations in the Tenderloin District of San Francisco. On other occasions, prospective respondents seemed more open to verbally describing their victimization to this researcher, but they would not fill out a survey. Or, on the other hand, if they chose to fill out a survey the respondents did not relate their stories to the researcher when they came to the open-ended question pertaining to their experiences with victimization.

Because of the aforementioned scenarios, future studies on the transgendered might include a small stipend in exchange for the respondents' time. The stipend, in addition to face-to-face interviews may prove more valuable in eliciting detailed reports of victimization. Face-to-face interviews would also provide a generous opportunity to obtain important information that the survey does not cover through probing questions that may provide greater context into events leading up to the victimization, the actual victimization itself, the perpetrator(s), and the victim involved. Additionally, face-to-face interviews may assuage the respondents' fears around issues of trust and confidentiality.

Because research on the transgendered might be considered to be in its infancy, future studies on victimization may be well served by the use of qualitative research

designs as a means of data collection. Future research might explore whether victimization of the LGBT community is rooted in the perpetrator's perception of the victim's sexual orientation or whether that victimization is in response to a perceived gender variance. In other words, are members of the LGBT community victimized because of their sexuality or a gender-related issue? Based on some of the responses in this study it appears that the concepts of sexuality and gender are intertwined in the minds of some perpetrators and this seems especially true of those transgendered individuals who were referred to as "faggot" while the actual victimization was occurring. Such assumptions on the part of perpetrators implies that all transgendered individuals are either homosexuals or that any gender presentation which falls outside of what is typically considered the "ideal" masculine male and the "ideal" feminine female equates to homosexuality. If there is a modicum of validity to this rationale—that because your gender is different, you must be gay—then perhaps victimization of the greater LGBT community is rooted in gender variance.

Passing appears to be a major issue in victimization and future research might explore the notion of passing as it relates to victimization. More specifically, passing might be explored over time so that individuals who are early in the transition phase and tracked throughout their transition might enable researchers to understand the importance to the subjects of presenting definitively as one gender. Further, tracking individuals throughout transition with respect to the passing issue might also enable the researcher to understand the link between passing, confidence and self-esteem. Recall that many respondents commented on their inability to pass as a factor in their victimization. For

instance, one respondent commented that her, “androgynous appearance” was the reason she was fired from her job. Another respondent reported that he was denied opportunities in jobs and housing that he was clearly qualified for but “that have been granted to me since the minute I was passable.”

Conclusion: Criminal Justice Systems and Policy

Given the frequency of transgender victimization, it would be prudent for hate crimes legislation to include the transgendered under such protections. A handful of states (California included) have already taken steps to include gender as a protected category under its hate crimes legislation. It would be, however, naïve to believe that legislation alone will protect individuals from hate violence. Significant changes might also come from the community level. Based on the number of incidents that transgender individuals have had with police, it seems that education of criminal justice personnel on transgender issues might be a starting point. Some Bay Area law enforcement agencies have taken steps to educate officers and new recruits on transgender issues (Gordon, 2001). For example, the Oakland and San Francisco Police Department and the San Francisco Sheriff’s Department conduct such training. According to Gordon, the policy developed by the San Francisco Sheriff’s Department was “developed in consultation with leaders in the city’s transgender community” (2001, p. A21). Beyond education though, and in consideration of the Community Oriented Police philosophy that many law enforcement agencies purport to have adopted, law enforcement agencies should be reflective of the communities they serve. In light of this, criminal justice agencies might begin to openly recruit transgendered individuals for their agencies. An understanding of

gender variance through working relationships might assist in ameliorating negative stereotypes of the transgendered, particularly a seemingly pervasive stereotype among some law enforcement officials that the transgendered are perpetually engaged in sex-work. Incorporation of the transgendered into criminal justice agencies provides transgendered individuals the opportunity to be viewed as educated, intelligent, not mentally ill, and as individuals who have something positive to contribute to that agency and to the community. However, incorporation of the transgendered into criminal justice agencies may not end violence against this community. Although criminal justice agencies recruit racial and ethnic minorities, such recruitment does not appear to have eradicated police brutality against racial and ethnic minorities. Nor has this method of recruitment ended the use of racial profiling.

In early 2001, the City and County of San Francisco Board of Supervisors voted to offer health coverage to transgender employees that would cover \$50,000 in fees associated with sex reassignment surgery, hormone replacement therapy and psychotherapy (Gordon, 2001). This move, on the part of the City and County of San Francisco, makes it the first city in the nation to offer such benefits to its transgendered employees. Further, it acknowledges the medical and psycho-social needs of the transgendered community and reflects upon transgender activism that seems to have rekindled its spirit in the 1990's.

Collaboration between community-based organizations (i.e. Community United Against Violence) and criminal justice agencies may be an important element in the future of reporting hate violence. The results of this study show that transgendered

individuals are reluctant to report their victimization to law enforcement agencies. When asked if the respondent reported the event to police, sheriff, or law official, one respondent wrote, “The police would have laughed.” Members of marginalized groups seem more comfortable in reporting their victimization to community-based organizations. The comfort in such reporting may be reflected in the fact that community-based organizations are probably more likely to be, demographically speaking, reflective of the community they provide services to. Thus, community-based organizations are more likely to be better equipped to handle the needs of that community, provide culturally sensitive services, responses, and referrals to their clients. Since community-based organizations are well suited to deal with the problems that may arise in the communities they serve, these organizations then become the ideal collaborator with criminal justice agencies.

Changes in perceptions of the transgendered will also have to come from within society at large. These changes may be most difficult to attain because gender variance is probably one of the least tolerated social violations—homosexuality seems to have attained a higher level of mainstream tolerance than gender variance. As the results of this study show, those whose gender was called into question were often subject to some form of harassment or victimization. Gender variance seems to be viewed as a threat to some individuals. In other words, gender variance raises the question of what it means to be a man or a woman specifically and may cloud the distinction between genders and the privileges historically bestowed upon those genders, particularly privileges bestowed upon males. In other words, one might feel threatened in the presence of a gender

variant individual because he or she may not be receiving specific gender-related cues that seem to be viewed as naturally occurring cues specific to each gender—so natural, in fact, that the origin of such cues may be thought to have a biological basis. Such a threat may not be taken lightly by some individuals because not only is gender variance socially unacceptable, gender variance also underscores the perceived integrity of the gender variant individual. In other words, credibility is attained through maintaining gender roles. Variations on gender seem to be interpreted as attempts to dupe others into believing something that is at odds with what most people have been taught to be true about gender—that there are only two genders and that those two genders neatly correspond to two distinct groups of physical and secondary sex characteristics. Rooted somewhere, deep within this ideology is the proposition that Kessler (1998) refers to as “anatomy is destiny” (p.108). Gender variance challenges this proposition.

Further analysis of gender roles and sex organs goes far beyond the scope of this study. This discussion was brought to light because, as with any form of discrimination, change must also come from society at large. Furthermore, it is apparent from some of the responses in this study regarding gender identity and gender presentation that many transgendered individuals do not feel that they fit neatly into the category of female/male or man/ woman, that genders may exist outside of the dominant binary gender system. Language seems to be a partial hindrance to explaining or defining other genders. In retrospect, the respondent who reported her gender to be that of a Mermaid, may be defining herself outside the binary gender system using imagery that more closely defines how she, herself, feels rather than relying on the seeming narrowness of specific

language-based categories that may box her in to a rigidly defined category.

Collectively, then, attitudes toward gender variant and sexual minorities must move from the narrowly defined categories of man and woman to a more general acceptance of variations on gender and gender presentation.

Appendix I

ANONYMOUS QUESTIONNAIRE SECTION I

1. Have you ever been the victim of any sort of crime or attempted crime—such as a physical attack, sexual assault, robbery or vandalism—*because someone thought you were transgendered?*

☐ Never (proceed to SECTION 2 located on page 3)
☐ Once (go to the next question)
☐ Not sure (go to the next question)

2. How many times have you **ever** been the victim of **any** sort of crime or attempted crime *because* someone thought you were transgendered?

☐ Never ☐ Once ☐ Two or more times

If you were the victim of more than one anti-transgender crime, first tell us about the most recent one.

3. When was the most recent time you were a victim of a crime or attempted crime because someone thought you were transgendered?

☐ 2000 ☐ 1998 ☐ 1996 ☐ Between 1991-1994 ☐ Before 1980
☐ 1999 ☐ 1997 ☐ 1995 ☐ Between 1980-1990

4. What happened to you that time? (Check as many as apply)

☐ You were hit, beaten, or physically attacked.
☐ You were raped or sexually assaulted.
☐ You were robbed, as in a holdup or mugging.
☐ Your property was stolen, as in a break-in, burglary or theft.
☐ Your property was purposely damaged or vandalized.
☐ You saw a friend or relative deliberately killed or murdered.
☐ Someone **tried** to hit you or attack you physically, but they stopped or you got away.
☐ Someone **tried** to rape you or sexually assault you, but they stopped or you got away.
☐ Someone **tried** to steal or damage your property, but they were stopped.
☐ Something else? Please tell us what happened in a few words on the back of this page.

5. Did they use a gun, knife or other weapon?

☐ No ☐ Yes ☐ Not applicable

6. Did you report this event to the police, sheriff or other law official?

☐ No ☐ Yes

7. Did you try to obtain medical care after the incident? (check one)
☐No ☐Yes ☐WASN'T NECESSARY
8. If you sought medical care and wish to describe medical personnel response, please do so here or on the back of this page.
9. If you **did not** seek medical attention after an attack, but were in need of Such attention briefly state your reason(s) for not seeking help.
10. Other than the above, have you been the victim of other crimes because you are transgendered.
- ☐No (turn the page and proceed to question #1 in SECTION 2)
☐Yes (proceed to question #11)
-

1. Other than the crime you already described, **when was the next most recent time** you were a victim of a crime or attempted crime because someone thought you were transgendered?
- ☐2000 ☐1998 ☐1996 ☐Between 1991-1994 ☐Before 1980
☐1999 ☐1997 ☐1995 ☐Between 1980-1990
2. What happened to you that time? (Check as many as apply)
- ☐ You were hit, beaten, or physically attacked.
☐ You were raped or sexually assaulted.
☐ You were robbed, as in a holdup or mugging.
☐ Your property was stolen, as in a break-in, burglary or theft.
☐ Your property was purposely damaged or vandalized.
☐ You saw a friend or relative deliberately killed or murdered.
☐ Someone **tried** to hit you or attack you physically, but they stopped or you got away.
☐ Someone **tried** to rape you or sexually assault you, but they stopped or you got away.
☐ Someone **tried** to steal or damage your property, but they were stopped.
☐ Something else? Please tell us what happened in a few words on the back of this page.
3. Did they use a gun, knife or other weapon?
- ☐No ☐Yes ☐Not applicable

4. Did you report this event to the police, sheriff or other law official?
☐No ☐Yes
5. Did you try to obtain medical care after the incident? (check one)
☐No ☐Yes ☐WASN'T NECESSARY
6. If you sought medical care after the incident and wish to describe medical personnel response further, please do so here or on the back of this page.
7. If you **did not** seek medical attention after an attack, but were in need of such attention briefly state your reason(s) for not seeking help.
-

SECTION 2.

OTHER TYPES OF HARRASSMENT BECAUSE YOU ARE TRANSGENDERED

1. You were discriminated against in housing, job or services? (check all that apply)
☐No, none of these ☐Housing ☐Job ☐Services
2. Someone threatened you with violence?
☐Never ☐Once ☐Two or more times
3. Someone verbally insulted or abused you?
☐Never ☐Once ☐Two or more times
4. Someone threw an object at you?
☐Never ☐Once ☐Two or more times
5. Someone chased or followed you?
☐Never ☐Once ☐Two or more times
6. Someone spit upon you?
☐Never ☐Once ☐Two or more times
7. You were verbally insulted or abused by a police officer or other law official?
☐Never ☐Once ☐Two or more times

8. Been the subject of an unjustified arrest?
☐Never ☐Once ☐Two or more times
9. You have experienced police entrapment?
☐Never ☐Once ☐Two or more times
10. *If you reported having experienced any form of victimization, attempted victimization, or other forms of harassment, briefly tell us why you believe the incidents occurred **because** you are transgendered. (please use the back of this page if necessary)*

SECTION 3.

Background Information

1. What gender were you assigned at birth? (check one)
☐Male ☐Female ☐Intersexed
2. What is your gender identity, that is, what do you think of yourself as?
(Check the one that applies best).
☐I feel that I am a man ☐I feel that I am a woman
☐I feel that I am both a man and a woman ☐I feel that I am neither a man nor a woman.
☐Other (specify)_____
3. Which of the following best describes your current gender presentation?
(Check the one that applies best).
☐I'm currently presenting as a man ☐I'm currently presenting as a woman.
☐I'm currently presenting as a woman, but would like to present as a man. ☐I'm currently presenting as a man, but would like to present as a woman
☐I'm currently presenting as a man sometimes and a woman sometimes. ☐I'm currently presenting as neither.
☐Other (specify)_____

4. What is your ethnic/racial background? (check one)

- ☐ African American
(Specify) _____
- ☐ Native American ☐ Other
- ☐ Hispanic/Latin ☐ Asian
- ☐ Caucasian ☐ Multi-racial (specify) _____

5. What is your highest level of formal education?

- ☐ High school diploma/GED ☐ Master's degree
- ☐ Some college ☐ Ph.D./Professional degree
- ☐ Bachelor's degree ☐ Other (specify) _____

6. What is your current employment status? (check one)

- ☐ Unemployed ☐ Student
- ☐ Part-time ☐ Full-time
- ☐ Retired ☐ Other

7. Of the categories listed below, which category more closely matches your current yearly income? (check one)

- ☐ Under \$10,000 ☐ \$40,000-\$54,999
- ☐ \$10,000-\$24,999 ☐ \$55,000-\$69,999
- ☐ \$25,000-39,999 ☐ Over \$70,000

8. What is your age? (check one)

- ☐ 19 and younger ☐ 40-49 ☐ 70 or older
- ☐ 20-29 ☐ 50-59
- ☐ 30-39 ☐ 60-69

References

Berrill, K.T. (1992). Anti-gay violence and victimization in the United States: An overview. In Herek, G.M. and Berrill, K.T. (Eds.), *Hate crimes: Confronting violence against lesbians and gay men* (pp.19-45). Sage Publications Inc: Newbury Park, CA.

Berrill, K.T. & Herek, G.M. (1992). Primary and secondary victimization in anti-gay hate crimes: Official response and public policy. In Herek, G.M. and Berrill, K.T. (Eds.), *Hate crimes: Confronting violence against lesbians and gay men* (pp. 289-305). Sage Publications Inc: Newbury Park, CA.

Brown, M.L., & Rounsley, C. (1996). *Trueselves: Understanding Transsexualism for families, friends, coworkers, and helping professionals*. Jossey-Bass Publishers, San Francisco, CA.

Bufkin, J. L. (1999). Bias crime as gendered behavior. *Social Justice*, 26, 155-182.

California Penal Code § 422.76. (2000).

Clements, K., Katz, M., & Marx, R. (1997). *The transgender community health project: Descriptive Results*. (Available from the San Francisco Department of Public Health, 25 Van Ness Avenue, San Francisco, CA, 94102).

Gay and Lesbian Historical Society of Northern California. (1998). MTF transgender activism in the Tenderloin and beyond, 1966-1975: Commentary and interview with Elliot Blackstone. *A Journal of Lesbian and Gay Studies*, 4, 349-372.

Gordon, R. (2001, August 10). Transgender sensitivity training for S.F. police. *The San Francisco Chronicle*, pp. A21-A22.

Gordon, R. (2001, May 1). S.F. to finance staff sex-changes: Milestone act narrowly OK'd by supervisors. *The San Francisco Chronicle*, pp. A1.

Hate Crimes Statistics Act of 1980, 28 U.S.C. § 534

Herek, G.M., Gillis, J.R., & Cogan, J.C. (1999). Psychological sequelae of hate crime victimization among lesbian, gay and bisexual adults. *Journal of Consulting and Clinical Psychology*, 67, 945-951.

Herek, G.M., Gillis, J.R., Cogan, J.C., & Glunt, E.K. (1997). Hate crime

victimization among lesbian, gay, and bisexual adults: Prevalence, psychological correlates, and methodological issues. *Journal of Interpersonal Violence*, 12, 195-215.

Herek, G.M., & Berrill, K.T. (1992). Documenting the victimization of lesbians and gay men: Methodological issues. In Herek, G.M., and Berrill, K.T. (Eds.) *Hate crimes: Confronting violence against lesbians and gay men* (pp. 270-286). Sage Publications Inc., Newbury Park, CA.

Houppert, K. (1999, January, 20-26). Knock-down-drag-out: Cops were called to help Jolea Lamot. Then they learned she was a transsexual. *The Village Voice*. <http://villagevoice.com:80/features/9903/houppert.shtml> accessed 1999, April 12.

Hutson, H.R., MD, Anglin, D., MD, Straton, G., MD, and Moore, J. MD. (1997). Hate crime violence and its emergency department management. *Annals of Emergency Medicine*, 29, 786-791.

Israel, G.E. & Tarver, Donald, II, M.D. (1997). *Transgender care: Recommended guidelines, practical information & personal accounts*. Temple University Press: Philadelphia, PA.

Jenness, V. & Broad, K. (1997). *Hate crimes: New social movements and the politics of violence*. Walter de Gruyter, Inc.: New York, NY.

Kessler, S.J. (1998). *Lessons from the Intersexed*. Rutgers University Press, New Brunswick, New Jersey.

Kessler, S.J. & McKenna, W. (1985). *Gender: An ethnomethodological approach*. The University of Chicago Press: Chicago, IL.

Kingston, T. (2000, April, 6). Always on the Line: Transgenders & Law Enforcement. *San Francisco Frontiers Magazine*. 18, 32.

Kreiss, J.L., MN, RN, and Patterson, D.L., DSN. (1997). Psychosocial issues in Primary care of lesbian, gay, bisexual and transgender youth. *Journal of Pediatric Health Care*, 11, 266-274.

Letellier, P.L. (1999, June 3). Violence against transgender people: Widespread and lethal. *San Francisco Frontiers Magazine*, 18, 14-17.

Levin, J. & McDevitt, J. (1993). *Hate crime: The rising tide of bigotry and bloodshed*. New York: Plenum.

Lombardi, E.M., Wilchins, R.A., Priesing, D., & Malouf, D. (2001). GenderPAC: First national survey of transgender violence. In press: *The Journal of Homosexuality*.

Musca, S. & Olafsdóttir, G. (Producers) (1998). *The Brandon Teena Story* [Film]. (Available from New Video, 126 Fifth Avenue, New York, NY, 10011).

National Coalition of Anti-Violence Programs. (1998). Anti-lesbian, gay, bisexual, and transgender violence in 1998: A report of the National Coalition of Anti-Violence Programs.

Pierce, K. (Director), Sharp, J., Hart, J., Kolodner, E., & Vachon, C. (Producers). (1999). *Boys don't cry*. [Film]. (Available from Twentieth Century Fox Home Entertainment, P.O. Box 900, Beverly Hills, CA 90213-0900).

San Francisco Human Rights Commission, Investigation into discrimination against transgendered people. (1994). (Available from the San Francisco Human Rights Commission, 25 Van Ness Avenue, Suite 800, San Francisco, CA, 94102).

Skogan, W.G. (1986). Methodological issues in the study of victimization. In Fattah, E.A. (Ed.). *From crime policy to victim policy* (pp. 80-116). St Martin's Press, New York, NY.

Stryker, S. (2000, April 6). Under the cover of sex: Rereading San Francisco's transgender history. *San Francisco Frontiers Newsmagazine*, 18, 20-21, 26-27, 31.

Sudman, S., Sirken, M.G., & Cowan, C.D. (1988). Sampling Rare and Elusive Populations. *Science*, 240, 991-996.