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Anti-Transgender Violence: A Crisis in Identity and Intolerance

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ABSTRACT

This brief article explores the causes and social consequences of anti-transgender violence in America with a specific focus on risk factors and critical observations of law enforcement responses. While much of existing literature covers lessor forms of anti-transgender violence, such as verbal harassment, there is also a decent amount of research on more lethal forms of anti-transgender violence resulting death. The following passages explore academic and scholarly research alongside research by public advocacy groups to characterize the burgeoning crisis of violence and intolerance confronting the LGBTQ community. Beginning with statistics that portray the extent of the problem, the next section follows with a discussion of risk factors that promote anti-transgender violence. The latter section discusses the role of law enforcement and activist campaigns. The overarching goal of this research is to raise awareness and promote an understanding of the plight of transgender people, enhance their lives and public safety and to further recognize and legitimize their humanity and right to live freely without fear of intimidation and anti-transgender violence.

Keywords: Anti-transgender, Violence, Intolerance, Verbal harassment

CLARIFYING TERMS AND EXPRESSIONS

When researching anti-transgender violence, a few terms require definition and clarification. For purposes of this article, the following four terms uniquely characterize some of the nomenclature of the LGBTQ community and are defined in the following manner. *Transgender*, a term that includes both men and women, is used to describe a collective community of people whose gender identities, expressions, and or lived experiences differ from—and might in fact transcend—what is typically associated with the sex they were assigned at birth. Although definitions of the term *transgender* itself are contested, 'transgender' is coming to represent an umbrella term under which resides anyone who bends the common societal constructions of gender, including cross-dressers, transsexuals, gender queer youth, drag queens, and a host of other terms that people use to self-identify their gender [1]. *Non-binary* refers to people who do not identify exclusively as men and women—or, in fact, who do not identify with either. Other terms used to refer to non-binary include transgender, gender-fluid and others used to describe gender identity. *Gender-nonconforming* refers to people who are gender-nonconforming in their expressions, which includes their outward presentation and behavior. Any person, regardless of their gender identity, can be gender non-conforming. Lastly, *gender-expansive* is a term used to convey a wider, more flexible range of identity and/or expression, including, but not limited to transgender, non-binary and gender-nonconforming.

THE EXTENT OF ANTI-TRANSGENDER VIOLENCE

Transgender people today face an epidemic of anti-transgender violence. Whether it occurs on the streets, in schools, in homes, or at the hands of law enforcement or other government officials, staggering levels of violence persist even as transgender equality advances. Since 2018, at least 128 transgender and gender-expansive people have been killed in the United States. According to data obtained from the Human Rights Campaign Foundation (2019) [2,3], at least 22 transgender people were killed in the year 2018, down from the 29 people killed in 2017. More recently, the summer of 2019 witnessed a disturbing outbreak of similar attacks, claiming the lives of nine black transwomen in eight cities across the country in a span of 10 weeks. For a variety of reasons, women of color comprise nearly 80 percent of all transgender homicides. In many instances, crimes of

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violence and victimization against transsexual, transgendered and cross-dressing persons are often characterized as either the actions of people (males) who do not live within the rules of society or as being somehow provoked by victims through their deviancy regarding gender expectation [4].

MEASURES AND INDICATORS OF ANTI-TRANSGENDER VIOLENCE

Data on anti-transgender violence result from various sources, including self-report surveys and needs assessments, hot-line call and social service records, and police reports. All three sources indicate that violence against transgender people starts early in life that transgender people are a risk for multiple types and incidences of violence and that this threat lasts throughout their lives [1]. Based on research findings from the Transgender Survey (2015), involving nearly 28,000 respondents, transgender people experience high levels of mistreatment, harassment, and violence in every aspect of life. Specifically: (1) One in ten (10%) of those who were 'out' to their immediate family reported that a family member was violent towards them because they were transgender; (2) 8% were kicked out of the house because they were transgender.

Within school settings, anti-transgender violence is even more prevalent. Moreover, a growing body of research has established that lesbian, gay, bisexual, transgender, queer, questioning and similarly identified young people are disproportionately victims of bullying in schools [5,6]. Other findings suggest that many respondents who were 'out' or perceived as transgender while in school (K–12) also experienced some form of mistreatment, including: being verbally harassed (54%), physically attacked (24%) and sexually assaulted (13%) because they were transgender. Further, 17% experienced such severe mistreatment that they left a school as a result [7]. In another study, many students reported that not just other students harassed them, but that people they even considered friends would either help or join with assailants during physical attacks [8] Even more, there were also constant threats of sexual assault, or coercive sex or physical assault, both verbal threats and notes left in lockers.

RISK FACTORS THAT PROMOTE ANTI-TRANSGENDER VIOLENCE

There are several risk factors associated with anti-transgender violence—including homicide—that remains obscured in the intersectionality of sexism, racism and classism. One of the more prominent risk factors is an apparent anti-transgender *stigma*, often reflected in the lack of family acceptance and a hostile political climate; accompanied by cultural marginalization and invisibility [9]. The confluence of these risk factors manifests in a denial of opportunities that prevents transgender from fully participating in society. Consequently, transgender people experience discrimination in both educational systems and labor markets. Other collateral consequences include immigration barriers, exclusions from health care and other social services, and unequal protection within our criminal justice system. The following sections examine each of these risk factors in further detail, beginning with stigmatization [10].

Stigmatization

Research has well-established that families have a range of reactions to their children's LGBTQ identity and express their reactions through behaviors that affect their children's physical and mental health outcomes [11]. People whose gender identity or gender presentations are perceived as challenging the boundaries of what is socially permissible face multiple difficulties for living a dignified and healthy life due to the extreme intolerance toward gender non-normativity [12]. Some research linked family responses with risk and protective factors for key concerns including sexual health, HIV infection, substance use, depression, suicide and well-being [13]. Indeed, findings from the National Transgender Discrimination Survey [14] found suicide attempts among trans-men (46%) and trans women (42%) were slightly higher than the full sample (41%). In contrast, cross-dressers assigned male at birth had the lowest reported prevalence of suicide attempts among gender identity groups (21%).

Family rejection can take a devastating toll on people and isolate them from physical and emotional resources that are essential to their well-being. According to the Human Rights Campaign Foundation (2019) [2,3], 75% of transgender and gender-expansive youth hear their family make negative remarks about LGBTQ people. Even worse, nearly half of transgender or gender expansive youth say they have been mocked by their family for their identity. In many instances, the weight of stigmatization is fueled exponentially by intimate partner violence, poverty and homelessness and physical and mental health disparities, among other factors [2,3]. Relatedly, researchers have highlighted the dangerous practices of conversion therapy. Moreover, transgender people who have had a professional try to stop them from being transgender were far more likely to experience psychological distress, attempt suicide, run away from home and experience homelessness [15,16].

Political dimensions

As a result of several laws and government regulations, the rights of transgender and gender-expansive people are slowly eroding. There have been several bills proposed in the United States intended to limit access to restrooms for those who do not identify with the sex on their birth certificate. Some of these bills are justified with the rationale of protecting cis-gender women from violent acts committed by cis-gender men entering their facilities under the pretense

of identifying as transgender women, although there is no evidence thus far of any incidences of this [17,18]. Take, for instance, the relatively recent introduction of 'bathroom bills' designed to further diminish the rights of transgender and gender-expansive people. Consequently, these restrict transgender people from accessing public spaces and attempts to remove gender identity from non-discrimination policies [19]. According to the Human Rights Campaign Foundation, 21 anti-transgender bills were introduced by 10 states in 2018, and this is but one example of these.

Marginalization and invisibility

In terms of marginalization and invisibility, transgendered people are often excluded from full participation in communities across the country, including religious institutions which are often viewed as complicit in promoting homophobia attitudes against the LGBTQ community [19-21]. Perpetuated by a history of stereotypes—and nurtured by ignorance—the research suggests that the marginalization reflects a lack of awareness of transgender identities and long-held beliefs dictating gender norms and behavior [22]. Cultural rigidity and religious intolerance can potentially translate into an atmosphere of anti-transgender hatred, forming the breeding grounds of violence and further acts of discrimination and intimidation. This also evident in the work place as some researchers maintain dialogue about transgendered remains undervalued in people human resource development. Moreover, most human resource development on transgendered (and LGBT) related research has focused on sexual orientation, giving little attention to what differentiates transgender people—gender identity and/or expression that differs from assigned sex at birth [23]. Additional evidence of transgender invisibility can be seen in the medical profession where gender diversity in health care remains a threat to ethical nursing care. The effects of invisibility of transgender people in health care result in a cycle of repetition where those who have been denied recognition in turn avoid disclosure [24].

Matters of unequal protection

History continually reveals that transgender people are often denied the right to full and equal participation in American society, as reflected in our education systems, employment practices, health care services, and the administration of justice. As discussed previously, research suggests that educational environments are often hostile or unwelcoming to transgender and gender expansive youth. According to the Human Rights Campaign Foundation: (1) 84% of transgender youth do not always feel safe in the classroom and (2) over half of young transgender people can never use the restroom at school that aligns with their gender (2015, p.10).

Transgendered people are also often discriminated against in the work place as well. For example, Leppel [25] found the unemployment rate for transgendered people was three times higher than that of the general population. When transgender and gender expansive people are excluded from gainful employment opportunities, it places them at great risk for poverty, homelessness and involvement with criminalized work (in the form of prostitution and related vices). Other research suggest that socioeconomic status is also a predictor of anti-transgender violence, as low-income people have reduced access to healthcare and other support services [26]. In addition, these people are more likely to engage in "survival crimes," such as drug dealing, sex work and panhandling, which place them at an increased risk for victimization by people both affiliated and unaffiliated with the law enforcement system [26].

Although immigration policies have dominated media coverage over the last decade, rarely is it discussed in relation to the LGBTQ community. Like those who seek political asylum, some transgender and gender expansive people seek asylum based on their gender identity and sexual orientation. According to the Human Rights Campaign Foundation [2], transgender detainees held by U.S. Immigration and Customs Enforcement (ICE) may be placed in facilities that do not match their gender identity and are often unable to access gender affirming and lifesaving medical care and treatment. In other instances, transgender people have reported being refused medical care, particularly hormone therapy, in prison, with black transgender people and American Indian transgender people with the highest reporting rates [27].

Gender dysphoria, sometimes called "gender identity disorder" is readily characteristic of some transgender people and presents many managerial challenges for correctional institutions, including decisions of how to segregate and protect transgender detainees. In general, transgendered inmates are often housed in facilities that do not match their gender identity and inappropriately placed in solitary confinement [28]. While incarcerated, they also face extremely high rates of sexual assault. This is illustrated below in case involving the late Roxana Hernández, who passed away in 2018 from medical complications while in ICE custody.

Roxana Hernandez, 33, of Honduras died at a hospital in Albuquerque, New Mexico from what appeared to be cardiac arrest, according to US Immigration and Customs Enforcement officials. Hernandez was one of roughly 25 transgender and gender nonconforming people who joined the Central American migrant caravan in April of 2018. She arrived at San Ysidro, California, seeking asylum, according to ICE and Pueblo Sin Fronteras, which organized and guided the caravan. She had been in custody for about two weeks, waiting to be deported, when she died [29].

Other complicating factors

Transgender Americans face significant barriers to obtaining identity documents that accurately reflect their gender. Consequently, when undergoing transitioning—the changing of one's gender—several states still require proof of "surgical procedure" or other treatments before allowing ID changes. Likewise, transgender people are especially vulnerable when it comes to accessing social services and health care, including finding doctors who respect and affirm their identities [30]. Furthermore, only a handful of states currently allow the use of a third gender (e.g. "X" or "NB") on identification cards. Yet, acquiring proper identification is vitally important, for it impacts nearly every aspect of daily life from transgendered persons, including the education, employment and health-related opportunities previously discussed. In a broader sense, proper identification carries serious implications in terms of interactions with law enforcement and other legal institutions, as demonstrated in the following next section.

Police-community interactions

Within the transgender community it is common knowledge that interacting with authorities invites a certain level of possible victimization or revictimization for transgendered people. For instance, Xavier et al. [30] found that 83% of victims of sexual assaults did not report any of the incidences to the police. Another study reported a similar statistic — that only 9% of victims reported their sexual assaults to police, and that 47.5% did not tell anyone about their sexual assault [1]. In an earlier study, Witten and Eyler [4] found that of the 89 respondents who had experienced violence, only 22% had made reports to the authorities, while another 4% reported that they 'sometimes' had reported their victimization to the police.

Distrust of police is a constant theme echoed throughout various communities; especially among persons of color. Among transgender people—many of whom are also people of color—there is a similar distrust of law enforcement. Fearing harassment and intimation, transgender crime victims often hesitate to call law enforcement and are left with very little legal recourse and protection. Additional insights can be gleaned from interactions between transgender people and law enforcement were recently characterized in a 2018 report by the Human Rights Campaign Foundation. Among transgender people who interacted with police in the past year [who] say officers were aware they were transgender: (1) "58% reported facing some form of mistreatment from law enforcement; (2) 49% people reported being repeatedly misgendered; and, (3) 37% of those who had been taking hormones prior to incarceration reported being prevented from taking hormones while incarcerated" [2]. Thus far, only 18 states and the District of Columbia currently have laws that address hate or bias crimes based on gender identity. As a result, bias-motivated crimes against transgender people often go uninvestigated, unreported and thereby unaddressed [31]. The following case further illustrates the implicit attitudes and behavior of law enforcement while investigating the death of a transgender person.

On February 4 (2018), Celine Walker, a 36 year old black transgender woman was fatally shot in a Jacksonville, Florida hotel room in the South point area. Up until September 2019—police had not charged a suspect with her death, although a sketch of the wanted person was released to the public in August of 2018. Activist worry that the Jacksonville's Sheriff's office refusal to recognize Celine's identity as a transgender woman may have delayed investigative efforts in the days immediately following the shooting. In the aftermath of her death many advocates and organizations including Equality Florida, Transaction Florida and the ACLU of Florida held solidarity vigils, calling for justice for Celine[1].

CONCLUSION

As demonstrated in this article, transgendered people continue to endure tremendous hardships and gender discrimination based solely on their perceived identity and decisions to live their lives as they see fit. In some instances, anti-transgender violence is correctly viewed in the same light as hate crimes based on one's sexual orientation. Their harsh treatment is readily visible and most evident among our public institutions, including education, social services, and justice systems; not to mention within family settings as well. Researchers have suggested that the most pronounced effect of anti-transgender violence reinforces the male-female gender binary and engenders fear in those who even consider venturing beyond its confines [32]. Advocacy groups, at the same time, stress the need for oversight, training and policy changes for law enforcement, victim service providers, the courts and other systems that impact anti-transgender violence and survivors of violence, as well as for data collection and research on violence against transgender people. As such, they also advocate for reforms that would reduce the violence faced by sex workers and drug users by decriminalizing their behaviors and emphasizing support and harm reduction over law enforcement [33]. As the national conversation about transgender people continues to evolve, it is incumbent on governmental and private institutions to address the disparate treatment of transgender people. Continued public education efforts are needed to improve understanding and acceptance of transgender people so that they can live fulfilling lives in an inclusive society.

[1] Notes: On September 25, 2019, police arrested 21 year old Sean Phoenix who police say admitted to shooting Celine Walker. For more details, see Police Make Arrest in First of Three 2018 Murders by Corley Peel and Steven Patrick. Available at https://www.news4jax.com/news/police-make-arrest-february-2018-murder-of-transgender-woman

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