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HATE CRIMES BASED ON GENDER IDENTITY  
AND SEXUAL ORIENTATION

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A Thesis  
Presented to the  
Faculty of  
California State University,  
San Bernardino

---

In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts  
in  
Criminal Justice

---

by  
Katie Nicole Williams

June 2011

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AND SEXUAL ORIENTATION

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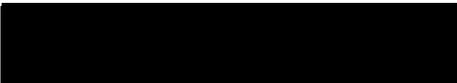
by  
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June 2011

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## ABSTRACT

A person's gender identity and sexual orientation are potentially the most intimate characteristics they have; however, there is little research surrounding the circumstances of hate crimes committed on this basis. This study attempts to go beyond others and examine these heinous crimes. The sample analyzed contains 121 cases of individuals that were killed because of their real or perceived gender identity or sexual orientation within a twenty year time frame; Matthew Shepard, a highly publicized hate crime victim, was used as the focal point of this research. A variety of media sources were used to gather data on the victims and then a chi-square test was performed to determine statistical significance of the relationship between key variables. Results indicate the severity of an attack can be influenced by the bias motivation of the offender, the relationship the offender and victim share as well as the region of the country the attack occurs in and the victim's involvement in sex work is a factor in whether their case is solved.

## ACKNOWLEDGMENTS

I would like to thank and acknowledge Dr. Gisela Bichler, my chair, without whom I would still be trying to get a couple more cases included and ask one more question. Your guidance, support and patience have been instrumental to my success as a graduate student. Thanks for everything; I would not have finished without you. I would also like to thank Dr. Dale Sechrest and Professor Brian Levin J.D. who so graciously served on my thesis committee and for all the assistance and wisdom they shared.

## DEDICATION

I would like to acknowledge the individuals who fight daily to live their lives on their own terms and specifically to those individuals who, while doing so, had their lives cut short. To the thousands of people whose deaths go unrecognized, and whose lives make this research so important.

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## CHAPTER ONE

### BACKGROUND

#### Introduction

The death of Matthew Shepard was not isolated or unique in terms of its brutality. In the summer of 1995, Tyra Hunter, a transgender woman, was involved in a car accident in Washington D.C. After discovering she was biologically male, the emergency personnel who responded stopped to laugh and joke for several minutes before continuing to treat her. She later died in the hospital after she was delayed treatment, yet again. PFC Barry Winchell was asleep in his army barracks in Kentucky in the summer of 1999 when he was bludgeoned to death with a baseball bat by a fellow soldier who thought he was gay because of his romantic involvement with a transgender woman. In California, during the fall of 2002, Gwen Arajuo went to a party and after being discovered as a biological male, was beaten and strangled before her body was dumped by two men she had engaged in a sexual relationship with and their friends who, as they were driving back home, stopped for breakfast at McDonalds. Ronnie Antonio Paris Jr. was only an infant when his father began to fear he was gay and beat him numerous times to toughen him up

before he was finally killed in Florida during the winter of 2004 at the tender age of three.

### Purpose of the Project

When a person is the victim of a crime, there is usually a circumstance (e.g., unlocked window) that can be corrected to prevent future harms. But the victim's mentioned above are being attacked because of who they are; the individual characteristics that make people unique and special, make them the victims of violent crimes. It is for this reason that so many victims of hate crimes suffer deeper psychological damage than victims of other crimes. And, not only are the specific victims traumatized, but any person who has a similar identity feels traumatized. This research seeks to look into the characteristics of these crimes; who commits them, when, where, and how the perpetrators attack their victims?

The increase of hate crimes through the years is evident throughout literature and in recent years the focus of the crimes has risen substantially when based on gender identity or sexual orientation. The effect that hate crimes have on their victims and their victim's community is substantial; as seen in the legislation that is beginning to accompany such crimes. In recent years,

legislation has been fought for and passed to increase the support certain protected categories have. And finally two theories, Sellin's Cultural Transmission of Deviance and Blumer's Symbolic Interactionism are used to help explain bias crime; in total, ten proposed hypotheses were examined.

A data set was created using 121 cases of individuals who had died as the result of being attacked based on either their gender identity or sexual orientation; in other words, they were victims of a hate crime. This data set was compiled using a variety of media sources. Cross-checking information enhanced the validity and reliability of data. This information was used to generate several variables within three topic areas: victim demographics, circumstances surrounding the victim's attack and elements of the criminal process. Cramer's V correlations and chi-square tests were used to test the ten hypotheses.

Of the ten hypotheses, only four were found to be statistically significant; although one was found to be so close, with a minor adjustment, it may also be found to be significant. The four hypotheses found to be statistically significant pertained to (Hyp 2a.) the bias motivation of the offender influences the severity of the attack via the

amount of weapons used, (Hyp 5.) the severity of the attack in reference to the relationship between the victim and the offender, (Hyp. 7) the severity of the attack in relation to the region of the country and (Hyp. 8) the victim's involvement in sex work and the likelihood the case was solved. A list of the definitions of the terms used in this research can be found in Appendix A.

#### Limitations

During the development of this research, a number of limitations were noted. First, the data was collected using solely media sources, although several different media outlets were drawn from to gather as much information as possible. As such, these events might not represent the breadth of crime committed based on gender identity or sexual orientation; only the most extreme cases are likely to receive media attention. Moreover, exploration into the psychological state of the perpetrator is limited to the reported information: in depth information drawn from personal interviews with the perpetrators would have strengthened the study measurably. Finally, some events were not considered a hate crime under the law of the state where the crime occurred. This situation would have materially affected the case

disposition as no enhanced penalties would have been mandatory.

Yet, with these limitations in mind, this research is still able to delve deeper into the issue of hate crimes as they relate to gender identity or sexual orientation. Examining not only the psychological effects hate crimes have on their victims, but also the circumstances surrounding the attacks; helping to show these attacks have occurred and potentially what can be done to keep them from occurring again.

#### Implications

Several implications can be derived from this study. Most noteworthy, the use of labels throughout society as a whole and the criminal justice system as an institution are causing harm on a variety of levels to the Lesbian, Gay, Bisexual, Transgender, Queer/Questioning and Intersex (LGBTQI) communities. This highlights the importance of education and sensitivity training on the topic of LGBTQI communities. Also, this research finds recommendations critical in the areas of investigation failure, legislation and further research.

## CHAPTER TWO

### REVIEW OF THE LITERATURE

#### Background of Hate Crimes

Hate crimes in the United States have increased through the years and attacks based on gender identity and sexual orientation<sup>1</sup> have become the most violent. These crimes are "intended to harm their victims and also to send a message of fear to entire communities of people" (Herek and Berrill pg. xiii, 1992.) These attacks often occur as verbal harassment; in some cases, these attacks lead to severe assault, or even death (Haider-Markel, 1998). Hate crimes, although only recently defined by law, have been a part of the human society for much longer. The willingness of humans to kill one another based on their religious or ethnic differences has been evident since history was first documented (McPhail, 2000).

According to Cogan (2002):

Hate crimes became recognized as violent acts against people, property, or organizations specifically because of the group to which they belong or identify

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<sup>1</sup> A person's gender identity and sexual orientation are separate of each other and have no correlation. A person's gender identity refers to how they view and present themselves; their sense of being a man, woman or other gender identification. While a person's sexual orientation refers to who they have romantic and sexual feelings for and relationships with.

with. Rather than the victim being chosen simply at random, hate crime victims are selected based on their group membership or identity. (p. 173)

#### Definition of A Hate Crime

The actual definition of a hate crime is debatable, since different scholars and legislatures include different groups and actions but they are all closely related. According to Levin (2002):

Hate crimes may be defined as those offenses committed because of the actual or perceived status characteristic of another, or alternatively, as crimes where the motive is the actual or perceived status characteristic of another-usually, but not necessarily, the crime's victim or target. (p. 227)

Cogan (2002) is similar in her definition by stating "what makes a crime a hate crime is the existence of bias or prejudice of the perpetrator who committed the crime against an individual based on the victim's real or perceived social grouping" (p. 174). For example, if a man is assaulted after leaving a gay bar, whether he identifies as gay or not is irrelevant, he was thought to be gay due to his location and therefore the assault would

constitute a hate crime. The same would be true of a religiously or ethnically based attack.

Even the statutes or acts themselves vary in their definitions of whom and what they include. Provisions will be made several times to ensure all possible victim groups are included. Or are they? The Hate Crime Statistics Act (HCSA) of 1990 defines hate crimes as crimes that occur based on evidence of prejudice due to race, religion, sexual orientation, or ethnicity. This includes crimes of murder; non-negligent manslaughter; forcible rape; aggravated assault; simple assault; intimidation; arson; and destruction, damage, or vandalism of property. However; gender identity or expression are not included in this definition.

The definition of hate crimes changes constantly, from specific and long to short and general. The short and general definitions used to describe hate crimes are more productive than the long and specific versions. Defining an act as a hate crime is extremely difficult because leaving out a potential target group may cause unnecessary problems later. Leaving out potential victims in the definitions may cause the victims to feel unsupported and irrelevant if a hate crime is committed against them or their particular community. This effect can be seen when a

member of the transgender community is killed because they live their life in the gender opposite the one they were biologically assigned at birth and their death is not classified as a hate crime. Or in an equally harmful circumstance, their death is classified as being motivated by their sexual orientation. Seeing as the two categories are completely separate of each other, these classifications perpetuate an inaccurate and hurtful experience.

## Effects of Hate Crimes

### Effects on the Victim

The motive behind a hate crime attack is the victim's identity, which cannot be changed. Victims may suffer more severe consequences, such as rejecting the aspect of themselves that was the target of the attack or associating a core part of their identity with fear, loss, or vulnerability (Cogan, 2002). For example, if a child goes through a majority of their schooling being attacked because they are perceived to be gay, the child is going to have some kind of a reaction. Whether that child ends up taking their own life or someone else's is an obvious indication of the psychological damage this child has endured. And this damage is much more severe than the

child who was beaten up for being the new kid or because they cut in the lunch line.

Barnes and Ephross (1994) examined individuals who were the victims of hate crimes and found that they experienced many different emotions: anger at the perpetrator was the most common reaction, followed by fear of a future injury to themselves or their families. One third of respondents exhibited behavioral changes. Some of these changes included moving from the neighborhood, buying a gun or increased willingness to use a gun, buying initial or additional security devices for their homes, and increasing precautions taken for children in the home. Cogan states (2002):

Thus, hate crime victims are not able to latch onto a typically used psychological defense of other crime victims: that they were simply at the wrong place at the wrong time, the victim of random violence.

Instead there is a purpose to the crime, and that purpose is to communicate that this person who is part of this group is so despised and devalued that he or she deserves to be the victim of violence.

(p. 178)

Further the court maintains that hate crimes are so severe because they are "thought to be more likely to

provoke retaliatory crimes, inflict distinct emotional harm on their victim and incite community unrest" (Levin, 2002. p. 241).

### Effects on the Community

Not only are the victims of hate crimes affected, but the community as a whole is also affected, especially individuals that are a part of the victims' group or community. For example after Matthew Shepard was brutally murdered for his sexual orientation, gay men and lesbians all over the country reacted to the pain of the attack, feeling victimized and fearing for their safety (Cogan, 2002). Hate crimes send a message not only to the individual but also to the victim's group that they are either not welcome or are so irrelevant no one cares if they are victimized. According to Gelber (2000):

Hate crimes have a ripple effect beyond their individual victims because they contribute to creating conditions in which violent crime against some groups in society is able to be justified or condoned. This makes life more dangerous for perceived members of the victim groups generally and is also said to devalue society as a whole. (p. 277)

If a target group is outside the societal norm (such as members of the LGBTQI communities) then the crimes

against them are normalized and even ignored (Gelber, 2000). The gay panic or transgender panic defense is one way that society attempts to justify the crime by using the characteristics of the victim as an excuse for the behavior.

#### Panic as a Defense

It was in 1920, that psychiatrist Edward J. Kempf first coined the term gay panic; his self-identified heterosexual patients had feelings of anxiety and panic when confronted with a same sex individual they were attracted to, primarily because their feelings were unacceptable by societal standards (Kempf, 1920).

In recent years, gay panic has been used as a criminal defense to justify murder or more accurately, to turn a murder charge into a manslaughter charge. According to Lee (2008):

There is no officially recognized 'gay panic' defense, but many use the term to refer to defense strategies that rely on the notion that a criminal defendant should be excused or justified if his violent actions are in response to a (homo)sexual advance. Such strategies include using gay panic to

bolster claims of insanity, diminished capacity, provocation and self-defense. (p. 475)

In the past gay panic has been used to argue mental deficiency, and more recently has been used to claim self-defense and provocation (Lee, 2008.) Meaning that, while individuals would previously say they had gone temporarily insane because of a same sex advance, now the defense is being utilized to say the defendant was protecting themselves from the unwanted advances and was provoked into the violent behavior.

Transgender panic goes along the same lines as gay panic, only with the added element that the perpetrator was in some way allegedly deceived by their victim. For example; after the victim, a transgender woman, and the perpetrator, a heterosexual man, had a sexual encounter, the perpetrator discovered the victim was biologically male and attacked her. According to Tilleman (2010) in these provocation defenses, whether gay panic is used or transgender panic is used, the defendant is attempting to use the defense as a mitigating factor in their case; for example reducing a murder charge down to manslaughter. Such was the case when Matthew Shepard's killers attempted to use the gay panic defense at trial.

## Matthew Shepard

On October 7, 1998, a young man was robbed, pistol whipped, tortured then tied to a split-rail fence in a remote area and left for dead in Laramie, Wyoming. Eighteen hours later that man was found and five days later he was dead. Matthew Shepard's murder shocked the nation, sent fear and pain throughout the LGBTQI communities and to date is the most well known of all sexual orientation hate crime victims. Matthew Shepard's death received international news coverage, bringing to light the severity of hate crime attacks.

Matthew Shepard was a twenty-one year old college student, who went out to a bar one night, as college students often do. At the bar he met two men, Aaron McKinney and Russell Henderson, who were able to lure him out of the bar, drive him to a secluded field, robb him and then proceed to beat him so badly that the following day when a passerby finally found him, he was thought to be a scarecrow. Matthew Shepard fell into a coma and died on October 12, 1998; at his funeral, the Westborough Baptist Church attended, not to show support to Matthew's family and friends, but to protest his life.

Aaron Henderson and Russell McKinney went to trial for Matthew's brutal murder and were ultimately found

guilty. While they attempted to use the gay panic defense at trial, it was not allowed by the judge. Of all the charges brought forth on them, first degree murder, felony murder, kidnapping and aggravated battery, the two were not charged with a hate crime. This was not because the crime didn't constitute a hate crime or because the case didn't have enough evidence to prosecute as a hate crime, but because Wyoming, at that time and even still today, did not have any hate crime laws on their books.

#### Hate Crime Legislation

Hate crime laws are designed to decrease the amount of incidences where a hate crime may occur, in addition to teaching society tolerance for others and intolerance for violence (Franklin, 2002).

In 1978 the state of California was the first in the nation to pass a penalty enhancement statute, though not the first to enact a hate crime law<sup>2</sup>. Grattet, Jenness, & Curry (1998) say:

Since then hate crime statutes have taken many forms, including statutes prescribing criminal penalties for civil rights violations, specific 'ethnic

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<sup>2</sup> For a full list of hate crime laws by state and year see Appendix 1.

intimidation' and 'malicious harassment' statutes and provisions for enhanced penalties. (p. 289)

Statutes, acts, laws, all of these legal actions have been a result of the need for victim protection against hate crimes.

In 1982 the Anti-Defamation League (ADL) created a law focusing on penalty enhancement. The law included provisions for institutional vandalism; bias motivated crimes based on actual or perceived race, color, religion, national origin, sexual orientation, or gender; remedies for civil actions; and bias crime reporting and training (McPhail, 2000). There is still a wide degree of variation when hate crimes are categorized, prosecuted, and reported from state to state (McPhail, 2000). Some states still do not have hate crime laws; Indiana, Kansas, and Wyoming are among these. And considering that Matthew Shepard was brutally murdered in Laramie, Wyoming, it is interesting that Wyoming is still one of the states without hate crime laws.

#### Types of Hate Crime Penalties

According to Bakken (2000), hate crime penalties come in one of three forms. The first form includes legislation that authorizes a court to increase the punishment of an

offender whose action was motivated by the actual or perceived racial, sexual, religious, or national status of the victim. The second form of legislation creates new crimes by adding an element of racial animus (that is, "motivation") to existing crimes. And the final form of legislation simply makes designated expression a criminal offense.

### Penalty Enhancement

"Penalty enhancements do not impose punishment where none previously existed; they merely increase the severity of punishment" (Franklin, 2002, p. 164). In *Wisconsin v. Mitchell* (1993), the most commonly cited case of penalty enhancement, Todd Mitchell was punished under penalty enhancement for choosing his victim based upon race. Mitchell had seen the movie *Mississippi Burning* that included a scene where a White supremacist group attacked a young African American boy, kneeling down to pray. After which he encouraged a crowd to attack a 14-year-old boy, Gregory Riddick, because he was white. Mitchell was convicted and sentenced to two years for aggravated battery-party to a crime and received an additional two-year term for selecting the victim because of his race.

### Element of Racial Animus

An example of this would be instead of defining assault as the intent to cause physical harm, it would be defined as:

...the intent to cause physical harm. . . by reason of the actual or perceived race, color, religion, national origin, or sexual orientation of the victim.  
(Bakken, 2000, p. 3)

This type of legislation may potentially subject the offender to a higher degree of assault as well as an additional sentence, where the offender would receive two different sources of punishment (Bakken, 2000).

### Criminal Offense

This is the most difficult because it relies on human rights documents and such documents are impossible to reconcile because they also mandate freedom of thought, conscious, religion, and opinion (Bakken, 2000).

### Federal Policies

According to McPhail (2000) the government has enacted several policies to help combat hate crimes. The Hate Crime Statistics Act (HCSA) was the first piece of legislation that related to hate crimes specifically. The purpose of the HCSA was to document all incidences of hate

crimes by the federal government (Cogan, 2002). The Violent Crime and Law Enforcement Act (VCLEA) included disability as a category and expanded the HCSA. The proposed Hate Crimes Prevention Act (HCPA) will add two major changes to the already existing legislation. It would first extend the coverage of federally protected groups, including gender, sexual orientation, and disability. Second, it would expand hate crime protections, outside of the six already federally protected activities (McPhail, 2000). The HCPA expanded the jurisdiction of Section 245 of Title 18 U.S.C. allowing federal officials the ability to investigate and prosecute crimes if they are motivated by hate of the victims' real or perceived sexual orientation, gender, or disability (Cogan, 2000).

More than ten years after Matthew Shepard's brutal anti gay murder and after several attempts to pass it, the HCPA was finally expanded to include sexual orientation, gender identity and gender as protected categories on the federal level and named for two hate crime victims, Matthew Shepard and James Byrd, Jr., an African American man who was tied to the back of a pickup truck and drug to his death. On October 28, 2009, President Barak Obama

signed the newly extended Act into legislation after both the House of Representatives and Senate passed it.

### Criminal Investigational Failures

"Unsolved crimes, unsuccessful prosecutions, unpunished offenders, and wrongful convictions bring the criminal justice system into dispute" (Rossmo, 2009, p. 3). In this day and age, with the technology and training our law enforcement officers have at their fingertips, one would expect that every crime is solved and every perpetrator is caught and punished; yet there are and always will be cases that go unsolved. The question then becomes what differentiates between the case that is solved, prosecuted and brought to justice and the one that stays on file or ends up in a box and will forever be known as a cold case? A lack of evidence? Uncooperative witnesses? Or perhaps, the detectives and law enforcement officers assigned to investigate these crimes made a mistake.

While we would like to believe that law enforcement officials don't make mistakes, that fact is, they do. These mistakes can range from group think, detectives not wanting to question another's theory; to ego, not wanting to admit their own theory may be inaccurate; to tunnel

vision, only seeing one possibility; to fatigue, the overtime and stress major cases cause; to red herrings, tips or sources that cause a misdirection during investigation, like when a soccer player gets his opponent to look left while he is running right (Rossmo, 2009.) While these are not the only reasons investigative failures occur, they do illustrate what can happen during an investigation, especially if the case is high profile or alternatively if the victims are not considered a priority.

### Theories of Hate Crimes

Hate crimes are committed for a variety of reasons. These reasons can be explained by different theories. The theories that best explain hate crimes are Herbert Blumer's Symbolic Interactionism and Thorsten Sellin's Cultural Transmission of Deviance Theory.

#### Symbolic Interactionism

Blumer's theory of symbolic interactionism (1969) draws attention to the impact of an action or actions of an individual or group. Society comes together based on the activities its members engage themselves in. People act differently based on the situation they are in. People may act on their own, with others, or as a representative

of a group. A society is based upon the interaction of its members, which occur either in response or relation to other activities. People interpret the actions of others and react to things based on how other members of a society react. By taking other society members' actions into account an individual may change their own actions to please that group. This can be done by not doing something you do want to do or doing something you do not want to do.

People in a group define themselves based on the definitions that others have for them. These people communicate verbally and non-verbally to express what is and what is not acceptable. People act in response to how others in their group act and treat them. People respond to different situations based on the other people in the situation. For example, when a person walks into a classroom as a graduate student, they act as a student would. Asking questions and responding to the professor with the knowledge the professor is in charge. Now take that same graduate student and put them at a bar while, unbeknownst to them, their professor is sitting at the same table. The person's demeanor changes, they act differently according to the people they are with. This is the idea of symbolic interactionism, people respond to

their environment based on who is in their environment and how those people respond.

Many hate crimes occur in situations where the offender is acting with a group. For example, if a teenager moves to a new town and does not know anyone, that teenager will probably want to fit in with whoever will accept them. Now say the first and only person to show any interest in this teenager is a skinhead. The teenager begins to hang out with the skinhead and meet other skinheads, who are all willing to spend time with the teenager. In time the skinheads become his only friends and he wants to act like they do. So he too shaves his head and begins to dress like the other skinheads. The teenager notices that the skinheads do not like the minority students in the school and since the skinheads do not like those students he does not like them either. Then one day after school the teenager, who has become one of the group, sees his fellow skinheads harassing a young African American girl. The first instinct of the teenager is to stop them, however he is a part of this group now and what they do he does. So as the skinheads pull the girl into a dark ally, the teenager follows and participates in the assault on the young woman.

Most people who join hate groups are looking to fit in. Because of their desire to fit in, these people will act or think however the group does. This enables them to be a part of something that they were not a part of before. And after so long these people get so caught up in the group they do not realize what they have become. People define themselves based on how others view or define them as well as the expectations other group members have of them. If they act the way the group wants them to, they receive a higher degree of respect from the group.

#### Cultural Transmission of Deviance

Sellin's theory of cultural transmission of deviance (1938) states that people are caught up in the norms of their society. Not necessarily society as a whole but whatever group they belong to. The group has different norms that set the standard for each individual in the group. The norms that the group has come to form become unspoken rules. People act and react according to these rules and if a member of the group goes against or violates the norms of the group a reaction will occur. The older members of the group have founded the norms and all the newer members respect those norms, even more so than society's norms.

Hate groups have been around for a while so the idea of teaching hate to people is logical. For example, if a child looks up to their grandfather and considers him their hero, that child will want to be just like him. Whatever he does and thinks is right that child will also do and think is right. The standards set by the grandfather will influence the child. So then what if the grandfather is the Grand Dragon of the Ku Klux Klan? Logically the child will want to be a part of the Klan and will inevitably accept the Klan's norms. The child will have grown up being taught how to view people different from him or her and will think that their bigotry is the right way to think. Then when the child has children, the same views or norms will be imbedded into that child and generation after generation will accept the behaviors of those before them and base their life on the opinions of others.

The older members of a group, in a sense, teach the newer members. The standards have been set and anyone who wishes to be a part of the group must accept and embrace those standards which have already been set forth. People in these groups look up to and learn from the older members, so whatever is acceptable behavior according to

the older members will become acceptable behavior to the newer members as well.

### Hypotheses

People commit crimes for a variety of reasons: money, anger, desperation, and even excitement. Hate crimes however, are committed based on an individual's bias, fear or hatred towards a specific group of people. In particular, those in the LGBTQI communities are targeted for their gender identity or sexual orientation. Drawing on symbolic interactionism this study examined five hypotheses. Bias motivation appears to be a significant contributing factor to the details of an attack, specifically in combination with:

1. the location in which an attack occurs,
2. the severity of an attack, via the type of weapon(s) used and the cause of death, and
3. the number of perpetrators involved.

The relationship between the victim and the offender could play a key role in hate crimes motivated by gender identity and sexual orientation. Therefore, the relationship between the victim and the offender is hypothesized to be related to the details of the attack, specifically:

4. the type of bias motivation of the offender, and
5. the severity of the attack.

The second set of hypotheses was drawn from the theory of cultural transmission of deviance and explanations for investigative failure. Hate crimes, like all other crimes, are more likely to occur in some places than in others. This includes both the state and location in which a hate crime may occur. Therefore, hypotheses six and seven will test the region in which an attack occurs against several factors of the victim's death, specifically:

6. the bias motivation of the offender, and
7. the severity of the attack.

Sex work is a common occurrence in this day and age and with the stigma that accompanies such a profession, many people do not give due respect to those in the field, including law enforcement officers. This is where the potential for investigative failures may occur. Therefore, it is hypothesized that the victims' involvement in sex work has a direct relationship with:

8. whether the victim's death will be solved.

Matthew Shepard's death was and is one of the most highly publicized hate crimes of all time for the gay community and the two men who were tried for his murder

attempted, unsuccessfully, to use gay panic as their defense. Since that time, gay and transgender panic have become a well known term for people trying to excuse their behavior. Therefore, the year an attack occurred should be correlated with:

9. the use of the gay or transgender panic defense.

In today's society, men are supposed to be masculine and women are supposed to be feminine and anyone who bends those social norms challenges those around them. Gay men, who are stereotyped as being more feminine and transgender women, who are individuals who were born biologically male, but identify as female, and are often mistakenly viewed as feminine men, are the biggest affront to those social norms. Some may argue that it is harder for a man to be feminine than for women to be masculine. Therefore, it is predicted that the biological sex of the victim has an effect on:

10. the severity of an attack.

## CHAPTER THREE

### METHODOLOGY

#### Introduction

The aim of this study is to examine hate crimes based on gender identity and sexual orientation that have resulted in the death of the victim. Moreover, for the purposes of this study a hate crime will be classified as any attack committed towards an individual based on their actual or perceived association in the Lesbian, Gay and Transgender Communities, whether it has been classified as a hate crime under the law or not.

Presently, no comprehensive database is available to examine this issue and therefore one has been created by the researcher. This chapter outlines the process used in this content analysis of publicly available sources to develop a database drawing from media sources. Following a discussion of the protocol used to identify potential cases, the mechanism used to track the quality of the data assembled is explained. Next, this chapter describes the variables generated to test the aforementioned hypotheses (see Chapter 2).

## Case Identification Protocol

The database was created by first setting preliminary selection criteria to identify the cases that would be eligible for inclusion. The classifications were such that any hate crime, resulting in death, against a member of or a perceived member of the Lesbian, Gay, or Transgender community that occurred within the United States between 1988 and 2008 were eligible. The murder of Matthew Shepard, which occurred in 1998, was used as the focal point of all research. All murders had to be within the specified time frame of no more than ten years pre (1988) and no more than ten years post (2008) his death.

In response to the sometimes inaccurate representation of the victims through the media, the classification of the cases as either gender identity or sexual orientation was determined by the researcher. To determine the motivation for the attack, the researcher classified any attack where the victim was presenting themselves as a gender typically associated with their biological sex as sexual orientation and any attack where the victim was presenting themselves as a gender not typically associated with their biological sex as gender identity. For example; if a biological man was presenting as a male and he was attacked, this case was considered as

having a bias motivation based on sexual orientation. However; if a biological man was presenting as a female (e.g., the person was described as a gay man dressed in woman's clothing), whether the victim identified as a female or not, the case was considered as having a bias motivation based on gender identity.

A list of victim names was generated by looking at various sources on the internet for hate crime victims based on gender identity or sexual orientation. Matthew Shepard was the starting point of the list and through him, other potential victims were identified. This phase of the sampling strategy is best described as a snowball process as media sources often include other cases involving individuals who had also died due to their actual or perceived gender identity or sexual orientation.

Once an initial list was generated a comprehensive search was done through Lexis-Nexis®, a web based program that supplies various types of news media, under 'News' and 'all available dates' to find relevant newspaper articles and cases; Google®, a web-based search engine allowing access to the World Wide Web, was also utilized to find information. In addition, reports were used to identify potential victim names and then inserted into LexisNexis® to find relevant information. Victim names or,

occasionally perpetrator names were essential to searching electronic databases. This phase of the sampling strategy attempted to identify the universe of eligible cases that received media attention; however, as explained below missing data was a significant concern and thus, a quota sample was developed. Once the articles were collected case details were pulled to create the necessary variables.

#### Finding Case Details

As noted above, this research involved a multi-phase sampling protocol to identify possible subjects and the relevant details of their case. To further clarify the process involved, this research started with the Lexis-Nexis® program using the following search terms: 1) victim name, 2) victim name + murder, killed, hate crime, or death 3) offender name, 4) offender name + murder, killed, sentence, plea, verdict, or trial. Using the different search criteria, thousands of articles were found for the various victims; with some cases receiving as many as 3,000 plus articles for the victim name alone and some cases receiving less than three articles when searched under all four of the potential search criteria. The information collected as a result of this protocol

provided the broadest information and can be considered the foundation on which the dataset was built.

To ensure that cases were not overlooked, the data finding protocol then extended to the World Wide Web and the same search terms (as explained in the prior paragraph) were used via the Google® Search Engine. The sources found through this search were mainly web sites dedicated to victims, though not necessarily the specific victim searched, reports, Wikipedia®, an online encyclopedia that allows information to be added and edited by the public, and occasionally articles. These sources were used to gather additional victim names or cross reference data. While Wikipedia was a research tool; only the primary sources listed under the references section that were used to create the page were taken advantage of, not the page itself.

The researcher looked up the victim on Wikipedia and pulled the names of all relevant sources listed, then took those sources and found the original documentation; articles, websites, documentaries, etc. It was this documentation that was used to collect the data. Two key reports, written by the Gender Public Advocacy Coalition and designed to show the lack of reporting that goes into crimes against people based on their gender identity and

sexual orientation, were drawn upon to enhance the list of cases and the basis for the start of the dataset. The two reports were *The 50 under 30: Masculinity and the War on America's Youth* as well as the *70 under 30: Masculinity and the War on America's Youth*. These reports do not focus specifically on deaths, but on all bias motivated crimes involving gender identity and sexual orientation.

### Sampling Trimming

The sample in this study began with 407 potential victims that had been identified using the established selection criteria<sup>3</sup>. Upon investigation a number of potential cases were eliminated from the list for various reasons, including; the attack did not occur between the specified time frame, the attack did not occur within the parameters of the United States, the attack was not found to be the result of a bias motivated attack (e.g., suicide, natural death, etc.), or there was insufficient

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<sup>3</sup> Originally included in potential sexual orientation cases was the category of bisexual, which was eliminated on the basis that none of the victims were identifiable as such. This is because the media would only focus on and report if the victim had known relationships or sexual encounters with individuals who would identify the victim as "straight" or "gay", no one was ever listed as bisexual; therefore, it was not feasible to determine if a person's sexual orientation was bisexual, as that factor was never reported. Even if the victim identified themselves as bisexual, the factor was impossible for the researcher to categorize. In addition, transgender, transsexual, and cross dresser were classified as Transgender for the purposes of this research.

information on the victim or circumstances surrounding their attack. Once enough information was collected on an even number of gender identity and sexual orientation cases and the dataset was completed, the names of the victims were erased. The final sample included 60 cases involving gender identity, 60 cases involving sexual orientation and one case with no bias motivation, N = 121. Please note, that the single case where bias motivation was not present was included in the data because the perpetrator attempted to use the gay panic defense without a bias motivated crime occurring.

#### Data Quality

Building a database with information drawn from a variety of media sources (source triangulation) enhanced the accuracy and reliability of the data compiled. The various media outlets used - newspaper and magazine articles, biographies and documentaries, and website information - permitted cross-referencing important details used to construct independent and dependent variables diminishing the likelihood of measurement error.

Table 1 reports the degree of triangulation associated with each case included in the sample; at least 67% of the sample was generated with information drawn

from at least 5 articles or at least 3 articles from several media sources. Noteworthy is that the sample is not dominated by celebrated cases – those events that generated in excess of 25 articles and several media sources. Only 7% of the sample involved these high profile cases. As such, it is likely that the sample contains a wide range of cases that potentially represent the degree of hate inspired homicide.

Table 1. Degree of Triangulation

Tier	Meaning	Percentage
5	Multiple Media Sources. Coverage included magazine and newspaper articles, documentaries and movies, websites, reports, etc.	3%
4	35 + articles or 25 + articles and at least one additional media source	4%
3	15 + articles or 10 + articles and at least one additional media source	26%
2	5+ articles or 3 + articles and at least 3 additional media sources	34%
1	under 5 articles	33%

NOTE. Due to the multitude of sources used; newspaper and magazine articles, documentaries, websites, etc. citation is virtually impossible. Only the most commonly cited sources are listed in the reference section.

### Sample

The sample included cases that involved a range of victims and offenders (see Table 2). The age of the victims ranged from 3 years old to 73 years old with the

mode being 19 years of age. The gender of all known perpetrators, who facilitated the actual murder, was male. 90.08% of the victims were biological males, making the majority of victims either gay men or transgender women (individuals born with male genitalia who identify as women).

Table 2. Descriptive Statistics-Demographics of the Victim

Descriptive Statistics			
Variables		Percent	N
AGE			120
	Under 15	0.83	
	15-19	18.33	
	20-24	21.67	
	25-29	21.67	
	30-34	7.5	
	35-39	10	
	40-44	9.17	
	45-49	3.33	
	50-54	1.67	
	55-59	0.83	
	60+	5.00	
GENDER IDENTITY			121
	Man	48.76	
	MTF	41.32	
	Woman	9.09	
	FTM	0.83	
BIOLOGICAL SEX			121
	Male	90.08	
	Female	9.92	

Descriptive Statistics		
Variables	Percent	N
PRESENTATION		121
Man	51.24	
Woman	48.76	
SEX WORKER		84
Yes	13.1	
No	86.9	

NOTE. MTF is referring to transgender individuals that are biologically male and present as female; while FTM is referring to transgender individuals that are biologically female and present themselves as male.

#### Variables

The study has been designed not only to delve into and compare hate crimes based on gender identity and sexual orientation, but also to examine each case's individual qualities as they relate to: the circumstances surrounding the attack, the elements of the criminal prosecution in relation to the perpetrator, if the attack of the victim was solved and, the severity of the attack. Variables are also described in Appendices A and B.

Victim demographics (see Table 3) included: presentation, how the victim presented themselves - either man or woman; and sex worker, indicative of whether or not the victim was involved in sex work.

Table 3. Variable Coding-Demographics of Victim

	Variable	Description
1	AGE	Age of the victim in years at the time of the victimization
2	PRESENTATION	How the victim presented themselves (either man or woman)
3	BIOLOGICAL SEX	The biological sex of the victim
4	GENDER IDENTITY	The victim's gender identity
5	SEX WORKER	Whether the victim was involved in sex work

The circumstances surrounding the attack included many variables: remote location, referring to whether the victim's body was found in a private versus public place; multiple deaths, meaning that there was more than one cause of death (e.g. blunt force trauma, stab wound and strangulation all in one death) thus making a case for overkill in the attack; and social network, which addressed the relationship between the victim and the perpetrator (e.g. they were friends, family members, involved in a romantic relationship, etc.).

Table 4. Variable Coding-Circumstances Surrounding  
Victim's Attack

	Variable	Description
6	BIAS MOTIVATION	The bias motivation of the perpetrator
7	REMOTE LOCATION	Location of the body was private or public
8	LOCATION SPECIFIC	Location where the body was found
9	YEAR	The year the crime was committed
10	YEAR'S MATT	Crime occurred before Matthew Shepard's death
11	COUNTY	The county the crime was committed in
12	REGION	The region of the county the crime occurred
13	STATE	The state the crime was committed in
14	SPECIFIC WEAPON	The specific weapon used in the attack
15	MULTIPLE WEAPONS	Multiple weapons used in the attack
16	NUMBER OF PERPETRATORS	Multiple perpetrators involved in the attack
17	PERPETRATOR'S AVERAGE AGE	The average age of the perpetrators involved
18	PERPETRATOR'S GENDER	The gender of the perpetrator
19	CAUSE OF DEATH	The victim's cause of death
20	MULTIPLE DEATHS	Whether there were multiple causes of death
21	SEXUAL ENCOUNTER	A sexual encounter occurred between the victim and perpetrator prior to death
22	SOCIAL NETWORK	Perpetrator was part of the victim's social network (family, friend, significant other, etc.)

The elements of the criminal process (Table 5) that were used included: state laws for bias motivated crimes, looking at whether or not the state where the murder occurred had a hate crimes law for that particular category on the books at the time of the murder; and, both panic motive and panic defense. These two variables both focus on gay or transgender panic; panic motive looks at the panic as motive for the death of the victim; while panic defense looks at whether the perpetrator actually uses gay or transgender panic as their official defense at trial. For example; if a man tells police he murdered another man because the other man made a sexual advance towards him that would account for panic motive; however, if that man then used the defense that he had psychological trauma from being molested by a man when he was young and that triggered his response to the man's sexual advance, then his defense would not include gay or transgender panic.

Table 5. Variable Coding-Elements to the Criminal Process

	Variable	Description
23	CHARGED HATE CRIME	Whether the perpetrator was charged with hate crime
24	BIAS MOTIVE STATE'S LAW	Whether the bias motivation of the offender was included in state's law
25	PLEA	The defendant's plea
26	PANIC MOTIVE	Whether Gay or Trans Panic was a motive for the attack
27	PANIC DEFENSE	Whether Gay or Trans Panic was used as a defense for the attack
28	CONVICTED	Whether the defendant was convicted
29	SENTENCE SEVERITY	The severity of the defendant's sentence
30	CASE SOLVED	Whether the case was solved

Table 6 reports descriptive statistics for key variables; it shows that while 63.24% of the victims did in fact have a relationship with their attacker, it was not necessarily a sexual relationship (78.71%). In 58.33% of the cases, the body was found in a public location, not an overwhelming number, and with 45.76%, the South had the most number of incidents. The majority of attacks, 67.09%, involved a single perpetrator with a gun being the most common weapon at 33.62%. The most common cause of death was indicated as multiple causes, 41.18%; however, with cases involving multiple weapons at a low 17.24% it shows

that while most attacks involved only one type of weapon the attacker would use that one weapon numerous times. For example; instead of one shot to the head, the attacker may have shot the victim twenty-seven times.

Table 6. Descriptive Statistics-Circumstances Surrounding the Attack

Descriptive Statistics			
VARIABLES	Percent	N	
BIAS MOTIVATION		121	
Gender Identity	49.59		
Sexual orientation	49.59		
None	0.83		
SOCIAL NETWORK		68	
Yes	63.24		
No	36.76		
SEXUAL ENCOUNTER		78	
Yes	21.79		
No	78.21		
LOCATION OF BODY		96	
Public	58.33		
Private	41.67		
REGION		118	
West	26.27		
South	45.76		
Midwest	14.41		
Northeast	13.56		
NUMBER OF PERPETRATORS		79	
One	67.09		
More than 1	32.91		
CAUSE OF DEATH		119	
Gunshot Wound	22.69		
Stab Wound	7.56		
Blunt Force Trauma	21.01		
Multiple	41.18		
Other	7.56		

Descriptive Statistics		
VARIABLES	Percent	N
WEAPON USED		116
Gun	33.62	
Cutting	21.55	
Blunt Object	18.1	
Multiple	17.24	
Other	9.48	
MULTIPLE WEAPONS		102
Yes	20.59	
No	79.41	

Table 7 outlines the elements of the criminal process, in particular the perpetrator involved, if the case was solved. Of the 57.14% of cases that were solved 94.64% of the perpetrators were convicted. A mere 21.05% of perpetrators were charged with a hate crime; however, only 30.51% of the states in which the attacks occurred had a hate crime law for that particular bias motivation on their books. While 54.55% of the perpetrators claimed to have attacked their victim because of gay or transgender panic, only 29.17% officially used the panic defense during the trial. For example, the perpetrator may have confessed to killing the victim because of a perceived sexual invitation during police questioning; however, when at trial, the perpetrator used the official defense of psychological damage from having been molested as a child. So even though the perpetrator may have used

the motive of being uncomfortable, upset, fearful, etc. to justify his reaction of killing the victim with police, media, etc. he did not use that as his defense during trial. It can be noted that in many cases the judge would not recognize gay or transgender panic as an acceptable defense.

Table 7. Descriptive Statistics-Elements of the Criminal Process

Descriptive Statistics		
VARIABLES	Percent	N
SOLVED		119
Yes	57.14	
No	42.86	
CONVICTED		56
Yes	94.64	
No	5.36	
HATE CRIME CHARGE		57
Yes	21.05	
No	78.95	
BIAS MOTIVATION IN STATE'S LAW		118
Yes	30.51	
No	69.49	
PLEA		65
Guilty	56.92	
Not Guilty	40	
No Contest	1.54	
Alford Plea	1.54	
PANIC AS MOTIVE		55
Yes	54.55	
No	45.45	
PANIC AS DEFENSE		48
Yes	29.17	
No	70.83	

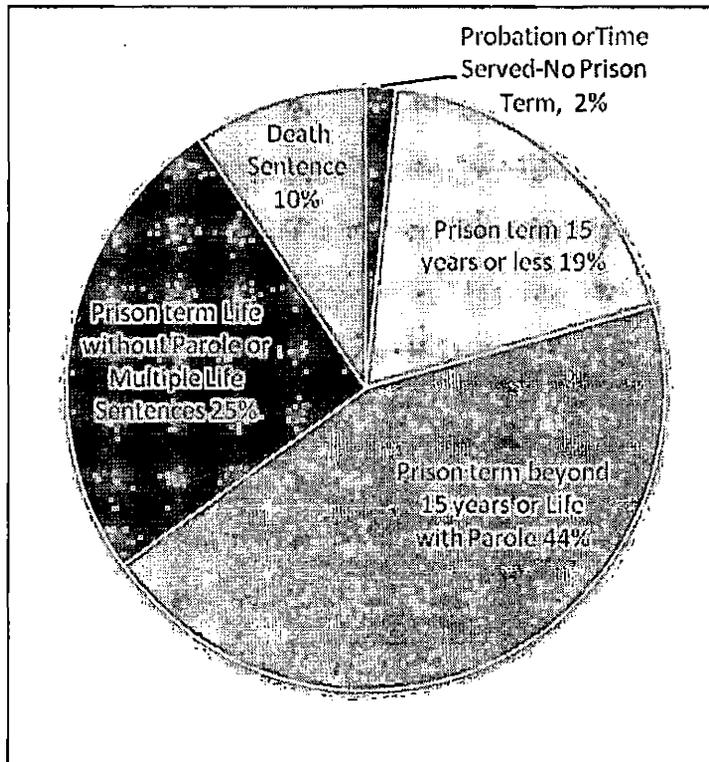


Figure 1. Sentence Severity

Figure 1 shows the severity of sentences that the convicted perpetrators received. The most likely sentence, with 44%, was a prison term beyond 15 years or a life sentence with the possibility of parole. The least likely sentence was also the least severe sentence; at 2%, these cases received either time already served or probation, no prison time. The most severe sentence, a death sentence, was not too much higher at only 10%.

Once the dataset was complete a step was taken to recode certain variables, making them more concise and in sync, allowing for one of three possible scenarios. The

first scenario allowed for condensing the categories, into more than two options. For example; within the category of weapons, many options were possible. The victim could have been stabbed, shot, strangled, beaten with a blunt object, set of fire, etc. So this category picked the four most common weapons and added an option for multiple weapons, as well as, an option for anything outside the four most common choices. The second scenario allowed for a category with only two options or a category that could be condensed into two options. For example, cross dress, FTM, MTF, transsexual, and transgender, all became gender identity and lesbian and gay became sexual orientation. Therefore, the bias motivation of the attack was either gender identity or sexual orientation. Also sex work, social network, case solved, were coded in a dichotomous fashion.

All dichotomous, nominal variables were marked the data set and all names not utilized by the researcher were pulled recoded into numerical categories; for example within the variable of bias motivation, sexual orientation became 0 and gender identity became 1. This coding was then applied to all categories that had only two possible outcomes; including, presentation, biological sex, and bias motivation. The researcher also recoded the category

of cause of death from multiple categories to gunshot wound, stab wound, blunt force trauma, multiple, and other. These categories were recoded for analysis as multiple or single cause of death. For example, if a victim was stabbed one time that would be considered one cause of death; however, if the victim was stabbed, strangled and then hit in the head with a blunt object, that death would be considered as having multiple causes.

#### Analytic Plan

Bivariate cross tabulation tables, chi-square tests and Cramer's V correlations were used to examine all hypothesized relationships; all variables involved nominal level data. Table 8 provides an explanation of research hypotheses, variables used, and the correlating theoretical perspective. Noteworthy, is that missing data may influence the power of each test. Gay or transgender panic had the highest number, with 60.33% of the cases missing. Gay or transgender panic as a motive was also missing quite a few cases, with a 54.54%. Other critical variables, bias motivation, gender identity, biological sex and presentation were not highly affected by missing data.

Table 8. Hypotheses, Corresponding Variables and Theoretical Perspective

Hypotheses		Variables	Theoretical Perspective
Hypothesis 1	The bias motivation of the crime will be correlated with the location of the attack.	Bias Motivation Remote Location	Symbolic Interactionism
Hypothesis 2	The bias motivation of the offender will determine the severity of the attack.	Bias Motivation Multiple Weapons Multiple Causes of Death	Symbolic Interactionism
Hypothesis 3	The bias motivation of the offender(s) will determine the number of perpetrators involved in the attack.	Bias Motivation Number of Perpetrators	Symbolic Interactionism
Hypothesis 4	The relationship between the perpetrator and the victim will determine the bias motivation of the attack.	Bias Motivation Social Network	Symbolic Interactionism
Hypothesis 5	The relationship between the perpetrator and the victim will determine the severity of the attack.	Social Network Multiple Deaths	Symbolic Interactionism
Hypothesis 6	The region of the country that the attack occurs in will have an effect on the bias motivation.	Bias Motivation Region	Cultural Transmission of Deviance
Hypothesis 7	The region of the country that the attack occurs in will have an effect on the severity of the attack.	Region Multiple Deaths	Cultural Transmission of Deviance
Hypothesis 8	The victim's involvement in sex work will determine if their case is solved.	Sex Worker Case Solved	Investigative Failure
Hypothesis 9	Cases occurring after Matthew Shepard's murder will be more likely to use the Gay or Trans Panic	Panic Defense Region Year of Matt's Case	Cultural Transmission of Deviance

Hypotheses		Variables	Theoretical Perspective
	Defense if the perpetrators go to trial.		
Hypothesis 10	The biological sex of the victim will have an effect on the severity of the attack.	Biological Sex Multiple Deaths	Cultural Transmission of Deviance

## CHAPTER FOUR

### RESULTS

#### Introduction

The research conducted focused on Hate Crimes based on the actual or perceived gender identity or sexual orientation of the victim, that subsequently resulted in death and sought to test the ten hypotheses, as seen in Table 8. The hypotheses use nominal level data interpreted through a chi-square test and Cramer's V to determine statistical significance. This chapter presents the results of the analyses.

#### Presentation of the Findings

##### Hypotheses

The data used for this research, once analyzed were clustered in meaningful sets; shown in Tables 9 through 14.

Table 9 included Hypotheses one, two and three predicting that the bias motivation of the crime will be correlated with the location of the attack (H1), the severity of the attack (H2) and the number of perpetrators involved in the attack (H3). To test these hypotheses, nominal level data were examined through a cross tabulation and chi-square test, with the alpha being

$p < .05$ . The results for Hypothesis

1 ( $\chi^2(1, N = 95) = .889, p > .05, V = .150$  with an exact  $p = .346$ ); indicated there was no statistically significant difference in locations. This means that there was no relationship between the bias motivation of the offender and where the attack took place.

Hypothesis 2 utilized two separate variables, number of weapons used (a) and cause of death to the victim (b) with bias motivation to determine significance. The results of Hypothesis 2a ( $\chi^2(1, N = 101) = .3.713, p > .05, V = -.192$  with an exact  $p = .054$ ); indicated that the results were statistically significant and can be attributed to the entire population. This means that the bias motivation of the offender did determine the severity of the attack via the number of weapons used. The results of Hypothesis 2b ( $\chi^2(1, N = 118) = 1.814, p > .05, V = .130$  with an exact  $p = .178$ ); indicated there was no statistical significance. This means that the bias motivation of the offender via the cause of death to the victim does not determine the severity of the attack.

The results for Hypothesis 3 ( $\chi^2(1, N = 78) = 1.312, p > .05, V = -.130$ ) with an exact  $p = .252$ ; indicated there was no statistical significance. This means that the

bias motivation of the attack has no relationship with the number of perpetrators that were involved. Therefore Hypotheses 1, 2b, and 3, were not supported by this data and bias motivation does not have an effect on the location of the attack (H1), the severity of the attack via the cause of death to the victim (H2) or the number of perpetrators involved in the attack (H3). However, Hypothesis 2A, the bias motivation by the offender is likely to affect the severity of the attack via the number weapons used.

Table 9. Tests of Hypotheses One, Two and Three

PREDICTOR	BIAS MOTIVATION		N	Cramer's V	Sig.	% Missing
	Gender Identity	Sexual orientation				
<b>HYPOTHESIS 1: REMOTE LOCATION</b>						
No	31.8%	41.2%	95	-0.097	0.89	21.5%
Yes	68.2%	58.8%				
<b>HYPOTHESIS 2a: MULTIPLE WEAPONS</b>						
Single Weapon	88.5%	73.5%	101	0.192	0.05	16.5%
Multiple Weapon's Used	11.5%	26.5%				
<b>HYPOTHESIS 2b: CAUSE OF DEATH</b>						
Single	46.7%	34.5%	118	0.124	0.18	2.5%
Overkill (multiple causes of death)	53.3%	65.5%				
<b>HYPOTHESIS 3: PERPETRATORS INVOLVED</b>						
Single	61.7%	74.2%	78	-0.130	0.25	35.5%
Multiple	38.3%	25.8%				

Table 10 focuses on Hypothesis 4 and 5; predicting that the relationship between the perpetrator and the victim will determine the bias motivation of the attack (H4) and the severity of the attack (H5). To test these hypotheses, nominal level data was interpreted through a cross tabulation and chi-square test, with the alpha being  $p < .05$ . The results for Hypothesis 4 ( $\chi^2(1, N = 67) = .481, p > .49, V = .085$ ) with an exact  $p = .488$ ; indicated that the results were not statistically significant.

The results of Hypothesis 5 ( $\chi^2(1, N = 67) = 6.490, p < .05, V = .309$ ) with an exact  $p = .011$ ; indicated that the results were statistically significant and can be attributed to the entire population. This means that if there was a relationship between the victim and offender, then there is a greater chance of overkill. In sum; Hypothesis 4, the relationship of the victim and the perpetrator will not determine the bias motivation of the attack, and was not supported by this data; and Hypothesis 5, the relationship of the victim and the perpetrator will determine the severity of the attack, and was supported.

Table 10. Tests of Hypotheses Four and Five

PREDICTOR	RELATIONSHIP		N	Cramer's V	Sig.	% Missing
	Yes	No				
HYPOTHESIS 4: BIAS MOTIVATION						
Gender Identity	59.5%	40.5%		0.085	0.49	44.6%
Sexual Orientation	68.0%	32.0%	67			43.8%
HYPOTHESIS 5: CAUSE OF DEATH						
Single	44.2%	76.0%		-0.309	0.01	
Overkill (multiple causes of death)	55.8%	24.0%	68			

Table 11 delves into Hypotheses 6 and 7 predicting that the region of the country where the attack occurs in will have an effect on the bias motivation of the perpetrator (Hyp. 6) and the severity of the attack (Hyp. 7). To test this hypothesis, nominal level data was interpreted through a cross tabulation and chi-square test, with the alpha being  $p < .05$ . The results for Hypothesis 6 ( $\chi^2(3, N = 117) = .941, p > .05, V = .090$ ) with an exact  $p = .816$ ; indicated that the results were not statistically significant. This means that the region of the country where the attack occurs does not affect the bias motivation of the offender.

The results for Hypothesis 7 ( $\chi^2(3, N = 116) = 9.751, p < .05, V = .290$ ) with an exact  $p = .021$ ; indicated that

the results were statistically significant and can be attributed to the entire population. This means that the severity of the attack was influenced by the region of the country that the attack occurred in, and the region with the highest number of incidents was the South. Therefore; Hypothesis 6, the region of the country that the attack takes place in will not affect the bias motivation, and was not supported by this data and Hypothesis 7 the region of the country that the attack takes place in will affect the severity of the attack, and was supported by the data.

Table 11. Tests of Hypotheses Six and Seven

PREDICTOR	REGION				N	Cramer's V	Sig.
	MW	NE	S	W			
HYPOTHESIS 6: BIAS MOTIVATION							
Gender Identity	15.5%	13.8%	46.6%	24.1%	117	0.090	0.816
Sexual orientation	10.2%	15.3%	45.8%	28.8%			
HYPOTHESIS 7: CAUSE OF DEATH							
Single	11.8%	7.4%	47.1%	33.8%	116	0.290	0.021
Overkill (multiple causes of death)	16.7%	25.0%	41.7%	16.7%			

Table 12 looks at Hypothesis 8, predicting that the victim's involvement in sex work will determine if their case is solved. To test this hypothesis, nominal level data was interpreted through a cross tabulation and chi-square test, with the alpha being  $p < .05$ . The results

( $\chi^2(1, N = 83) = .23.100, p < .05, V = -.528$ ) with an exact  $p = .001$ ; indicated that the results were statistically significant. Therefore Hypothesis 8, the victim's involvement in sex work is related to whether the case is cleared by arrest; sex workers are least likely to have their case solved.

Table 12. Test of Hypothesis Eight

PREDICTOR	SEX WORK		N	Cramer's V	Sig.	% Missing
	Yes	No				
HYPOTHESIS 8: CASE SOLVED						
Yes	18.2%	84.7%	83	-0.528	0.01	31.4%
No	81.8%	15.3%				

In Table 13 Hypothesis 9 is the focus, predicting that the year of the attack, in relation to the year of Matthew Shepard's attack will have an effect on the use of gay or transgender panic as a defense if the perpetrators went to trial. To test this hypothesis, nominal level data was interpreted through a cross tabulation and chi-square test, with the alpha being  $p < .05$ . The results ( $\chi^2(1, N = 46) = 2.349, p > .05, V = .226$ ) with an exact  $p = .125$ ; indicated that the results were not statistically significant. This means that Matthew Shepard's death did not affect the use of a gay or

transgender panic defense at trial. Therefore Hypothesis 9, in the cases occurring after Matthew's Shepard's death were not more likely to use gay panic or transgender panic as a defense if the cases went to trial, and was not supported by this data. While the test proved to not be statistically significant, this may have been the result of missing data; as the percentages in the gay or transgender panic defense jumped after Matthew Shepard's death. Before his death, only 12.5% of perpetrators used gay or transgender panic as a defense, while after his death that percentage rose considerably to 33.3%.

Table 13. Test of Hypothesis Nine

PREDICTOR	YEARS AFTER MATTHEW'S DEATH		N	Cramer's V	Sig.	% Missing
	Before	After				
HYPOTHESIS 9: GAY/TRANS PANIC DEFENSE						
Yes	12.5%	33.3%	46	0.226	0.125	62.0%
No	87.5%	66.7%				

Finally, Table 14 addresses Hypothesis 10 predicting that the biological sex of the victim will have an effect on the severity of the attack. To test this hypothesis, nominal level data was interpreted through a cross tabulation and chi-square test, with the alpha being  $p < .05$ . The results ( $\chi^2(1, N = 119) = .339, p > .05$ ,

V = .053) with an exact  $p = .560$ ; indicated that the results were not statistically significant. This means that the biological sex of the victim did not have an effect on the severity of the attack. Therefore, the biological sex of the victim does not affect the severity of the attack, and was not supported by this data.

Table 14. Test of Hypothesis Ten

PREDICTOR	BIOLOGICAL SEX		N	Cramer's V	Sig.	% Missing
	Man	Woman				
HYPOTHESIS 10: CAUSE OF DEATH						
Single	57.9%	66.7%	119	-0.053	0.56	1.7%
Overkill (multiple causes of death)	42.1%	33.3%				

## CHAPTER FIVE

### DISCUSSION AND CONCLUSIONS

#### Introduction

The data for this research was collected through a variety of media sources then used to analyze the ten hypotheses posed in Chapter Two, primarily through a chi-square test.

The variables within the study included demographics of the victims, circumstances surrounding the victim's attack and elements to the criminal process. Following a discussion of these findings, this chapter considers the study limitations before presenting recommendations and policy implications.

#### Discussion

##### Variables

Demographics of the Victim. When looking at crimes such as these, crimes based solely on a person's specific characteristics, it can sometimes help to look past the obvious reason they were attacked (in this case their gender identity or sexual orientation) to see if there are any other similarities. Most of these victims were between 20 and 30 years of age, with the youngest victim being age 3 and the oldest being 78. Notably, 90.08% of the victims

were biologically male; although 41.32% of them were MTF transgender women, whether they identified as female in their daily lives is unknown. This is an interesting statistic, as 100% of the perpetrators were biological men.

Few women may have been onlookers and some may have even encouraged the situation, but every single perpetrator that was the actual killer was a man. This may suggest that men have more rage and anger towards other men who they view as weaker, or that they have an underlying self-loathing about their own sexual orientation and cannot handle anyone that challenges that, or maybe societal standards have imposed certain responses in people and the mob ensued.

A final variable worth noting is that of sex work. The victims who were involved in sex work only accounted for 13.1% of the total number of victims, yet most of the cases that were left unsolved accounted for those individuals who were involved in sex work, which could be a fluke, but most likely isn't.

Circumstances Surrounding the Attack. It was the intention of the researcher to have an equal number of cases for both gender identity and sexual orientation, to be able to analyze as fairly as possible. However, this

was the only intentional variable in the dataset. The most common weapon used was a gun, at 33.62% and the next being a cutting object at 21.55%. It was more likely for only one type of weapon to be used, at 79.41%, yet at 41.18% most of the victims had multiple causes of death. This means that while many victims were likely only stabbed, they were stabbed multiple times. The perpetrators did not stop after one wound, they continued to inflict wounds over and over again; suggesting they didn't want to kill their victim, they wanted to punish their victim and make them suffer. This may be correlated to the variable of sexual encounter; where 78.21% of the victims had engaged in some sort of sexual encounter with their attacker. Looking at the data it would almost seem that these men engaged in a sexual encounter with their victim and were so disgusted with themselves, they went on to brutally attack their victim over and over and over again.

Elements to the Criminal Process. It was found that 78.95% of cases were not tried as hate crimes. Could this be because only 30.51% of states had a hate crime law that included gender identity and sexual orientation on their books at the time of the attack? This is quite possible. Or it could be because hate crimes are harder to prosecute. Or perhaps their charges were pleaded down.

While 54.55% of the perpetrators said gay or transgender panic was their motive, only 29.17% of them used it as their official offense during the trial. Some used it as the basis to say they were not in their right mind during the attack, which was usually followed with a claim the perpetrator had been abused as a child and this brought back memories, and often times the judge would not allow that as a defense. The good news is that 94.64% of the perpetrators were convicted, and as we saw in Figure 1 they were most likely to get prison time beyond 15 years or life with parole. We can only imagine what the sentences would be if these brutal hate crimes were prosecuted as such.

### Hypotheses

The ten hypotheses established in the beginning set the foundation on which the dataset was built. These hypotheses used the designated variables to test for significance, six of which were found to be statistically insignificant. Hypotheses 1, 2b, 3, 4, 6, 9, and 10 were all found to be statistically insignificant; though, this could be the result of missing data. Although the test found Hypothesis 9 to be statistically insignificant, with the numbers being what they were, 12.5% of offenders using gay or transgender panic as a defense prior to Matthew

Shepard's death and 33.3% of offenders using it after his death, a minor adjustment or perhaps a larger sample group might prove this hypothesis to in fact be statistically significant; in addition to missing data potentially playing a key role. The four hypotheses that were found to be statistically significant, 2a, 5, 7, and 8 suggest important implications to police investigative failure, victim protection, and crime prevention.

The four hypotheses found to be statistically significant speak to the truly heinous nature of these types of attacks, hate crimes resulting from the bias motivation of gender identity or sexual orientation. Hypotheses 2a, 5 and 7 all referred to the severity of the attack on the victim, drawing from the two theoretical perspectives of Symbolic Interactionism and Cultural Transmission of Deviance; while Hypothesis 8 touched on the victims' involvement in sex work, and touched on criminal investigative failures.

Hypothesis 2a, focused on the bias motivation of the offender determining the severity of the attack via the number of weapons used; meaning that the attacker was more likely to use only one weapon during their attack, even if that weapon was used multiple times, if the attack was based on gender identity. A likely scenario for these

cases is that the victim was "discovered" to be of a different biological sex than the gender they were presenting to the perpetrator, who then picked up the first weapon he could find and began the attack. This also shows he may have been in such a uncontrollable frenzy that he didn't stop the attack to find another weapon until the victim was dead. These attacks show the rage felt by the perpetrator towards their victim. This is yet another example of the psychological effects these crimes have on their victims and their victim's communities. We can see how these crimes are more damaging when we look at how violent perpetrators become when faced with someone in these groups.

Hypothesis 5 is the most troubling of all the hypotheses predicted. This hypothesis focused on the nature of the relationship between the victim and the perpetrator and how that relationship effected the severity of the attack on the victim; meaning, if the victim had a preexisting relationship with their attacker the severity of the attack increased. These are the cases where the victim may have been dating the offender and once the offender discovered the victim's biological sex was different than what the victim was presenting, the offender murdered the victim, likely in a rage resulting

in overkill. The victims may have concealed their biological sex for fear of this exact reaction and knowing that many people would not understand their life or appreciate what makes them unique. Or perhaps the victims didn't feel they needed to explain the person they used to be. Whatever the circumstances the personal connection between the victim and the offender caused the attack to be more brutal, which would make sense if the perpetrator felt the victim betrayed them in some way (which was a huge factor when gay or transgender panic was used.) As seen in the murder of Gwen Araujo and many other victims, it was as if a mob mentality ensued. Like Blumer's Symbolic Interactionism, these perpetrators reacted as they felt they should; outraged, disgusted, and violent when they discovered this person they believed to be biologically one gender, was in fact biologically another. Society's expectations for "men" and "women" don't allow for a great deal of flexibility and therefore as a collective group some feel we should not allow people to "get away with" causing these problems, this confusion. So one has to wonder, if they were not in a group where people expected them to be outraged and disgusted, would they have responded the same way? Did embarrassment for their own actions play a role in their crime?

Hypothesis seven focuses on the region where the attack took place and the severity of the attack. The South, while it may not have had the most attacks overall, did have the most severe attacks with 47.1%. The northeast had the fewest severe attacks, with 7.4%. The Midwest, where Matthew Shepard was brutally murdered, had only 11.8% of the severe attacks. However, James Byrd Jr., the other victim in the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, was killed in the South. Interestingly, Reverend Fred Phelps, leader of the Westborough Baptist Church, most known for his picketing of Matthew Shepard's funeral, military veteran funerals and huge antigay stance resides in the South, so it is not unlikely for an area known as the "Bible Belt" of the United States to be influenced by a highly public religious figure. Of course the hypocrisy of a church or religious figure picketing funerals or spreading blatant hate speech can be addressed by another researcher. This hypothesis falls under Sellin's theory on Cultural Transmission of Deviance, especially as it pertains to the South. The "Bible Belt" is a very interesting term, and basically describes a very Christian religiously focused community. Meaning that many people who reside in this area of the country are highly religious and have be

instilled with certain morals and values, creating their own little society. As Sellin says, deviating from the norms and standards that the group has established can cause a great deal of concern and will be very problematic for both the group and the individual. And Reverend Fred Phelps has shown us, being gay or transgender is completely unacceptable and those who identify as such will be punished. It's not hard to understand why the South has so many attacks when people like that are leaders.

Hypothesis eight looks at the relationship between the victim's involvement in sex work and whether or not the case was solved. With 81.8% of cases where the victim was involved in sex work remaining unsolved, the significance was virtually perfect at 0.01. These are the cases where police investigative failure was most likely to come into play. Sex workers are generally not considered the most respectable or credible characters; and are potentially viewed as a waste of an investigation. With so many cases out there, is it possible that a detective may not focus enough (or any) attention on "the case of the missing hooker?" Absolutely, especially with the societal stance that these individuals don't respect themselves, so why should society concern itself? In D.

Kim Rossmo's book, *Criminal Investigative Failures* (2009), he quotes Philip Owen, mayor of Vancouver at the time a serial murderer was attacking local sex workers, as saying he was "not financing a 'location service' for hookers," and he didn't believe the relatives of these women when they said the women "had close ties to their families and wouldn't just vanish from the streets" (p. 31.) When the leader of a community makes these kinds of statements about its members, what stops the rest of the community from thinking the same things? And with that leadership, nothing is pressuring or even encouraging the local law enforcement to make numerous missing women a priority. If these were affluent community members, perhaps individuals on the city council, the response would undoubtedly be different. Unfortunately the topics of socio economic status and even race are too complex to delve into further with this research. But knowing how society feels about members of the LGBTQI communities coupled with how society feels about sex workers, clearly their deaths won't be on the top of anyone's priority list.

In criminal justice we often view labels as having a negative connotation. In fact, Akers and Sellers (2004) state that:

Labeling theory is so named because of its focus on the informal and formal application of stigmatizing, deviant "labels" or tags by society on some of its members. (p. 135)

Akers and Sellers (2004) go on to say that these labels are both independent and dependent variables and work in a circular fashion. Meaning that certain people are labeled as deviant because they have engaged in socially unacceptable behavior and yet these labels cause a continuation of that behavior once they have been placed on someone (e.g. once a felon always a felon.)

Society as a whole uses labels to put people into categories and the (LGBTQI) community is no different, as is evident by the previous title. The term LGBTQI seeks to provide a category for everyone to be able to fit into if they so choose. When we label people we put them into a box and instead of being a part of that person it is now how they are defined or who they are, such is the case with criminological labeling as well. Yet for many people in these communities those titles or labels are very important. Or are they? Is it the label that is the issue or the mislabeling that may occur if someone isn't informed the true issue? It may not be the title or label that people need so much as recognizing there is a

difference and appreciating that difference instead of misrepresenting a core part of someone. For example; calling a transgender woman, who has been murdered a gay man in women's clothes may not be accurate. The individual could be a gay man cross-dressing, they could be a straight man cross dressing, they could be a transgender woman or any variation. Even within the LGBTQI communities labels go beyond gay and straight. For example; there are the masculine gays and feminine gays and even within the community the stigma of being a feminine gay can be problematic for some who think it perpetuates the stereotype for all.

So why is it that we insist on using labels for everything?

It was labeling that got us into trouble in the first place when so many hate crimes went unrecognized as such when their state did not include gender identity and sexual orientation into the laws protected categories. Why not instead create a general bias category and not label individual cases? Doing this could allow for fewer cases to fall through the cracks and fewer victims to feel re-victimized when they are placed in the wrong category or even worse, when they don't qualify to be placed in any category. We saw that the short and general descriptions

were more productive in defining hate crimes, as they were more inclusive; so why wouldn't the same logic apply to categorizing these offenses? The data used by the researcher was created solely because a dataset of this nature did not exist. While more and more research is being conducted on hate crimes based on gender identity and sexual orientation this research has little to compare to. And while there have been many changes since the start of this research, most notably the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, there is still a long way to go.

#### Limitations

Before considering the policy implications raised by these findings several potential validity and reliability concerns should be considered. The information used was gathered solely from media sources; with a majority of the information collected from news articles and therefore risking a bias slant depending on the article source or potentially the education and/or awareness of the reporter on the topics covered. Due to the subject matter, those with little or no exposure or education around the topics of gender identity and sexual orientation can often confuse meanings and therefore misrepresent facts.

However, more than just news articles were used. There were also documentaries, websites and movies dedicated to victims, reports conducted, and some court cases. These sources combined helped to make the database more credible. Since the researcher got all the information second hand and no individual conversations with any person(s) involved took place to clarify the details, all information is based on either the perception of the media source or the interpretation by the researcher of the perception of the media.

Other possible issues include the cases where a victim was named on a website as being a member of the Lesbian, Gay or Transgender community and having died, yet the person may not have been the victim of a hate crime incident. While these cases were identified early, a potential bias may have still arisen.

The major difficulty in creating a database on this topic with these sources of information is that only the cases the media deems "newsworthy" are reported on. These cases are those defined by the media as such. They are determined to be news that the public needs and/or wants to be aware of. These cases are seen in a variety of different ways and ultimately, because the media controls the flow of information, what they decide to print or

report on is what becomes "newsworthy." And only the cases that catch the "public's eye" once reported continue to stay in the media and generate multiple sources. Some cases hit the media mainstream and don't go anywhere, while others are instant news. It is these cases that have caught the attention of the public that continue to be reported on. If the public wants information, the media gives it to them. The implications of cultural, political, and social assumptions and biases are seen here and have the potential to cause a problem with the details surrounding a case.

When the media does not accurately portray the characteristics of the victim; that victim is re-victimized and the details surrounding the death become that of the fruit of the poisonous tree. Meaning; if a transgender woman is referred to as a gay man in women's clothes, the misrepresentation of the victim has begun, the victim becomes even less relatable and harder to connect with and the bias set in. With the majority of cases not hitting the mainstream media this creates less media coverage and by default fewer avenues to cross reference information. This raises the possibility of measurement error while illustrating why research on this topic is so important.

While legislation for hate crimes has been around for several years, that legislation only recently included gender identity and sexual orientation as protected categories; Appendix B shows the years each state included these crimes into their laws. On a Federal level, legislation did not include these categories until the timeframe for the research was over. An interesting aspect to this research is that while Matthew Shepard's death, the most publicized of all the cases researched and the case that prompted the Matthew Shepard and James Byrd Jr. Hate Crime Prevention Act, occurred in Wyoming, Wyoming is still one of the five states that continue to not have any hate crime laws at all, for any categories.

And finally, without in depth interviews and psychological analyses of the offenders we can only speculate why they committed these vicious crimes. And speculation, in and of itself, will never give us the information we need to prevent these attacks from occurring or at minimum help us understand what is going through their minds when they decide to engage in these attacks. Since hate crimes are so much more intense and personal than other crimes, the psychological mind frame of the perpetrators are key to understanding the crimes and creating useful legislation.

## Recommendations

After reviewing the research and examining the data a few recommendations come to mind, more education, federal investigations and a national database of offenders.

More Education for law enforcement, the media, and society as a whole. Knowing how to address someone and the difference between a person's gender identity and sexual orientation will go a long way in helping to avoid confusion and understand who we are. Law enforcement across the board, in every branch of government, from police officers to secret service agents and from detectives to district attorneys need to be educated on these issues and trained with the appropriate responses. This training will help the officers and officials learn everything from basic terminology to use so the victim isn't re-victimized by law enforcement, to how to put personal bias aside when dealing with individuals whose gender identity or sexual orientation they are unfamiliar with, to how to correctly investigate crimes where bias is clearly a motive.

The media covering these cases are in a very powerful position to either bridge the gap between communities or to increase it. Terminology is one of the most important ways to bridge this gap; so much terminology is outdated

and inappropriate that it is no longer being used and is being replaced. For example; instead of transvestite we use transgender, instead of homosexual we say gay and lesbian. If the media who report bias incidents to the public had an easily accessible guide to reporting on these issues, it would be helpful in creating an environment where stereotypes aren't perpetuated and education is fundamental to success.

Society is the biggest place where more education is essential. Education to society would benefit victims, offenders, and society as a whole. Education in schools is critical for the success of this recommendation. For some reason many parents feel that if they expose their children to information on a sexual orientation other than heterosexual and a gender identity other than male or female their child will "choose" to be in the minority. This is of course a ridiculous notion, but nonetheless a notion held by many. So for this reason if it is instituted into the curriculum for students to learn about individuals in history that identify as gay, lesbian or transgender (of course bisexual, intersex, and queer as well) it will normalize the existence of those individuals in society. And if students are taught that people who identify as transgender aren't abnormal and defective,

they are born into a different situation then students will begin to understand how to be inclusive to all. This will help people develop an appreciation of others' differences even if we do not understand them. Once society learns about these communities in a positive light, it will make them more appreciated and welcomed as people; causing fewer instances of hate crimes against them because there will be no fear or reason to think their masculinity is in question if a gay man hits on a straight man.

Federal Investigations should automatically occur when a state decides not to prosecute a crime as a hate crime or when a state doesn't have a law that allows them to prosecute a crime as a hate crime. By increasing a state case to a federal case we are showing how seriously these crimes are taken. When these crimes are not taken seriously by the authorities the legitimacy of the attacks is in question. For example, when a sex worker is killed and the local law enforcement agency doesn't put effort into looking for the perpetrator the message sent out says that the victim isn't valued. However, if federal officials then come in and take control of the case, it shows the victim is not only valued, but they are a priority.

Creating a national database of offenders will be great at helping to determine the mind frame at the time of the attack and how it differentiates between the different types of biases. Getting into their minds, while they are serving their sentence, once they have nothing left to lose will help us understand why they committed these crimes and what lead to the violent reactions they had; so, in depth personal interviews with the offenders is key. In addition it may serve as a tool to determine how to keep these crimes from happening in the future, how to charge and sentence these offenders and how to create a criminal justice system with policies and procedures that support the victim and adequately respond to the offender.

In 2000, Silvina Ituarte researched bias offenders through multiple sources, one of which was an in depth interview with a number of bias motivated offenders who were, at the time of her research, part of a program run by the Anti-Defamation League. Her interviews resulted in a number of conclusions, a few being that: all the offenders committed their crimes as teenagers, a number of the offenders committed many more crimes than they were incarcerated for, those offenders who committed serious crimes (assault or homicide as opposed to vandalism or racial slurs) had a weaker connection to their families

and society as a whole, a number of offenders had family lives so unbearable they attempted to escape (some using a controlled substance to do so), many of the offenders were accepted into delinquent groups and no other groups, and these offenders had a great deal of involvement in hate organizations (such as the skinheads). Noteworthy to this study, the three young men who committed an anti-gay murder together and frequently committed anti-gay hate crimes, were not involved with any hate group and their attacks often involved more planning and deliberation than those individuals who were part of a hate group.

Ituarte's results are beneficial in looking at specifics surrounding the offenders and why they came to be in situations where they committed a bias motivated attack. From her research we can see how critical it is to have face-to-face contact with offenders. So for law enforcement agencies that have access to offenders, interviewing offenders and creating a data base of the findings will help us understand the factors so we can make appropriate decisions with policies and procedures and with the amount of data they have access to a multivariate analysis can be done which will be instrumental in strengthening the data.

## Conclusions

The purpose of this study was to examine hate crimes based on the gender identity or sexual orientation of the victim through selected variables. The research looked at information collected from a variety of media sources, categorized the information into the existing dataset, and then used a chi-square test to prove significance.

While the study only produced four significant findings of the original ten hypotheses, these findings helped to demonstrate the seriousness of this issue as did the data in and of itself. And perhaps with a larger sample many of the hypotheses would prove to be significant; in particular Hypothesis 9, which looked at the use of the gay or transgender panic defense in relation to the year Matthew Shepard was murdered.

Hate crimes are not like most crimes. People do not commit them because they are "criminals"; they commit them because they have a fear, bias, or hatred toward their victim. But where do these feelings come from and how do they turn from feelings into actions? The age-old question of "how do people learn to hate?" arises. It is astonishing how violent people can be, not when they are protecting themselves or their families or even when fighting a war, but when they are a man and another man

shows a romantic interest. And when does the mob mentality start? When do people go from saying "no thank you" when they are alone to "let's get him" when they are in a group? Why are people so afraid to go against the group and stand up for the person lying beaten, bloody, and broken on the floor for all to see?

The theoretical perspectives used to discuss these vicious crimes were centered on societal norms. Mostly because it is the researcher's belief that these crimes are committed as a result of society's reaction to people who they do not understand. People are not born with a hatred or fear of others; this is something they learn. We learn what we are supposed to do and who we are supposed to be at a young age by family, friends, church, the media, etc. Girls learn they are supposed to wear makeup and dresses, play gently inside and sometimes how to use emotion as a way to cope. Boys are taught to be rough and dirty, to play games outside (like "smeer the queer") and how to not show emotion because it is a weakness. Most of these boys don't even know what the title of the games mean, but it starts there. Whatever the "queer" is, whoever the "queer" is, it is their job to find and destroy them. Yet when these boys grow up and play the game for real, we wonder why. And even more concerning is

when we don't wonder why, when we as society accept that there are certain individuals who are less than others and deserve the violence that is inflicted upon them. Lee (2008) suggests that these men respond in what they believe to be a socially acceptable way when hit on because for them the tables have been turned; whereas in a typical situation men are the aggressors towards women, in this situation other men are pursuing them and this turning of the tables causes some men to react violently, attempting to take their masculinity back. This of course makes sense if we think of the societal norms that are placed on people at such a young age.

We may never know what possesses someone to emit that sort of rage on another person. The gay or transgender panic reasoning, while not always used as the official offense for perpetrators was often used as a motivation for why someone flew into a frenzy and beat another human being continuously. The gay panic defense is strange when you really think about it. Women who are hit on by men they aren't interested in don't fly into a blind rage and murder them; even if the person is persistent or aggressive or just plain annoying. And for that matter why were 100% of the perpetrators examined in this study male? Why, even in the few cases where the victim was a woman,

was the perpetrator always a man? And these men often times used a homophobic slur during an attack on a transgender individual, almost indicating the attack was in fact based on the perception of being gay and not for the individual's gender identity; purely because the perpetrator was too uneducated to know why they were attacking their victim. Showing the importance of knowledge and education; as well as why the definition of hate crimes using the term "perceived" is so relevant.

Where society goes the media follows. This research was created using media sources and therefore very helpful in seeing not only what was presented, but how it was presented. The media is instrumental in today's society to bring us information. And of course information leads to knowledge which leads to power, right? But when we get the wrong information, our knowledge is limited, and our power weakened. When we base our opinions on half-truths and our facts are misrepresented, it's almost like handing a child a loaded gun; at worst someone is going to die and at best a lot of damage will be caused.

APPENDIX A  
DEFINITION OF TERMS

<b>Biological Sex</b>	The dichotomous distinction between female and male based on physiological characteristics, especially chromosomes and external genitalia.
<b>Crossdresser (CD)</b>	A word to describe a person who dresses, at least partially, as a member of a gender other than their assigned sex; carries no implications of 'usual' gender appearance, or sexual orientation. Has replaced "Transvestite".
<b>FTM (F2M)</b>	Female to Male. A term used in the GLBT community that refers to male identified people who were categorized as female at birth.
<b>Gay</b>	A person whose primary sexual and affectional orientation is toward people of the same gender; a commonly used word for male homosexuals.
<b>Gender</b>	Characteristics of masculine and femininity that are learned or chosen. A person's assigned sex does not always match their gender (see Transgender), and most people display traits of more than one gender. Gender is different from sexuality.
<b>Gender Identity</b>	A person's sense of being a woman, a man, or other gender identification.
<b>Intersex</b>	People who naturally (that is, without any medical intervention) develop primary or secondary sex characteristics that do not fit neatly into society's definitions of male or female. Many visibly Intersex people are mutilated in infancy and early childhood by doctors to make their sex characteristics conform to their idea of what normal bodies should look like. Intersex people are relatively common, although the society's denial of their existence has allowed very little room for intersexuality to be discussed publicly.
<b>Lesbian</b>	A woman whose primary sexual and affectional orientation is toward people of the same gender.
<b>MTF (M2F)</b>	Male-to-Female transsexual/transgendered person.
<b>Sexual Orientation</b>	Sexual identification, depending on a person's sexual relationships or affinity. Innate sexual attraction. In all instances, use this term instead of Sexual Preference or other misleading terminology.
<b>Transgender</b>	An umbrella term for people whose gender identity is different from the sex and gender role they were assigned at birth. Transgender people do not necessarily want to have sex reassignment surgery (SRS) and may or may not identify as transsexual. Transgender people can be heterosexual, homosexual, bisexual, and may or may not identify as GLBT.
<b>Transsexual</b>	A person whose gender identity is different from the sex they were assigned at birth; may take hormones and/or get sex-reassignment surgery (SRS).

UC Davis, Gay Lesbian Bisexual Transgender Resource Center. (n.d.). *Safe zone resource manual*. Retrieved from <http://lgbtcenter.ucdavis.edu/lgbt-education/safe-zone-packets>  
Worcester Polytechnic Institute, Gay Straight Alliance. (2003, August, Revised). *Safe zone training manual*. Retrieved from <http://users.wpi.edu/~alliance/safezone.html>

APPENDIX B  
STATE HATE CRIMES LAWS BY YEAR

Sexual orientation & Gender Identity			Sexual orientation		
State	Identity	Year	State	orientation	Year
Alabama			Alabama		
Alaska			Alaska		
Arizona			Arizona	X	2003
Arkansas*			Arkansas*		
California	X	1999	California		
Colorado	X	2005	Colorado		
Connecticut	X	2004	Connecticut		
Washington			Washington		
DC	X	1989	DC		
Delaware			Delaware	X	2001
Florida			Florida	X	2001
Georgia*			Georgia*		
Hawaii	X	2003	Hawaii		
Idaho			Idaho		
Illinois			Illinois	X	2001
Indiana*			Indiana*		
Iowa			Iowa	X	2002
Kansas			Kansas	X	2002
Kentucky			Kentucky	X	2001
Louisiana			Louisiana	X	2002
Maine			Maine	X	2001
Maryland	X	2005	Maryland		
Massachusetts			Massachusetts		
				X	2002
				X- STATISTICS ONLY	
Michigan			Michigan		2002
Minnesota	X	1993	Minnesota		
Mississippi			Mississippi		
Missouri	X	2001	Missouri		
Montana			Montana		
Nebraska			Nebraska	X	2002
Nevada			Nevada	X	2001
New Hampshire			New Hampshire	X	2002
		2002/2008			
New Jersey	X	8	New Jersey		
New Mexico	X	2003	New Mexico		
New York			New York	X	2002
North Carolina			North Carolina		
North Dakota			North Dakota		

Ohio			Ohio	
Oklahoma			Oklahoma	
2001/200				
Oregon	X	8	Oregon	
Pennsylvania			Pennsylvania	
Rhode Island			Rhode Island	X 2001
South Carolina			South Carolina	
South Dakota			South Dakota	
Tennessee			Tennessee	X 2001
Texas			Texas	X 2002
Utah			Utah	
Vermont	X	2001	Vermont	
Virginia			Virginia	
1993/200				
Washington	X	9	Washington	
West Virginia			West Virginia	
Wisconsin			Wisconsin	X 2002
Wyoming			Wyoming	

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | *No hate crime laws   |
| <input type="checkbox"/> | Hate crime laws that don't include Gender Identity and Sexual orientation |
| <input type="checkbox"/> |   |

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