

Bias Indicators: Homophobic and Transphobic

Based on the definition of a hate crime, anti-LGBT hate crimes are crimes that are motivated by bias or prejudice towards lesbian, gay, bisexual and transgender people. “Anti-LGBT bias motivation” means that the perpetrator chose the target of the crime based on their actual or perceived sexual orientation or gender identity. The target may be a person, people or property correctly or falsely associated with the LGBT community.

It is very important to identify bias indicators for anti-LGBT hate crimes, as this would help authorities to decide whether the relevant case should be investigated as a possible anti-LGBT hate crime.

A non-exhaustive list of bias indicators follows:

Victim Witness Perception

- Did the victim or witness perceive that the criminal act that occurred was motivated by anti-LGBT bias? (Note that the victim may not realise they have been the victim of a bias motivated crime. They may also wish to deny it was a bias motivated crime as they may be denying the LGBT part of themselves.)
- Was the victim engaged in activities promoting LGBT/rights/services/issues at the time of the incident?
- Was the victim with a same sex partner at the time of the event? Were they holding hands or kissing? Were they wearing pride or other LGBT badges/ribbons/clothing (rainbow/pink or black triangles)?
- Was the victim visibly identifiable as LGB or T due to dress, behaviour or presentation?
- Is the victim a public figure who is known as being LGBT or for advocating LGBT rights (the victim may be openly heterosexual but support LGBT causes and thus become a victim of a LGBT bias crime)?

Comments, written statements and gestures

- Did the perpetrator use homophobic/transphobic language or terminology when committing the crime?
- Did the perpetrator refer to the perceived sexual orientation, transgender status or gender identity of the victim?
- Did the perpetrator write homophobic or transphobic statements or refer to the perceived sexual orientation/gender identity in writing (possibly in email/social networking site/letter)?
- Did the perpetrator use hand gestures that would indicate perceived sexual orientation?
- Was homophobic/transphobic graffiti left at the scene?

Involvement of organised hate groups or their members

- Did the perpetrator identify as part of an organised hate group?
- Did the perpetrator display on his clothing or tattoos any indication of belonging to an organised hate group?
- Does the perpetrator identify with any hate groups on line, on Social Media etc.?
- Is the offender known for making hate speeches or homophobic/transphobic speeches or comments (in writing or orally)?
- Did a hate group take responsibility for the assault?

Location and timing

- Did the attack happen at a time of a major LGBT event (eg Pride festival)?
- Did the attack happen at a time of political significance in the area for LGBT people (marriage equality laws being passed, opening of a new LGBT bar for the first time in a city)?
- Did the offence happen near a LGBT premises/bar/centre?
- Did the offence happen in an area that is known as a meeting place for LGB or T people?
- Did the offence happen at a location that is known as public sex environments/cruising area?
- Did the incident happen near a location used by extremist/hate groups?

Patterns/frequency of previous crimes or incidents

- Did the offence happen in an location/time where previous events have happened or at similar times?
- Is there a pattern in the type of offence/graffiti/violence?
- Does the perpetrator have a history of committing this type of offence?

Nature of violence

- Was there an unusual level of violence/brutality or sexual violence associated with the attack that would appear inappropriate given in the facts of the case?
- Did the violence concentrate on genital or sexual organs?

Lack of other motives

- Did the attacker display no financial or other motive when committing the offence (no theft during assault or break in)?

Bias Indicator Exercise: Homophobic and Transphobic Crime Indicators

Use the time available to outline some bias-indicators that would provide evidence to investigating police officers that a homophobic/transphobic crime has occurred:

Victim Witness Perception

Comments, written statements and gestures

Involvement of organised hate groups or their members

Location and timing

Patterns/frequency of previous crimes or incidents

Nature of violence

Lack of other motives
