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Reporting Transgender Violence

Encounters with the Police

by Elizabeth Riley ^[1]

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A key feature of negative police experiences appears to be the trauma of revealing transgender-identity within the police station.

This article arises out of research conducted in Sydney between May and July 2000 into experiences of violence of transgender persons.

^[2] The data was

generated using two methods, structured interviews and focus groups. A series of structured interviews were conducted with various key informants; activists within the transgender community working in various agencies (the Sydney Gender Centre and the Sex Workers Outreach Project (S.W.O.P.), an officer from the N.S.W. Attorney-General's Department with responsibility for developing policy and liaison around lesbian, gay and transgender issues, a senior policy officer in the Department of Women and three representatives from the N.S.W. Police Service. ^[3]

The most common reason given for non-reporting was "I wouldn't because there's no point, they don't take you seriously".

The focus group methodology enabled a less structured approach that more readily allowed for an "appreciative" stance to be adopted toward the experiences of participants. Two focus group interviews were held in July at the Sydney Gender Centre in which eight transgender persons participated. Participants in the focus groups were ultimately recruited through contacts generated by way of the Gender Centre. ^[4]

Participation in the management and the provision of Gender Centre services turned out to be a link between all members of the focus groups. This gave the focus groups a specific community (and one might add stakeholder) focus. At the same time the focus group had a diverse composition. Of the transgender participants, two were female-to-male (F.T.M.) (Kirk and Steven) and six male-to-female (M.T.F.) (Clare, Mary, Pauline, Sarah, Karen and Laura). ^[5]

The group was racially and ethnically mixed. One M.T.F. was of Polynesian origin (Pauline) and another an Aboriginal Sistergirl (Karen). The remaining six participants had Anglo/Celtic and Mediterranean backgrounds. They also represented a diverse range of ages (between 30 and late 60s) and sex/gender experiences and practices. The data basis of this article is the transcripts of the key informant interviews and focus group meetings.

It is not our purpose to make any claims about the nature and extent of violence or the appropriateness of particular safety strategies. Moreover, we recognise that it would not be possible to do so given the size of our sample and the number of interviews conducted. Rather, our aim in undertaking this study is to explore the insights that the interviews provide in order to challenge accepted modes of thinking around the transgender/violence relation and to pose questions which might inform further research in this area. In this article we will consider transgender/police relations in the context of reportage of incidents of violence. Here we will contend that low reportage is linked importantly to police attitudes toward transgender persons. In this regard, police attitudes serve to inhibit the compilation of statistical records that might, given the current logic of knowledge production, assist transgender persons in gaining access to State services and resources. In conclusion, and drawing on our data, we will suggest a number of changes that might improve transgender/police relations.

Policing and Reporting Violence

It is interesting to compare and contrast police explanations and suggestions as to why transgender persons might not report violence with the reasons offered by members of our transgender focus group. The point of departure for the police was that there is no specific police data on violence against transgender persons and more particularly no police data to suggest that it takes specific forms or is higher than violence against other groups of people. While our police interviewees offered a range of reasons why such violence might not be reported they concluded that a lack of police data made it difficult to say if transgender persons experienced more or less violence when compared with other groups or whether they exhibited a reluctance to report violent incidents to the police. ^[6]

Our police interviewees offered various explanations for possible under-reporting. One reason put forward was that much violence against transgender persons takes place in the workplace and near the home by colleagues and neighbours respectively. Reports of

this type of violence it was suggested might be channelled through the Anti-Discrimination Board or Housing Authorities and thereby never become known to the police. Another suggestion was presented in the context of an analogy with theft from a car: *"what puts a lot of people off reporting crime is that I don't want to be in the police station for the next three hours. And I think that has a huge role to play. I mean I've had my car windows smashed twice out here. I haven't reported it once to the police because I don't want to be bothered, you know, going to the police station. You've already ... you're out. You want to go home."*^[7]

Other reasons offered for possible under-reporting included victim perception that s/he will not be believed; perceptions as to the likelihood of an arrest flowing from a complaint; the trauma of reporting; the knowledge that a consequence of reporting will involve the need to reveal something that is intimate and personal, including disclosure of a victim's sexual and/or gender-identity; and the fact of victim involvement in the incident. Our police interviewees suggested a number of factors that make reporting more likely. These include, the need for verification in the context of insurance claims; access to health care; and the ability to identify offenders through prior knowledge. Proximity of the incident to the victim's home was also presented as an important factor in the decision to report. Here the view that "if it's near your home you're more likely to be inclined to [report]"^[8] appeared to be premised on the assumption of increased vulnerability.

Our focus group participants offered a range of insights by way of their experiences of interaction with the police that gave some of these factors a more problematic edge. While several of the factors cited by the police as important in the decision to report were echoed by our participants the latter introduced another critical factor, namely, an almost universal reluctance to report violence to the police due to perceptions and prior experiences of negative police attitudes. Moreover, some of the earlier mentioned factors that our group participants felt important in the decision to report appear to be inflected through this attitudinal factor. The most common reason given for non-reporting was "I wouldn't because there's no point, they don't take you seriously".^[9] Members of the group went on to give more detail about their negative experiences with the police that led to this state of affairs. In the wake of an arson attack on his home one of the group, Kirk, went to the police:

The police were ... classic. I had to go down to the police station to make a statement and I said to the guy that I was transgender. He said, "oh you want to be a girl do you?" and I said, "No, I've been there, done that, didn't like it, you know, changed sex". I tried to make light of it because you know, you take the power away from them and give it to yourself if you can laugh at yourself. They don't laugh at you because it'll not achieve anything. I just said to him, "look I've got to go to the toilet. Can I go?" He said "which one would you use?" I just looked at him and I said "you've got to be kidding haven't ya?" - I had a beard you know. He said "oh the ladies are around there". I said "you might use the ladies sweetheart but I'll go here. From that moment on, because I called him a sweetheart, he was an absolute pig. I had to go to a kind of inquiry for the fire because people were involved. He told me that I didn't need a solicitor . When I got there the coroner said "oh I can't let you speak because you don't have a solicitor". I said "but the coppers said I don't need [one]. He [the copper] made it so hard for me."^[10]

Furthermore, the police failed to make any arrests:

I knew who it was. Everyone knew who it was but the coppers couldn't find him. They could never find him and when he'd boasted about murdering someone already I, I actually took what he said very, very seriously because even if he's only ... does half of what he says he's gonna do that's enough. That's too much uhm, but no, coppers don't listen to you."^[11]

The (lack of) confidence Kirk expressed about the police also proved to be informed by earlier pre-transition experiences. Thus he described an experience of an encounter with the police when living as a woman in the following terms:

I got raped when I was eighteen because they wanted to send me straight. I went to the police and the police said to me, "he who lays with dogs should expect to get fleas", that's what I got. So from that moment on I knew the police were never gonna help me."^[12]

A key feature of negative police experiences appears to be the trauma of revealing transgender-identity within the police station. This concern was expressed most fully by our two female-to-male participants in the context of rape. Thus while rape was the act most feared both stated that they would not go to the police station if raped. Steven explained that "there's no way I would walk into that station and say I've been raped as a man, as a transgender man".^[13] The reasoning behind this received further elaboration:

Number one, why should I have to walk in there and educate them? I've just been raped or bashed or stabbed. Why should I have to, as a tranny boy, walk in there and say and educate the policeman or whoever, the police woman that I am transgender when I'm suffering all these, all these other pains? So no I wouldn't even step into the police station. There's no way ... because, you know, especially if you've been raped then you've gotta go and get checked ... So being transgender and walking in there with a beard ... they'd just think I was a freak. I mean, look at this guy he's got a vagina you know. He's got a fucking vagina, he's got a fucking ... Why would I want to face that, uhm, suffering the pain that I'd be suffering at the time so that's my answer on that ... it's the revealing, it's saying I'm a man with a vagina. You know it's

like it's saying, uhm, it's like it's none of their fucking business whether I've got a vagina or a penis anyway
[14]

Kirk: Rape's rape isn't it. [15]

Steven's explanation draws attention to a particular experience of the trauma of revelation that will be necessitated by a complaint to the police. However, it would be mistaken to conclude that this is a trauma that can be reduced to being "outed" as a trans man with a vagina. Of particular importance here is the effects of the perceived/expected police response which is itself one of trauma and humiliation. "Rape's rape isn't it" suggests that the expectation is that police inability to deal with the gender of the victim will result in failure to take violence seriously. It would also be mistaken to think that only factors of gender and sex are at play in decisions not to report. Thus, by way of example, Karen, our Aboriginal Sistergirl participant, expressed the view:

I mean generally the police doesn't have a good rapport with the Aboriginal/Torres Strait Islander people. So why would Aboriginal/Torres Strait Islander people want to go to a police station. They were used in the first place as military to try and get rid of us. [16]

And speaking of a past, though post-transition, negative police experience:

I was locked up ... and it was a long weekend ... [until] the following Tuesday. They didn't let me make a phone call to my family. They called me every name under the sun. "Aids carrying boong" you know "coon". All those names. Basically they tried to degrade me by, you know, by their words. [17]

Our data suggests a complex range of factors influencing the decision by our transgender participants not to report violence. Many factors seem to have some connection with gender status, both pre and post transition, and police reaction to that status. Some, such as the anxiety and trauma of being subjected to the requirements of revelation, are perhaps similar to those experienced and addressed in other contexts such as the problems of getting people to report violence against lesbians and gay men. [18] However, while the trauma associated with the fear of disclosure for transgender people may be similar to the fear of "outing" by those involved in same-sex practices it is also important to recognise differences.

In addition some of the observations made by the police that relate to the issue of disclosure suggest that the relationship between gender performance, identity and crime may be more problematic. We will explore this by way of two observations taken from the interview with police officials. The first example comes from an incident that was recited to us by one of our police interviewees relating to a transgender person:

Cheryl Clarke: There was a case just recently where the Gender Centre contacted me about a transgender person who had been assaulted. They thought it was a transgender related bashing. I contacted the commander just to assist in the development of policy. I wanted to find out more about what was happening out there. I rang the commander and had a good chat to him. He looked into it and found that it actually had nothing to do with the person being a transgender. The person was a drug supplier and their had been ...

Sergeant Adrian Gover: Deal gone wrong ...

Sue Thompson: Dispute ...

Cheryl Clarke: Thank you. That's the word that I was looking for. Then when I relayed that information back and they went out to see the person to keep in contact and make sure that that persons okay they actually did come across the person dealing in drugs and thought okay this is what we're looking at here. So it's really, it's really tricky. [19]

Various aspects of the police reaction to this incident are of interest. In the first instance this is a case of self-disclosure by a transgender person, which might suggest the relative absence of trauma associated with self-disclosure, albeit that disclosure was mediated by the Gender Centre. The individual who was "bashed" and the Gender Centre both appear to have defined the incident in the context of transgender. However, in the final analysis transgender is erased in the explanation offered by the police. Of particular interest is the assumption of the mutual exclusivity of violence associated with drug dealing and violence against transgender people. The either/or logic erases transgender.

The second example appears in the context of an imagined exchange between the victim of violence and the police:

"Did they take your wallet?" no "well why do you think they assaulted you?" "Well they probably thought I was gay", "they probably thought I was lesbian", they probably thought I was transgender". That's a big ask ... It makes people feel very vulnerable. So people will often avoid that as well. It's another factor in why not to report. It might be the straw that breaks the camel's back. [20]

Of particular significance here is the context in which gender and sexuality are brought into the frame. That is to say, they become relevant through attempts to ascertain the motive for/behind the violence. Having dismissed money as the explanation for the violence

identity becomes the other mode of explanation. At one extreme, while motive might be relevant in some contexts, for example where it relates to consent, in general it would appear to have little significance in the context of attempts to ascertain whether a criminal act of violence was committed.

As such the police practice is directly implicated in precipitating the possibility of the trauma of self-disclosure. On the other hand, and perhaps of even more concern, it might be argued that a focus on the context of the act of violence implicates the police in the establishment of possible defences that the accused might raise. [21]

The disclosure of identity might also have significance in the context of intelligence led policing, which might have significance in the contexts of successful investigation, prosecution and crime prevention. This points to institutional needs that might create a demand for identity disclosures.

Conclusion

Our study suggests that while non-reporting of incidents of violence against transgender persons cannot be reduced to the perception/experience of negative police attitudes, this is a crucial factor and one which has the effect of further marginalising and isolating transgender persons from mainstream society. In seeking to address the problem of violence against transgender persons it is important to deal with the issue of low reportage and police implication in this state of affairs. Moreover, strategies that improve reporting would thereby contribute to a statistical record and therefore a knowledge base that would register with the police given the current logic of knowledge production.

One solution would be to adopt a multi-agency approach to reporting and recording violence. This was hinted at by one of our group members, Pauline, who suggested that the Sydney Gender Centre, rather than the police station, might be the place where a report of violence would be made. [22] Indeed, the Gender Centre appears to have effectively operated in this way in relation to the assault victim whose transgender status was trumped, in the eyes of the police, by her "drug supplier" status. In addition to providing reporting sites that are remote from sites of institutional discrimination this might bring reporting together with other sources of support and access to the wider range of support services. At the same time participant experiences with the Housing Commission and in the provision of health services suggest that the experience of discrimination in the context of reporting violence is not police specific.

In response to questions about whether group members felt that gay and lesbian liaison officers were appropriate persons for them to approach about incidents of violence the response was typically negative. [23] The point was put by Kirk:

You need a transgender person to liaison ... because how could they [gay and lesbian liaison officers], they, they couldn't, they could probably have empathy for you, but they wouldn't they'd understand but they wouldn't have, they wouldn't know what we go through you know. Or how, how could they uhm, counsel someone on something [24]

And Karen:

I think because they're called gay and lesbian liaison officers it doesn't mean that they know anything about transgender. Sometimes they don't even know much about gay and lesbian issues. So how are they going to deal with the transgender issues. I myself wouldn't go to them not unless I knew they were transgender. It's like sending an Aboriginal person to someone who's an indigenous liaison officer and he's not even indigenous. I mean why would I want to go to someone who's white and talk about my issues. [25]

However Steven expressed an alternative view:

"if they were educated I'd feel safe. I don't care what their gender is, what they've got between their legs, what their sexuality is as a police officer or medical staff but if they were educated and, and empathetic around transgender issues, then I could [report incidents of violence to gay and lesbian liaison officers]". [26]

While there was universal support amongst group members for the creation of transgender liaison officers within the New South Wales Police Service our police interviewees offered a range of reasons why such a development was unlikely. Thus it was suggested that there was insufficient work to support a dedicated officer, [27] a factor which draws our attention to the importance of size in decisions about resource allocation. However, the main reason offered was tied to the claim that the formal police position is now focused on force wide policy development, education, and training. In the words of Cheryl Clarke: "so what we're trying to do is skill our officers to actually understand these issues and be able to deal with them appropriately as they come across them". [28]

In the absence of transgender liaison officers this police strategy might meet with some success. Thus Steven, while the only group member to do so, suggested that there might be circumstances in which he would report an incident of violence to the police irrespective of liaison officer status:

If I'm in Newtown because I know there's some Newtown police who are transgender friendly, If I'm in Surry Hills or even Marrickville I'd feel safe because I know certain coppers ... If I was in a country town anywhere out of Sydney forget about it. [29]

This suggests that, despite the negative experiences of the police recounted by group members, changes made to ensure that the police are "transgender friendly" might meet with some success. Indeed, nearly all of our group members singled out, and placed particular emphasis on, police education as a strategy to promote such a state of affairs.

Footnotes:

- [1] Authored by Andrew N Sharpe, Department of Law, Macquarie University and Dr Leslie J. Moran, Department of Law, Birkbeck College, University of London.
- [2] Transcript of interview with Cheryl Clarke, Sue Thompson and Sergeant Adrian Gover of the N.S.W. Police Service, 11th May 2000, per Thompson.
- [3] The key informant interviewees were Jackie Braw, Gay and Lesbian Liaison Officer with the Attorney-General's Department; Carole Rothschild, Senior Policy Officer in the Department of Women; Elizabeth Riley, Coordinator of the Sydney Gender Centre; norrie mAy-welby, Information and Support Worker for the Sex Workers Outreach Project (S.W.O.P.); and three members of the New South Wales Police Service, Sergeant Adrian Gover, Shift Supervisor at Kings Cross Station; Cheryl Clarke, Senior Programs Officer, Community Safety and Crime Prevention, Operational Programs Branch; and Sue Thompson, Police Gay and Lesbian Client Consultant.
- [4] An advertisement was placed in the transgender magazine, *Polare*, seeking participants for the study but due to little response we had to rely on Elizabeth Riley, Coordinator of the Sydney Gender Centre, who gathered the group together through informal means.
- [5] In order to maintain the privacy of group participants the names used are not their real names.
- [6] There appears to be little generally in the way of statistics about levels of reporting of violence against transgender persons. Thus no mention of reporting levels is made in the major U.S. and Australian studies (see "The First National Survey of Transgender Violence" GenderPAC 1997; R. Perkins et. al. (1994) "Transgender Lifestyles and H.I.V. / AIDS Risk: National Transgender H.I.V. / AIDS Needs Assessment Project").
- [7] Transcript of interview with Cheryl Clarke, Sue Thompson and Sergeant Adrian Gover of the N.S.W. Police Service, 11th May 2000, per Thompson.
- [8] *ibid.*
- [9] Focus Group Two (F.G.2) transcript, 19th July 2000 per Pauline.
- [10] Focus Group One (F.G.1) transcript 12th July 2000.
- [11] *ibid.*
- [12] *ibid.*
- [13] F.G.2 transcript above note 8.
- [14] *ibid.*
- [15] *ibid.*
- [16] *ibid.*
- [17] *ibid.*
- [18] B. Stanko and P. Curry (1997) *Homophobic Violence and the 'Self' at Risk: Interrogating the Boundaries* Social and Legal Studies 6(4):513-532.
- [19] Transcript of interview with the police above note 6.
- [20] Transcript of interview with the police above note 6 per Thompson.
- [21] For example, this might raise questions about homosexual advance defence.
- [22] F.G.2 transcript above note 8.
- [23] *ibid.* There are presently 134 Gay and Lesbian Liaison Officers (G.L.O.W.s) within the N.S.W. Police Service. There are, as yet, no transgender liaison officers.
- [24] *ibid.*
- [25] *ibid.*
- [26] *ibid.*
- [27] Transcript of interview with the police above note 6, per Clarke.
- [28] *ibid.* One concern that appeared to inform this policy is the past, as well as the existing, practice of non-specialist officers referring work to specialists where there is only a tenuous link to the area of specialisation thereby overloading the specialist officers and diverting them from their primary work.
- [29] F.G.2 transcript above note 8.
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The Gender Centre is committed to developing and providing services and activities, which enhance the ability of people with gender issues to make informed choices. We offer a wide range of services to people with gender issues, their partners, family members and friends in New South Wales. We are an accommodation service and also act as an education, support, training and referral resource centre to other organisations and service providers. The Gender Centre is committed to educating the public and service providers about the needs of people with gender issues. We specifically aim to provide a high quality service, which acknowledges human rights and ensures respect and confidentiality.