

a guide for lgbtq survivors of violent crimes

OVERVIEW

- Each year, thousands of gay and lesbian become victims of violent crime. Sometimes we are assaulted by total strangers; more often, we are attacked by people we may know, including family members or lovers.
- As of 2013, rates of anti-LGBTQ violence remain consistent in 2013 with 2,001 total incidents reported, with a substantial increase in the severity of violence reported
- Transgender women, people of color, and gay men face the highest risk of homicide
- Transgender women, undocumented people, transgender people, people of color, and gay men face the most severe violence
- Fewer survivors are reporting hate violence to the police, and those reporting are being met with increased police hostility

REACTIONS TO VICTIMIZATION

There are many normal physical and psychological reactions to the trauma of victimization. Emotional reactions such as denial—trying to forget or pretend the crime never happened—anger, isolation, fear, depression, and problems with concentration are common. Feelings of terror, panic attacks, and flashbacks are also common responses to surviving violence.

Survivors of violent crime may also experience physical problems that seem unrelated to an assault, such as headaches or stomachaches. Insomnia, change in appetite (increase or decrease), sexual difficulties and general listlessness/tiredness are also common physical complaints mentioned by those who have been attacked or assaulted.

Ignoring these symptoms may lead to further complications. If you have been victimized, you can call The Anti-Violence Project's hotline at 212-714-1141*, for assistance. They will accept collect calls from anywhere in the nation.

You may also consider taking any of the following steps:

1) *Get medical attention*

Consult a physician or hospital emergency room, even if you do not believe that you have been seriously injured. Do this as soon after an assault as possible.

2) *Document the incident*

Keep accurate records of an incident. Document physical injuries with photographs. Retain any written harassment you receive. Keep a log of the time and date of harassing emails, texts, or phone calls. If harassing messages have been left on your phone or in your email, keep them.

3) *Take care of yourself*

Talking about the incident to supportive friends, lovers or family members can be helpful, and it can also be helpful to talk to a staff member at any organizations you are involved with.

4) *Seek further support as needed*

Accept your feelings and reactions to the trauma. You may find it helpful to discuss the incident with a counselor at the Anti-Violence Project (AVP). Call AVP, at 212-714-1141, to find out about resources available to you. They will accept collect calls from anywhere in the nation.

REPORTING CRIMES TO THE POLICE

There is no requirement that you report a crime to the police. The decision about filing a report, called a "complaint" or "61" by the police, is yours as the survivor of a crime. Do what is most comfortable for you. Keep in mind that police reports are public record and under most circumstances can be released to the media.

For New Yorkers, according to Executive Order 41, if you are the victim of a crime, a witness to a crime, or if you are reporting a crime to the police, you cannot be questioned regarding your immigration status and this information cannot be given to immigration authorities.

If you wish to seek financial compensation from the New York State Crime Victims Board for medical expenses or lost earnings, a police report is required.

If the assault against you was bias-related—based on your race, religion, ethnicity or sexual orientation—the Police Department's Bias Incident Investigating Unit can be asked to handle your case.

In New York, if you decide to report a crime, an AVP advocate may be able to accompany you to the local precinct to provide assistance and support.

For information about laws and protections outside of New York, call the Anti-Violence Project (AVP at 212-714-1141, to find out about resources available to you. They will accept collect calls from anywhere in the nation.

GOING TO A HOSPITAL

If you have a health emergency and go to a hospital with an emergency room, you have the right to be evaluated, treated, and stabilized. It is against federal and state law for a hospital with an emergency room to turn you away for any reason, including because you are transgender or gender nonconforming, because you have no way to pay, or because you are an undocumented immigrant.

- **Transgender Healthcare Discrimination**

Hospitals, clinics, doctors' offices, dentists' offices, and therapists' offices are "places of public accommodation." In New York State, it is against the law for a place of public accommodation to discriminate against transgender and gender nonconforming people.

- **A healthcare provider should never refuse to treat you because you are transgender.**

Sometimes doctors claim that they will not treat you because they do not have enough "expertise" in treating transgender people or because transgender people have "special needs." If you are looking for a type of care the doctor provides to non-transgender people, such as breast enhancement, gynecology

exams, or treatment for illness or infection, the doctor may not use his or her failure to treat transgender people in the past as an excuse to discriminate against you now.

Harassment is a type of discrimination. If hospital staff or other providers call you names, insult you, make fun of your body, or refuse to use the right pronouns for you, they are breaking the law.

It can also be discrimination to deny you access to gender-segregated facilities that match your gender identity. (For example, you should be allowed to use restrooms, changing rooms, etc. that match your gender identity.)

While these forms of harassment are illegal, we know that they do happen, and that there may be additional factors in your health care situation that cause you to feel uncomfortable or unsafe. **In New York, contact the Callen-Lorde Community Health Center, at (212)271-7200, for health services dedicated to meeting the needs of LGBTQ individuals.**

- **HIV Healthcare Discrimination**

It is against federal, state, and local law for healthcare providers to refuse to treat people because of their HIV status. Refusing to treat someone because they are positive is discrimination on the basis of disability.

Some procedures may not be right for you because of your HIV status, but it is almost never okay for a healthcare provider to refuse to treat you because they are worried that there is some risk that they or their staff will catch HIV. These laws also apply to surgeons who provide gender affirming surgery to transgender people, just as they apply to all other surgeons and healthcare providers. If a surgeon refuses to give you some type of sex reassignment or other surgery because of your HIV status, they are probably breaking the law.

**This section contains material adapted from the Anti-Violence Project's "What if it Happens to you?" and "Healthcare Rights of Trans Youth in New York City," a publication of the Sylvia Rivera Law Project. For more information about the Anti-Violence Project call their hotline at 212-714-1141. They will accept collect calls from anywhere in the nation.*