‘This volume brings together some of the most significant work on the diverse victimization experiences of queer people by leading researchers in the field. It is an essential resource for academics and students; practitioners, advocates, and policy makers; legal, social service, and health care professionals; and anyone who wishes to understand victimology through an intersectional lens.’

Claire M. Renzetti, Judi Conway Patton Endowed Chair for Studies of Violence Against Women and Professor of Sociology, University of Kentucky
This book provides a much-needed focus on the victimization experiences of those within the lesbian, gay, bisexual, transgender, Queer, intersex, or asexual (LGBTQIA) communities. With original research and scholarly work relating to victimization, supplemented by stories and poems detailing firsthand accounts by people in LGBTQIA communities, the volume editors shine a light on the experiences of those who have been harmed or who have suffered because of who they are.

Allowing the reader to gain a deeper understanding of Queer victimization and LGBTQIA victims, the volume delves into how and why people are victimized, as well as how the criminal justice system and other social services interact with victims and each other. The creative pieces included give a direct voice to those who have most often been silenced in the past.

*Queer Victimology* is essential reading for scholars and students in the areas of criminology, victimology, sociology, gender studies, education, counseling, and/or psychology as well as anyone engaged with Queer, critical, and feminist criminologies, gender studies, diversity, and criminal justice.

**Shelly Clevenger** is Chair of the new Department of Victim Studies at Sam Houston State University. She received her Ph.D., M.A., and B.A. in Criminology from Indiana University of Pennsylvania.

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Queer Victimology

Understanding the Victim Experience

Edited by Shelly Clevenger, Shamika Kelley and Kathleen Ratajczak
Queer victimology: understanding the victim experience / edited by Shelly Clevenger, Shamika Kelley and Kathleen Ratajczak.

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I dedicate this book to all Queer victims. I hope that highlighting experiences of victimization in this book will prevent future victimizations.
—Shelly Clevenger

To all those who are excluded and marginalized.
—Shamika Kelley

To those who always push me to consider the needs of all, especially the most vulnerable.
—Kathleen Ratajczak
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The Need for Queer Victimology: Understanding the Victim Experience

The need for this book arises out of the absence of the Queer voices in victimology. Historically, there has been exploration of victims and victimization that has mainly focused on heterosexual and cisgender victims. This book seeks to remedy this with a focus on victims’ experiences and giving voices to those who have previously been silenced. The authors within this volume each provide information and understanding about what a Queer victim experiences. This volume also blends scholarly chapters with creative pieces. We particularly wanted to include creative works as they can often convey meaning or experiences in a different or unique way to help the reader understand the Queer victim experience.

Each author uses different language or different abbreviations within this volume. We gave our contributors the ability to use their own preferred terms when referencing lesbian, gay, transgender, Queer or questing, intersex, or asexual individuals. This means that you will see LGBT, LGBTQ, LGBTQI, LGBTQIA+ or the term Queer used. We will also use the term Queer as an inclusive term for any individuals which fall within any of these groups. The goal of this book is to give power and voice to all.

This book is broken up into three sections for ease of understanding the Queer victim experience and Queer victimology. Section One is Queer Victimology and Types of Victimization. This will allow the reader to get an introduction first into where we currently are in terms of Queer victimology with Chapter 1: Taking Stock of Queer Victimology written by Emily Lenning and Sara Brightman allows the reader to know where the field of Queer criminology has been and also where it is headed. Chapters within this section also focus on issues such as a hate crime against the Queer community, with Chapter 3: LGBTQA+ Hate Crime Victimization by Zachary T. Malcom and Kristin M. Lloyd and Chapter 4: LGBTIQ Hate, Harassment, and Abuse Online by Luke Hubbard and Rachel Keighley and giving the reader an in-depth look at these issues. Additional chapters in this section focus on how specific crimes impact those in the Queer community, with and Chapter 5: The Consequences of Polyvictimization among Transgender and Gender Nonconforming People by Shanna Felix, Andia M. Azimi, and Dana L. Radatz as well as Chapter 6: Sexual Consent, Sexual Coercion, and Victimization within the LGBTQ+ Community by Brooke A de Heer focus on specific victimizations within the Queer community. Chapter 7: Intimate Partner Violence within the LGBTQA+ Community: Prevalence, Unique Experiences, and Critical Needs by Danielle C. Slakoff and Stacie Merken as this chapter provides great details about intimate partner violence and the unique circumstances that Queer victims
experience in terms of victimization and help seeking. We also have two creative pieces in this section, *Chapter 2: A Cautionary Tale* by Rahul Sinha Roy and *Chapter 7: The Limitations of a Statute* by Jane E. Palmer, which provide insight into the victimization experience.

Section One lays the groundwork for Section Two, which is *Queer Victimology and Queer Identities*. The chapters in this section explore how Queer identities impact victimization. In *Chapter 8: Victimization among Transgender and Gender Diverse Youth: Research Poems on Family, Religion, Identity, and Resilience* by Megan S. Paceley, Rey Flores, Isaac Sanders, Emera Greenwood, Patricia Sattler, and Jacob Goffnett the authors gain insight through poems into how victims experience the world. In *Chapter 9: Indigenous Victimization and the Colonized Rainbow* by Sheena L. Gilbert and Karen Z. Armenta Rojas, the issue of Indigenous cultures, Queer individuals and victimization is explored. In *Chapter 10: Framing Bi+ Experiences of Intimate Partner Violence: The Role of Monosexism and Bi+ Stigmas* by Casey D. Xavier Hall, Jessie Miller, and Lauren Brittany Beach the reader will gain understanding about issues in intimate partner violence for Queer individuals. *Chapter 11: Queer Victims of Violence and Butch, Femme, Bear, and Twink Identities: An Empirical Test of Norm-Centered Stigma Theory* by Meredith G.F. Worthen allows the reader to better understand Norm-Centered Stigma Theory and how this impacts identity. Finally, in *Chapter 12: Police Do Not Protect Us, and Other Lessons I learned As a Queer Victim* written by Allyn Walker, we get a firsthand account about the issues that Queer victims may experience with law enforcement and the system based on their identity.

Our final section of this book, *Section Three: Queer Victimology and Queer Victimization in the System*, the chapters explore specific systems and how this impacts victims and victimization. In *Chapter 13: Queer Invisibility: LGBTQA+ Victimization in Carceral Settings* by Susana Avalos and Breanna Boppre, the reader will gain an understanding how Queer individuals suffer within carceral institutions as result of their sexual orientation or gender identity. In *Chapter 14: What About Us? The Omission of Queer Experiences in Criminology and Criminal Justice Curricula* by Alessandra Early and Brian E. Rainey, the issue of the lack of teaching for Queer issues and Queer criminology in academia is brought to light. In *Chapter 15: Bad Blood: Media’s Role in Blaming the Queer Community for HIV/AIDS* by Jack M. Mills, Caroline A. Mooney, and Kyle G. Knapp, we see an illustration of the way the media has portrayed people within the Queer community, often in a negative light. Finally, in *Chapter 16: You Are Entitled to a Strange and Wonderful Queer Future*, Vanessa R. Panfil leaves us with inspiration words going forward.

As rights within the Queer community are under attack nationwide within the United States and internationally, shedding light on these issues is more important than ever before. We look at this book as a form of activism and protest those who have been harmed, had a negative experience within a system, or suffered because of who they are. Discrimination and maltreatment based on identity is not acceptable. Queer victims and Queer people, we are with you. We see and hear you, and we demand better! Resist. Persist. Change the culture.

Shelly Clevenger, Shamika Kelley, and Kathleen Ratajczak
Section One

Queer Victimology and Types of Victimization
Taking stock of Queer victimology is a more perplexing task than one might assume it to be. It is true that victimologists have been studying Queer victims of crime, at least certain types of crimes, for some time. Indeed, Queer victims are far more often the focus of criminological research than Queer offenders. As can be seen in the remaining chapters of this book, which focus on rather specific forms of victimization, Queer victims have not been completely ignored by criminologists. Though they have not been completely ignored, Queer victims have been under-investigated and misunderstood, hence the need for a subfield dedicated to centering and privileging the experiences of LGBTQ+ people within victimological work. In many ways this book is an invitation to forge that field, and this chapter serves as an invitation to imagine what a Queer victimology might look like. Thus, rather than take stock of Queer victimology by offering you a detailed overview of the literature that is covered in greater depth in the remaining chapters of this book, we want to take stock of what might make Queer victimology worthy of its own recognition as a subfield within victimology more broadly. Drawing on examples from the existing literature, we want to focus on what the task of Queer victimology should be, what unique issues Queer victimology can help us understand, what unique challenges face our understanding of Queer victimization, and what issues future Queer victimological projects might investigate.

Queer(ing) Victimology

The establishment of a subfield of criminology labeled Queer victimology is an even newer concept than the relatively young field of Queer criminology, which has only been firmly established in the current century. Queer criminology, as a distinct branch of critical criminology, emerged in the early 2010s, sparked by strategic panel organizing at the 2011 American Society of Criminology meeting (Peterson & Panfil, 2014). That spark was quickly followed by the development of a Queer criminology listserv, the publication of several seminal books (e.g., Ball, 2016: Buist & Lenning, 2016; Dwyer et al., 2016; Peterson & Panfil, 2014), an avalanche of peer-reviewed scholarship, and the formal establishment of the American Society of Criminology's Division on Queer Criminology in 2020. We agree with Guadalupe-Diaz' (2019, p. 19) assertion that, “while substantial groundwork has been laid for Queer criminological inquiry, less work has been done to actively Queer victimology.”

Though Queer people have been tertiarily included in criminological research since its birth, they were most often included through the lens of sexual deviance (Woods, 2015).
Only in the last thirty or so years have Queer people been included in criminological research in any sincere or meaningful way, and that research, though growing, is still quite limited in size and scope (Woods, 2015). Besides the recent surge of Queer criminological work, Queer identities are still frequently included in criminological research as static variables in an “add Queer and stir” approach, much as women were considered in criminological research prior to the emergence of feminist criminology (Buist & Lenning, 2016). As of this writing, there are no other monographs explicitly dedicated to Queer victimology, and basic web or library searches produce relatively few studies or commentaries that claim to be Queer victimology centered or oriented. This is, no doubt, in part because defining victimology or labeling one a victim is complicated from a Queer perspective.

At a basic level, victimology “is the scientific study of victims of crime; including identifying and defining forms of victimization; studying the physical, emotional, and financial harms that victims suffer; researching and explaining the causes of victimization, as well as the short-term and long-term consequences of victimization, the characteristics of victims, victim and offender relationships, the risks of victimization, the informal and formal responses to victimization, and victim representation in the media” (Wright & Brightman, 2018, p. 12). The problem with simply adding “Queer” in front of “victims” to distinguish a “Queer victimology” is that both victim and crime are subjective terms—particularly when we are talking about a group of people whose bodies, behaviors, and identities have literally been criminalized (Buist & Lenning, 2016; Mogul et al., 2011). Whether they face prison or execution for engaging in same-sex sexual behavior, face prosecution in countries that ban gay propaganda, or live in countries that enforce rigid gender-specific dress codes, “throughout history and across the globe, Queer people have had their bodies regulated, been arrested, and have faced punishment for no other reason than their sexual and gender identities and behaviors” (Buist & Lenning, 2016, p. 25). Further, the term Queer can be both problematic and complicated, and therefore cannot simply be slapped on to victimology as a qualifier without serious consideration and care. Working out these definitional issues, or at least recognizing them and anticipating the debates to come, is the first step to Queering victimology.

Victims of crime have a long history of having to fight for their recognition as victims. This is largely due to the definition of victims being so closely linked with the definitions of crime from a legalistic perspective. As laws began to change, new populations of victims began to emerge, if only by definition, since these victims had always existed. For example, when women were viewed as the property of their husbands, they were not legally considered victims when subjected to physical abuse, echoing the abuse of enslaved people, who were also considered property. As the legal status of women in marriages began to change, so did the recognition of them as victims of physical, financial, emotional, and sexual abuse by their husbands. Over time, the laws began to recognize and protect these victims. New language was created to identify this form of violence against women in the home, specifically the term domestic violence (DV), now often called intimate partner violence (IPV). Although discussed in more detail below, it is important to pause here and recognize the gendered language and relationships discussed in this example of IPV. The historical definitions of relationships and marriage play a role not only in the lack of visibility and recognition of Queer victims in interpersonal relations, but also the harms they have experienced by this failure in the system. Uncovering and highlighting these differences and systemic barriers is one of the ways that a Queer victimology could make unique contributions to our understanding of marginalized victims.
Despite changes in the legal definitions of crime, and therefore recognition of victims, there are still many situations where social definitions, stigmas, stereotypes, and false media portrayals continue to influence how legal actors and the public views some victims (individuals and groups), and thus influences who is or is not viewed as a victim. For example, a child victim of sexual violence might be viewed by those in society as a completely innocent victim—no way responsible for or contributing in any way to their victimization (Wright & Brightman, 2018). On the other hand, adult women who are victims of sexual violence still face questions about their behavior prior to a sexual assault (as if prior sexual activity or drinking alcohol provoked the assault) or asked what they were wearing (as if their clothing provoked the assault). So, while legal definitions don’t include prior behavior or clothing in definitions about what constitutes a sexual assault (in fact rape shield law prevent these excuses from being used by the accused in court), first responders, juries, family, and friends of a victim might very well rely on this sort of prejudicial information as they interact with and even judge sexual assault victims. Once again, it is important to recognize here that rape, sexual assault, and other forms of sexual violence have historically been very narrowly legally and socially defined by gender, sex assigned at birth, and marital status. It wasn’t until 2012 that the FBI finally announced it had revised the definition of rape to eliminate the term “forcible” as well as language that limited the label of rape victim only to cisgender women (Wright & Brightman, 2018). Through this change, the language is now gender neutral for both victims and offenders, as well as “reflects a more accurate understanding of sexual violence by including various penetrative violations” (Messinger & Koon-Magnin, 2019, p. 662). This does not mean, unfortunately, that Queer victims of IPV or sexual assault are now treated the same way that cisgender and/or heterosexual victims are treated.

One strategy that criminologists have used to address the problematic nature of defining victimization within a legalistic framework is to measure victimization through harm—not the violation of laws. State and corporate criminologists, for example, often have had to define victimization by the harm caused by an action, rather than through a legalistic framework, due to the power states, and corporations have to help shape, define or resist legal definitions of their harmful behaviors (Canning & Tombs, 2021). Understanding the full range of Queer victimization would certainly benefit from taking a harms approach. For example, Queer teens who are expelled from or choose to leave their homes could be viewed as experiencing multiple harms, from the emotional harms experienced in the home, to the risks and harms they experience on the streets. Since only one in three LGBTQ youth report living in affirming households (The Trevor Project, 2021), it comes as no surprise that LGBTQ youth, especially Queer youth of color, are overrepresented in the homeless youth population (Choi et al., 2015). Though there is no law against being an unsupportive, homophobic, or transphobic parent, the harm that it can cause is surely great enough to be considered a form of victimization in and of itself, let alone the different types of victimization that Queer youth become at risk of as a result.

As a consequence of the struggles related to living on the streets, homeless Queer youth often turn to survival crimes, like selling drugs or sex work, just to get by. A 2011 study conducted by the Urban Institute, for example, found that 68% of Queer youth engaged in survival sex in New York City were living in a shelter, on the streets, or at a friend’s home (Dank et al., 2015). While certainly youth who are engaged in sex work are at risk of experiencing violence at the hands of their customers, they are also at risk of experiencing institutional harms, to include discrimination when accessing social services, violent
interactions with law enforcement, arrests that permanently tie them to the criminal legal system, and convictions that negatively impact future employment opportunities (Wodda & Panfil, 2021). A legalistic approach to understanding victimization would emphasize the interpersonal violence between the youth and the customer, ignoring the broader harms that force Queer youth to resort to sex work in the first place, the non-criminal harms that they face while engaging in sex work, and the harms that they face after engaging in sex work, all of which have long-lasting impacts on Queer youth. A Queer victimology, then, must embrace a more nuanced definition of victimization, and therefore victims, in order to fully describe, explain, and understand Queer victimization.

Another form of victimization, which would technically fit a legalistic approach but may not immediately be considered criminal in nature is the exclusion of Queer youth from engaging fully public life, to include extracurricular activities that we know to be beneficial when it comes to mental well-being and curbing criminal behavior among teens. Recently, for example, state representatives have feverishly been introducing and enacting bans on transgender athletes participating in (mostly) women’s and girls’ sports (Burns, 2021). There are currently nine US states that ban trans athletes from playing on sport teams consistent with their gender (Movement Advancement Project, 2021a), and nearly 30 additional states have introduced similar legislation in 2021 (Burns, 2021). Some of these laws go so far as criminalizing non-compliance, such as a ban in Minnesota that would charge trans girls who played on a girls’ sports team with a misdemeanor, funneling her through the juvenile justice system (Burns, 2021). One thing that is important to note is that these bans in general do not ban transgender boys from participating in boys and men’s sports, so one harm based on differential treatment can be seen there. But the other harm is in the intentional exclusion that these (often teen) athletes face due to these bans. The emotional and psychological harms these laws and policies cause should be viewed within a Queer victimological framework. Imagine the mental anguish experienced by young trans athletes when the US Department of Education, under the Trump Administration, fought against their right to participate in sports. It’s no wonder that 42% of Queer youth experience suicidal thoughts (The Trevor Project, 2021), some of which, arguably, are the result of state harm.

In addition to harm within the institutions of education, employment, etc., the state, in the local, state, and federal context most broadly, are responsible for harms against Queer individuals within the criminal legal system. As has already been pointed out, Queer individuals have long been criminalized by state actors, but we can also see many ways they have been victimized by state actors. In fact, the criminalization itself, it could be argued, was and is a harm, a violence, and a form of victimization. Further, research has found that Queer individuals are overrepresented at every stage of the criminal legal system (Jones, 2021). This overrepresentation begins with Queer juveniles but impacts individuals across the Queer spectrum. For example, walking while trans is a term which refers to the profiling and harassment by police that trans women (frequently women of color) often experience. Prisons and jails around the country have a variety of harmful and dangerous policies that impact Queer individuals. Queer inmates are sometimes held in solitary confinement for their “protection,” face increased likelihood for being sexually assaulted, are housed in units based on sex assigned at birth, are not provided or have been denied proper medical care (such as hormones), and the list can go on. By taking the harms approach, the definition of Queer victims can and should include the actions by a broad range of state actors and the subsequent harms Queer individuals experience.
To be fair, there are legitimate reasons for some criminologists to take a legalistic approach to research, but doing so raises a second definitional issue, and that is the issue of what constitutes a crime. Crime is subjective and relative, and an act only becomes a crime when it is labeled as such by some governmental entity at the local, state, federal, or international level. Laws that define crimes vary by country, by states within countries, and even by local jurisdictions within states, meaning that what may be considered an act worthy of the label of crime in one place, may not be elsewhere. Laws that criminalize Queer people vary drastically around the world (see Buist & Lenning, 2016), and so too do laws meant to address crimes against members of the Queer community. A poignant example of this is hate crime legislation, which varies by jurisdiction—not only in its implementation, but also in who the law considers to be worthy of protected status. The United States, considered a leader when it comes to recognizing hate crimes, highlights this problem well.

The US is considered to be one of the first countries to recognize the problem of hate crimes, thanks to civil rights groups that were actively confronting white supremacy and racist violence in the 1960s (Chakraborti & Garland, 2015). Though the first federal hate crime legislation in the US was passed in 1968, its scope was limited to crimes committed against people based upon their race, religion, color, and national origin, and only if the crime against them was committed while they were engaged in federally recognized activities (U.S. Department of Justice, 2019). Disability, sexual orientation, gender, and gender identity did not become federally protected statuses until 41 years later, when the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA) was passed in 2009, more than a decade after the men the law is named after were brutally murdered. Over the last half century nearly every US state has enacted their own hate crime laws. These state level laws “vary widely across states, leading to a complex-and inconsistent-patchwork of policies and protections across the country” (Movement Advancement Project, 2021b, p. 1). The laws differ on which groups of people are protected (e.g., 13 states do not protect both sexual orientation and gender identity), whether law enforcement must collect data on hate crimes, whether hate crimes constitute a distinct crime or an enhancement on a different charge, and whether victims of hate crimes are explicitly required to receive resources and certain legal protections, among other differences (Movement Advancement Project, 2021b).

What these differences boil down to is that someone can be considered the victim of a hate crime in one jurisdiction, while in another state they are not, or conversely someone can be considered guilty of a crime in one state and not in another. Thus, victimologists cannot fully understand and explain the magnitude of crimes motivated by bias if they are to rely solely on legalistically defined criminal behavior, because hate-motivated violence occurs whether the state recognizes it (just as women were victims of abuse before the state labeled them victims of a crime). Regardless of state or federal definitions of hate crimes, far too many people are the victims of violent behavior motivated by their perceived or actual identities, and different data sources give us drastically different pictures about just how many people that is, a problem exacerbated by inconsistent state and federal reporting requirements. In 2019, for example, the FBI reported an average of twenty hate crimes per day in the US, while the National Crime Victimization Survey (NCVS) captured an average of 556 per day (Movement Advancement Project, 2021b). In fact, in comparing the FBI’s Uniform Crime Reports and the results of the NCVS, the Movement Advancement Project (2021b) estimates that fewer than four of every 100 hate crimes that occur in the US are