

## “To Protect and to Serve?”: An Exploration of Police Conduct in Relation to the Gay, Lesbian, Bisexual, and Transgender Community

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Published online: 7 August 2007  
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**Abstract** While there are studies that focus specifically on hate crimes, especially anti-lesbian, gay, bisexual, and/or transgender motivated violence, little research has been done to examine the role that law enforcement officials play in responding to crimes related to the Gay/Lesbian/Bisexual/Transgender (GLBT) community. This study, therefore, attempts to do just that. Using traditional content-analysis techniques, we examine 1,896 incident reports that were collected by a GLBT advocacy group in Minnesota, between 1990 and 2000, to begin to understand the range of police responses in relation to the GLBT community. Results indicate that while police conduct improved, negative responses and behaviors on the part of law enforcement officials outnumbered positive responses. The most common complaint by Helpline callers was inadequate response by the police; there were also numerous callers indicating that they were further victimized at the hands of the law enforcement officials. The data suggest a continued need for the education of law enforcement officials regarding issues facing the GLBT community, advocacy for victims of crime who are many times reluctant to report an incident to the police and increased attention to issues of oversight and accountability for officers who are responding to calls for help from the GLBT community.

**Keywords** GLBT · Violence · Police conduct · Anti-Violence Programs

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## Introduction

The 1990s brought increased attention to crimes and harassment grounded in bias against lesbian, gay, bisexual and transgender people (LGBT).<sup>1</sup> One of the difficulties facing those who attempt to create and enforce policies that seek to protect LGBT people is to illustrate the pervasiveness of prejudice and the need for increased awareness and protection based on issues related to sexual orientation. Documentation of events and patterns of anti-LGBT harassment and crime is further complicated due to the complexities of this type of bias. Often law enforcement officials who respond to an incident either do not recognize the role of anti-LGBT bias or are reluctant to classify the incident as bias and the victim may be unwilling to pursue the bias classification due to fear and stigma associated with LGBT people. While studies focusing on hate crimes, especially anti-lesbian, gay, bisexual, and/or transgender motivated violence, have expanded in the last decade (for example see Comstock 1991; Ferber et al. 1999; Herek and Berrill 1992a, b, c; Jenness and Broad 1997; Kuehne and Sullivan 2001, 2003), the majority of research continues to concentrate on incidents that are clearly identified and classified as hate or bias crimes, such as people being assaulted, robbed or fired from their jobs due to their actual or perceived non-heterosexual status. Minimal data are available concerning the people who are committing these acts, especially when the offenders are law enforcement personnel. Consequently, limited information exists regarding the relationship of police to the LGBT community, particularly concerning anti-LGBT incidents. This purpose of this paper is to address this gap in the research.

## Review of Literature

In order to understand the complexities surrounding the relationship between members of the BGLT community, law enforcement officials and bias-related incidents, it is first necessary to examine anti-BGLT incidents as a whole and the challenges faced by the victims of these crimes. Historically, limited occurrences of anti-BGLT incidents have been reported to law enforcement officials. Some argue that one reason for the low levels of reporting involves questions concerning what behavior specifically qualifies as a bias crime (The Anti-Violence Program of the GLCAC and National Coalition of Anti-Violence Programs 1996; National Coalition of Anti-Violence Programs 2005). Others challenge the necessity of labeling a crime as bias due to constitutional rights of freedom of speech and thought, as well as the lack of evidence that this type of classification reduces hate and/or bias within a community

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<sup>1</sup> Throughout the paper the following initials will be used to describe this community; “G” represents gay men, “L” is for lesbians, “B” is for bisexual, and “T” represents those in the transgender community. The combination of these letters may change, to recognize that there is no specific order to these initials. Additionally, this category includes people who are *perceived to be* GLBT but may not identify as such. Within the police-related cases we examined, 6% (22 people) identified themselves as being victimized based on *perception* of being GLBT. We wish to stress that while we do not continually use the phrase “or perceived to be GLBT” that people belonging in this category are included. We did not highlight them due to the limited number of cases and to ensure anonymity of the callers.

(Haider-Markel 1998). The legal classification of “bias” is considered when acts are motivated by anti-BGLT sentiment (Minnesota Department of Public Safety 1998; United States House of Representatives 1992, 1999; United States House of Representatives, Hate Crimes Prevention Act 1999). These attitudes are far-reaching, affecting more than just the person who is the victim of a hate crime; they also serve as a means of sending “a message of intimidation to an entire community of people” (United States House of Representatives cited in Ferber et al. 1999: 549; see also Haider-Markel 1998; United States House of Representatives, Subcommittee on Crime and Criminal Justice Bias Crimes 1992).

Additionally, in trying to determine the full-extent of anti-GLBT bias incidents it is necessary to examine two other factors, the amount of crime that is reported, as well as which events become documented. Not all crime is reported. Nationally approximately 44% of all violent crime and 35% of property crime is reported to the police (United States Department of Justice 2005). This percent decreases to 20% for victims from the GLBT community<sup>2</sup> (The Anti-Violence Program of GLCAC and National Coalition of Anti-Violence Programs 1996, 2005). Reporting of crime significantly decreases when the issue of bias is involved. As such it is often “difficult to gauge the level of the hate crime problem in this country because bias-motivated crimes typically are underrepresented by both law enforcement *and* victims” (Bureau of Justice Assistance 1999: xii; see also American Civil Liberties Union 1997; Comstock 1991; Harlow 2005; Herek and Berrill 1992a, b, c; Kuehnle and Sullivan 2001; The Anti-Violence Program of the GLCAC and National Coalition of Anti-Violence Programs 1996, 2005; Potter and Briggs 1996).

Furthermore, violent anti-TGLB bias motivated crimes, such as murder, assault and rape, are also easier to research than non-violent bias-motivated incidents as they are tangible occurrences of harm. For example, if an offender expresses hatred toward homosexuals and then proceeds to beat a man using anti-gay remarks throughout the assault, the physical evidence of bodily harm combined with these public remarks provides substantial evidence of a bias crime. Events that are seemingly less blatant or severe, such as being called a derogatory name or treated in a discriminatory manner, are more difficult to define as improper behavior rooted in prejudice (Berrill 1992; Jenness and Broad 1997). Often incidents like these are dismissed, especially if they are technically not illegal (National Coalition of Anti-Violence Programs 2005). However, investigating these events over a period of time can illuminate patterns of bias. While researchers may devote small portions of individual studies to issues of discrimination and harassment, because of the complexities of these incidents, they are often overlooked.

These factors coupled with a long history of discrimination and stigma, as well as lack of knowledge and understanding of TBGL issues by social and public service organizations, result in a genuine reluctance by people affected by TGBL bias to contact law enforcement officials (Comstock 1991; Herek and Berrill 1992a, b, c; Kuehnle and Sullivan 2003; National Coalition of Anti-Violence Programs 2005;

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<sup>2</sup> Due to underreporting and the actual amount of data that are available, it is difficult to determine the percentages of anti-GLBT related violence and property crime. Therefore, we have chosen the most common estimate available.

Vaughn 1996). Research has found that often citizens' fail to report crime due to their beliefs about police attitudes toward the community to which they belong. Often these attitudes are based on the neighborhood culture, the media, as well as their membership in a traditionally marginalized group, such as their racial status or sexual orientation (Rice and Piquero 2004; Weitzer and Tuch 2004a, b).

Furthermore, traditional methods of policing are based in a reactive approach to crime leading to coercive measures as a means to stop criminal behavior. While some studies have shown that the public believes force is sometimes necessary, citizens have also expressed concern over the use and overuse of coercive measures as a police tactic (Paoline et al. 2000; Seron et al. 2004; Vaughn 1996). As more communities adopt a community policing approach, which emphasizes a change in the role of law enforcement to one focused on problem solving and preventative approaches as ways to stop crime and conflicts, the necessity of force is under renewed scrutiny (Engel and Worden 2003). The manner, in which officers respond to potentially criminal incidents, is reflective of their training, department regulations, police culture and the environment in which they work (Kane 2002; Paoline et al. 2000; Terrill et al. 2003). Research has found that an officer's response to situations is often more heavily influenced by these things, as well as the attitudes of her/his supervisors, rather than her/his own individual beliefs (Engel and Worden 2003; Kane 2002; Terrill et al. 2003). Therefore issues of poor police response and misconduct are reflective of each of these factors, and of how the systems of law enforcement operate within any given community.

Despite training, many officers fail to recognize or take anti-LGBT situations seriously. Often this is exemplified through instances of poor response time, inadequate or insensitive response by officers, as well as inappropriate, and even abusive behavior, when answering a call for assistance (American Civil Liberties Union 1997; Bureau of Justice Assistance 1999; Anti-Violence Program of the GLCAC and National Coalition of Anti-Violence Programs 1996, 2005; Kuehnle and Sullivan 2001). Research by Berrill supports this; he found that 20% of all perpetrators of anti-LGBT related incidents were police officers. Included in this group were police responses to these events, where he found a "deliberate mishandling of anti-gay violence cases" (Berrill 1992: 32). He also noted that often these types of hate crime were viewed as "harmless pranks or as acceptable forms of behavior" (see also Herek and Berrill 1992c: 32; see also Comstock 1991; Goldschmidt 1999; Anti-Violence Program of the GLCAC and National Coalition of Anti-Violence Programs 1996). Kuehnle and Sullivan's analysis of LGBT victim incident reports, noted that "12.4% were victimized by law enforcement/security personnel" (Kuehnle and Sullivan 2001: 932). However, data on police conduct in relationship to the LGBT community remain scarce. Some advocacy groups have recently begun to collect data on positive and negative police interaction with this community, but few studies exist on this aspect of anti-LGBT events (Comstock 1991; Goldschmidt 1999; Herek and Berrill 1992a, b, c; Kuehnle and Sullivan 2001; Anti-Violence Program of the GLCAC and National Coalition of Anti-Violence Programs 1996, 2005).

This "fear of secondary victimization" when reporting incidents to the police serves to fuel the long history of mistrust of law enforcement by BGTL people and further decreases the likelihood that a victim will come forward about an incident

(American Civil Liberties Union 1997; Comstock 1991; United States Department of Justice 2000; Anti-Violence Program of the GLCAC and National Coalition of Anti-Violence Programs 1996, 2005; United States House of Representatives, Hate Crimes Prevention Act 1999; Vaughn 1996). Therefore, community organizations often are the only resources that victims utilize for assistance and support (Comstock 1991; Jenness and Broad 1997; The Anti-Violence Program of the GLCAC and National Coalition of Anti-Violence Programs 1996; Kuehnle and Sullivan 2001; United States House of Representatives 1992, 1999; Wertheimer 1990).

Through analyzing the involvement of police in relationship to anti-GLBT incidents, it is possible to gain additional insight into the complexities of biased behaviors toward GLBT people and allies as well as to better understand their attitudes about their experiences with law enforcement personnel. In this paper, we begin to explore these complexities and the ways in which attitudes, behaviors and practices change over time. In particular we have four specific research objectives:

- To determine the frequency of interactions between law enforcement and members of the GLBT community and how this varied over time.
- To find and document incidents of positive police interaction and/or response.
- To find and document incidents of negative police interaction and/or response.
- To determine if any patterns emerge and what these patterns may tell us.

## Methods

### Data Collection

A total of 1,896 written incident<sup>3</sup> reports, covering 1990–2000<sup>4</sup> were examined using a combination of descriptive analysis and traditional content analysis techniques. This approach has been employed by others researching anti-LGBT violence (for example see Comstock 1991; Herek and Berrill 1992a, b, c; Potter and Briggs 1996;

<sup>3</sup> The terminology used to define each report is based on language adopted from the Anti-Violence Program and the FBI. There are distinctions between an *offense*, an *incident* and what is documented as ongoing event or *serial incident*. The definitions are as follows: An *offense* is a specific type of victimization such as harassment, vandalism, or assault with a weapon. An *incident* is made up of one or more offenses that occur as a single unit of experience. A single incident can involve more than one offense. *Serial Incidents* are those which involve the same victim and perpetrator, often involving on-going harassment and violence perpetrated by individuals living in the victim's neighborhood. Even though these situations involve many separate incidents over a period of time, they are counted as only one incident to avoid skewing the data. This is another example of National Coalition of Anti-Violence Programs efforts to be as conservative as possible in documenting incidents (The National Coalition of Anti-Violence Programs 1996). All people reporting incidents are referred to as *victims*. The Anti-Violence Program as well as the U.S. Department of Justice also use this terminology. The AVP defines a *victim* as the person or institution that is the target of the attack (The National Coalition of Anti-Violence Programs 1996). The Department of Justice defines a victim as, "a person whose rights have been reportedly violated is referred to as a victim and often is an important witness" (United States Department of Justice 2000: 1).

<sup>4</sup> In the mid-1990s, these reports were computerized. The written reports contain the most information as they are the first report taken regarding any incident. Only the original, written reports were examined to maintain consistency and accuracy.

National Coalition of Anti-Violence Programs 1996). Access to these reports was granted by OutFront Minnesota (OFM) and the Anti-Violence Program (AVP) working in coordination with OFM.<sup>5</sup> The Anti-Violence Program is a national cultural and political organization established to address issues pertaining to violence against GLBT people, as well as to “enhance the status of gays and lesbians in the U.S.” (Jeness and Broad 1997: 52; see also OutFront Minnesota 2000). In coordination with OFM, the AVP in Minnesota provides a variety of services focusing on assisting all victims of anti-LGBT violence and harassment as well as working with police and other service providers. One of the more common services offered by OFM is in the form of a Helpline for people to call for assistance with a wide variety of LGBT related issues. The organization began formally documenting calls in the early 1990s and the practice became more standardized in 1992. These incident reports serve as a form of documentation concerning anti-LGBT situations. Many anti-LGBT events are reported to the police only after OFM/AVP becomes involved and on a few rare occasions, law enforcement officials notify the agency of LGBT bias crimes (OutFront Minnesota 2000, 2001a, b).

The primary author collected data in two phases. Reports from 1990 through 1996 were accessed between the winter of 1996 and the spring of 1997. The remaining reports covering 1997 through 2000 were examined in December 2001. Due to the lack of adequate and consistent information from 1990 to 1991, analysis of the reports began with those from 1992.<sup>6</sup> Additionally, we were limited by what information we had access to in 1999.<sup>7</sup> These data were used at various points throughout the paper as a means of reference, but not included in our analysis of the material due to its limits. This inconsistency in early documentation is most likely due to the fact that 1992 was the first year that the Helpline used a standardized form for recording information from callers. While each report was closely examined, due to confidentiality issues, no copies were made of any incident report and all information was recorded on tally sheets for analysis. Names and badge numbers of officers were recorded strictly for the purpose of analyzing the data; this information is not available to anyone who is not directly involved in this project.<sup>8</sup> We recognize that due to the nature of these incident reports and manner in which the information is collected that it is not possible to test for reliability and validity. However the material itself is important due to the lack of available data from other sources and it is often the only option individuals have to report anti-BGLT events and receive assistance. These reports also provide fairly consistent documentation over a long period of time, thus revealing behaviors that would otherwise remain hidden.

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<sup>5</sup> Both the former Coordinator of the AVP, and OFMs Development Director granted permission to access the reports. A confidentiality agreement was signed to assure anonymity of any specific personal information.

<sup>6</sup> Only five reports were available for 1990 and 1991. The information regarding these incidents was sparse and therefore was not included in the final analysis.

<sup>7</sup> The data for 1999 are incomplete as we had only partial access to cases from September through December.

<sup>8</sup> This information as well as all data have been continually kept in a secured location. All identifying information will be destroyed once the final analysis is completed.

Incident reports were first sorted according to whether or not they involved anti-TBGL harassment and/or violence and then further sorted according to whether or not the police responded to and/or were involved in the incident. While many of these incidents involved more than one occurrence of violence or harassment, each incident was counted and recorded on a tally sheet, as a single event. For example, a person may have been beaten, robbed, and verbally harassed. This event would be recorded as physical assault, robbery and verbal harassment, but recognized as one incident with three different situations occurring rather than three separate incidents. This was also done as a means to reduce “over reporting” of incidents, to provide a more accurate and somewhat conservative detailing of events, and as a means to reduce potential bias. Each report was treated as legitimate. Rarely do people call in to the Helpline to report incidents that are false, especially regarding anti-TBGL violence or harassment (Comstock 1991; Potter and Briggs 1996). To better guarantee accuracy in documentation, all incident reports that were unclear or raised doubts regarding the events that took place were not used. Additionally, if there were strong doubts regarding the role of the police and victim(s) involved, discretion fell on the side of the police, not the individual reporting the incident. Cases of domestic violence and homicide go through a different process than the reports we had access to and therefore are not included in this study.

### Sample Characteristics

Of the 1,896 cases we examined 1,731 (91%) provided enough information for us to determine that law enforcement assistance was warranted.<sup>9</sup> Of these reports, only 342, or 20%, actually involved victims who were in direct contact with police officers. This is consistent with a 1996 report by the GLCAC as well as Berrill’s (1992) study, but is much lower than both the work by Kuehnle and Sullivan (2001), who reported a rate of slightly more than 77%, and the national average of crime reporting of 45% (Berrill 1992; Kuehnle and Sullivan 2001; Anti-Violence Program of the GLCAC and National Coalition of Anti-Violence Programs 1996; Harlow 2005). Many of these cases consisted of multiple offenses; included in the 342 reports were 646 offenses or on average 1.9 offenses per occurrence. Table 1 illustrates the types of crimes represented in all incident reports where police involvement was needed compared with the types of crimes represented in those cases where victims had direct contact with law enforcement.

As demonstrated in Table 1, officers are more likely to respond to incidents involving violence or potential violence such as intimidation, verbal harassment, and physical assault than they are to incidents where property crime occurred (see also Kuehnle and Sullivan 2001).

The reports that were examined showed that men contact law enforcement authorities more often than women. There were 445 cases where the gender of the

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<sup>9</sup> We would like to note here that our numbers vary from what is reported by OFM as well as the National Coalition of Anti-Violence Programs. Part of the reason why there is such a difference is that our reports do not include domestic violence incidents or murders. There were also some reports that were unavailable to us due to when we gathered the data. A comparison between the number of incidents we examined and what is recognized by that National Coalition of Anti-Violence Programs is at the end of this paper.



**Table 1** Types of incidents (number)

	All incidents		Incidents with police involvement	
	<i>n</i>	Percent of all incident reports	<i>n</i>	Percent of police-related incidents
Total Incidents 1992–2000	1,731	–	342	–
Offenses	3,139	–	646	–
Verbal harassment	1,163	67	241	70
Intimidation	581	34	186	54
Physical assault	493	28	117	34
Property crime	550	32	80	23

victim was known and the victim had direct contact with police. Of these cases, 64% (286) involved male victims and 33% (145) involved female victims. This is consistent with research by Comstock (1989, 1991), and Kuehnle and Sullivan (2001, 2003) that indicates that gay men are more likely than lesbians to be victimized.<sup>10</sup> Beyond this initial breakdown by gender it is difficult to construct a demographic profile of those who are victims of anti-GBTL bias since reporting of this information by callers to the Helpline is strictly voluntary.

The place where people were victimized was also noted in the reports. The vast majority of incidents were located in the Twin Cities Metropolitan area, which is to be expected given that it is the home of OFM/AVP. In 76% (1,324) of the cases where police involvement was warranted, the caller clearly identified where the incident occurred. This percentage dramatically increases to 109% (373) when police are directly involved. This percentage is above 100 because often an event was continual and took place in more than one location but it was only counted as one specific incident. For example, someone might report that an officer pulled them over for a traffic violation and during their discussion of this situation the officer may verbally harass them. Once the driver left the scene, the officer followed this person to their destination and continued to harass and intimidate them there. This is one incident with two locations.

The locations where anti-GLBT events happened are illustrated in Table 2. It provides data that allows for comparison between incidents where police involvement was warranted with those where victims had direct contact with police officers.

A common stereotype connected to anti-GLBT incidents is that they occur in “cruising” areas, where people often meet for sexual encounters, or in GLBT bars or businesses. This was not true for our data; the most frequent place people were victimized was in their own homes. In 37% (634) of all cases where police involvement was warranted and in 46% (157) of cases where victims had direct

<sup>10</sup> The remaining 3% of cases consisted of 14 organizations that contacted the police for assistance. Transgender people were also included, but because there were so few in number, they were integrated into the gender category that they chose to identify as. Additionally, race/ethnicity, nation status, class, age, ability and other “markers of difference” are not included in our analysis largely due to lack of information. Based on available data from AVP/OFM, informal conversations with people involved in these organizations, the basic demographics of the state as well as general reporting practices throughout the nation, most people contacting the Helpline are likely to identify as white, middle-class males.



**Table 2** Incident locations (number)

	All incidents		Incidents with police involvement	
	<i>n</i>	Percent of all incident reports	<i>n</i>	Percent of police-related incidents
Total Incidents 1992–2000	1,731	–	342	–
Site of incident	1,324	76	373	109 <sup>a</sup>
Home	634	37	157	46
Work	217	13	21	6
School	80	5	9	3
GLBT establishment	239	14	43	13
“Cruising” area	43	3	19	6
Public business/area	68	4	70	11
Other	43	2	54	16

<sup>a</sup> This percent is over 100 due to single incidents occurring in more than one location

contact with the police, the location of the incident was in the victim’s home, thus making the place where individuals expect to be the most protected and safe, the place where incidents were most likely to occur. While higher, this figure is consistent with the findings of other researchers, in particular Comstock (1991) who reported that 31% of violence occurred in home settings and Kuehnle and Sullivan (2001) who reported close to 28% of their cases happened at home. Due to the stigma and other prejudices driving anti-GLBT bias, many people are victimized by co-workers, neighbors, acquaintances and family members, which is one reason why so many instances occur in people’s homes. Additionally, officers responding to an anti-GLBT event at a person’s home or when to another issue such as a party, will interpret the materials in the home and/or people there as GLBT and in response will act inappropriately (Comstock 1991; Kuehnle and Sullivan 2001; see also Potter and Briggs 1996; Anti-Violence Program of the GLCAC and National Coalition of Anti-Violence Programs 1996).

In examining further the location of the incidents there is some difference when the two types of cases, all warranting police involvement and those involving direct contact with police, are compared. For all cases needing police involvement, after the home the most frequently cited locations where incidents occur were GLBT establishments (14%) and work (13%). For those cases involving direct contact with the police, after the home the locations most frequently cited are “other” (16%), primarily people’s cars or public places like sidewalks, GLBT establishments (13%) and public business or areas (11%).

## Findings

### Police Response

Of the 342 cases involving police contact with the victim, 330 directly involved police officers and 12 (4%) cases consisted of calls to 911 and/or “teleserve” which

is the computerized crime-reporting line for Minneapolis. These 12 cases consist of indirect contact with law enforcement, where there was no face-to-face interaction with officials. Due to the nature of these cases, we noted that the role of the police was impersonal, but did not isolate these incidents from the others to better ensure anonymity of the victims. Of these 342 cases, 76% (260) warranted police help based on the reports given by the callers. However not every incident required police assistance; according to the callers, 24% (82) of these incidents were initiated by law enforcement. Of these cases, 4% (12) were situations where police support was needed and 20% (70) were incidents where police were involved but their presence was not necessary.

Information about police officers and other authorities was also provided and this was also often incomplete. Based on the information in the reports, 43 different precincts, police and sheriff departments as well as four correctional facilities within and outside of Minnesota were reported by callers. Officers were identified in different ways. The most common way was by name or badge number. There were 155 names or partial names provided by callers and 94 badge numbers. Others noted the squad car number (18) or precinct/departments (51) if this was known. Additionally, 18 people identified “911” as the main source of authority in their case. Originally we believed that we would find a small number of officers committing the majority of the negative responses (see also American Civil Liberties Union 1997). Through comparing badge numbers and names, there were a total of five officers that had repeat incidents. The remaining data were difficult to use when identifying officers as squad cars change frequently, many different officers work out of each precinct and some departments rotate their badges; if an officer leaves, their badge goes to a replacement officer. The actual number of police who were involved in each incident was an estimate as callers frequently described “one or two,” “three to five,” or even “a lot” of police were involved. In these cases, lower estimates were used. Overall, approximately 24% (159) of the officers were identified out of an estimated 651 who were involved.

The actual number of cases involving police fluctuates over the nine-year period. The year with the fewest incident reports was 1999 with five cases and the highest was 1997 with 55 reported cases. A trend does emerge when examining these cases as a percentage of all incidents needing police assistance. Beginning in 1992, close to 15% of all incidents requiring law enforcement had some involvement by the police. By 2000 this percentage more than doubled rising to 39%. This pattern is shown in Table 3, which also compares all cases to the percentage of cases involving police. Additionally it displays the percentage of incidents where police were needed, where they were actually involved and the percentage of cases where police initiated contact.

Between 1996 and 1997 there was a noteworthy jump, from 18% to 35%, in the number of police-related incidents. This increase also coincides with an increase in the number of incidents requiring police assistance; indicating that callers either contacted police more frequently and/or there was an improved response rate by the police. Even when a drop occurred in the number of incidents requiring law enforcement assistance in 2000, the percentage of cases where police were involved, remains fairly steady between 1997 and 2000. This could be an indication of

**Table 3** Police role in incidents (percent)

Year	Police-related incidents	Police were needed	Police were involved	Police initiated contact
1992	15	65	98	37
1993	13	67	97	33
1994	14	46	90	54
1995	17	81	100	21
1996	18	80	96	20
1997	35	85	100	18
1998	37	97	100	9
1999 <sup>a</sup>	36	100	100	0
2000	39	79	90	13

<sup>a</sup> Data from 1999 is included here for basic comparison. However, as noted in the methods section, we were limited to just a few months worth of data from this year therefore a comparison with other years is inappropriate

improved police response and possibly, improved belief on the behalf of the victims that they would get the assistance they needed when seeking help.

Another notable shift occurred with the steady decrease in the percentage of cases where law enforcement officials initiate contact. According to the reports from the Helpline, situations where the police make the first contact often involve inappropriate conduct by officers. In all of the cases where law enforcement initiated contact (82 cases or 24%), all but one incident resulted in a negative experience with the police. In examining this trend over the nine-year period we found that the highest percentage (54%) of cases where police initiated contact occurred in 1994 and this stands in stark contrast to the lowest percentage of cases where police initiated contact (9%) which occurred only four years later in 1998.<sup>11</sup> Since unnecessary intervention by the police usually results in a negative experience, the decrease in police initiated contact could be an indicator that misconduct is decreasing. Other factors in this shift may be the frequency of callers into the Helpline as well as changes in procedures and personnel at OFM/AVP. Additionally, in examining the reports to the Helpline it was evident that there was a marked difference in why people were calling in 2000; the vast majority of reports centered on legal advice in civil matters, and it is unclear why this change occurred.

### Contact with Police

When the police were called to the scene of an incident, the individuals who contacted the Helpline reported a wide range of responses on the part of the police officers. Cases that involved the police were classified according to how callers described their experiences. If a caller noted that the police were professional, their situation was taken seriously, and the officers were respectful and/or attempted to

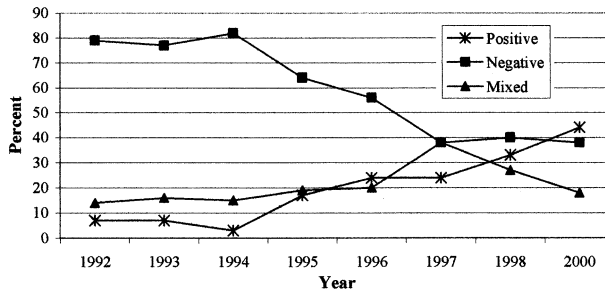
<sup>11</sup> Based on our data, 1999 actually was the lowest with zero cases. However, as noted throughout the paper, this information is limited as we did not have access to the entire year. Therefore for comparison purposes, we have included the data in the table but have not marked it as the lowest percent.

help them, then these incidents were labeled as “positive.” Some of these cases involved officers going beyond expectations, such as two instances where an anti-LGBT event occurred and the police contacted OFM/AVP to notify the agency of what had happened and provided follow-up information as the cases progressed. During this time period, there was a deliberate effort on the part of the AVP coordinator as well as other members of OFM, to build strong relationships with local police departments. This includes offering education and outreach to officers, sharing information on incidents involving police, working as liaisons with members of the LGBT community, and serving as advocates for victims of crime. Despite these efforts, there were still individuals who reported that they had poor experiences with members of the police department. These “negative” incidents ranged from police acting disrespectful, rude, in an inappropriate manner, engaging in harassment, and denying services to victims, to officers acting as the actual perpetrators of anti-LGBT verbal harassment, intimidation, and physical assault.

There is debate within public opinion as well as literature on policing and police behavior as to the appropriate use of force particularly when officers encounter a dangerous situation (Seron et al. 2004; Terrill et al. 2003). This was taken into consideration when cases were rated using callers’ experiences. If officers were responding to a violent situation and their actions appeared to be justifiable based on the situation, this was taken into account. Any classification of “negative” was largely grounded in situations where officers were unprofessional, failed to perform their basic duties as well as engaging in behaviors that could be considered misconduct and/or criminal. Studies have found that people subjected to anti-GLBT bias are often reluctant to contact authorities for help. This is further intensified when officers are unsympathetic or reluctant to report an incident as potentially biased (Comstock 1991; Herek and Berrill 1992a, b, c; Kuehnle and Sullivan 2001, 2005; Vaughn 1996).

Additionally, as time progressed, the incidents themselves become more complicated. As stated earlier, rarely do incidents involving anti-GLBT crime consist of singular events. This developed with the police incidents as well. For example, a caller may note that the police officer behaved poorly toward them, but performed their job appropriately; likewise other reports might indicate that the police officers were polite, but did not do their job well. Reports containing a mixed response by the law enforcement official were labeled as “mixed” to indicate this type of situation. Figure 1 shows the percent of “positive,” “negative,” and “mixed” responses in any given year.

Over this time period the number of “positive” responses by law enforcement was 20% (68 cases). “Negative” experiences comprised 58% (200) of the incidents and “mixed” occurrences were 22% (75) of the cases. It is encouraging to see that there is an increase in the number of “good” experiences with the police, as well as a decrease in the “negative” experiences (the exception being 2000). The mixed responses reached a peak in 1998 to just below 40% of the cases, and then dropped in 2000 to fewer than 20% of the cases. Overall, we found that while the negative responses decreased by 50% over the nine-year period, they continue to represent the bulk of the police-related incidents reported to the Helpline. The positive



**Fig. 1** Caller's experience with police. Data from 1999 are omitted due to their limitations

responses fluctuated, but generally demonstrated a 30% increase over the nine-year period.

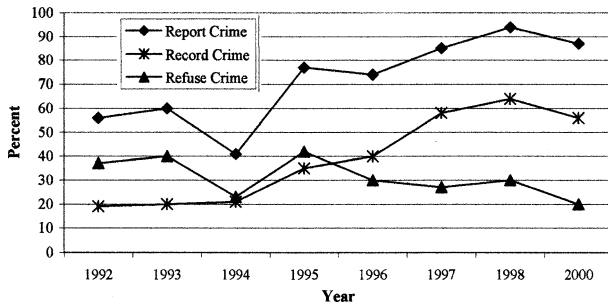
### Police Reporting Practices

One of the challenges victims often face is not having law enforcement officials take their situation seriously (Comstock 1991; Kuehnle and Sullivan 2001). The reports we examined recounted instances of “911” operators failing to send assistance, police officers mocking victims, officers blaming victims for the crime that has happened to them, as well as police laughing at victims' accounts of the situations that occurred. Even in situations where the police responded appropriately, victims consistently expressed disappointment when officers failed to file a basic incident report. The percentage of instances where callers reported a crime, when police reports were filed each year as well as the percentage that law enforcement refused to document an incident as a crime is illustrated below in Fig. 2.

On average in 40% of the cases where police were involved a report was filed on the crime that occurred.<sup>12</sup> While reporting practices are inconsistent over the period we examined, Figure 2 illustrates a positive change over the time period. After a dramatic drop in 1994, there is a consistent increase until the year 2000 in the percentage of people requesting an incident be recognized as a crime and in the percentage of incidents that are officially recorded as a crime. This is a positive sign indicating a serious recognition on the part of law enforcement of the validity of victim's belief that a crime has occurred.

However, the data also illustrate that there continues to be a significant percentage of incidents where officers refuse to file a report indicating that a crime has occurred. Over the course of the 9 years, on average, officers refused in 31% of the cases to file a general incident report thus they failed to even acknowledge that a crime may have occurred. Additionally, after a steady increase, from 35% to 64%, between 1995 and 1998, there was a slight decline to 56% in the number of incident reports filed in 2000. This decrease could be due to a number of factors including

<sup>12</sup> If examined according to all of the reports needing assistance, this percentage drops to 8% of all incidents requiring some sort of police assistance.



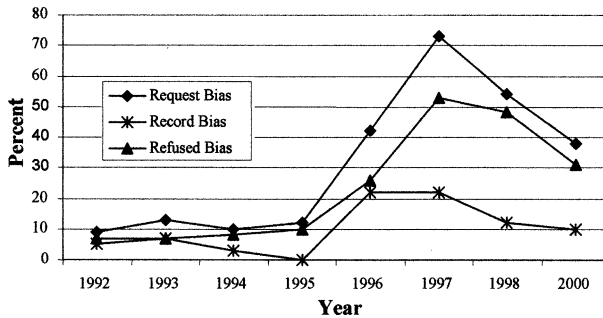
**Fig. 2** Crime reporting. Data from 1999 are omitted due to their limitations

changes in reporting practices and in what is considered a “crime,” or the types of events to which police are responding. In each of these cases where the report was not filed, the incidents appeared to require some follow-up and/or formal documentation. Failure to do so, strips victims of the legitimacy of being victims of a crime, even if it appears to be a “minor” incident, such as in cases of vandalism. Lack of documentation in the form of a formal police report then also allows anti-GLBT behavior to continue, as there is no record of repeated events, which would illustrate a pattern of discrimination or other types of illegal behavior.

### Reporting of Bias

More challenging still for victims of anti-LGBT behavior, are instances where they felt that anti-LGBT bias was the motivation behind the perpetrator’s behavior. When bias is involved, then the seriousness of the incident intensifies, as do the potential charges to the perpetrator. Often cities are reluctant to recognize incidents as bias for a variety of reasons, ranging from the need to file extra paperwork, to fear that reporting these types of crime will have a negative effect on the city’s image (Comstock 1991; Anti-Violence Program of the GLCAC and National Coalition of Anti-Violence Programs 1996; Harlow 2005; United States Department of Justice 2000). In the cases we examined 113 victims specifically noted they felt they were the victim of anti-LGBT bias and asked that this be noted in the police report. This is shown in Fig. 3 along with the percentage of cases where police either noted or refused to note bias.

Of all of the police-related cases we examined only 10% of the cases, or 36 reports, were filed as potentially involving and/or recognized as involving anti-LGBT bias. An additional 25% (84) of the victims also requested that the incident be recognized as bias and this classification was refused by law enforcement officials. This is particularly striking since in Minnesota, where the reports were taken, state law requires that if a person believes they have been victimized because of bias, then the police are required to acknowledge this in their initial report (MN§ 626.5531; see also Minnesota Department of Public Safety 1998; OutFront



**Fig. 3** Report anti-LGBT bias. Data from 1999 are omitted due to their limitations

Minnesota 2001a, b). This does not mean that a bias crime has occurred, but it must be noted and investigated as such.<sup>13</sup>

While the percentage of anti-LGBT bias reporting increased and peaked at 22% in 1996–1997, the number of incidents involving bias that were reported as such by police officers decreased through 2000 reaching a low of 10%. Even with a positive boost in officers who reported crimes against LGBT people, the data indicate that there continued to be a genuine reluctance to report incidents involving anti-LGBT bias (see also Berrill 1992; Jacobs and Henry 1996). This is mostly evident from 1996 through 2000 where fewer than 50% of the cases where bias classifications were requested by the victims were reported as such by the responding officers. The largest gap in requests and reporting occurs in 1997 where 73% of the victims requested a bias classification and only 22% of the reports were filed as such. Even if all of the cases police refused to note as involving anti-LGBT bias were found to be bias free, it is disturbing to see that systemically there is a tendency to ignore the bias statute and victims' rights through the practice of denying the bias classification. This behavior, while technically illegal, clearly is not uncommon and stands as both an example of police misconduct in relation to the LGBT community and of the complexities of police conduct in relation to this community.

### Professional Conduct by Police

When examining police conduct, it is important to differentiate between instances where the officers appear disinterested or rude as opposed to more serious behavior such as actual verbal or physical assault. The National Anti-Violence Program notes this distinction between professional conduct and abusive behavior. In their 1995 study they note that nationally, over half of the people seeking police assistance

<sup>13</sup> In 1988 the Minnesota legislature established a mandate that “a peace officer must report to the head of the officer’s department every violation of chapter 609 [crimes motivated by bias] or a local criminal ordinance if the officer has reason to believe, or if the victim [emphasis ours] alleges, that the offender was motivated to commit the act by the victim’s race, religion, national origin, sex, age, and disability, or characteristics identified as sexual orientation” (MN§ 626.5531). From the Minnesota Department of Public Safety 1998.

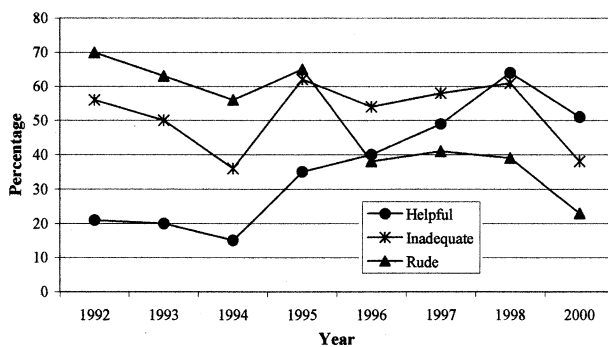


have reported that police were courteous, whereas 37% reported they were indifferent and 9% said they were physically and/or verbally abusive (Anti-Violence Program of the GLCAC and National Coalition of Anti-Violence Programs 1996). We recognize that often police respond in more aggressive ways if they are being challenged, or if the people or person they are dealing with has a “bad attitude” (see also Seron et al. 2004; Terrill et al. 2003). In one report, the National Institute of Justice surveyed law enforcement officers and almost half of the 917 people surveyed (49%) agreed that a “police officer is more likely to arrest a person who displays what he or she considers to be a bad attitude” (Weisburd et al. 2000: 9; see also Klockars et al. 2000).

We divided issues of questionable police behavior into two areas, professionalism and misconduct. Issues of professionalism include officers’ “helpfulness” which is simply acting politely, taking victims’ situation seriously and maintaining a professional demeanor. The other categories we chose were “indifference” and “rudeness.” These were terms that were used often by callers. Research has shown that this type of behavior while seemingly harmless on the surface, presents a strong indication as to the lack of seriousness law enforcement as an institution holds toward an individual’s situation (Seron et al. 2004). This is particularly salient for people who live in fear and hiding due to stigmas attached to being gay, lesbian, bisexual or transgender and reinforces the belief that systemically there is no protection for people who identify with or belong to these groups. Figure 4 shows the percentage of incidents where officers’ were helpful, indifferent or rude to victims.

Overall, we found an increase from 21% to 64%, between 1992 and 1998, in the percentage of cases where police were helpful.

However, positive reports of police response often accompanied other negative aspects such as failure to report an incident as biased or providing advice which was later found to be incorrect. For example, in once case a 911 operator told a victim, who was robbed and beaten, to file a report with the police the following day, and when the victim sought help the next day, the police told him that he has no case because he did not contact them for assistance when he was robbed. Examples of inadequate response also included situations of indifference, rudeness and/or simply



**Fig. 4** Police Conduct. Data from 1999 are omitted due to their limitations

inappropriate behavior as often these cases were difficult to separate out. Instances included officers who acted inconvenienced when asked for help as well as reports of police who watched people being assaulted outside of a GLBT establishment and failed to stop the assault. “Rudeness” included law enforcement personnel who were blatantly rude or disrespectful. For example some responses to victims were, “what do you want me to do about it” or “what do you expect being in a place like this?” as well as, to incidents where officers used anti-GLBT epithets such as calling victims “fags” or “dykes,” and usually this was accompanied by profanity. This even extends to others within law enforcement. One parole officer reported being called a “switch hitter” by her colleagues. Instances of “rudeness” peaked in 1995 at 65% and then dropped sharply to 38% in 1996; there were slight increases and then another drop in these cases in 2000, whereas reports of “indifference” fluctuated over the entire nine-year period.

### Police as Perpetrators

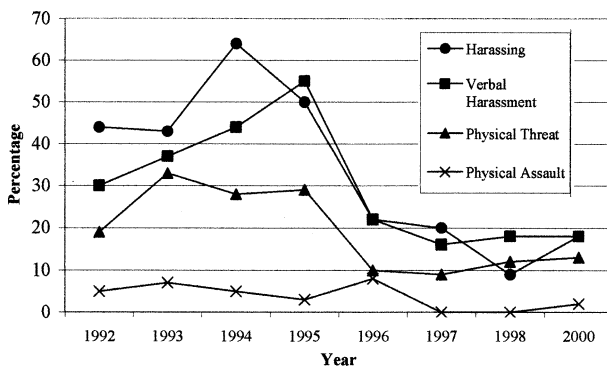
Little published information exists that focuses on police misconduct in relationship to the LGBT community. Organizations such as OFM, the National Anti-Violence Project and the National Gay and Lesbian Task Force began to formally compile data on this topic in the 1990s, but formal scholarship in this area is practically absent. Researchers such as Comstock, Goldschmidt, Herek, and Berrill as well as Kuehnle and Sullivan primarily address this situation by acknowledging that it happens. We originally did not expect to find more than a few instances of police misconduct in the data we examined and were surprised at the number and types of incidents that were reported to the Helpline. Usually when calling, victims sought assistance from the organization as they did not know what to do about the situation and were very fearful of approaching authorities to report their experiences of police misconduct. There was a wide range of types of inappropriate behavior that were recorded in the reports. We created four main categories, “harassing,” “verbal harassment,” “intimidation,” and “physical assault.” Instances of harassing behavior include such things as pulling cars over with LGBT bumper stickers on them, pulling up to parked cars near gay “cruising” areas and if occupied, forcing those inside out of the car and searching their vehicle, to continually asking victims out on dates as well as following people home after responding to a previous incident. These behaviors are certainly unprofessional and usually they skirt the line of legality, which is why they are distinguished from all other categories in this paper.

Verbal harassment as well as intimidation and physical assault are categorized as police misconduct (American Civil Liberties Union 1997; Klockars et al. 2000; Anti-Violence Program of the GLCAC and National Coalition of Anti-Violence Programs 1996; United States Department of Justice 2001; Weisburd et al. 2000). As noted earlier, the majority of cases involving police were situations where police assistance was needed, however approximately one quarter of the incidents were cases where police officers initiated contact with victims. While this type of contact significantly decreased over the years we examined, we found that in 99% (91) of

police initiated events people had a negative experience. Some may argue that the officers' actions were necessary as they were responding to a volatile situation; however, of the incidents where police initiated contact victims were cited or arrested in only 36% (33) of the cases. Out of these cases, 21.2% (7) of the arrests were legitimate and all other arrests or citations were dismissed. Therefore, while police are initiating contact, it was usually not because the caller was engaged in illegal or criminal behavior.

There were also instances where a criminal act had occurred, or was in the process of occurring, and while responding to the incident, the police officers engaged in misconduct in dealing with those who had been victimized. For example, during one incident, an officer was laughing at two men who were being harassed outside of a bar. When they asked him for help he started swearing at them and said, "what you need is a bitch—you guys do each other in the ass—you know, I have a piece in my coat, you know I have a gun, we don't have to put up with this." This situation certainly instilled a sense of fear in these individuals, as it is threatening as well as intimidating, especially when it is a police officer who was expressing these attitudes. In another incident, two men were beaten up for being gay, it took over an hour for help to arrive after calling 911 multiple times. One man was spitting up blood and when the police arrived they refused to call for medical help. The first officer who arrived walked away from scene and smoked a cigarette, while the other officer took a report without concern for what had happened. The police did not pursue the perpetrators and the victims had to rely on other means for medical assistance. We found that in 4% (13) of the cases officers failed or refused to obtain medical help for victims. Figure 5 shows the percent of all police-related incidents where the police were the perpetrators.

As Fig. 5 illustrates, the reporting of police misconduct fluctuated throughout the time period we examined, dropping significantly after peaking in 1994–1995. Harassment of victims by officers was found in 32% (108) of all incidents involving the police, with verbal harassment by officers occurring in 28% (95) of all incidents involving police. Additionally the data revealed that harassment was at an all time



**Fig. 5** Police as Perpetrators. Data from 1999 are omitted due to their limitations

high of 64% in 1994 and then steadily declined to an all time low of 9% in 1998. Furthermore 17% (59) of all cases involving police included instances of intimidation of victims by officers and 3% (12) included physical assaults on victims by officers. Verbal harassment and intimidation/physical threats both peaked in 1995 at 55% and 29%, respectively. In comparison, physical assault by officers was extremely minimal, never reaching more than 8%, and was decreasing until 2000. It is fortunate that these instances are rare, but also important to note that underreporting of these instances was and is still quite high due to role police play in society. The drop in reporting could also be due to staff changes and practices at the agency. We also found, as stated earlier, that when these reports are separated according to whether officers were responding to a situation in progress or initiating the incident, victims were more likely to be threatened or harassed if the police made the initial contact.

### Discussion/Recommendations/Conclusion

In light of these findings several observations and recommendations can be made. First, overall both nationally and in this study, members of the GLBT community are less likely to report incidents of violence, particularly if they involve anti-GLBT bias. This reluctance to report is indicative of both the stigma involved and the history of inadequate response by authorities. Law enforcement officials, who willingly participate in the victimization of those whom they are called upon to help, further exacerbate this situation. While this is a well-known phenomenon, it points not only to the importance of advocacy for those within the GLBT community, through services like the Helpline, but also to the importance of education for those working in law enforcement. While Minnesota has a reputation as one of the best states in the nation that offers protection against bias-motivated violence and intimidation, we still found low levels of reporting, refusal by police to indicate bias when requested by the victim, and police misconduct against those in the GLBT community. Clearly more needs to be done on both ends to both encourage individuals to contact police when they are victimized, and to educate law enforcement officials and agencies on working with members of the GLBT community.

Second, while increasingly victims are being treated better by law enforcement than in the past, as evidenced by the small yet steady increase in reports of “positive” and “helpful” responses, often officers do not take the situation seriously enough to file a report. Additionally, while there has also been an increase in the reporting of general crime committed against members of the BTLG community, police continue to be very reluctant to label an incident as involving anti-BTLG bias. Based on our estimates, only 54% of victims requested a bias classification when one was warranted and police refused to do so 46% of the time. We also see a corresponding drop in the number of victims requesting the bias classification; this may be in direct response to the reluctance on the part of law enforcement officials to report bias. This illustrates the need for maintaining a close relationship with law enforcement officials in order to recognize those who are serving the BTLG

community well. While determining bias is challenging especially since the decision to do so largely resides with the officers at the scene, researchers have found that contrary to popular conceptions of police attitudes, the way decisions are made reflect the policies, practices and attitudes of officers' supervisors (Engel and Worden 2003; Paoline et al. 2000; Terrill et al. 2003) thus suggesting an institutional, rather than an individual level problem. Therefore, there needs to be to continual outreach and education of officers and public officials on specific issues related to this community, as well as a system of oversight and accountability regarding police response to the needs of BTLG people. Though our data are limited, they are one of an extremely limited number of sources where information concerning police conduct in relationship to the BTLG community exists.

Third, there has been an increase in the percentage of reports of police who are doing their job adequately or doing their job well. However, this increase has been small and these "positive" reports equal the percentage of "mixed" reports. Overwhelmingly the majority of the incidents involving police were labeled as "negative," and these incidents far outnumber those that were labeled as "positive" or "mixed" responses. There was a decrease in reports of rude and harassing behavior on the part of police officers. Since 1998 there has also been a steady increase in the number of callers who reported that police were not responding adequately when called for assistance and this continues to be the most heard complaint by callers to the Helpline.

Fourth, and in a similar vein, reports of police misconduct, where officers actively engaged in verbal harassment, intimidation, and assaults against members of the TBGL community, encompassed a little over one-quarter of the reports that we examined. While the frequencies of each of these behaviors fluctuate, each begins to steadily increase after reaching a low point in 1997. Due to the limits of our information, we can only speculate as to why these fluctuations are occurring. We are unsure whether the fluctuation reflects the increase in "positive" reports and therefore the misconduct has decreased or if people simply did not report incidents of misconduct since there is also an increase in "mixed" reports. While we acknowledge that the number of incidents of police misconduct was low, this was what had been reported to the AVP/OFM, and each documented instance was extremely violent. Therefore, it was important to document these cases and demand better accountability on the part of law enforcement officials and a strengthening of the civilian review process. "Lack of accountability, such as the failure to discipline or prosecute abusive officers, and the failure to deter abuse" is one of the main factors in the perpetuation of police misconduct (American Civil Liberties Union 1997: 5). Additionally, in this area, OFM and AVP are the only organizations in Minnesota that we are aware of that are documenting these incidents and police involvement in this way. Without these reports, all of these incidents would remain unaccounted for and invisible thereby allowing law enforcement officials to skirt accountability for these actions.

Fifth, due to the structure of OFM and AVP in Minnesota, it is unrealistic to expect this agency to meet the needs of LGBT people while also providing outreach and oversight to others outside of this community. OutFront Minnesota provides a wide array of services throughout the state and is successful due to the dedication of

a small paid staff and large group of volunteers. It is unrealistic and irresponsible to expect non-profit advocacy groups to bear the burden of education and oversight of public authorities. While the Twin Cities area has an active and visible LGBT police association and other LGBT groups and organizations working in coordination with OFM and AVP, a better system of education and outreach needs to be created and implemented by those within government.

While the data in this study span the course of 9 years, it remains incomplete. It is limited by the fact that all of the reports are voluntary calls to the OFM/AVP Helpline. Therefore, there is no way to get a truly accurate count of the number of crimes committed against members of the GLBT community since many choose not to come forward. Additionally, those contacting OFM/AVP can choose what and how much information about themselves they wish to reveal. Therefore, we have inadequate demographic information on callers. Despite this limited information, we do have some idea as to who is using the Helpline and there is a marked difference in the numbers of men and women using the Helpline. The data begin to paint a picture of the experiences of the GLBT community as they seek help from and interact with law enforcement officials.

There were some positive changes that can be seen in these interactions, but also evident was the fact that there is much more to be done on the part of all parties involved, members of the BLGT community, law enforcement officials, and BLGT advocates. Outreach and education needs to continue in the BLGT community as well as with marginalized groups within this community, such as with people of color, transgendered people, older individuals and those living outside of the Twin Cities Metropolitan areas. Education and outreach should continue to be done in conjunction with law enforcement officials thus further strengthening current relationships. Additionally, while allies within police departments need to be recognized, it cannot be assumed that officers are not contributing to perpetuating anti-BLGT sentiments and so documentation and oversight of police actions needs to continue.

Last, more research is needed to investigate not only bias crimes against members of the GLBT community, but also the complexities of the relationships between this community and the police (National Coalition of Anti-Violence Programs 2005). Focus needs to be directed at understanding the response of police when called to incidents involving members of the GLBT community as well as the reasons why police are underreporting incidents of bias in relation to this community. It is imperative to know and understand the scope of the complexities of violence and discrimination against people based on misconceptions and prejudice grounded in antiquated concepts surrounding gender and sexuality, as well as race, ethnicity, class, ability, age and nation status. Without appropriate documentation and attention paid to anti-GLBT incidents, little lasting change can be accomplished.

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