

WISCONSIN SERVING VICTIMS OF CRIME CONFERENCE

Aug 16-18, 2017 | Wisconsin Dells, WI
Law Enforcement Working with the Transgender Community
 Thursday, August 17th, 10:15a & 1:00P
 Assistant Professor James W. Parlow, Winona State University
 Sociology/Criminal Justice – Law Enforcement Program

LEARNING OBJECTIVES

- Who Are the Transgender Community?
 - Mental Illness or Genetic Reality?
- Legal Issues
 - From The Transgender Perspective
 - Discrimination
 - Abuse
 - Hate Crimes
 - Passing and Existing
 - From the Police Perspective
 - Searches
 - Incarceration
 - From the Courts Perspective
 - Representation in Discrimination, Bullying, Divorce, Child Custody Cases

WHO ARE TRANSGENDER PERSONS

- Are Recognized Throughout History
- Culture: Previously and Currently Accepted
- Western Societal Classification
 - **Diagnostic and Statistical Manual of Mental Disorders (DSM, Pub. by the [American Psychiatric Association](#) (APA))**
 - gender identity disorder (GID) verses gender dysphoria (DSM-V, May 18, 2013)
- Sex Education
 - What we were not told
 - What we have recently 'discovered' and 'see' from a Scientific basis

ARE TRANSGENDER PERSONS NATURAL VARIATIONS?

Nature has always shown us the potential for variations:



The mother Black Bear and her Albino cub were seen along a highway near Chapleau Ontario. Aboriginal people feel an Albino Black Bear is a powerful omen of good luck. An albino bear is sometimes called the Spirit Bear or Ghost Bear but in the Cree language they are called the Kermode Bear. They are most common on the west coast of British Columbia but have been found in Ontario and Manitoba.





A view of a very rare bird. This Northern Cardinal has female plumage on its right and male plumage on its left. A condition known as bilateral gynandromorph. This condition occurs in a variety of bird species with the most frequently reported species being the Evening Grosbeak.


<http://www.chicagotribune.com/news/local/st-half-and-half-cardinal-talk-0212-20140211-story.html>



NATURE'S VARIATION


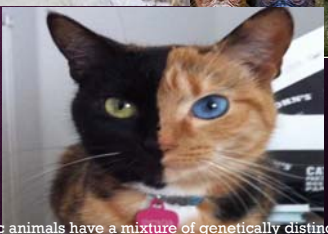
- <https://www.youtube.com/watch?v=1CESEbTFvRg>

MORE NATURAL GENETIC VARIATIONS



Erythrismic Badger — Erythrism: a genetic condition that results in unusual reddish pigmentation of the animal's fur.

a 22 point doe shot by Curtis Russell in Missouri

Chimera cat. Chimeric animals have a mixture of genetically distinct tissues that arise from two or more fertilized eggs that fused together in the womb – which means they are essentially two twins that fused together into a single creature.

ARE TRANSGENDER PERSONS NATURAL?

- Common Questions:
 - There are only two types (XX and XY) of humans, right?
 - When a Child is born it is classified as either female -XX or Male - XY by the Dr.'s observation of the genitalia only, right?
 - What else can there be?
 - Is it possible to have a Female (XX)Brain but a Male (XY) Body or Male (XY)Brain but Female (XX) Body?

ARE TRANSGENDER PERSONS NATURAL?

- Gregor Mendel (1822-84) Father of Genetics
- Mendel's Laws of Heredity :
 - The Law of Segregation: a gene pair defines each inherited trait. Parental genes are randomly separated to the sex cells so that sex cells contain only one gene of the pair.
 - Offspring therefore inherit one genetic allele from each parent when sex cells unite in fertilization.
 - ▶ -genes come in pairs and are inherited as distinct units, one from each parent.
 - ▶ -that there are mathematical patterns of inheritance from one generation to the next.

HOW CAN HUMAN GENES BE CHANGED? EXTERNALLY INDUCED GENETIC CHANGES

- Herman Muller(1890-1967) showed that x-rays induce genetic mutations –
- but despite his warnings, some physicians even prescribed X-rays to stimulate ovulation in sterile women. His warnings angered many doctors and were largely ignored.
- Also through Natural Variation and Adaptation, Environmental Influences

ADDITIONAL HISTORY OF DNA

- Miescher and Altmann – 1869 Identify substance now known as DNA
- Griffith – 1928 Identified DNA as the molecule of inheritance
- Levene – 1929 Identifies the components of DNA (A,C,G, T) sugar and Phosphate
- Franklin and Wilkins - (1951-53) first X-ray showing rungs and ladder like structure
- Watson and Crick -(1953) First model of the double helix of DNA structure
- Jeffreys - 1984 First used DNA for profiling (1st Criminal case:1988 Pitchfork Murders; <http://www.exploreforensics.co.uk/forenisc-cases-colin-pitchfork-first-exoneration-through-dna.html>)

HOW CAN HUMAN GENES BE CHANGED?

- Everyone starts as an Egg or (XX)
- Male Supplies $\frac{1}{2}$ of DNA for fertilization (either an X or Y)
- Paper Project – Example of how reproduction begins
- Alternative Outcomes > Human Variance as seen by DNA – Gene Mapping
- Watch Dr. Robert Sapolsky, a professor of neuroscience at Stanford, why I oversimplify genetic-speak
<https://www.youtube.com/watch?v=Erexuu8PTo8&feature=youtu.be>

HUMAN DNA VARIATION - WHAT DOES IT SHOW US?

Humans generally have 23 pairs of Chromosomes – 22 autosomes pairs and one sex pair (XX or XY) or gonosomes

Human DNA shows variations of combinations of the X and Y Chromosomes
 These can cause genetic disorders and conditions

There can be numerical abnormalities or structural abnormalities when chromosomes 'share' with another set of pairs

Numerical Monosomy (Turners Syndrome, single X female) and Trisomy (Down syndrome, Trisomy 21)

Structural – Deletions, Duplications, Translocations, Inversions, Rings

- Note: There are normally 23 pairs of Chromosomes and The Human Genome Project has estimated that humans have between 20,000 and 25,000 genes.

DNA VARIATION

- We **[all]** have small variations in our genetic code. That is why we are all unique. Even identical twins have some variations in their DNA by the time they are born. Because we inherit our genes from our parents, members of the same family share their DNA including its variations.
- There may be changes in the sequence of letters in the gene message; nucleotide base/s (A, G, T or C) can be missing (called a deletion) or base/s can be added (called an insertion) and these can be of one or many DNA bases.

DNA VARIATION

- Variations in the code can occur during our life for a variety of reasons including exposure to radiation, certain chemicals or by chance. Ageing is a common cause of genetic variation. Throughout our lives, our cells are continually being replaced.
- Some variations in the genetic information do not seem to make any difference to the function of our cells. These types of DNA variations are quite common.
- Other DNA variations can be associated with an increased chance of a health condition, for example diabetes or cancer.

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www.genetics.edu.au

- Example: Left hand dominant persons

THE BOOK OF LIFE > GENETIC TERMINOLOGY

- Volumes One And Two > Genome
 - Chapters > Chromosomes
 - Pages > Genes
 - Words > Triplets
 - Letters > A, T, C, G
 - Spelling Mistakes > Genetic Variation
- <https://ghr.nlm.nih.gov/primer/basics/chromosome> {National Library of Medicine; NIH}

SO WHAT DOES THIS HAVE TO DO WITH TRANSGENDER PERSONS? HUMAN FETAL DEVELOPMENT

- ▶ The brain first develops (either as XX or XY)
- ▶ Fetal Tissue that will become the basis for visual identification and categorization as male or female is indistinguishable at 8 weeks
- ▶ Based on gene theory, after 8 weeks, introduction of the natural hormone testosterone is either introduced to or blocked to the growing fetus (potentially due to a gene on Chromosome #17)
- ▶ If a genetic abnormality exists, then a female (XX) brain may get too much testosterone and develop male genitalia, a male (XY) brain not enough and stay female in genitalia appearance

SO WHAT DOES THIS HAVE TO DO WITH TRANSGENDER PERSONS?

- ▶ Documented Human DNA variations (XO, XXX, XYY XXY) and Rarely XXXX and XXXXX or XXXY and XY/XXY or 46,XX/46,XY [mosaic](http://anthro.palomar.edu/abnormal/abnormal_5.htm) female
 - http://anthro.palomar.edu/abnormal/abnormal_5.htm
- ▶ If abnormality is in Sperm or Egg – every cell has abnormality
- ▶ If occurs after conception – some cells won't have abnormality
- ▶ Either parent can contribute an abnormality, or child may be 'de novo' and abnormality is new to this individual
 - <https://www.genome.gov/11508982/> (Human Genome research Institute)

SO WHAT DOES THIS HAVE TO DO WITH TRANSGENDER PERSONS

- ▶ Babies are not always perfect little humans
- ▶ Conditions occur in babies that the genitalia is indistinguishable (Est. 1/500 births)
- ▶ Some have no external genitalia, some have both, some have genitalia internally as well as externally
- ▶ This is called Ambiguous Genitalia or **Intersex**

SO WHAT DOES THIS HAVE TO DO WITH TRANSGENDER PERSONS

- ▶ Intersex Society of North America which defines Intersex
- ▶ *"intersex is a general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male."*
 - ▶ *This means that anything from your genitalia, gonads (ovaries or testes), chromosomes, or reproductive systems are not completely in alignment with one gender assignment or the other.*
 - ▶ *You could have XXX chromosomes; be born without a uterus and ovaries; be born with a uterus, ovaries, and a penis; or have a clitoris that is extremely enlarged, resembling a small penis.*
 - ▶ See: <http://isna.org/>

SO WHAT DOES THIS HAVE TO DO WITH TRANSGENDER PERSONS

- ▶ Often times a baby is assigned a sex and surgery is done to complete the designation, this may be at the choice of the parents or medical staff, not DNA
- ▶ Case of Bruce/Brenda Reimer Story From:
<http://documentaryheaven.com/the-boy-who-was-turned-into-a-girl/>
- ▶ Jazz Jennings Story See:
<http://www.chicagotribune.com/lifestyles/sc-jazz-jennings-transgender-teen-family-0621-20160617-story.html>
- ▶ Karen Keegan, who needed a kidney transplant and underwent genetic testing along with her family, to see if a family member could donate one to her. But the tests suggested that genetically, Keegan could not be the mother of her sons. The mystery was solved when doctors discovered that Keegan was a chimera — the set of DNA in her blood cells was different from that in the other tissues in her body

AND ONE LAST GENETIC THING TO NOTE:

- A chimera is essentially a single organism that's made up of cells from two or more "individuals" — that is, it contains two sets of DNA, with the code to make two separate organisms
- In some cases, fetal cells may stay in a woman's body for years. In a 2012 study, researchers analyzed the brains of 59 women ages 32 to 101, after the women had died. They found that 63 percent of these women had traces of male DNA from fetal cells in their brains.
- <https://www.livescience.com/55684-human-chimeras.html>

AND SO...

- It is possible for a person to be in a body (external appearance) that does not fit what they emotionally, physically and self-identify as
- A person does not always have to have a surgery (s) to be a transgender individual
- A transgender person has a choice –
 to live incongruent to what they intrinsically know or
 to come out and attempt to pass – indiscreetly -and live as themselves
 (The Left Handed Story)
- A transgender person is supposed to have equity with others as far as rights

LAW ENFORCEMENT, LEGAL PROCESS AND THE COURTS

- Where are you likely to meet and interact with a Transgender Person?
 - Traffic Stops, Accident Investigation, Regular Types of Calls
 - REPORT Writing The Shelby Kendall Incident
<http://www.washingtontimes.com/news/2017/jul/11/shelby-kendall-florida-drag-racer-files-mis-gender/>
 - Search/Arrest/Transporting Verbal and emotional harassment and abuse – Lola, Dude - Looks like a lady
 - Department of Justice Training Video <https://www.justice.gov/opa/pr/justice-department-releases-new-training-video-law-enforcement-interacting-transgender>
 - San Diego State Police Training <http://thedailyaztec.com/62104/news/sdsu-police-boosts-transgender-training/>
 - Incarceration - Jails and Prisons policy PREA and the DOJ, State Commissions on Prison and Jail Policy
 - Refer to Agency Policy, Code of Ethics - Specific to Your Agency
 - Federal Regulation: <https://www.prearesourcecenter.org/training-technical-assistance/prea-101/prisons-and-jail-standards>

Shelby Kendall



ADDITIONAL LAW ENFORCEMENT AND COURT RESOURCES

- Resources
- <https://www.powerdms.com/blog/writing-policies-protect-rights-transgender-suspects/>
- <http://tcops-international.org/>
- <https://transgenderlawcenter.org/resources>
- www.transgenderlaw.org
- www.dhs.wisconsin.gov/lgbthealth/transgender.htm
- <https://www.justice.gov/crs/video/respecting-identity-law-enforcement-training-and-transgender-community>
- https://www.eeoc.gov/eeoc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm
- <https://www.niot.org/project/resources-law-enforcement-engage-transgender-community>
- <https://leb.fbi.gov/2015/june/law-enforcement-and-transgender-communities>
- ACLU, Human Rights Campaign, EEOC,
- www.glaad.org/transgender/resources
- <http://archive.jsonline.com/news/wisconsin/us-supreme-court-rejects-wisconsin-bid-to-ban-transgender-inmate-treatments-1440lie-144222455.html>

WHY IS IT NECESSARY TO TRAIN/INFORM ABOUT TRANSGENDER INDIVIDUALS?

- In the joint report by the National Coalition of Anti-Violence Programs (NCAVP) and the National Center for Victims of Crime, *Why It Matters: Rethinking Victim Assistance for Lesbian, Gay, Bisexual, Transgender, and Queer Victims of Hate Violence and Intimate Partner Violence*, **93 percent of NCAVP member programs and 51 percent of mainstream victim assistance programs** said that victim assistance programs **need more** population-specific training on transgender people.
- Many transgender individuals avoid seeking help after an assault because they fear that the professionals who are supposed to serve them will be ignorant about transgender people at best or outright prejudiced or hostile at worst. These concerns are not unfounded.
- **** In FORCE's survey of transgender sexual assault survivors, one-third of the respondents did not access services because they were afraid to.¹² According to the survey, 5 percent reported being sexually assaulted by a law enforcement officer and 6 percent reported being assaulted by a health care professional or social service provider.
- https://www.ovc.gov/pubs/forge/tips_pro.html

WHY IS IT NECESSARY TO TRAIN/INFORM ABOUT TRANSGENDER INDIVIDUALS?

- [Discrimination and Harassment by Law Enforcement Officers ...](#)
- [williamsinstitute.law.ucla.edu/...ent/uploads/LGBT...](#)
- **Anti-transgender violence**– At least 13 transgender women were murdered in 2014, and 2015 is on track to see even higher numbers. These women were stabbed, shot, strangled, burned; killed violently by intimate partners or strangers. According to the 2013 [National Coalition of Anti-Violence Programs \(NCAVP\)](#) report on hate violence against lesbian, bisexual, transgender, queer and HIV-affected (LGBTQH) communities, 72 percent of the victims of LGBTQ or HIV-motivated hate violence homicides in 2013 were transgender women, and 67 percent were transgender women of color. Transgender people have few options for protecting ourselves from violence or seeking justice.
- The NTDS [The National Transgender Discrimination Survey](#) found that 22 percent of transgender people who had interacted with police experienced bias-based harassment from police, with transgender people of color reporting much higher rates. Six percent reported physical assault; 2 percent reported sexual assault by police; and 20 percent reported having been denied equal service by law enforcement. Nearly half of the transgender people surveyed in the study said that they were uncomfortable turning to police for help
- **ABUSE BY POLICE AND CORRECTIONS OFFICERS**
 - **One-fifth (22%) of respondents** who have interacted with police **reported harassment by police**, with much higher rates reported by people of color.
 - **Almost half of the respondents (46%) reported being uncomfortable seeking police assistance.**
 - **Physical and sexual assault in jail/prison is a serious problem:** 16% of respondents who had been to jail or prison reported being physically assaulted and 15% reported being sexually assaulted.
- <http://www.transequality.org/issues/national-transgender-discrimination-survey>

OTHER AREAS RELATIVE TO THE CJ SYSTEM

- Harassment, Discrimination in Education
- Barriers to Official Documents – Court Proceedings
- Employment Discrimination
- Healthcare Discrimination and Rejection
- Discrimination in Public Facilities
 - Bathroom Bills

BATHROOM BILLS ?????



Do I look like I belong in women's facilities?
 Republicans are trying to get legislation
 passed that would put me there, based on
 my gender at birth. Trans people aren't
 going into the bathroom to spy on you, or
 otherwise cause you harm,
 #wejustneedtopee. Trans lives matter!
 @_michaelhughes1



Attorney Ellie Krug, LGBT Activist

OTHER AREAS RELATIVE TO THE CJ SYSTEM

- Familial Rejection – Divorce and Child Custody
- Economic Disparity
 - Poverty level or Below
- Housing Discrimination
 - Homelessness

Crimes against:

Homicide, Assault, Rape, Domestic Violence, Hate Crimes
 Discrimination, Bullying, Abandonment

Crimes Generally Associated with the Transgender Population:

Prostitution

Other Contacts Involving the Transgender Population:

Attempted Suicide and Suicides, Drug and Alcohol Abuse,

NATIONWIDE SURVEY OF ATTITUDES OF LAW ENFORCEMENT PERSONNEL TOWARDS TRANSGENDER INDIVIDUALS BY DR. JAN S. REDFERN

• ABSTRACT:

- Several surveys have characterized the experiences of transgender individuals with the police and show a general lack of trust of law enforcement by the transgender community.
- This nationwide survey assessed awareness, attitudes, and experiences of law enforcement personnel with respect to transgender individuals. The survey showed a high degree of awareness (95%) of the term transgender but also revealed a noticeable polarization of attitudes, ranging from generally accepting and empathetic to less tolerant and less accommodating.
- A majority of respondents (71%) reported that they had never attended sensitivity training to help them better understand and assist transgender people in the law enforcement setting.
- Of those who reported receiving training, 16 of 18 said it was somewhat helpful or very helpful. Notably, only 27% of respondents believed their department had written policies or procedures with respect to interacting with and processing transgender individuals.
- The survey clearly reveals a need for more police departments to consider sensitivity training of their law enforcement professionals to increase understanding and openness to gender fluidity and non-traditional gender presentation and to review best practices in interacting with the transgender community.

Journal of Law Enforcement ISSN: 2161-0231(online)

RESPECT

- Transgender Individuals are present throughout Human History
 - Greek, Egyptian Mesopotamia Record Transgender Persons
 - Civil War and WWII Accounts
- Held in High Respect / Position in Many Indigenous Cultures
 - Native Americans, Columbia, Mexico, Brazil, Australia, India, The Social Males of Albania and Kosovo
 - and many more around the globe
- "On nearly every continent, and for all of recorded history, thriving cultures have recognized, revered, and integrated more than two genders. Terms such as "transgender" and "gay" are strictly new constructs that assume three things: that there are only two sexes (male/female), as many as two sexualities (gay/straight), and only two genders (man/woman).
- Yet hundreds of distinct societies around the globe have their own long-established traditions for third, fourth, fifth, or more genders. The subject of *Two Spirits*, Fred Martinez, for example, was not a boy who wanted to be a girl, but both a boy and a girl — an identity his Navajo culture recognized and revered as *nádleehí*. Meanwhile, Hina of *Kumu Hina* is part of a native Hawaiian culture that has traditionally revered and respected *mahu*, those who embody both male and female spirit."
 - http://www.pbs.org/independentlens/content/two-spirits_map-html/
- Presentation
- Pronouns

RESPECT

- Identity
 - Presentation
 - Pronouns
 - Privacy
 - Follow your Department Rules Regulations, Policy and Procedures, Code of Ethics
 - Don't Make #&*\$ up, that is where lawsuits originate
- If you don't have a policy for working with the Transgender community, Create One

TO CONTACT ME

- jparlow@winona.edu
- Resource List Available Upon Request

WHY I CHOSE THIS RESEARCH AND TRAINING TOPIC



LINKS TO WATCH

- White Moose <https://www.youtube.com/watch?v=1CESEbTFvRg>
- Dr. Robert Sapolsky, a professor of neuroscience at Stanford,
<https://www.youtube.com/watch?v=Erexuu8PTo8&feature=youtu.be>