

ARCHIVAL REVIEW OF SEXUAL ASSAULT COMPLAINTS IN PLACES OF PUBLIC ACCOMMODATION

Research Brief | JULY 2017

Overview

Recently, there has been considerable national level discussion on the protection of lesbian, gay, bisexual, and transgender (LGBT) people from facing discrimination in employment, housing, and places of public accommodation.

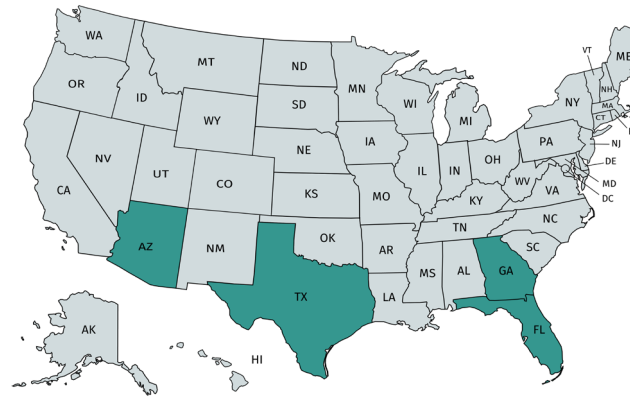
With the elevated discussion on protections from discrimination in places of public accommodation,¹ some concerns have been raised about the extent to which certain non-discrimination laws might allow men, under the guise of being women or transgender, to enter a women's bathroom for the explicit purpose of committing sexual assault or victimizing other women.

The Police Foundation, an independent and non-partisan police research organization, was asked to work with police to assess the historical prevalence of this type of sexual assault in states where non-discrimination laws are already on the books at the county and city levels.^{2,3}

This research brief reports on a review of official police reports of sexual assaults⁴ reported to have occurred in places of public accommodation in:

- Atlanta, Georgia
- Dallas, Texas
- Miami Beach and Miami Gardens in Miami-Dade County, Florida
- Tucson, Arizona

For each city, we requested and looked at police records of sexual assault for a specified time frame of at least one calendar year before and after an official amendment or change to that locality's human rights ordinance to address issues of discrimination towards LGBT people in the city, or county where the city is seated. In each case, the amendment or change to the ordinance was in the direction of increased protections and accommodations for LGBT people, to include increased protections for gender identity, in the areas of employment, housing, and public accommodation.



Summary of Findings

Based on our review of sexual assault complaints in Atlanta, Dallas, Miami Beach, Miami Gardens and Tucson, before and after an official amendment to the human rights ordinance in that locality, we did not find evidence of sexual assaults taking place in which men, under the guise of being women or transgender, entered women's bathrooms to commit a sexual assault or otherwise victimize women.

Our overall findings are consistent with the research literature on sexual assault, which indicates that victims of sexual assault are primarily female (over 90 percent) and that, in 8 of 10 cases, the assault is not perpetrated by a stranger but rather by a person known to the victim, such as an acquaintance or intimate partner.⁵

- 1 Places of public accommodation refer to places that are not home, work, or school.
- 2 This project was supported by a grant from the Gill Foundation. The findings reported here are the objective findings of the research approach undertaken. The findings may not represent the official views, policies or opinions of the Gill Foundation. The Police Foundation does not take a position on the legislation that is in part the subject of this research and remains independent and non-partisan.
- 3 The legal and regulatory environment concerning non-discrimination protections is continually changing. Always be sure to consult the most current federal, state, and local laws applicable to non-discrimination protections.
- 4 The records request was for sexual assaults meeting Uniform Crime report definitions and excludes complaints in which either the victim or suspect were underage.
- 5 For more statistics on sexual assault, visit the National Sexual Violence Resource Center, www.nsvrc.org.

About the Police Foundation

The Police Foundation is a national, independent, non-profit and non-partisan organization dedicated to advancing policing. For over 45 years, the Police Foundation has conducted research on all aspects of policing and has led the way in bringing evidence-based practices and innovation to law enforcement. The Foundation brings a highly specialized policing perspective to its work, aligning recommendations with evidence-based strategies and approaches. For more information about the Police Foundation, please visit our website at www.policefoundation.org

ARCHIVAL REVIEW OF SEXUAL ASSAULT COMPLAINTS IN PLACES OF PUBLIC ACCOMMODATION: Atlanta, Georgia

Findings

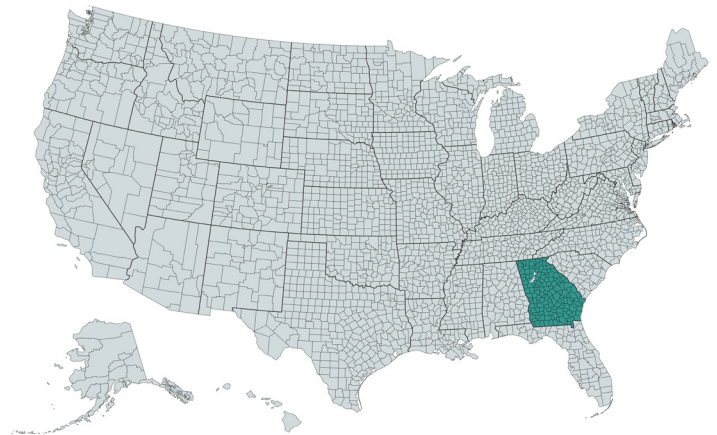
While the City of Atlanta has had an inclusive non-discrimination policy in place since 2000, the language had not necessarily been clear on this point until fairly recently.¹

In July 2013, the Atlanta City Council amended code provisions related to gender identity non-discrimination in all chapters of the city's non-discrimination ordinance.²

The Police Foundation submitted a request seeking access to sexual assault complaints received in Atlanta between January 2012 and September 2016, before and after the amendment.

The focus of this request was on sexual assault complaints occurring in places of public accommodation. The filter, applied to all complaints within the requested period, yielded a total of 236 sexual assault complaints for review.

Based on our review of this sample of sexual assault complaints, we did not find evidence of any sexual assault



taking place in which a man, under the guise of being a woman or transgender, entered a women's bathroom to commit a sexual assault or otherwise victimize women who were in the bathroom at the time during the period of January 2012 – September 2016.

1,2 For more information see: www.freedomforallamericans.org/category/ga/

Overview of public accommodations non-discrimination protections in Georgia

There are currently no state or county level laws that we could identify protecting individuals from discrimination based on sexual orientation or gender identity in public accommodations.

In 2000, the Atlanta City Council extended protections based on sexual orientation and gender identity to private employment, housing, and public accommodations; however, gender identity was not included as a protected class in city employment.

In July 2013, the Atlanta City Council amended their legislation to add gender identity as a protected class in all city ordinances, updating their definition of gender identity in December 2016.

The city of Atlanta is the only city in Georgia we could identify that protects individuals from discrimination on the basis of sexual orientation and gender identity in public accommodations.

Sources: City of Atlanta; Georgia Equality; Freedom For All Americans; Human Rights Campaign; National Conference of State Legislatures

ARCHIVAL REVIEW OF SEXUAL ASSAULT COMPLAINTS IN PLACES OF PUBLIC ACCOMMODATION: Dallas, Texas

Findings

In November 2015, Dallas amended Chapter 46 of the Dallas City Code non-discrimination ordinance to include gender identity protections.¹

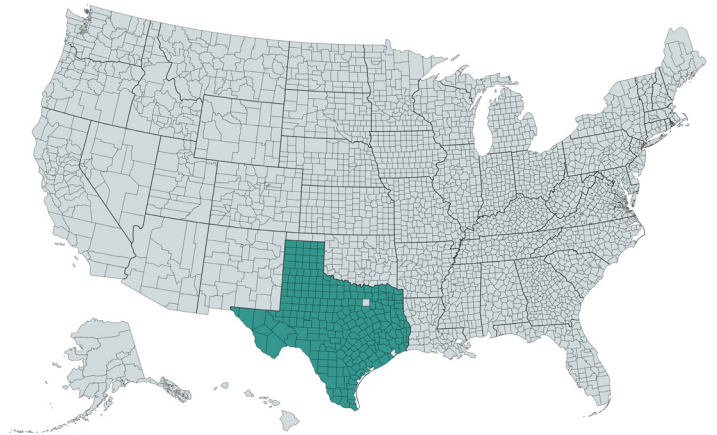
The Police Foundation submitted a request seeking access to sexual assault complaints received in Dallas from 2014 - 2016, before and after the amendment.

This initial request yielded 1,743 sexual assault complaints from January 2014 through September 2016 for initial review.

The Police Foundation further provided Dallas with specific criteria to use in filtering out sexual assaults taking place in spaces other than those of public accommodation.

Utilizing these criteria, Dallas conducted an electronic review of their complaints within the two-year period, focusing on those assaults taking place specifically within public bathrooms.

Based on our work with Dallas to conduct an electronic review of this sample of sexual assault complaints, we did



not find evidence of any sexual assault taking place in which a man, under the guise of being a woman or transgender, entered a women's bathroom to commit a sexual assault or otherwise victimize women who were in the bathroom at the time for the period of January 2014 - September 2016.

¹ For more information see: <http://www.freedomforallamericans.org/category/tx/>

Overview of public accommodations non-discrimination protections in Texas

There are currently no state or county level laws that we could identify protecting individuals from discrimination based on sexual orientation or gender identity in public accommodations.

Dallas is one of five cities in Texas we were able to identify that currently protects individuals from discrimination based on sexual orientation and gender identity in public accommodations. The other cities we identified are Austin, El Paso, Fort Worth, and San Antonio.

Fort Worth was the first city in Texas to extend protections against discrimination for sexual orientation in 2000 and gender identity in 2009.

Sources: City of Dallas; Equality Texas; Freedom For All Americans; Human Rights Campaign; National Conference of State Legislatures

ARCHIVAL REVIEW OF SEXUAL ASSAULT COMPLAINTS IN PLACES OF PUBLIC ACCOMMODATION:

Miami-Dade County, Florida

Findings

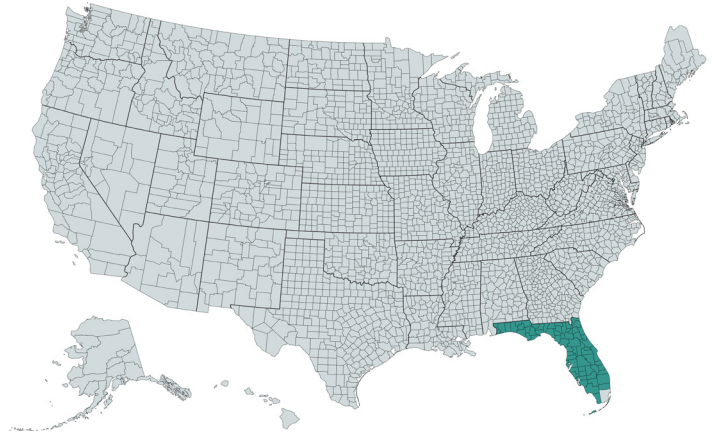
In December 2014, the Miami-Dade County Commission amended their Human Rights Ordinance to include gender identity protections in housing, public accommodations and employment.¹

The Police Foundation submitted a request seeking access to sexual assault complaints received in two cities within Miami-Dade County: Miami Beach and Miami Gardens from 2013 - 2016, before and after the amendment.

Miami Beach and Miami Gardens, Florida

The complete records request for **Miami Beach** within the requested three-year period yielded 305 sexual assault complaints for review.

The initial request to **Miami Gardens** yielded 205 sexual assault complaints for review. Utilizing specific criteria provided by the Police Foundation to filter out sexual assaults taking place in spaces other than those of public accommodation, with a focus on those assaults taking place in bathrooms, only 3 sexual assaults within the three-year period were identified for review.



Based on our review of these samples of sexual assault complaints in both cities we did not find evidence of any sexual assault taking place in which a man, under the guise of being a woman or transgender, entered a women's bathroom to commit a sexual assault or otherwise victimize women who were in the bathroom at the time for the period of January 2013 – August 2016.

¹ For more information see: <http://www.freedomforallamericans.org/category/fl/>

Overview of public accommodations non-discrimination protections in Florida

There are currently no state level laws that we could identify protecting individuals from discrimination based on sexual orientation or gender identity in public accommodations.

Florida counties currently extending protections from discrimination based on sexual orientation and gender identity that we could identify include: Alachua, Broward, Hillsborough, Leon, Miami-Dade, Monroe, Orange, Osceola, Palm Beach, Pinellas, and Volusia.

Miami Beach is one of several cities in Florida with an ordinance extending protections from discrimination in public accommodations on the basis of both sexual orientation and gender identity. Other cities include: Dunedin, Gainesville, Gulfport, Jacksonville, Key West, Lake Worth, Orlando, Tampa, Venice, and West Palm Beach. The City of Sarasota extends public accommodations protections for sexual orientation but failed to secure protections for gender identity in 2016.

Sources: City of Miami Beach; Equality Florida, Freedom For All Americans; Human Rights Campaign; MiamiDade.gov; National Conference of State Legislatures

ARCHIVAL REVIEW OF SEXUAL ASSAULT COMPLAINTS IN PLACES OF PUBLIC ACCOMMODATION: Tucson, Arizona

Findings

In February 1999, the Tucson City Council amended Tucson code provisions in Chapters 10, 17 and 28 to prohibit discrimination because of gender identity.¹

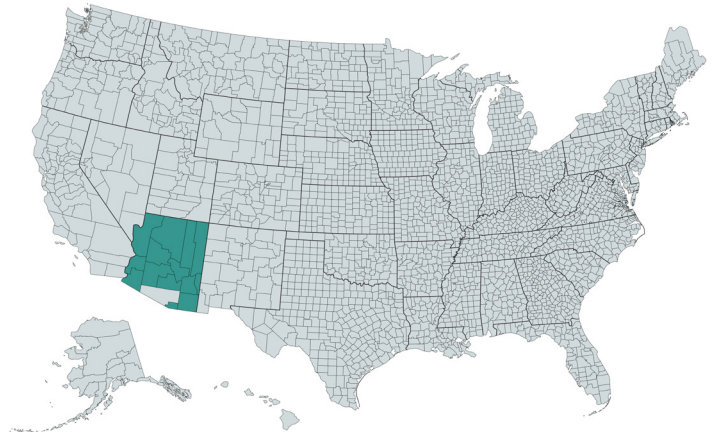
In November 2015, the Pima County Board of Supervisors amended the County's non-discrimination policy to add gender identity as a protected class.²

The Police Foundation submitted a request seeking access to sexual assault complaints received in Tucson from 2013 - 2016, before and after the 2015 amendment.

We further requested to filter the complaints to those that took place in spaces of public accommodation such as hotels, restaurants, department stores, and other public buildings.

The filter, applied to all complaints within the requested three-year period, yielded a total of 65 sexual assault complaints for review.

Based on our review of this sample of sexual assault complaints we did not find evidence of any sexual assault



taking place in which a man, under the guise of being a woman or transgender, entered a women's bathroom to commit a sexual assault or otherwise victimize women who were in the bathroom during the period of August 2013 - August 2016.

1,2 For more information see <http://www.freedomforallamericans.org/category/az/>

Overview of public accommodations non-discrimination protections in Arizona

There are currently no state level laws that we could identify protecting individuals from discrimination based on sexual orientation or gender identity in public accommodations.

In November 2015, Pima County amended its non-discrimination policy to include gender identity as a protected class.

Tucson, in Pima County, was the first city in the state to pass a local ordinance protecting individuals from discrimination on the basis of sexual orientation and gender identity.

Tucson is one of five cities in Arizona that currently extends protections to individuals from discrimination based on sexual orientation and gender identity in public accommodations. The other cities are Flagstaff, Phoenix, Sedona, and Tempe.

Sources: City of Tucson; Equality Arizona; Freedom For All Americans; Human Rights Campaign; National Conference of State Legislatures