



Protecting Gender: State Variation in the Inclusion of Gender in Hate Crime Legislation

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References



State that does not Include Gender: Florida

Scott Beierle: Tallahassee Local Misogynistic Extremist Not Stopped Before Tragedy



Beierle was a 40-year-old white male that opened fire in a Tallahassee Yoga studio on November 2nd, 2018. After deceiving the yoga studio by signing up for a yoga class and killing two innocent defenseless women, injuring 5 others, the gunman fatally shot himself. Prior to the shooting, Beierle had been involved in numerous other offenses all related to misconduct, violence, and overall inappropriateness toward other women. Throughout his adolescent years and continuing into adulthood, Beierle repeatedly displayed his hatred towards women, both physically and via social media. He uploaded an abundance of misogynistic comments and YouTube videos.

As easily observed, his hatred towards women led up to him committing his most serious and violent offense yet. His shooting was bias motivated by his hateful, misogynistic ideologies of women. However, the crime was not referred to or labeled as a hate crime by Florida. As defined by the **Hate Crimes Statistics Act**, hate crimes are “crimes that manifest evidence of prejudice based on race, gender or gender identity, religion, disability, sexual orientation, or ethnicity.” This is the definition used at the federal level but as previously noted, what is deemed as a hate crime may vary by state. In Florida, the gender of a victim or victims being the prime motivator for inflicting harm on them tends to have no effect on the labeling of the crime, even though it satisfies every part of the definition of a hate crime.

How did law enforcement and media respond?

Police arrived at the crime scene shortly after the 911 call was made. Although the gunman’s past of anti-women beliefs was quite prevalent, law enforcement initially deemed the attack as “random”. Tallahassee Police Chief Michael DeLeo recognized that Beierle had clear issues toward women and that “on its surface” it appeared that these issues led to the attack. Furthermore, many news and magazine outlets labeled Beierle as a “far-right misogynist extremist”. His hatred towards women was evident and recognized by all who came in contact with this case, yet his offense was not deemed a hate crime. Various news outlets frequently emphasized that law enforcement had yet to establish a motive for attacking these women in that studio. Beierle was labeled an extremist and misogynist, but not a bias motivated offender.

The motive for hate crimes is that deeply rooted prejudice the offender holds towards marginalized groups, yet Florida did not label or recognize the crime and the offender as such.

How did the Community respond?

The local community of Tallahassee gathered around the yoga studio and Florida State University, as the two deceased victims of the shooting had ties with FSU. Maura Binkley was a 21-year-old FSU student and Dr. Nancy Van Vessem was a staff member at the university. Students, families, and the community gathered around to grieve, honor, and remember these victims, along with acknowledging the detriment the actions of this gunman brought upon the city of Tallahassee.

It was apparent that this tragedy of a crime had an impact on the broader community, not just its victims. This incident can be put into comparison with the 2016 Orlando Pulse nightclub shooting, another bias-motivated crime that occurred in Florida. This incident impacted the LGBTQ+ community and the city of Orlando, and it was deemed a hate crime. Although the Yoga shooting had a similar community response, it was not labeled a hate crime. This is important to consider because a component of a hate crime is that it affects the members of the larger marginalized group, not just the direct victims, and that it has a strong community response.

How did the victims and Government respond?

Sarah Hodges, a woman who was injured by survived the Yoga shooting, provided further insight on her firsthand response to her victimization and well as the response the government had to this heinous act. Hodges shared on a blog she uploaded to Tallahassee Democrat that rather than being afraid of her victimization, she was infuriated. She felt as though the attack was directed at women being that Beierle opened fire in a yoga studio, a predominately female location, and given his misogynistic past. Hodges shared that the Governor of Florida at the time, Rick Scott, visited her at the hospital. She asked him what he intended to do about what had happened and how it would be prevented from happening again. Governor Scott proceeded to say that “a lot” had already been done after the Parkland mass shooting and that to do anything about Beierle’s acts and for it not to happen again would be “hard.” Hodges proceeded to advocate for women’s rights, as not much was done about or after the Tallahassee Yoga shooting she was a victim of.

Abstract

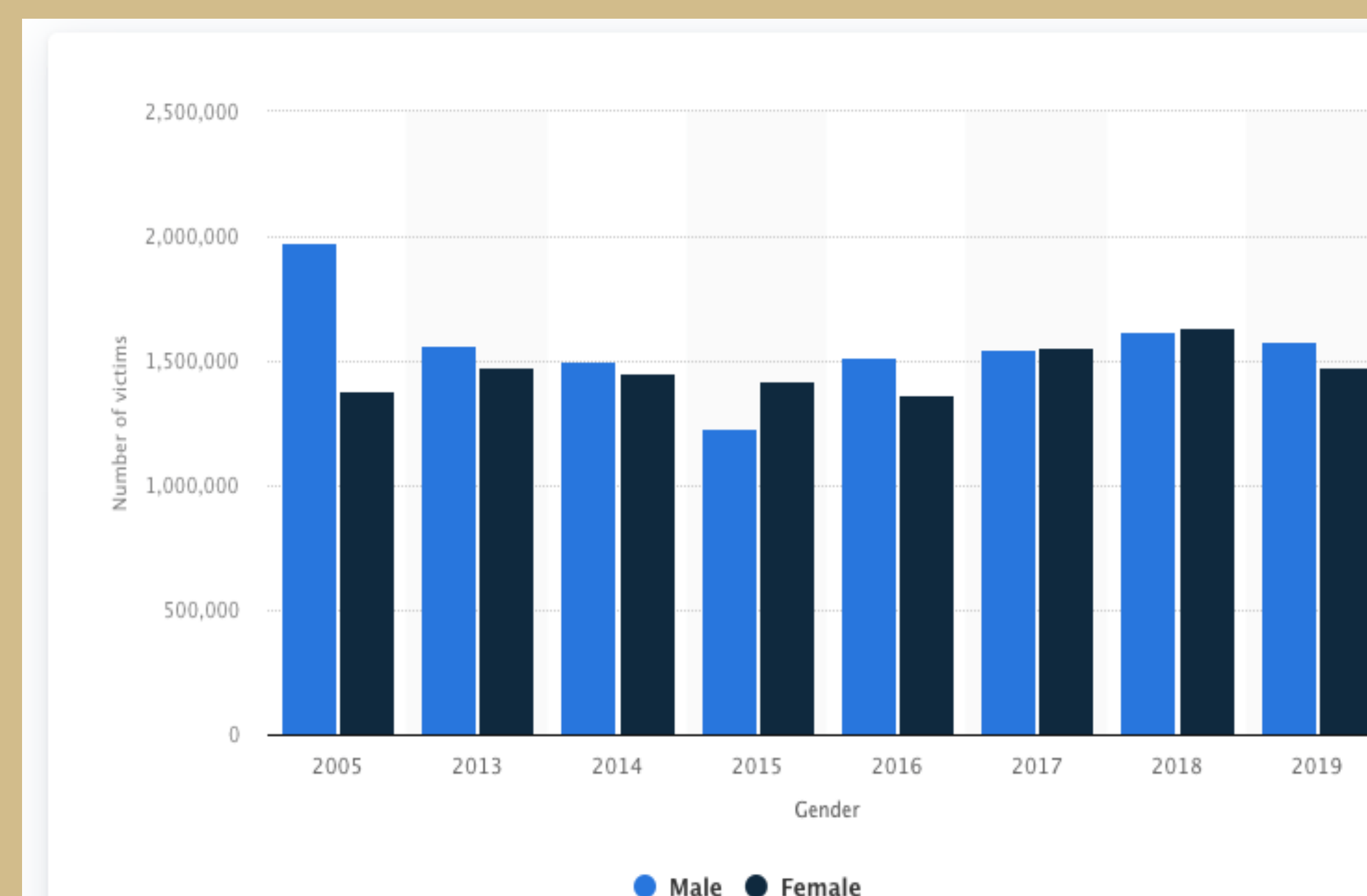
Hate crimes occur globally and there is substantial variation in the responses law enforcement, government, and communities have towards this phenomenon. The majority of the United States has made efforts towards eradicating prejudices that manifest into hate crimes by passing hate crime legislation. Many states protect characteristic criterion of potential hate crime victims such as race, religion, and sexual orientation but the focus of this research lays in inclusion of gender. While 31 of 50 states include gender as a protected category for hate crimes, many states do not. This omission has serious implications, including the negative effects it has on victims and society as a whole. In this research, the differing responses to female victims of crime will be explored in states which protect gender under hate crime legislation, relative to those that do not. Execution of law enforcement procedures after the occurrence of a crime with female victims will be analyzed in both categories of states (include gender; do not include gender). The responses of victims to their own victimization and handling by law enforcement will also be explored in both types of states. This will be accomplished by performing a comparison between a case of a female hate crime victim in a state that includes gender and a case in a state in which gender is not included. The purpose of this research is to gather information on how including gender in hate crime policy can affect they ways in which victims and law enforcement respond to gender-motivated hate crime. These implications will then serve as a proxy to highlight the importance and necessity of all states protecting gender, especially within hate crime legislation.

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STATE-BY-STATE HATE CRIME LAWS

STATE	Criminalization of interference with religious worship	Penalty Enhancement for crimes motivated by race or ethnicity	Penalty Enhancement for crimes motivated by sexual orientation	Penalty Enhancement for crimes motivated by gender	Penalty Enhancement for crimes motivated by gender identity	Penalty Enhancement for crimes motivated by disability	Penalty Enhancement for crimes motivated by political affiliation	Penalty Enhancement for crimes motivated by age
Alabama		X						
Alaska		X		X				X
Arizona		X	X	X				
Arkansas	X	X	X	X	X	X	X	X
California	X	X	X	X	X	X		
Colorado	X	X	X	X	X	X		
Connecticut	X	X	X	X	X	X		
Delaware	X	X	X	X	X	X		
D.C.	X	X	X	X	X	X	X	X
Florida	X	X	X	X	X	X		
Georgia		X						
Hawaii		X	X	X	X	X		X
Idaho	X	X						
Illinois		X	X	X	X	X		
Indiana		X	X	X	X	X	X	X
Iowa		X	X	X	X	X		X
Kansas		X	X					X
Kentucky		X	X	X	X	X	X	X
Louisiana		X	X	X	X	X	X	X
Maine		X	X	X	X	X		X
Maryland	X	X	X	X	X	X		X
Massachusetts	X	X	X	X	X	X		X
Michigan	X	X	X	X				
Minnesota	X	X	X	X	X	X		X
Mississippi	X	X	X	X	X	X		
Missouri	X	X	X	X	X	X		
Montana		X						
Nebraska		X	X	X		X		X
Nevada	X	X	X	X	X	X		
New Hampshire		X	X	X	X	X		X
New Jersey		X	X	X	X	X		
New Mexico	X	X	X	X	X	X		X
New York	X	X	X	X	X	X		X
North Carolina	X	X	X	X				
North Dakota		X	X	X				
Ohio		X						
Oklahoma	X	X	X	X	X	X		
Oregon		X	X	X	X	X		
Pennsylvania		X						
Rhode Island	X	X	X	X	X	X		
South Carolina	X	X	X	X	X	X		X
South Dakota	X	X	X	X	X	X		
Tennessee	X	X	X	X	X	X		X
Texas	X	X	X	X	X	X		X
Utah								
Vermont		X	X	X	X	X		X
Virginia	X	X						
Washington		X	X	X	X	X		
West Virginia	X	X	X	X	X	X		X
Wisconsin		X	X	X	X	X		
Wyoming								

Violent Crime Victimization in the U.S.



State that does Include Gender: California

Johnny Young: Misogynistic Harasser and Attacker

How did law enforcement and government react?

Young, at the time, was a 25-year-old man who committed various assaults in Orange County towards women, some more violent than others. Young was known to harass women such as by making them verbal requests of sleeping with him or undressing for him. He behaved inappropriately towards women and even physically attacked some of his victims, some being pepper sprayed. Young described himself as an “involuntary celibate” and attacking women was his way of expressing his frustration for his inability to attract female partners. The Costa Mesa Police Department gathered video footage of Young expressing misogynistic views, along of recorded footage of Young committing his assaults. He was shortly deemed as the suspect of the Orange County attacks. Young was charged with various felony counts and prosecutors on the case worked to add hate crime charges in order to augment his sentence.

Furthermore, Orange County’s District Attorney Todd Spitzer delivered a clear message about California’s intolerance of violence towards women and indirectly labeled Young’s offenses as hate crimes. Spitzer stated, “No one should have to live in fear that they could be indiscriminately attacked and then publicly humiliated on the internet because of their gender.” As one can see here, he acknowledged that the reason Young targeted these victims was due to their gender, which is considered a primary component of hate crimes in all states, except some include bias due to gender as like California, while other states do not, such as Florida. Young was found guilty of harassment motivated by bias and hate.

How did the victims react?

Two of Young’s victims came forward and spoke with media outlets to discuss their victimization experiences. The victims’ full names are not disclosed but one is named Jessica and the other is Emily. They revealed Young both verbally and physically harassed them by making inappropriate, vulgar comments at them and proceeding to pepper spray them on camera. Jessica shared how physically painful it was to be pepper sprayed and Emily shared how Young’s verbal assault made her cry while he proceeded to record it.

In the California criminal case no one was murdered, but Young’s offending was taken very seriously, and his motives were not deemed bias at face-value. Rather, it was swiftly acknowledged that his motivation was hatred, and his offenses were labeled as hate crimes. It was recognized that his actions inflicted physically and emotional damage on his victims. There was no question of the motive behind his attacks nor was it unclear why to responding law enforcement and involved government personnel such as the District Attorney Todd Spitzer. Spitzer even sympathize with women and argued that they should not live in fear about something innate, as is their gender.

In the Florida Yoga studio shooting, there was an even stronger community response due to the severity of the incident that resulted in two fatalities. The impact this incident had on the larger community was quite observable, as was Beierle’s hatred towards women due to his continuous publications and anti-women conduct. Regardless of these observations, law enforcement and the government responded more passively to this incident. They of course dealt with the situation and acknowledged how unfortunate the event was, but it was almost as if there was nothing more that could be done about it or towards future prevention, especially since to them the motive was “unclear” and making changes would be “hard” as Governor Scott declared.

Contrasting Reactions

Why does Florida NEED to protect gender under hate crime legislation?

Female victimization of crimes in the United States has increased and remained stable. This raises a concern of how many of these crimes go undetected and not treated as hate crimes against women, especially within states that do not include gender like Florida. Action needs to in order for all 50 states to include gender. Florida is sending the message to its female residents that their victimization is not worthy of as much attention to detail and prosecution as those who are victimized based on their race or ethnicity, although these 3 characteristics are inherently all the same. They are all innate and a core component of who an individual is. Furthermore, it is vital that Florida makes the change to include gender in hate crimes in order for crimes against women to receive the appropriate sanction and justice. Hate crimes have more severe punishments as they do extensive physical and psychological harm to not only the victims but those that correspond with the victims’ group. A basic human right should be to not have to live in fear due to something about yourself that you cannot change, such as the gender you are born with. One should not have to accept such fear simply because states such as Florida have refused to protect such a category of human identity, especially if that can be easily change through policy implication and progressive actions. Every time Florida refuses to acknowledge a bias motived crime towards women as a hate crime, it is undermining the victims’ suffering, fear, anger, and all other experiences that come with being a victim of a crime. It not only undermines the victims but also all other individuals in the community that share that unprotected identity with the victims. For women, Florida along with other states, are once again limiting their autonomy and protections, just as it has throughout history and that must end.