

**PINK BLOOD:  
QUEER-BASHING IN CANADA**

by

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## ABSTRACT

*Pink Blood: Queer-bashing in Canada* critically analyzes the impact of violence on the gay, lesbian and transgendered communities by posing two main research questions: what is the prevalence of queer-bashing in Canada, and how can it be prevented? However, even the identity of the community being discussed is problematic; terms like queer and homosexual are fraught with controversy. Anecdotally, Canadian queers have reported high levels of victimization, but there is no agreement on the extent. Because of homosexuality's stigmatized status, victims are reluctant to acknowledge their own suffering, and many assaults are disguised as other crimes. Data was gathered for this thesis by scouring media reports and case law for all references to queer-bashing in Canada in the 1990s, and interviews were conducted with community activists, victims and criminal justice personnel. The data set yielded descriptions of over 300 queer-bashing and homicide incidents.

In interpreting this data, the author reviews the theoretical literature as well as official and unofficial reports, surveys, and other documents. Through processes of *pathologization*, same-sex activity was labeled a perversion in the 19th century, enabling doctors, clerics, and lawmakers to regulate this behaviour throughout the 20th century in various ways, from legal exclusion to mass execution in World War II camps. Although queers have gained many legal rights in Western countries, many killers who target homosexuals still face little or no jail time. Why this occurs is the subject of fierce debate among queer legal scholars, who have successfully demonstrated a panoply of juridical practices that regulate, and sometimes vilify, homosexuality in the courtroom.

While the first half of the thesis focuses on prevalence and characteristics of queer-bashing, the second half looks at how policies and legislation have had a direct impact on queer-bashing victims and the queer community at large. Issues include trauma, financial loss, legal remedies, complaints against the police and procedural problems that have emerged in the courtroom. Hate crime policies and statistics, which vary wildly from one police department to

another, are critically evaluated. Since the 1970s' rise of a modern gay and lesbian social movement, many activist organizations have developed community initiatives to respond to queer-bashing across Canada, and these programs are also examined in a critical light.



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## INTRODUCTION

...it is precisely at times such as these, when we live with the possibility of unthinkable destruction, that people are likely to become dangerously crazy about sexuality. Contemporary conflicts over sexual values and erotic conduct have much in common with the religious disputes of earlier centuries. They acquire immense symbolic weight.

- Gayle Rubin, "Thinking Sex" (1993:3)

In 1997, I taught a queer criminology course entitled "Homosexuality and Social Control." During one class, I passed around a photo to my students that had appeared in the sports pages of *The Vancouver Sun* that day. The photo depicted a Vancouver Lions football player with one arm wrapped around his teammate's shoulders, lips puckered in an attempt to bestow a kiss. The cutline read, "Hugs and kisses: Lui Passaglia and teammate Mike Trevathan ham it up before a team photo during 1995 season" (Little 1997:E1). I pointed out to my students that mass-media representations of intimacy between the sexes are only permissible as parody. When unapologetic or unironic same-sex displays of affection occur in public, they immediately evoke public hostility -- often by threats of violence, followed by actual assaults. I tried to explain to my predominantly heterosexual students the enormous social pressure exerted on queer couples not to touch each other in public for fear of physical reprisal. I told two of the young men in the class that if they were to leave the classroom holding hands and to venture onto a bus or into a pub, they ran a high risk of being assaulted. The fact that my students were incredulous at the possibility of being attacked only confirmed what I had suspected all along: that heterosexuals are largely unaware of the length homosexuals go to *not* to be assaulted. Most homosexuals normalize this form of oppression by "passing" as heterosexuals; because we are so good at it, we forget to remind the heterosexual majority of the sword that constantly dangles above our heads.

The concept of being able "to walk unhindered through an imagined public space" is of particular interest to Stanko and Curry (1997). They argue that in Western democracies this act serves as a barometer that measures the extent to which the state can protect its own citizens.

When individual queer-bashing cases are collected, activists problematize this violence as a form of behaviour that regulates and punishes homosexuals. A series of previously-discrete incidents now becomes a pattern, a failure of the state to protect certain of its citizens: "...homophobic violence is a form of the governance of sexual differences which poses direct and actual danger to its individual recipients for 'just' being or being perceived to be 'not straight'" (Stanko and Curry 1997:513-14). The hand-holding experiment seemed like the perfect didactic exercise that would allow my students to understand the danger of "just" being "not straight."<sup>1</sup> Scott (1992) notes that by taking violence as a given and assuming "that the facts of history speak for themselves," we see

... an interested act of power or domination... What we don't have is a way of placing those alternatives within the framework of (historically contingent) dominant patterns of sexuality and the ideology that supports them. We know how they exist but not how they're constructed... we need to attend to the historical processes that, through discourse, position subjects and produce their experiences. (Scott 1992:25-26).

In order to analyze violence against gays, lesbians and transgendered in Canada, I decided to pose two research questions:

- How prevalent is queer-bashing in Canada?
- How can queer-bashing in Canada be prevented?

The purpose of the first question is to expose how little we actually know about the topic and how disparate our sources of information are. The purpose of the second question is to propose a diligent application of this knowledge. These main questions give rise to five subsidiary questions:

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<sup>1</sup> I hesitated, however, chilled by the case of Michèle Pujol, a University of Victoria Women's Studies instructor who had given her students a similar assignment. "Spend 10 minutes walking around campus holding hands... Feel free to be demonstratively affectionate. Try to walk around crowded areas." Even though she had the option not to do the exercise, a student complained that the course had a "lesbian bias" and filed a sexual harassment complaint, later overturned. Department Head Jennifer Waelti Walters explained the goal was "to get our students -- many of whom are white, heterosexual and middle-class -- to have some sense of what it's like to be in other people's skins" (Canadian Press 1995a: B5; Canadian Press 1995b: A8). On one hand, religious and other conservative activists accuse homosexuals of exaggerating the degree of anti-gay violence facing their communities -- and of staging acts of violence in order to elicit public sympathy. On the other hand, even when confronted by the facts, some heterosexuals claim they are being victimized by having to acknowledge, much less consider, queer-bashing.

- What are social and juridical responses to queer-bashing in Canada?
- To what extent has queer-bashing existed in Canada?
- What various attempts have been made to quantify queer-bashing in Canada?
- Why does queer-bashing persist in Canada?
- What policies and practices can and should be implemented to reduce the harm caused by queer-bashing?

Chapter One, "Methodology," addresses the difficulties associated with the collection of data from queer populations, the way I designed and implemented my own national research project, as well as some of the pitfalls I ran into along the way. Chapter Two, "Theory and the Law," looks at some ways homosexuality is theorized in sociology, criminology, psychology and law. Chapter Three, "Queer Bashing and Homicides in Canada," describes over 300 crimes, and breaks the data down into several categories. Chapter Four, "Homophobia, Hate Crimes and the Criminal Justice System," is a critical examination of the response to queer-bashing by legislators, bureaucrats, police, and prison authorities. Chapter Five, "Community Initiatives," juxtaposes that strategies of community activists with more traditional criminal justice approaches. The conclusion will point to the most disturbing, the most positive, and the most problematic issues, and suggest new approaches for the future.

### **Operational Definitions**

The American Psychological Association (1998) defines *sexual orientation* as:

... one of the four components of sexuality and is distinguished by an enduring emotional, romantic, sexual or affectionate attraction to individuals of a particular gender... Three sexual orientations are commonly recognized: homosexual, attraction to individuals of one's own gender; heterosexual, attraction to individuals of the other gender; or bisexual, attractions to members of either gender.

Each of the following terms has advantages and disadvantages, possessing different shades of meaning and "qualifications for membership": *gay, queer, gay man, gay woman, lesbian, homosexual, transvestite, cross-dresser, transsexual, transgender, transgendered, bisexual*. Academics have negotiated this quagmire in different ways. Adam (1995) has remarked that, unlike social movements involving African-Americans or women, "the gay and lesbian

movement is no unitary phenomenon but rather a collection of diverse social groups, competing schools of thought over fundamental questions of who homosexually interested people are and what the objectives of movement activity should be” (Adam 1995:145). Over the past 30 years there has been a shift from a *gay movement* to a *gay and lesbian movement* to a *gay, lesbian, bisexual, transgendered (GLBT) movement* to a *queer movement*. Kinsman (1996) finds *homosexual* to be rather clinical, and prefers *gay* when referring to post-World War II same-sex identities. Mison (1992) suggests that *homosexual* sounds much more negative than *gay*, which he associates with an affirmative social movement. Mort (1994) sees the recent shift to *queer* from *gay and lesbian* as highly symbolic of a generational split: “Gay politics has been cast as flabby and reformist; the product of comfortable, middle-aged men holding to a tired, 1970s sexual agenda... It is queer that now signifies youth, style and vibrancy” (Mort 1994:203). MacDougall (1998) opts for *homosexual*, arguing that the term is more common in legal discourse than *queer* and is less cumbersome than *gay, lesbian and bisexual*.<sup>2</sup> He admits that *homosexual* as a term “is unloved” (MacDougall 1998:19).<sup>3</sup> MacDougall also risks ruffling feathers when he admits that *homosexual* is a convenient way to avoid the word *lesbian*.

The terms *transgender* and *transgendered* have become increasingly popular in the past ten years, and have become an umbrella for the following: *pre-op* and *post-op male-to-female* and *female-to-male transsexuals*, as well as people who identify as *drag queens, drag kings, male impersonators, female impersonators, transvestites, cross-dressers, hermaphrodites* and *pan-sexuals*, who presumably transcend all previously-noted categories!<sup>4</sup> Obviously, I do not wish to

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<sup>2</sup> However, it is interesting to note the title he has chosen for his new book: *Queer Judgments*. My impression is that academics are coming under increasing pressure to “package” their “product” with the *queer* label, even if they do not necessarily use the term in their daily lives (see also Lahey 1999).

<sup>3</sup> It appears to be especially unloved by the most recent generation of undergraduate students. A colleague and I have both been upbraided by students in their early twenties who felt that we were being condescending by using the term “homosexual.” My theory is that “homosexual” has become increasingly common among older people in the academy (graduate students and faculty) who have been more influenced by the writings of Michel Foucault, whose English translations are filled with the word “homosexual,” as opposed to “gay” or “lesbian.” Usage of the term *homosexual* in French is very common and less fraught with symbolism than uttering “homosexual” in English.

<sup>4</sup> However, although *transgendered* makes sense “in theory,” the transsexual women I interviewed never referred to themselves as “transgendered.” My sense is that they do not revel in being included in a broad “gender-bending”

“speak for” lesbians and the transgendered. Although I am most familiar with how violence affects gay men, the fact that I am neither lesbian nor transgendered does not deter me from gathering information about violence affecting these communities. For the purposes of this thesis, *queer* is the most convenient term to denote “all of the above,” but it is also the most controversial. One “gay” academic, who has published important articles on the subject of queer-bashing, observed:

Not very fond of the term “queer,” and it has not received general acceptance as of yet. I also disagree with some of the intended/purported purposes of its usage. In fact, I believe the different and unspecified communities/identities it refers to do not in many cases want to be perceived as a “whole,” as they have different ideologies, beliefs, goals, and ways of accomplishing goals. As “gay” can be argued to be male-identified, so too can “queer” be argued to be “youth” and “politically” identified. So how is that progress? (Interview with B, 1999)

As literature on the topic of this thesis proliferates, so do the terms to describe violent behaviour directed towards gays and lesbians. *Anti-gay violence* is obviously limited because it omits references to lesbians. *Anti-gay and -lesbian violence* and *violence against lesbians and gay men* are not only unwieldy terms, but omit reference to violence directed against the transgendered -- who may not even be homosexual in their orientation, but whose victimization may be lumped into statistics tracking “anti-gay violence,” since motives for targetting both groups may be quite similar. *Sexual Orientation Victimization* or *SOV* for short, also excludes the transgendered, which is technically a gender-identity category (see D’Augelli 1998). I will use *gay-bashing* or *anti-gay violence* to refer to violence against gay men; *lesbian-bashing* or *anti-lesbian violence* to refer to violence against lesbians; however, *queer-bashing* is the most convenient and inclusive term for the purposes of this thesis, and will be used to denote violence against gay men, lesbians, bisexuals, transsexuals and others perceived to be so.

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category. They have spent a lot of time and energy in their lives trying to be accepted as women, and are more comfortable being known as a transsexual women.



## CHAPTER ONE

### QUEER METHODOLOGY

Clearly, I could not knock on the door of a suburban residence and say, "Excuse me, I saw you engaging in a homosexual act in a tearoom last year, and I wonder if I might ask you a few questions?"

- Laud Humphreys, *Tearoom Trade* (1970:41)

The 1970 publication of Laud Humphreys' study of surreptitious homosexual encounters in St. Louis public toilets generated a huge wave of controversy, effectively prying open the closet door and shining a flashlight inside. It also shook the social science community to its core. Not since the 1963 Milgram experiments -- in which research subjects were duped into administering what they thought were high voltages of electricity to actors posing as research subjects -- had the academy been so polarized (Palys 1995:157-160, 176-177).<sup>5</sup> In effect, Humphries "invented" the concept of a "queer methodology," i.e. a methodology that attempts to measure the unmeasurable: highly closeted and secretive queer populations. In order to answer the two principal questions of this thesis -- prevalence of queer-bashing in Canada and ways of preventing it -- Humphries' approach to research makes us first ponder the following questions:

- Why is research on queer populations so problematic?
- What are the ethical dimensions of this type of research?
- What are the limitations of this type of research?
- What is the most appropriate way to design a national research project on queer-bashing?

#### THE DIFFICULTIES OF RESEARCHING THE QUEER COMMUNITY

##### **The presumed sexual orientation of research subjects**

It is very difficult to research queer populations whose numbers do not appear on any national census. Their degree of visibility is contingent on social, cultural and geographical factors. Martin and Dean (1993) draw a parallel between drug use and homosexuality: they both involve "not only private behaviors but behaviors that are widely condemned and frequently carry serious

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<sup>5</sup> In fact, a colleague punched Humphreys at an academic conference!

social and legal ramifications” (Martin and Dean 1993:83). When Humphreys (1970) discovered that more than half his research subjects were married, he reflected:

Maybe, like some tearoom regulars, he will work with Boy Scouts in the evenings and spend much of his weekend at the church. It may be more surprising for the outsider to discover that most of these men are married (Humphreys 1970:105).

Although the social construction and regulation of homosexuality will be discussed in the next chapter, it is important to note that the way individuals construct their *own* same-sex behaviours affects how research is carried out. A lesbian interview subject “may build her emotional, physical and sexual life with another woman and yet not identify as either lesbian or gay” (Ross 1995:18). Does this fact make the interview subject any “less” a lesbian? The whole concept of “passing” is reminiscent of racialized apartheid systems: in the first half of the 20th century, fair-skinned mulattos from the American South migrated north, blending into the social fabric of industrialized cities. Berger (1992) speculates on the extent to which gay men attempt to “pass,” comparing their “outness” vis-à-vis networks of close friends with their “outness” vis-à-vis networks of family and co-workers. He found that parents “were among those less likely to know” (Berger 1992:94).

Harry (1990) was dissatisfied with one of his previous studies that had concluded that only two percent of gay men were in heterosexual marriages (Harry 1982, quoted in Harry 1990:91). Although Weinberg and Williams (1974, quoted in Harry 1990:91) had found 6.5 percent of their sample of gay men were married, even this figure seemed to pale compared to Humphreys’ figure of 54 percent. Harry notes that the best way to gather probability samples of the gay population is to include a question about the respondent’s sexual orientation in a survey that is distributed broadly throughout the general population. However, two main obstacles are sample size and sensitivity: “... in a conventional probability sample of 1,500 households one would obtain around ... 30 males” (Harry 1990:93) when using the Gebhard estimate of 4 per cent of the population (Gebhard 1972:27, quoted in Harry 1990:92). In terms of the “sensitivity” of

asking someone their sexual orientation, Harry argues that “we routinely ask respondents about other sensitive issues such as their criminal histories and experiences with spousal abuse” (Harry 1990:93).

### **Invisibility and underreporting: “The dark-pink figure”**

The number of crimes that are never reported is often called the dark figure, which is contingent on many factors. While many crime victims have various reasons not to report a crime, “the homosexual victim may be ashamed, unable to face police, and frightened of complications threatening to his job or other aspects of his life that could arise as a result of making a complaint” (Sagarin and MacNamara 1975:14). Julian Roberts, a Canadian expert on hate crimes, cites three reasons that the dark figure for hate crimes may be particularly high: fear of additional victimization, fear that the report will not be taken seriously and, in the case of gay and lesbian victimization, fear of homophobic police attitudes (Roberts 1995:x). “Gay-bashing is probably the least likely to be reported of all hate crimes. Gays and lesbians are less likely to trust the police than any other minority” (Interview with Roberts, May 11, 1999). As a Winnipeg officer commented: “It only comes to the attention of the police if the victim says it was hate-related. It doesn’t get talked about unless the victim doesn’t mind if everyone knows” (Interview with S, May 21, 1999). Another officer reflected: “It’s not so bad to say to the police that you’re gay, but then the question is, ‘Is my lifestyle, my name and my family going to be dragged through court?’” (Interview with W, June 23, 1999).

### **Problems associated with victimization surveys**

Since queer populations cannot be randomly sampled through the use of a census-based sampling frame, non-probability or “opportunistic” sampling is the most common procedure. For example, Comstock (1991) said the victimization surveys he studied were distributed through gay and lesbian media, organizations, networks, businesses and events; to a much lesser extent, college newspapers, events, municipal offices, women’s organizations and the mainstream media were used (Comstock 1991:34). However, surveying the queer community using non-probability

samples presents a key problem: representativeness. Stanko and Curry (1997) are blunt: the widespread use of these surveys “provide only a crude picture” because methodological problems “plague” the projects (Stanko and Curry 1997:517).<sup>6</sup> For example, because of the stigma attached to homosexuality, “only a very select type of gay man would be willing to state his sexual preference or describe his sexual behavior during a brief screening interview” (Martin and Dean 1993:85). Herek and Berrill (1992) point to victimization surveys whose samples are biased because of the way surveys are distributed (for example, at a meeting of gay anti-violence activists); other surveys may be biased simply because of the way they are worded: “the words *gay* or *lesbian*... may discourage closeted respondents” (Herek and Berrill 1992:274).

#### **Differing definitions: What constitutes a homophobic attack?**

Even after they have been victimized, many queer respondents may not even acknowledge the abuse they have experienced as victimization *per se*. Also, the word *victimization* “may bias the sample by discouraging respondents who have not themselves been victimized”(Herek and Berrill 1992:274). Although there is scant literature on the experience of queer-bashing from the victim’s perspective, some male sexual abuse victims denied or downplayed certain forms of abuse, rationalizing their victimization by saying: “That’s what you get for taking chances... Life’s an experience” (Myers 1989:205, quoted in Parker 1990:179).<sup>7</sup> An extensive survey of 930 “homosexually active” British men concluded:

Fantasies of the sexually-forceful man, the pleasure of “being taken,” and the excitement of power-driven sex are very common in gay culture and pornography. All these collective sexual fantasies normalize sexual abuse... providing motivation, justification and normalization for the assault (Hickson et al. 1994:293).

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<sup>6</sup> Harry (1990) found that white, educated men between the ages of 25 and 45 are usually overrepresented in surveys of the gay male community, probably because they are recruited from queer social sites that cater to this demographic cluster. This trend parallels an oversupply of educated research subjects who permeate “both probability and non-probability samples of the general population” (Harry 1990:90).

<sup>7</sup> In 1997 one of my students told me that he had interviewed a gay man who was raped by a man who broke into his apartment. The victim said that his gay friends, instead of providing emotional support, constantly repeated crude sex jokes about the incident.

What queers perceive to be a crime may, in fact, be radically different than what others, including the police, construe as a crime. For example, the queer movement framed the killing of popular San Francisco gay leader Harvey Milk in 1979 as an “assassination” (see Comstock 1991:28), which came to symbolize the dangers facing outspoken queer public figures. More than 40,000 marched in a candlelight vigil on the night of his death, and thousands rioted after the lenient sentence handed to police officer Dan White (Comstock 1991:27). On the other hand, it is doubtful that White’s supporters referred to Milk’s death as an “assassination”: over \$100,000 was raised for White’s defence by police officers who wore “Free Dan White” T-shirts into the courtroom (Shilts 1982:302, quoted in Comstock 1991:28).

A homicide detective, commenting on the killings of six gay men in Edmonton over a 12-year period, rejected the idea that there was any hate motivation: “They all involved disagreements between lovers or sudden anger brought on by alcohol or drugs... none of them ... involved predatory motivation on the part of the accused... more along the lines of lovers’ spats than defending themselves from unexpected and unwarranted sexual advances...” (Letter from R, June 9, 1999). A Crown prosecutor, discussing a case in which a gay man was stabbed to death, commented: “The accused’s actions after the crime were more in keeping with the insanity defence than a “hate crime” (Interview with III, April 20, 1999).

### **Assuming the sexual orientation of victims and perpetrators**

From a methodological viewpoint, assumptions made about the victim’s sexual orientation can make queer-bashing analysis even more problematic. Heterosexuals are sometimes mistaken as homosexuals and attacked. However, if a victim is not “out” to his family, should we automatically assume he’s straight? In Newfoundland, for example, a victim who was ashamed to say that he had been queer-bashed and robbed, called an ambulance from a service station, saying that he had “fallen.” It was only several months later that police realized the gay motive. A suspect had been brought in for completely different reasons and had said to the police, “Are you questioning me about the gay-bashings?” As one queer activist put it, “The victim denied he was

beaten up because of his sexuality but the accused admitted to it. The victim denied that he was gay”(Interview with XX, May 25, 1999)!

Sagarin and Macnamara acknowledge that the “sexual orientation of the victim and offender... is not always ascertainable. It may be suppressed information, entirely unknown, or an unsubstantiated suspicion” (Sagarin and Macnamara 1975:14). Miller and Humphries lay out, in detail, the criteria used to determine the “homosexual lifestyles” of the victims they studied. First, they only chose victims where there was strong evidence that the victim was homosexual; second, they chose only cases “where the crime was related to the victim’s homosexual lifestyle”; finally, they excluded “all cases where the nature of the lifestyle was not indicated or where the degree of the victim’s homosexual identity was unclear,” including victims in prison (Miller and Humphreys 1980:174). Robson (1995) is concerned about the criteria used to “theorize” lesbians in the criminal justice system. She questions the methodology used in an article in *The Advocate* claiming that, out of 41 women on death row in the US, seventeen are “implicated” as lesbians (Brownworth 1992:62-64, quoted in Robson 1995:185). Robson points out that only a few of those women have consistently maintained their lesbian identities on death row, which are probably reconstructed “to comport with identities that maximize the chance of survival” (Robson 1995:185).

### **The problematic nature of interactions between victims and perpetrators**

Sometimes queer-bashing happens randomly to people who are walking down the street, simply minding their own business. Police have known for years that queer neighborhoods are magnets for predators; both gay and straight men are at risk by simply walking alone on Church St. in Toronto. Attacks can be triggered by a single glance or a verbal exchange. However, an overwhelming number of cases analyzed in this thesis are less clearcut, co-mingled with tales of prostitution, robbery, public sex, drugs and alcohol, rape, gangs, skinheads and authority figures. Clearly, with so many different aggravating factors, we need to be mindful of the relationship between victim and perpetrator. To create one single category – Queer Victim – and another

single category -- Queer Basher -- will not be as helpful as facing the complex and varied settings in which the Basher and the Bashed often find themselves.

Although his list now appears somewhat dated, Reiss (1962) describes where "queers" and "peers" meet: "... street corners, public parks, men's toilets... parks or hotels, and 'second' and 'third-run' movie houses" (Reiss 1962:105). Many of the "queers" he observed did not appear to participate in any overt or covert homosexual groups (Reiss 1962:107). Humphreys (1970) describes a terrifying episode that he and two other men endured while they were locked inside a public toilet and bombarded with stones from all sides: "All of us were a little more convinced that the teen-ager is a source of danger" (Humphreys 1970:99). Swigert et al. (1976) analyzed two lurid "sexual homicide" cases involving homosexuals. In the first, a "consensual homosexual relationship," a 25-year-old married man killed an older man with whom he was secretly having a relationship. In the second, a "homosexual sadistic homicide," a 24-year-old man picked up an older man at a bus station, went back to the victim's apartment, had sex, plunged an ice-pick into the victim's head, and then robbed the house. In both cases the killers appeared to be very unstable and paranoid about their own homosexual impulses, although these points are never addressed in the article (Swigert et al. 1975:393-5).

Miller and Humphreys (1980) observed that 42% of the victims killed were "overt homosexuals" who frequented gay-identified areas and were killed by gangs. In contrast, only 12% of the covert group met a similar fate" (Miller and Humphreys 1980:177). Harry (1982) suggests that "fag-bashing" is linked both to public sex and "the frequency with which a gay man visits places culturally defined as deviant, such as gay bars, or ... a known gay neighborhood" (Harry 1982:552). In his article about homosexual murder victims, "Chicken Kills Hawk," van Gemert (1994) plays with the stereotype of the "chickenhawk," i.e. the older gay man labeled as predator -- and describes how older men are victimized. In Comstock's (1991) research, cruising areas account for 18% of the bashing incidents against gay men, but for only 2% of the bashing incidents against lesbians. Reports of bashings that occurred in one's own home had similar

rates: 17% for men and 18% for women (Comstock 1991:49). Gay men and lesbians both reported that 66% of their attackers were strangers (Comstock 1991:57). In a study of homosexually-active men who were sexually assaulted, out of 212 non-consensual sex acts between men, prior consensual sexual activity had occurred in 29% of the cases. Respondents to a Montreal lesbian magazine survey described the percentage of perpetrators of the following crimes who were known to them: assault (100%); robbery (63%); and threats (67%) (Méthot et Théberge 1996:51). In a review of homophobic crimes in Montreal over an 18-month period the perpetrator was listed as “unknown” in only 28.6 % of the cases (Dire Enfin la Violence 1997:18).

A BC judge appeared to have difficulty understanding the kinky pleasures of consensual gay sex. When a gay man was stabbed 117 times by a man who had responded to a personal ad for a “free massage,” the victim’s penchant for rough trade was laid bare; in the courtroom it was revealed that the victim had had consensual sex with several hundred men. The defence implied that the victim had been “running a brothel”; even the judge asked for clarification “on what kind of activity was going on” at the house (Interview with FFF, March 27, 1999). However, according to one of the victim’s best friends, no money changed hands:

He was rarely in relationships and would always fall for gorgeous straight guys. He would have a lot of casual sex, and had a unique system. He was short, balding, and didn’t fit into the club scene. He started with personal ads in magazines. He would offer massage for straight and bi-curious guys. He had a great set-up going. On his computer he had a checklist which sorted out everyone, and was able to screen out calls.

Clearly, these violent crimes, which will be examined in more depth in Chapter Five, fall into a grey area: Is the victim really being assaulted because he’s gay, or are other factors at play? Gay lawyer Ken Smith complains that Vancouver police do not take assaults seriously if they find that a gay victim willingly allowed the perpetrator into his apartment: “The implication is that we are the makers of our own destiny” (Janoff 1995:10). The following poster distributed in Toronto gay bars demonstrates how “pick-up crime” has become a community concern:



Assaulted or robbed by someone you picked up?  
You can do something about it.  
REPORT IT!

The poster also gives tips on how to be "Date Safe": "Find out who he is"; "Introduce him to others"; "Get/mix your own drinks"; and "Trust your instincts" (The 519 Church St. Community Centre). A queer activist in Hamilton said that people have come forward "6 or 7 times" to tell him they've been bashed, but "four or five of them admitted they fanned the flames" (Interview with TT, April 27, 1999). In Vancouver, five drunk men shouted, "Are you a fucking faggot?" to a drunk gay man walking home from a bar on Davie Street. The victim stopped and said, "I beg your pardon?" When they repeated their obscenity, the victim said, "And what if I was?" The five men immediately lunged on the man, then continued their rampage at a gay café next door, attacking customers, and a riot ensued. Davie Street was shut down, and several people, including the original victim, were hospitalized. In the end, only one of the five assailants was convicted, but was not jailed (Janoff 1995:5-6; Takhar 1996).

### DESIGNING A NATIONAL RESEARCH PROJECT

Noted queer theorist Eve Kosofsky Sedgwick (1990) lays out her own blueprint for social inquiry by analyzing the silent discourses that flow from *closetedness*: "...the relations of the closet -- the relations of the known and the unknown, the explicit and the inexplicit around homo/heterosexual definition -- have the potential for being peculiarly revealing" (Sedgwick 1990:3). In my research, the gaps of knowledge were just as revealing as the information I was able to gather. The queer population does not show up in Statistics Canada reports; queers appear loath to report assaults linked to their sexual orientation -- and even when they do, the hate-crime record-keeping systems of many police departments are spotty or non-existent. Victimization surveys that do exist are not representative of the queer population, no matter how well-intentioned their goals are. I used five main sources to collect information on queer-bashing in Canada.

### **Books, journal articles, and unpublished academic papers**

Scholarly inquiry into queer issues appears to be most active in the humanities, with emphasis on representation. In law and the social sciences, queer theory is now quite popular, and focuses on the regulation, stigmatization and governance of queer populations, and queer strategies of resistance. Although detailed analyses of victimization surveys have been mainstays for the past decade, an exciting new critical discourse on the social construction of the queer victim has emerged (see especially Jenness and Broad 1994; Jenness 1995; Jenness and Broad 1997). Unfortunately, there is very little academic material that addresses the phenomenon of queer-bashing in Canada in the past two decades (but see Casswell 1996; Faulkner 1999; Cey 1999; MacDougall 1998; Petersen 1991). Mainstream introductory crime and deviance textbooks typically ignore the issue of queer-bashing. In *Canadian Criminology*, a first-year criminology textbook, there is a single mention of "homosexuality" in its 11-page index, and a one-paragraph discussion of homosexuality in the 450-page text (Jackson and Griffiths 1995:129). Similarly, in *Dangerous Domains: Violence against women in Canada* by Holly Johnson (1996) there is no mention of lesbians or homosexuals in the index. In general, most of the academic material on queer-bashing used in this thesis originates in the US, with some European and Australian articles.

### **Media reports**

In this category I include articles from mainstream and alternative newspapers, as well as transcripts from radio, television and films. Regional newspapers and newsletters serving the gay and lesbian community are often the only source of information for bashing incidents.<sup>8</sup> These

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<sup>8</sup> On the other hand, the mainstream media sometimes publish articles on queer-bashing that are neither mentioned in the queer media, nor embraced by queer activists: in Hamilton, the police department's task force on gay and lesbian issues discussed a mainstream newspaper report about an elderly, married and closeted Christian from the US who had been seen inviting men from a porno movie arcade to his hotel room (Dunphy 1997). Later, the naked victim was found dead of a fractured skull and robbed, with signs of a struggle. "We discussed this case on the task force. There was no ownership of the issue in the gay community. The tone in the media was, 'What was this religious man doing?' There wasn't a radically different tone with the Task Force" (Mulkewich 1999).

publications also serve as watchdogs, presenting alternative viewpoints on violence that do not make it into the mainstream media. For example, in Halifax the local queer press

... would print stories about trials where the truth was being distorted... where the perspective of the mainstream media was fostering the assumption that gay men who cruise or gay and lesbian people who are beaten up or killed for their sexuality were somehow deserving of it. The [mainstream] media most often projected the assumption that the homosexual in any story involving violence had provoked the assault (Interview with WW, May 25, 1999).

Four years ago I began clipping articles on queer-bashing somewhat haphazardly from the local queer and mainstream media.<sup>9</sup> The managing editor of *Xtra West*, British Columbia's major queer newspaper, did a database search for me, which increased my collection of articles significantly. Unfortunately, I was not able to do a similar search for articles in the other two major queer English-language newspapers that serve the Ottawa and Toronto communities, nor was I able to access major queer publications in Quebec. However, I did get access to other queer newspaper clippings from the people I interviewed.<sup>10</sup> To capture data from mainstream newspaper articles I used the three databases available to me at the SFU library: *The Globe and Mail*, Newsdisk, and CBCA. The key-word search process was extremely time-consuming. This is because stories about queer-bashing can appear in many combinations: although I knew I would never be able to find articles about queer-bashing in which sexual orientation was never mentioned, I was able to find many by casting an extremely wide net, and then narrowing my search from there. I eventually came up with over 400 articles, based on a search using the following key words, including epithets that I hypothesized might be contained in quotations attributed to homophobes:

gay or gays or homo or homos or homophob\* or homosex\* or  
queer or queers or fag or fags or faggot\* or lesbian\* or dyke or  
dykes or man-hat\* or drag queen\* or trann\* or transvest\* or  
transgend\* or cross dresser\* or transexual\* or transsexual\*  
AND

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<sup>9</sup> As a journalist, I published articles on the topic of queer-bashing from 1992 to 1996.

<sup>10</sup> In smaller communities, queer activists and queer journalists often wear the same hat. Activist/journalists in Calgary, Halifax and Saskatoon provided me with material from their archives that I would have never been able to access from my library, or from the internet.

kill\* or violen\* or knif\* or victim\* or murder\* or death\* or  
dead\* or die\* or death\* or homicide\* or beat\* or bash\* or  
attack\* or shoot\* or shot or kick\* or assault\* or assailant\* or  
slash\* or stab\* or manslaughter

Using this system, I was able to capture articles that would have otherwise gone unnoticed.

However, some of the articles raise even more questions about what constitutes a queer-bashing.

To demonstrate this point, I have included excerpts of articles about three Ontario incidents:

- An autopsy found she had drowned and that the imprints on her neck were left by a would-be strangler. Both women were Parkdale hookers, both were lesbians, and both were addicted to crack cocaine (Welsh and Brazao 1994).
- Trouble started in the Little Memphis tavern July 19, 1992, when one of a group of four men 'was heard to shout: "Are you calling me a queer?" (Canadian Press 1997a).
- One of the dogs that mauled Joe Peters to death more than a week ago has been put down, the victim's lawyer said last night at a memorial service... Peters was a man with a twinkle in his eye who had a special gift because he was a homosexual (Gallop 1995).

From the limited information in these articles, it is impossible to know the motives behind these attacks. We don't know with certainty if these people were queer-bashed; however, at the same time we don't *not* know they were queer-bashed. Since one of the problems with queer-bashing research is that many incidents are never reported, we should not dismiss these incidents out of hand.

### **Criminal and civil cases**

Criminal and civil cases provided details of some incidents not accessible by other methods; the cases are listed at the end of the thesis. For example, three homicides (*Butler* 1995; *Stewart* 1995; and *K.[M.]* 1993) and a brutal assault (*Carolán* 1995) were not picked up in my media search; the only way I found out about these incidents was by using the QuickLaw database.

### **Interviews**

I interviewed 60 people during a four-month period, including victims, queer activists, criminal justice personnel, academics, journalists, and other people affected by queer-bashing. This was the most time-consuming aspect of my research, but also the most rewarding because it gave me an opportunity to engage with other concerned citizens on the topic. I contacted at least one person from the queer community and one person from the criminal justice system in each major

city across Canada. This snowball method led to contacts in other cities and towns where I was having difficulty finding people to interview. To cover the whole country, I divided the country into 30 regions. (See Appendix A.)

After compiling a list of suitable interview subjects and ascertaining addresses and phone and fax numbers -- but before conducting the interviews -- I sent individual letters (Appendix B) and an individualized set of open-ended questions (Appendix C), which also included a consent form (Appendix D). If one person whom I approached was unable to respond, they often forwarded my request to others. In Edmonton, for example, a police inspector with whom I had had a more general discussion about hate crimes forwarded more specific questions to a homicide detective, who then faxed me additional information. Out of over twenty police departments, only one department outrightly refused to respond to my request for information, and sent me a letter to that effect (Appendix E). Some departments called me back within hours of receiving my request. In a few other police departments representatives engaged me warmly over the phone, but were unwilling to provide any specific data -- even though some said that it did exist -- and later would not return phone calls. It often took up to ten phone calls to conclude just one interview and some interviews took months to set up.

What makes this project unique are the insights and raw data gleaned from Canada's far-flung queer communities. While my cover letters to police departments tended to focus on my academic background, letters to the queer community (Appendix F) and separate interview questions (Appendix G) made a point of mentioning my personal understanding of the queer community.<sup>11</sup> In my hundreds of interactions, I was treated brusquely by a few people, while some people's attitudes shocked me. However, by and large I was overwhelmed by the positive

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<sup>11</sup> For example, while talking to a gay journalist in London, Ontario about the best way to contact London's local queer organization, he asked me: "Are you gay?" In retrospect, I don't believe I would have been able to gain access to these individuals and materials if I hadn't been a queer activist. In the middle of my research, I took what amounted to an almost one-year hiatus when I was elected to the board of Canada's only national gay and lesbian rights organization, EGALE, where I chaired the Political Action Committee. From this vantage point I got a close inside view of queer politics in Canada and was also able to locate and communicate with queer activists in each province and territory of Canada -- a perspective that would have been impossible had I remained squarely "on the hill."

reaction to my project; when I thanked people for providing me with information, they would then thank *me*, stating that “somebody’s got to do this.” When I requested gay-bashing statistics from the police department in Hamilton, the community relations coordinator spent days compiling a report that detailed crimes dating back fifteen years. A Calgary source prepared a 30-page report on his community and faxed it to me. In the end, I felt honoured to have been so well-received.

### **“Miscellaneous” information**

This final category of information is a collection from disparate sources. The more interviews I conducted, the more pieces of information I was sent. After a while it became very difficult to keep track of it and to access it from my files. Much of this information is one-of-a-kind; imbedded within these documents are snippets of data which, when seen as a whole, provide a unique picture of queer-bashing in Canada. The materials I classified included: reports, correspondence, statistics, briefs, submissions, information downloaded from websites, newsletters, public relations materials, minutes and records kept by individuals and organizations, posters, training and procedural manuals, and legal documents.

One problem I ran into in the course of my interviews was that the wording of some of my questions was too vague; in the answers some people *approximated* the *frequency* of incidents rather than *citing exact* incidents. To counter this, I wrote back to my interview subjects (Appendix H) and included “incident clarification sheets” (Appendix I), specifically designed for queer-bashing incidents that had been mentioned in passing but not mentioned in a case, a police record, an article, or a report.

### **Putting it all together**

Once my data began to pour in, any doubts I had had about the widespread occurrence of queer-bashing in Canada were laid to rest. But what to do with such an overwhelming amount of material? It was difficult deciding how far back I should go. Finally, I made the arbitrary decision to consider *only incidents that occurred after Jan. 1, 1990*. Regarding the actual location of

specific incidents, I had originally proposed to look at queer-bashing from a national perspective while focusing on four specific communities: Ottawa, Montreal, Toronto, and Vancouver. However, through snowball sampling I had been in contact with a gay man in Newfoundland bashed in jail, and a lesbian from Victoria who had witnessed her friend being stabbed in a queer discotheque. Because these individuals helped to answer my primary research questions, I decided I should include their stories nonetheless. The best strategy, I decided, was to cast my net widely, knowing that in each community I would not always be able to find all categories of interview subjects. By taking this broad approach across the country, I found that I was able to come up with a comprehensive picture of queer-bashing in Canada.

The next step was to locate the homicides and queer-bashing incidents in time and space. In Appendix #3, I collected five types of information about each queer-bashing incident: the region in which it occurred, using the numbering code found in Appendix A; the exact or approximate date of the incident; the references used to pinpoint this incident; a description of the incident; and a series of codes, which helped me analyze different aspects and issues arising from these cases; Appendix #1 is a key to the codes used in Appendix #3.<sup>12</sup>

Appendix #4 presents ten types of information about the homicides: (1) the region in which it occurred, and the date that either the homicide occurred or the body was found; (2) the name and approximate age of the victim(s); (3) the name and approximate age of each of the accuseds; (4) what the accused was charged with; (5) what the accused pleaded; (6) what the accused was convicted of; (7) what the accused was sentenced to; (8) references used to pinpoint this incident; (9) a description of the incident; and (10) a series of codes, whose key can be found in Appendix #2.<sup>13</sup>

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<sup>12</sup> The references in Appendix #3 are abbreviated to save space on the table. They are to be used in tandem with the list of cases and the bibliography at the end of this thesis, both of which gives full, detailed references of all the material used to compile these incidents.

<sup>13</sup> Most of the cases have a specific date attached to them. However, in some cases, because I had run out of the time and resources necessary to find the exact date, I have listed a month, a year, or a part of the decade in a few cases.

## Community/ethical concerns

Because of the stigma attached to lesbianism, Ross (1995) comments that “most researchers who have interviewed lesbians have found it necessary to deploy sophisticated mechanisms in order to safeguard the identities of their subjects” (Ross 1995:18). However, when Ross interviewed her subjects, giving them the choice of anonymity, all but one insisted on using her own name, “to combat invisibility, and to replace shame with pride” (personal communication, April 4, 2000). Keeping this in mind, I designed my consent form in such a way as to give my interview subjects the choice of naming themselves publicly. The reason behind this is essentially political, a strategy designed to combat the oppression of the closet by creating a public record of Canadians who are fighting to expose homophobic violence. Ten out of 60 of my subjects chose anonymity. The name of one individual’s community was obscured.<sup>14</sup>

Although queer-bashing victims made up a small percentage of my interviews, I felt uneasy while discussing traumatic events with them. I am not a therapist and was afraid that I would upset them by stirring up unpleasant memories. Some victims were still in a lot of pain, while others had completely blocked it. Some were politicized by it, while others appeared sullied and defeated -- overwhelmed with a shame that rape victims sometimes describe. A well-educated, successful community leader, recounting an incident that occurred to him, said, “I felt like a piece of scum. I felt like a piece of dirt.” I don’t enjoy making people say these things, even if this project *is* for a greater good. Despite repeated requests, the Calgary Police would not release any of their stats on hate crimes. However, someone in the community released them to me on condition that the person remain anonymous. The reason police used not to release the stats was, this person claimed, because “the tracking system had not been in place long enough to make comparative studies.”

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<sup>14</sup> The person, who is an “out” activist in a smaller Canadian city, has recently been threatened and stalked. The person did not wish to be named, fearing for the safety of loved ones, but I also felt it necessary to take extra precautions by not mentioning the person’s gender or province. The person, who works very hard on queer issues in the community, said, “We can’t take the chance. I don’t know what kind of friends [the perpetrator] has. The fear isn’t for my own safety. It’s for my partner and the children.”



## CHAPTER TWO

### SOCIAL THEORY, HOMOPHOBIA AND THE LAW

Surely it is fantastic to think that enactment of the proposed reform would impel hordes of individuals immediately to discard their current heterosexual inclinations and activities for a life of homosexuality, thus precipitating the decline and eventual demise of the conventional family and of civilization as we know it (Schur 1965:110-111).

Why does queer-bashing take place? A complex grid of social forces have given rise to this phenomenon. This chapter will examine sociological and criminological literature, as well as psychological and legal theories that analyze homophobia and the regulation of sexuality.

#### **Social control pre-20th century**

Pfohl (1994) examines demonism in the Middle Ages, when “gay men were often bound together as kindling or ‘faggots’ and used to ignite the pyres” built to burn “witches,” a group that included widows and spinsters -- women who rejected conventional forms of marriage (Pfohl 1994:38). There have been two principle theoretical approaches to sexuality in the past 150 years: the naturalist epistemology that classifies and describes different sexual forms, and the psychodynamic epistemology, with its essentialized view of sexuality as an overpowering force (Weeks 1981:2). Ironically, the early sexologists like Havelock Ellis became “powerful agents in the organisation and potential control of the sexual behaviours they sought to describe” (Weeks 1981:152). The first text on homosexuality, Ellis’s *Sexual Inversion* (1896), was targetted by the authorities as an obscene publication. As a direct result, hundreds of men and women wrote to Ellis to describe their homosexual experiences (Weeks 1981:61). Meanwhile, the three trials of Oscar Wilde in 1895 exported the concept of homosexuality to the farthest reaches of the globe.

#### ***The History of Sexuality***

How did people come to see themselves as sexual “subjects”? How did this strategy of sexual regulation evolve? Many social control theorists have turned to the writings of Michel Foucault, a gay French philosopher who died of AIDS at the height of the epidemic in 1984. Central to

much of Foucault's work is the concept of *power/knowledge*, the idea that power and knowledge are inextricably linked: "...there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations" (Foucault 1977:27).

In 1978, the English translation of *La Volonté de Savoir* was published as *The History of Sexuality, volume I*. Foucault argues that discourse on sexuality began spreading through Europe in the 16th century, when the Council of Trent issued a set of guidelines to be used in the confession box, inciting the individual "to produce a proliferating oration on the state of his soul and the lusts of his body" (Dreyfus and Rabinow 1982:175). By the 19th century, sexuality emerged as an important instrument in the spread of *bio-power*, heralded by "an explosion of the numerous and diverse techniques for achieving the subjugation of bodies and the control of populations" (Foucault 1978:140). Sex was a force so powerful and dangerous it needed to be policed and administered on two fronts: by objectifying the body and by targetting the population as a whole. The latter procedure had already begun to occur in the 18th century; "the deployment of alliance" was a strategy, founded on the religious and legal obligations of marriage, to document details on fertility, contraception, pregnancy and other sexual activities -- ostensibly, out of concern for the welfare of the population (Foucault 1978:106-110). Foucault rejects the "repressive hypothesis," the myth that a new economic order led to sexual repression by the late 19th century; on the contrary, never in history had there been more incitement to talk about sex and to study it (Foucault 1978:3-13). He also mocks sexual liberationists: "...we are conscious of defying established power... we know we are being subversive... Tomorrow sex will be good again" (Foucault 1978:7). In their efforts to "free" the masses, they unwittingly obscure the "larger deployment of modern power" (Dreyfus and Rabinow 1982:130).

Individuals were encouraged to confess to other authority figures, including doctors, psychiatrists and social scientists. The shift to a clinical setting meant that hidden sexual fantasies and practices could now be expressed in medical terms, "as though it were an area of

particular pathological fragility in human existence” (Foucault 1980:191). What resulted was a power relationship that required an authority to interpret what the subject said. Bio-power spread through these specialists, who claimed to be making people healthy. Any resistance to these experts then reinforced the need for even more experts in the field: “...power advanced... while its target expanded, subdivided, and branched out, penetrating further into reality (Foucault 1978:42). The deployment of sexuality followed four overlapping strategies, creating a multiplicity of medical anomalies which then required management. First, the “hysterization” of women’s bodies, considered to be saturated with sexuality; women were subjected to medical practices and placed within a rigid social and domestic framework. Second, the “pedagogization” of children’s sex; bio-power controlled children’s bodies by first constructing child sexuality. In the 19th century, child masturbation was constructed as a major social threat throughout Europe, “necessitating” surveillance and even the cauterization of the clitoris. Third, the “socialization of procreative behavior,” which normalized heterosexual monogamy while placing the sexuality of children, insane people and criminals under increasing scrutiny and produced the “psychiatrization of perverse pleasures,” which created a whole new universe of sexual anomalies: “misoscophiles, gynecomasts, presbyophiles, sexoesthetic inverts, and dyspareneunist women” (Foucault 1978:104-5, 43). These developments coincided with the ascendancy of social Darwinism and eugenics.

The label of “pervert” was now “scientifically” established: “corrective technologies were applied... the body, the new sexual science and the demand for regulation and surveillance were connected” (Dreyfus and Rabinow 1982:173). Sodomy, for example, was a law based on a biblical injunction that had been only sporadically enforced; same-sex relations became “pathologized” under the rubric of “homosexuality,” which soon led to cures and incarcerations. Foucault points out that “the sodomite had been a temporary aberration; the homosexual was now a species” (Foucault 1978:44). However, now that the homosexual had become something unique, a “reverse discourse” was also possible, allowing the labeled person to resist corrective

technologies being applied to the body: "...homosexuality began to speak in its own behalf, to demand that its legitimacy or 'naturalness' be acknowledged, often in the same vocabulary, using the same categories by which it was medically disqualified" (Foucault 1978:101).

### **Social control and functionalism**

Foucault's analysis is very useful in elucidating the origins of sexual regulation in the 19th century -- and how these processes continue to this day in the form of queer-bashing. Foucault's approach to sexuality has formed the backbone of today's queer theory, which subverts previous notions of gender and sexual identity. However, in order to understand what queer theory is rebelling against, it is important to consider how the 20th century's major schools of social theory have evolved.

At the dawn of the 20th century, sociologists wondered "how humans could act cooperatively and civilly once released from the gently restraining bonds of the primary group" (Meier 1982:38). Edward A. Ross, who published *Social Control* in 1901, believed that society as a whole created "its own order by channeling the behavior of its members into orderly relations" (Meier 1982:37). By the 1920s, the term *social control* emerged as a central tenet, focusing "on the capacity of a social organization to regulate itself" (Janowitz 1985:84). Sociology and social control appeared to be synonymous: "The table of contents of books on social control read like a litany of topics in sociology -- institutions, education, law, family, religion, authority, public opinion, mass communications..." (Meier 1982:41). By the 1940s, a narrower conception of social control had come into play: a series of independent variables that produced conformity and norm compliance. By 1951, when Parsons published *The Social System*, social control had become central to the functionalist perspective -- the idea that deviance functioned to define and maintain societal norms, thereby producing the need for social control. On a more critical note, conflict theorists, concerned with increasing political repression in the 1950s, saw social control "as a set of dependent variables" and began examining more formal, coercive means of control (Meier 1982:44, 47).

### **Labeling, radical and feminist theories**

As the repressive nature of institutions came under scrutiny during the social upheaval of the 1960s, the university provided a fitting environment for this paradigm shift. A more sophisticated social analysis emerged, pointing up the “process by which rules are created that in turn provide the necessary, but not the sufficient, conditions for rule-breaking” (Meier 1982:47). As Becker observed. “...*social groups create deviance by making the rules whose infractions constitute deviance, and by applying these rules to particular people and labeling them as outsiders*” (Becker 1963:9). Instead of simply looking at the *behaviour* of a person deemed to be deviant, criminologists began to study the labelling process itself, the “...continuously shaped and reshaped outcome of social interaction... the theoretical perspective of symbolic interactionism” (Schur 1971:8). Implicit in this analysis was the social construction of deviance. The publication of “The Homosexual Role” by Mary McIntosh in 1968 represented a turning point in the theorization of homosexuality, and coincided with an increasingly vocal gay rights movement. The labeling/interactionist concept of “secondary deviance” turned Parsons’ theories upside down: central to this perspective was Lemert’s observation “that the reverse idea (i.e. social control leads to deviance) is equally tenable and the potentially richer premise for studying deviance in modern society” (Lemert 1972:ix). This reconceptualization gave rise to a host of ethnographies; Schur (1965) argued that homosexuality was the prime example of a “victimless crime.” In 1972, Stan Cohen published *Folk Devils and Moral Panics: The creation of the mods and the rockers*, a case study that examines both the *nature* and the *effect* of societal reaction:

A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions... (Cohen 1980:9).

In the 1970s and 1980s, left-wing theorists -- including “radical,” “critical,” “Marxist,” “Left realist,” “state theory” and “the New Criminology” -- began to object to the following

characteristics of interactionism: the focus on subjective meanings (as opposed to material factors); the emphasis on individual, as opposed to structural, considerations; and the reticence to mount broadside attacks on “power structures, ruling classes, dominant institutions and ideologies, systemic sources of discrimination and oppression” and social policy (Edwards 1988:32-33). For these theorists, social control has the following characteristics: it is the *raison d’être* of capitalism, and is synonymous with state control; the law is selectively enforced against the underclass; force is used “to repress opposition” and “the state manipulates the consciousnesses of workers through the mass media,” fostering the fiction that all citizens live in a system of equal opportunity (Meier 1982:48). Welfare temporarily placates “the surplus population essential for capitalist expansion and development” (Piven and Cloward 1971, quoted in Meier 1982:49).

Feminist theories from this era contain elements of both labeling theory and Marxism, confronting the way human nature and male/female differences are explained, and the way “society is conceptualised,” including “relationships between class and gender, capitalism and patriarchy,” and institutions (Edwards 1988:53). While early Marxist feminists focused on the significance of women’s reproductive capacities, socialist feminists began to use a more complex analysis of structural contexts, since these are the areas that affect women most profoundly: the sexual division of labour, the institutions of marriage and family, and the socialization of women in terms of “monogamy, motherhood and heterosexuality,” as well as the impact of male-oriented violence (Edwards 1988:55-58).

### **Masculinity and its discourses**

A growing number of men have developed poststructural theories about masculinity. Re-reading criminological theory, it becomes immediately clear that one of the most obvious questions – why men and boys commit almost all crime -- is ignored. When the issue of gender is raised, the question is always about why women commit so little crime: “...criminologists have relied ultimately upon an essentialist framework to explain the high rate of crime for men and boys... a

natural distinction ... between men and women” (Messerschmidt 1993:15). For example, Parsons viewed sex roles between men and women as complementary and harmonious, shedding light on his belief that the “prohibition of homosexuality has the function of reinforcing the differentiation of sex roles” (Parson and Bales 1955:103, quoted in Messerschmidt 1993:18). Messerschmidt also scrutinizes feminist theories, including the claim that “the universal system of patriarchy is maintained through heterosexuality and sexual violence -- rape, wife beating, wife rape, incestuous assault, sexual harassment and pornography... gender derives from sexual dominance, not vice versa” (MacKinnon 1989, quoted in Messerschmidt 1993:42). However, using this logic, “all heterosexual women are victims and all heterosexual men are rapists” (Messerschmidt 1993:42). Essentialized concepts of patriarchy “explain away real variations in the construction of masculinity within a particular society and, consequently, encourage the theorization of one type of masculinity -- the ‘typical (patriarchal) male’” (Messerschmidt 1993:58).

Sumner argues that criminological theory has failed to recognize the hegemonic masculinity at its core: “the ideological censure of women, femininity and subversive masculinities... is basic to both the formation of gender division and the character of modern criminal law” (Sumner 1990:35). He lists three shortcomings in Foucault’s work regarding this hegemonic masculinity. First, Foucault failed to mention “that the rise of reason, disciplinary power and sexual obsessiveness” paralleled and was linked to “the emergence of the modern conception of the preferred masculinity.” Second, moral and social values that we take for granted (e.g. rationality, productivity, strength, justice, etc.) are inextricably interwoven with notions of a dominant masculinity. Finally, by suppressing “unreason” over the past 500 years, we have also been suppressing “the feminine” (Sumner 1990:34).

Pronger (1990) playfully deconstructs the masculinity of gay male athletes who quickly learn the “standard language of masculinity” which requires them to pass as straight. These men constantly subvert and reinterpret masculinity, using irony as a tool to deal with the homophobia that emerges from “being gay in a society in which people tend to believe that everyone is

straight” (Pronger 1990:149). He points to gay men’s ability to call up masculine and feminine behaviours at will, depending on the social context. A straight muscular man “asserts his authority over women and inhibits other men... A gay man with a muscular body, however, has little intention of asserting his authority over women and may well have every intention of attracting other men” (Pronger 1990:151).

### **Queer theories**

The last decade has seen an upsurge in theorization about queer identity and the regulation of homosexuality. Kinsman (1996) theorizes that *heterosexual hegemony* is produced through the myriad constructions of homosexuality as a sin, an illness, a congenital disorder, a deviance, or a symptom of social degeneration. He uses “hegemonic approaches... to explore lesbian and gay oppression and resistance” and argues that “coercive laws, police practices, ‘queer-bashing,’ and limited social options all attempt to make heterosexuality compulsory...” (Kinsman 1996:39). He convincingly demonstrates how the Canadian homosexual has historically been portrayed as a child molester, seducer, corrupter, communist, criminal, blackmail victim, security risk, or as someone whose sex should only be tolerated in private (Kinsman 1996:39-40). For Butler (1993), “heterosexuality is always in the act of elaborating itself” which is proof positive that “it is perpetually at risk, that is, that it ‘knows’ its own possibility of becoming undone...” (Butler 1993:314). She also questions the validity of identity categories: “What does it mean to avow a category that can only maintain its specificity and coherence by performing a prior set of disavowals?” (Butler 1993:310). Instead of asking the question, “Why is homosexuality stigmatized as such?” Watney (1989) wonders, “Why has it been made so consistently to seem extraordinary, something quite out of the way of everyday life?” (Watney 1989:xi). He contrasts a homosexual identity, which is fundamentally socio-political, with “the identity of the heterosexual, for whom heterosexuality does not designate desire for the opposite sex, so much as a rejection and denial of homosexuality” (Watney 1989:50).



The emergence of “queer” activism in the past ten years has pointed up two very different ways of identifying and organizing communities: the gay and lesbian movement has created “a quasi-ethnicity, complete with its own political and cultural institutions, festivals, neighborhoods, even its own flag,” along with the assumption that gays and lesbians share “the same fixed, natural essence, a self with same-sex desires” (Gamson 1998:589). However, by making the gay and lesbian community appear united in a single category, activists “simplify complex internal differences and complex sexual identities.” In civil rights discourse, “the appearance of normality is central to gaining political ‘room’... ‘We are everywhere,’ goes the refrain from this camp” (Gamson 1998:593). Gamson notes that, according to social movement theory, fixed identity categories provide legitimacy on the one hand, but reproduce oppression on the other. Queer theory, by contrast, demands liberation by disrupting the binary categories of man/woman, gay/straight. Moreover, when queers include bisexual and transgendered people in the movement, it is not simply an expansion, but rather a subversion of pre-existing identities. Lesbians are now accused of being “sexist” for not accepting other groups into their fold, e.g. transsexual women and bisexual women married to men.

... it is by keeping sexual and gender categories hard and clear that gains are made. Lesbian visibility is more recent and hard won... Just as they are gaining political ground *as lesbians*, lesbians are asked not only to share it but to subvert it, by declaring *woman* and *lesbian* to be unstable, permeable, fluid categories (Gamson 1998:598).

“In the hurry to deconstruct identity,” Gamson argues, some queer theorists neglect to take into account “regulatory institutions such as law and medicine, for example, that continue to create and enforce gay/straight and male/female divisions, often with great physical and psychic violence” (Gamson 1998:597). In these situations, Gamson argues, it makes much more sense to resist these monoliths as a *collective* identity, not as a disparate group of identities. Paglia (1994) objects to the desexualized subculture spawned by queer theory. She suggests that theory divorces the new generation of “Foucault-addled” queer men from reality: “... scrubbed, arrogant

clones with bright shallow smiles who mouth political clichés but whose sexual imaginations are completely undeveloped” (Paglia 1994:84-85). To be fair, however, the young men Paglia is criticizing have never experienced sex without the threat of AIDS. Consequently, Mort (1994:215) feels that there “has been some pluralisation of the circuits of male homosexual desire (including a hypersexualisation of the body’s surface rather than fixation *with* the sexual act).”

Mort is also wary of queer theory, noting its literary origins (see Campbell 1993, Sedgwick 1990). Although it is important to understand “the mechanisms whereby perversity and the normal are mutually dependent and reinforcing... literary commentators move from identifying perverse structures *in texts*, to much more global pronouncements on the history of culture” (Mort 1994:211). The irony of queer theory is that, for all its notions of pluralism and binary opposites, what results is “a polarised codification of sex. It has privileged the principle of sexual dissidence as *the* epistemology of sexuality, in such a way that the pervert... has become the motif of sexual classification” (Mort 1994:212). In the future, queer theory will probably become more grounded as it continues to absorb non-Western, activist-oriented perspectives.<sup>15</sup>

### **Psychological theories**

While social theories have helped explain the evolution of a queer movement that resists disciplinary techniques including violence, some psychologists have tried to pinpoint the queer-basher’s motivations by doing research on the etiology of homophobia. Weinberg (1972) first coined the term homophobia – “the dread of being in close quarters with homosexuals” – noting that, in the West, “homosexuality is itself considered a problem; our unwarranted distress over homosexuality is not classified as a problem because it is still a majority point of view” (Weinberg 1972:4-5). He lists five motives behind homophobia: religion, “the secret fear of being homosexual,” “repressed envy,” “the threat to values,” and “existence without vicarious

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<sup>15</sup> For example, at a queer theory conference in Amsterdam in 1998, activist/academic Monika Pisankaneva presented a paper on the development of post-Communist homosexual identities in Bulgaria (See Janoff 1998:7).

immortality.” Discrimination against lesbians occurs since many privileges are only accorded to women who marry (Weinberg 1972:8-18).

Homophobic discourses come in many disguises – especially in the media, as Watney (1989) demonstrates while analyzing a London *Sun* tabloid headline on August 30, 1983: “GAYS IN FEAR: They dread revenge after attack on boy.” He points out that “*The Sun* is hardly siding with vulnerable gay men here: it is calling out for anti-gay violence, in a direct if crude discourse of revenge” (Watney 1989:82).<sup>16</sup> Homophobia disguised as “scientific inquiry” has also come in many frightening forms. Giles’ (1992) shocking research into the castration of “homosexuals” during the Nazi era reveals the “unkindest cut” of all: “a large proportion of those formally convicted of homosexuality by nazi courts were not actual homosexuals” (Giles 1992:46). As recently as 1968, Canadian gay men like Michael Riordon underwent aversion therapy. Three times a week for a year, “... I look at slides of naked men, and with each of them a sharp jolt of electricity is delivered to my leg.”<sup>17</sup>

Watney’s (1989) theories on the etiology of homophobic behaviour are complex. He is wary of the term “homophobia,” a reductive term that has “merely reversed the widespread tendency to pathologize all forms of homosexual desire and acts as symptoms of an underlying *perversion...*” (Watney 1989:47). Watney uses the Freudian concept of “reaction-formations,” obsessions that “defend the individual against some repressed emotion or wish within him or herself, or else from other displaced and strictly speaking phobic anxieties projected on to gay men” (Watney 1989:49-50). References to anal sex also provoke anxiety: “... the male rectum is the most thoroughly policed part of the male anatomy” (Watney 1989:126).<sup>18</sup> Ehrlich (1992)

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<sup>16</sup> Not that long ago – on May 6, 1987, to be exact -- “*The Sun* offered free one-way airline tickets to Norway in order to encourage gay men to leave Britain for good, under the headline “Fly away gays -- and we will pay” (Watney 1989:174)!

<sup>17</sup> Ironically, while attending a gay dance seven years later, Riordon saw his “torturer,” Dr. John Jameson, who admitted that while he *did* have sex with men, “Where I put my cock has nothing to do with my functioning as a therapist” (Riordon 1997:29).

<sup>18</sup> He offers the example of a three-month sentence handed to an eighteen-year-old who, fearing AIDS infection, punched and killed a gay man after inadvertently drinking from the victim’s bottle (Watney 1989:39). To call these

suggests that “three basic threats evoke a violent response: violations of territory or property, violations of the sacred, and violations of status.” The dehumanization and violence is rationalized through victim-blaming and the aggressor’s “need for affiliation and social conformity” (Ehrlich 1992:109). Harry observes: “The option of gay-bashing offers a nearly ideal solution to the status needs of the immature male...” (Harry 1992:115).

West (1977) believes that homosexuals face attacks not only from those “with pathological obsessions with sexual non-conformity, but from ordinary young delinquents whose exuberant aggression finds an outlet in the sport of ‘queer bashing’” (West 1977:204). Similarly, Franklin (1997) divides queer-bashers into two categories: the “Antigay Ideology” assailants, who feel they are enforcing gender norms rather than reacting to a particular personal threat, and those motivated by “adolescent developmental factors” (Franklin 1997:179-81). Heterosexual men who have been abused by other men sometimes worry that this experience might have “made” them gay: “The anxiety may be acted out in fear and avoidance of gays ... or by more active, sometimes violent, forms of homophobia.” On the other hand, “Gay male survivors ask, ‘Is this *why* I’m gay?’ or ‘Did this happen to me *because* I’m gay?’” (Lew 1988:54-55). One effect of internalized homophobia is that “gay men feel powerless when it comes to standing up to gay bashers,” a situation that can also put them at great risk (Arey 1995:211).<sup>19</sup>

### **Legal scholarship on homosexuality**

Unfortunately, sociological and psychological theories do not tell the full story about queer-bashing. The missing link is an analysis of the way homophobia is reproduced in law. It is bad enough that people form hateful thoughts about homosexuals, reinforced by various institutions, and proceed to beat on them. The horror is that legal practices tend to downplay or excuse homophobic violence. Our ability to answer the two main research questions -- on the prevalence

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behaviours “phobic” is “to lend them a spurious psychological dignity which they do not deserve;” clinical phobias are “generally extremely unpleasant and debilitating, and beyond their conscious control.”

<sup>19</sup> One young client dated abusive men and had compulsive desires “to wear T-shirts with pro-gay slogans on them, and to dress in ways that provoked homophobic men ... to sneer or threaten violence.” He would hitchhike late at night, but after being harassed and threatened, “he blamed his victimization on societal homophobia and saw no connection between his behavior and the reactions” (Arey 1995:228-230).

and prevention of queer-bashing in Canada -- is constrained without an analysis of the way homophobia saturates the criminal justice system. Although the Canadian, British, US and Australian legal systems are all quite different, there many similarities regarding the way these systems respond to queer-bashing. A survey of the queer legal literature from all these countries points up many concerns shared by queer activists globally. According to Robson (1995), "Theorizing lesbians and criminal justice as a matter of lesbian legal theory must put lesbians in the centre of its theoretical perspective," allowing lesbians to become the centrifugal force around which all else is problematized" (Robson 1995:191). Smith (1988) echoes this sentiment: "...our interest in the police did not arise as a theoretical or legal issue... Rather, it arose out of our generalized, everyday experience as gay people of having our sexuality denied and our lives overrun and sometimes destroyed by the police" (Smith 1988:166-7).

Queer legal theorists at the century's end find themselves following in the footsteps of the Critical Legal Scholars. In order to draw analogies and distinctions, students of common law learn to place legal problems into specific essentialized categories; "however, queer theory underscores the contingency and contestability of categories -- that there is nothing natural about them" (Stychin 1995:148). Herman (1994) observes that gay and lesbian movements have coalesced around campaigns to decriminalize offences that target and stigmatize their populations; only after these laws were addressed could a modern equality rights movement grow. While discussing "the legal construction of heterosexual privilege" Ryder (1991) notes that the law is mainly silent on gay and lesbian existences, except when gay men are presented as "powerful victimizers, deserving weak victims, or as the perpetrators of unmentionable indecent acts." This silencing has three consequences: it normalizes heterosexuality, it discourages queers from expecting recognition and support, and it deprives queer couples "... of financial benefits conferred on heterosexuals... In other words, lesbians and gays are forced to subsidize heterosexual privilege" (Ryder 1991:294-295). However, Robson (1995) observes that lesbian

legal theorists run the risk of developing a “normalized theory” like feminist legal theory, which ends up focussing on “legal issues important to professionalized women.”

MacDougall (1998) analyzes the judicial response to “hateful, hurtful or hostile expression directed against homosexuals” (MacDougall 1998:255). Judges tend to downplay the homophobic aspect of queer-bashings, which renders them a series of discrete occurrences. Even when courts acknowledge homophobia, the reaction is sometimes only superficially sympathetic to the victim. In other cases “the judge might even blame the target for his homosexuality causing the ‘natural’ reaction of a ‘normal’ person.” The court’s handling of queer-bashing cases can be problematic. In *Jolicoeur* (1997), a man assaulted “Sister C,” a well-known drag queen sitting in a restaurant in Vancouver’s West End who dresses in a nun’s habit. The judge dismissed the charge and said the victim was being “hypersensitive” in his claim that the attack was homophobic (Barrière 1997). In *M.(D.J.)* (1990), a seventeen-year-old brutally knifed three men, and faced three counts of attempted murder. The court exhibited lenience by not raising him to adult court, acknowledging that he had been “exposed to and participated in a variety of street crimes activities such as... ‘rolling queers’” (*M.[D.J.]* 1990, quoted in MacDougall 1998:328). The court concluded he was from a good home: “The profundity of the homophobia was ignored” (MacDougall 1998:328). In *Gallant* (1994), three men beat a man they perceived to be gay with a club. One of the accused appealed his two-year sentence; Huband JA, who reduced the term to seven months in prison wrote that the accused was sorry and had dissociated himself from his co-accused. “This is the school of quick-change-of-heart-on-homosexuality-come-time-for-sentencing” (MacDougall 1998:328). Plea-bargaining is also a sensitive issue. In *Carolan* (1995) a young drunk man kicked an older man in the head 32 times with construction boots, claiming the victim, who went into a coma and had to be put on life support, had come on to him.<sup>20</sup> The assailant pleaded guilty to aggravated assault; at the sentencing hearing, the court

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<sup>20</sup> I noticed in the case headnote that the victim had “subsequently died of respiratory failure.” When I called the Crown to see if the victim had indeed died as a result of his injuries, I was assured that that was impossible because

refused to admit as evidence a videotape that recorded the dull thud of the man's boots on the victim's head. The judge stated that "any attempt to colour the events and inflame the court in this fashion is totally improper" (*Carolan* 1995, at para. 6).

### **The merging of psychiatric and legal discourses**

From the list of subsidiary research questions, let us consider the second half of the following question: "What are the social and juridical responses to queer-bashing in Canada?" One approach is to analyze how homicide cases involving allegations of homosexuality play out in the courtroom. In Chapter Three, the judicial outcomes of 41 such Canadian homicide cases are analyzed: more than half the cases have resulted not in murder convictions but in manslaughter or even lesser convictions. In almost a third of the sentences analyzed, the killer was either acquitted or eligible to apply for parole within two years. Not surprisingly, there is a perception in the queer community that queer-bashers are "getting away with murder." The reason many of these killers are eligible for reduced sentences or even acquittals is directly linked to the way the homosexual victim has been constructed in the courtroom -- which results from a merging of legal and psychiatric discourses. The concepts of homosexual advance and homosexual panic, while highly dubious, have spawned heated debate between jurisprudence experts. Although these legal arguments are extremely complex and arcane, they have begun to shed light on the fact that the criminal justice system has failed to take this violence seriously.

In the past 35 years, the emergence of the homosexual panic defense (HPD) in the courtroom has caused alarm in the queer community, and raises many questions about how the criminal justice system responds to homicide cases involving queer victims. The legal debate around the validity of the defense centres on: "(1) whether the defendant who raises it must be a latent homosexual; and (2) whether homosexual panic is a 'mental disease or defect' akin to

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otherwise, "we would have raised the charge. But it's up to the police to monitor the situation. We don't have the resources to check up on everyone" (Interview with F, June 29, 1999). I asked the police if anyone kept track of whether crime victims died as a result of their injuries, which would then allow the Crown to raise *Carolan's* charge from aggravated assault to murder or manslaughter. I was told that neither the Crown nor the police takes responsibility for this duty -- which means that some assailants (and not just queer-bashers) may be literally getting away with murder.

insanity or a mere psychological disturbance that does not give rise to level of legal insanity” (Bagnall 1984:502).<sup>21</sup> Bagnall discusses cases from the 1970s, where the following terms were used by psychiatrists, called as expert witnesses, to describe the defendants’ personalities: “schizophrenic disorder or reaction, acute psychotic process or character neurosis;” “a violent emotional reaction to a homosexual situation stemming from a person’s conscious, or subconscious, awareness of his own homosexual tendencies;” “paranoid personality;” “dissociative reaction;” “mental disease or defect;” “highly delusional paranoid schizophrenic;” and “highly latent homosexual” (Bagnall 1984:307-8). Feasibly, someone could go into a homosexual panic “whenever anyone becomes *aware* that someone else is gay” (Bagnall 1984:512). He recommends that the courts should “establish that homosexual panic is a mental defect or disease, and not a mere psychological disturbance” (Bagnall 1984:514). Comstock (1992) has seven objections to HPD.

- Only men have been driven to use it: “...why have female patients not been driven to kill?”
- Why has the defendant’s latent homosexuality been de-emphasized in such cases, if this is such a central tenet of the original diagnosis? Instead, attorneys have replaced “uncontrollable latent homosexuality” with “‘fear,’ ‘disgust,’ or ‘aversion’ to other people’s homosexuality, which are not part of the psychiatric definition” (Comstock 1992:90).
- Why is there no emphasis on the “aversion to heterosexuality” that Kempf observes in his patients?
- Some accused have used the defense after having voluntarily had sex with the victim. “Only those who have severe problems with *latent, not practiced, homosexuality* fit the disorder; recognizing or acting upon those feelings is understood in the psychiatric literature as the way in which the panic is relieved, not precipitated.”
- Attorneys do not recognize it as a long-term illness. Nowhere in the literature Comstock reviewed is homosexual panic described as something that lasts a few minutes or hours; rather, it is characterized as “a stage at the beginning or in the middle of a schizophrenic condition, necessitating on-going counseling and sexual adjustment during and subsequent to the panic state.”
- It is inappropriate to link homosexual panic with self-defense because self-punishment, not self-defense, is the behaviour pattern in the literature. Defendants tend “to overpower and use excessive force against their victims, rather than vice versa.”<sup>22</sup>

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<sup>21</sup> In the first judicial mention of homosexual panic, the defendant, urinating in an alley, was grabbed from behind; he killed the victim because of “acute homosexual panic brought on him by the fear that the victim was molesting him sexually” (Rodriguez 1967:667, quoted in Bagnall 1984:502).

<sup>22</sup> Some defendants, rather than reacting to an alleged assault, have obviously planned their attacks by obtaining weapons in advance, by sexually propositioning victims, having sex with them and *then* attacking them, or by robbing them (Comstock 1992:95-97).



- By placing the victim on trial, self-defence “is argued on the basis of the victim’s sexual history and the testimony of the defendant, who in murder cases is usually the only witness” (Comstock 1992:90-98).

Mison (1992) distinguishes between “homosexual-panic defense” and “homosexual advance defense.”<sup>23</sup> The former is an insanity defense or a diminished-capacity defense, causing “the defendant temporarily to lose the capacity to distinguish right from wrong, thereby absolving the defendant of criminal responsibility” (Mison 1992:134). Mison turns his attention toward the latter, asking the simple question:

Should a nonviolent sexual advance in and of itself constitute sufficient provocation to incite a reasonable man to lose his self-control and kill in the heat of passion? If so, the defendant will be guilty of voluntary manslaughter, not murder... (Mison 1992:133).

The problem with these cases is that the “standard requires to have acted based on a reasonable fear.” Even when the victim is alleged to have raped the defendant, “evidence of a man’s homosexuality does not demonstrate his propensity to rape another man any more than evidence of a man’s heterosexuality demonstrates his propensity to rape a woman.” The authors conclude that the victim’s orientation should only be brought up in that circumstance if it proves that the victim had previously sexually assaulted somebody. Regarding provocation, “experiencing fear or hatred of gay people in response to a homosexual overture should not suffice to provoke a reasonable person to lose his or her self-control and resort to deadly force” (*The Harvard Law Review* 1989:36-8).

Mison argues HAD “is a misguided application of provocation theory and a judicial insitutionalization of homophobia.” In a typical trial, the defence “argues that a reasonable jury could find the victim’s homosexual advance sufficient provocation for the defendant’s acts and

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<sup>23</sup> The “homosexual advance defense” (HAD) has been around a long time. McHenry (1941) describes a murder in New York that took place 60 years ago: a Canadian boxer attended boxing matches with an older gentleman, received money from him, went for dinner and spent the night at his place on two consecutive nights. On the second night, he claimed the man made an improper advance; he was eventually convicted of manslaughter. McHenry argues that it is hard to believe that the defendant “was unaware after one visit to the consular official’s home that he was homosexual. Yet the fury of the assault, in which the face of the sleeping man was battered beyond identification, betrayed a towering emotional force of rage or disappointment or indignation behind it” (McHenry 1941:541-2).

requests the judge to instruct the jury on the lesser included offense of voluntary manslaughter. The prosecution does not object.” However, if the judge permits the defence to argue provocation and instructs the jury on voluntary manslaughter, it opens up the possibility for the defendant to be found guilty of that lesser charge. “The continued use and acceptance of this defense sends a message to juries and the public that if someone makes a homosexual overture, such an advance may be sufficient provocation to kill that person” (Mison 1992:135-136). He observes that defendants abuse this defense by raising it “either as an alternative theory to self-defense or alone as a theory of voluntary manslaughter” (Mison 1992:167). HAD “can also generate a minitrial highlighting the sexual orientations of the victim and the defendant, distracting the jury from the ultimate issue -- the defendant’s guilt.” These inquiries can lead to the “introduction of highly prejudicial and often irrelevant evidence,” like “homosexual paraphernalia” (Mison 1992:168-9). Mison points to rape cases, where “juries have a tendency to weigh the conduct of the victim in judging the guilt of the defendant.”

At least 21 Canadian HAD cases have occurred in the 1990s, as noted in the following chapter. Only three Canadian homicide cases from the 1990s mention HPD.<sup>24</sup> In Canada, in the vast majority of HAD cases, defence lawyers, while not using the term homosexual panic, utilize existing defenses to show that their clients were insane, intoxicated, provoked, or trying to defend themselves from the homosexual advance, which lies at the core of each case. These allegations are “designed in part to solicit the sympathy of the court. The defence is also an assertion that the perpetrator could not have been homosexual. The perpetrator escapes the inferiorisation of homosexuality and manages to turn himself into the (heterosexual) victim/target” (MacDougall 1998:303)? However, provocation is not a true defense *per se*, unlike “self-defence or automatism which, if established, entitle the accused to an acquittal.” With provocation, “the accused is acquitted of murder but convicted of the lesser offence of manslaughter.” A murder conviction carries an automatic sentence of life imprisonment, with no eligibility of parole for at

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<sup>24</sup> Homicides are listed in Appendix #4. See June 29, 1990; March 24, 1991; and August 8, 1993.

least ten years; however, a manslaughter conviction varies wildly because “while a person convicted of manslaughter is liable to imprisonment for life, there is no minimum sentence required” (Casswell 1996:631).

Casswell (1996) reviews the provocation provisions in the *Criminal Code*, which allow murder to be reduced to manslaughter “if the person who committed it did so in the heat of passion caused by sudden provocation” (Section 232[1]), or “if a wrongful act or an insult that is of such a nature as to be sufficient to deprive an ordinary person of the power of self-control... if the accused acted on it on the sudden and before there was time for his passion to cool” (Section 232[2]). The first provision is an objective test: the question as to “whether the wrongful act or insult was of such a nature as to be sufficient to deprive an ordinary person, not the individual accused, of the power of self control.” The second provision is a subjective test, in which “the character, background, temperament, and idiosyncracies of the individual accused are now relevant” (Casswell 1996:631-2). An important question is whether a woman would be allowed to plead similar circumstances involving a “heterosexual assault.”<sup>25</sup> Unfortunately, the Crown routinely relies on HAD “as a justification for accepting an accused’s guilty plea to a charge of manslaughter, rather than pursuing a conviction on a charge of murder” (Casswell 1996:635).<sup>26</sup>

MacDougall also comments on the irony “between killing a homosexual (supposedly out of panic) and robbing that person” (MacDougall 1998:310).<sup>27</sup> The accused was convicted of manslaughter, but the robbery raises the question: how can the court be expected, on the one hand, to be lenient because of this supposedly spontaneous act “in the heat of passion,” and yet look the other way when this supposedly-traumatized “victim” of a “homosexual advance” goes

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<sup>25</sup> In *Magliaro* (1981), for example, a woman killed a man after he forced her to perform fellatio. “There was no consideration of provocation or automatism or ‘heterosexual’ panic” (MacDougall 1998:293). Instead, she was chastised for not having left and called the police: “To take his life was an unreasonable and unwarranted act” (*Magliaro* 1981:512, quoted in MacDougall 1998:292-3).

<sup>26</sup> In 1989, for example, Kim Gray met his victim in a Vancouver gay bar, and was invited to the victim’s house; he ended up moving in for several days. On Feb. 24, Gray stabbed Bell fifteen times, claiming a homosexual advance. He negotiated a manslaughter conviction and was back on the streets in eight months. Within two years he was convicted again, this time of brutally sexually assaulting two teenage girls (see Hall, March 14, 1995).

<sup>27</sup> E.g., see Appendix #4, July 30, 1992.

shopping with a dead man's credit card? Tomsen and George (1997:59) analyzed "the details of 31 fatal incidents that are regarded as gay-hate killings" in New South Wales from 1986 to 1996. They divide the homicides into two different crime scenarios. The first includes twelve attacks on complete strangers who are perceived to be homosexual; perpetrators are young men and teenage boys who attack in groups, targeting geographical locations where gay men gather. Victims are particularly vulnerable in cruising areas; not only is there a constant supply of victims, but victims tend to be compromised when looking for sex: in two cases, "men who were attacked at beats died without taking up the opportunity to get medical treatment or police assistance" (Tomsen and George 1997:60). In the second crime scenario,

a personal dispute between two men, possibly over sexual activity or an alleged sexual advance, leads to fatal violence between parties who are generally friends or acquaintances. These offences usually occur in private settings. The prosecutions and criminal trials that follow from these killings often lead to the controversial use of pleas of self-defence and provocation (Tomsen and George 1997:61).

In the first category, there appears to be stronger sentencing and more public outcry; the authors contrast a case in the 1980s with two recent cases where the killers were convicted of murder and received maximum sentences.<sup>28</sup> The authors discovered that offenders alleged homosexual advances or assaults in 13 of the 16 trials studied, and in 18 of the 21 homicides that police consider solved.<sup>29</sup> They conclude that these claims "have been effective in reducing sentences and appear to be growing in frequency." This is

... reflected in the two full acquittals and six findings of manslaughter in completed trials which have occurred so far... in

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<sup>28</sup> The authors mention Australian HAD cases that date back to the 1950s. In a 1982 case involving two brothers who saw a gay man at a park and drove home to get a rifle, witnesses testified that the men chased the victim, who was begging for his life, then shot him in the back several times. They were convicted of manslaughter (Tomsen and George 1997:62).

<sup>29</sup> There are other curious patterns in these trials. For example, in some cases the defendant claims to have had sex previously with the victim, but says he only experienced it as abuse; no pleasure was involved. In other cases, the defendant claims that previous sexual abuse by an unrelated third party in some way "caused" the fatal incident; gay men "are seemingly made to bear a form of collective responsibility for this abuse" (Tomsen and George 1996:63-4). In a number of cases, offenders also made unsubstantiated claims that they were driven to kill because they had watched the deceased or some third person molest children (Tomsen and George 1997:66). The gathering of evidence about the victim's homosexuality is also a concern. Police evidence can sometimes portray the victims in court as promiscuous or predatory.

the majority of instances where these allegations about sexual assault are raised (eight of 13 killings) they have demonstrably served the defence of offenders. Furthermore... these claims may still be worth making even if they do not counter a charge of murder but raise factors that are taken into consideration when sentencing is determined (Tomsen and George 1997:63).

In 1996, the Criminal Law Review Division of the New South Wales Attorney General's Department issued a report that recommended that the difference between a sexual assault and a sexual advance be clarified: "To allow a non-violent advance to amount to sufficient provocation is wrong because it reinforces the notion that fear, revulsion or hostility are valid reactions to homosexual conduct" (p. 14, quoted in Tomsen and George 1997:64). However, there has been opposition to these recommendations. Canadian police have refused to classify any of the killings examined in this thesis as hate crimes. Even though many police departments record a name-calling incident against a gay man in their statistics as a "hate crime," the killing of a gay man who is stabbed 60 times is not considered a hate crime. The Crown in British Columbia have received new guidelines concerning hate crimes, in effect since July 1997. The Crown is supposed to oppose release, and is not supposed to propose alternative measures without express permission of the victim. The Crown is supposed to put the accused before court, and is not supposed to plea-bargain (Interview with O, April 30, 1999). Unfortunately, the Crown appears to have no such constraints when it comes to homicides. My research shows that, out of 31 known Canadian homicide cases in the 1990s, the Crown plea-bargained in at least 14 of them (see Table 5). The use of homosexual panic and homosexual advance defences will probably continue unabated in Canada, barring drastic measures like a constitutional challenge or class action organized by a national gay and lesbian organization like EGALE.

**CHAPTER THREE  
QUEER-BASHING AND HOMICIDE IN CANADA**

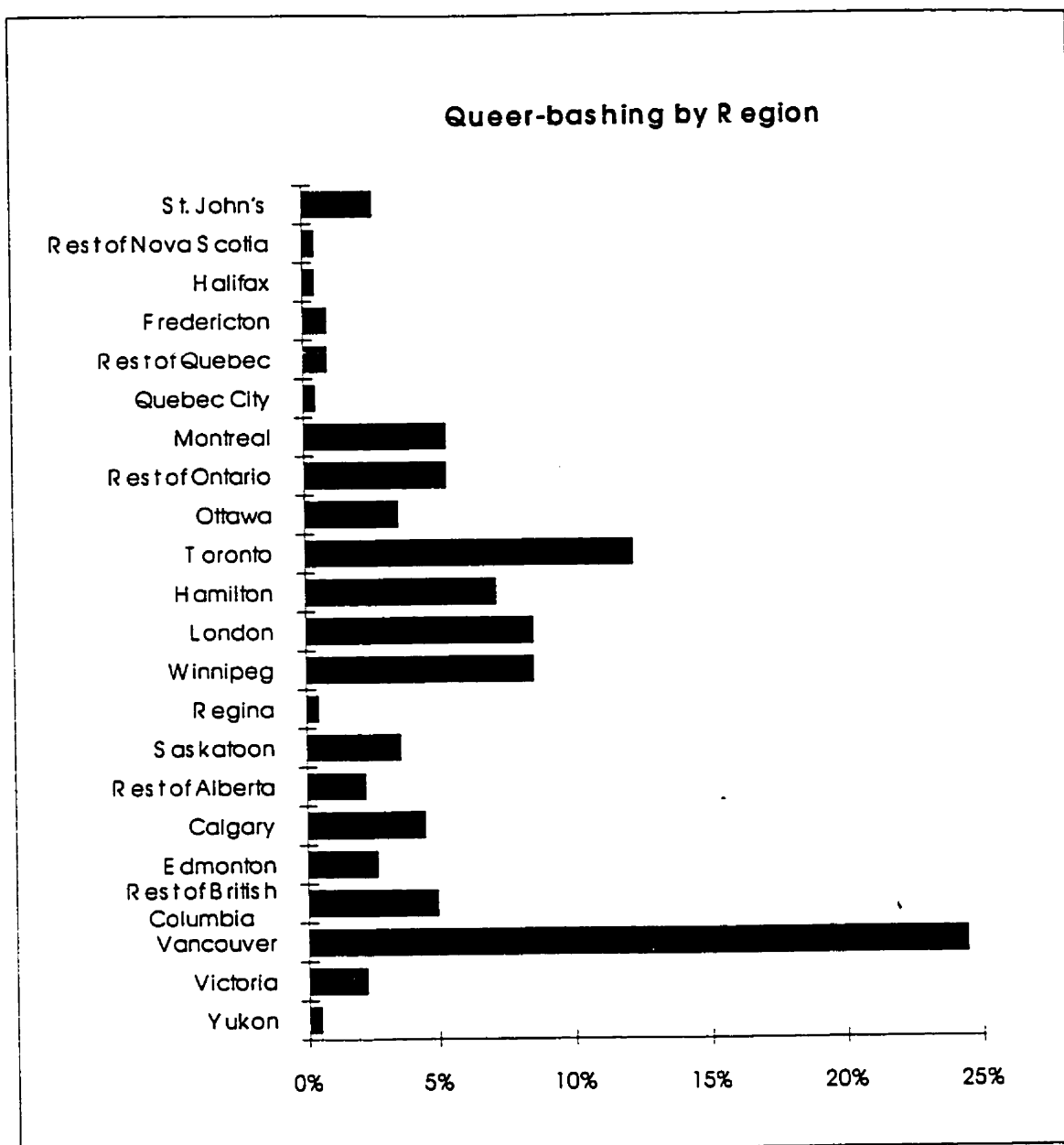
In Appendix #3, at the end of the thesis, a complete description of 221 queer-bashing incidents has been compiled. Space does not allow for elaborate discussions of these crimes; for more information, refer to the detailed descriptions of each incident that appear in Appendix #3.

**Regional breakdowns**

Clearly, one inconsistency in this study is the disproportionate number of queer-bashing cases from Vancouver, which is due to two factors: 1) in addition to mainstream reports, I also had access to the *Xtra West* database; and 2) I am much more familiar with the stories of the queer community in Vancouver. Toronto and Montreal, cities with more than double Vancouver's population -- and with much larger and clearly defined queer neighborhoods -- should, have at least a hundred cases each between 1990 and 1999, instead of 27 in Toronto and 12 in Montreal.

Location	# of queer-bashing incidents
Yukon	1
Victoria	5
Vancouver	54
Rest of British Columbia	11
Edmonton	6
Calgary	10
Rest of Alberta	5
Saskatoon	8
Regina	1
Winnipeg	19
London	19
Hamilton	16
Toronto	27
Ottawa	8
Rest of Ontario	12
Montreal	12
Quebec City	1
Rest of Quebec	2
Fredericton	2
Halifax	1
Rest of Nova Scotia	1
St. John's	6
<b>Total</b>	<b>221</b>

**Table 3.1 Queer-bashing by region**



**Figure 3.1 Queer-bashing by region**

**Victim's gender**

Across Canada, 254 out of the 291 victims whose gender was known were male, comprising 87 percent.

Queer-bashing incidents featuring:	No. of cases	No. of victims	No. of victims: %
1 male victim	144	144	49%
2 male victims	36	72	25%
3 male victims	10	30	10%
4 male victims	2	8	3%
1 female victim	14	13	4%

2 female victims	6	12	4%
3 female victims	1	3	1%
1 victim who is a transsexual woman	7	7	2%
2 victims, gender unclear	1	2	1%
<b>Total</b>	<b>221</b>	<b>293</b>	<b>100%</b>

Table 3.2 Queer-bashing by gender

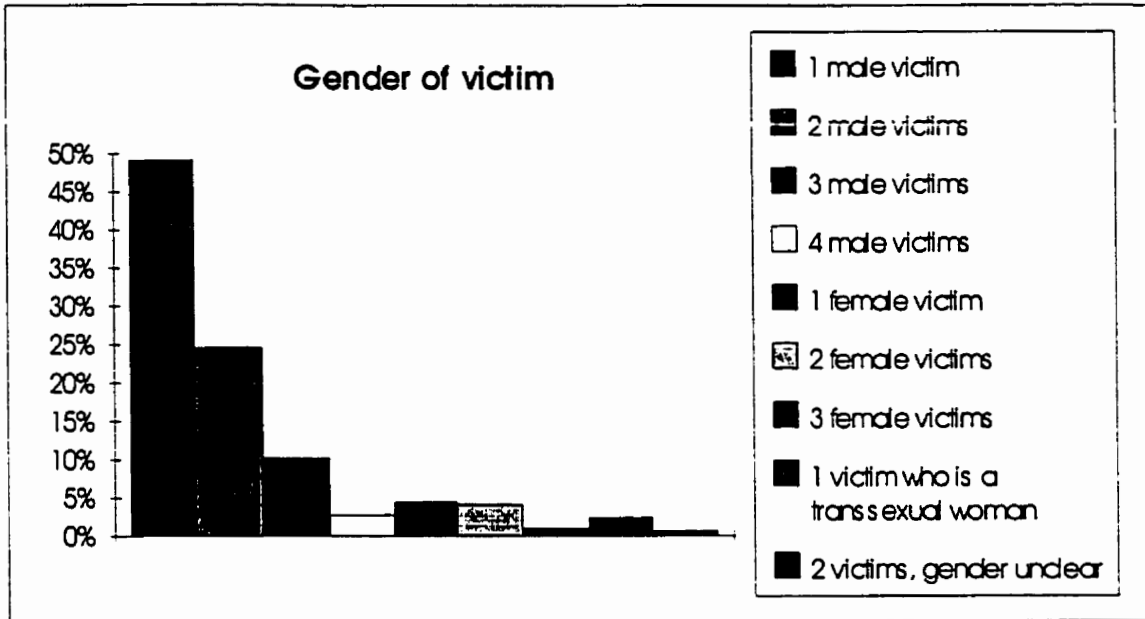


Figure 3.2 Queer-bashing by gender

### Victim's characteristics

In some of the incidents, controversies emerged over the sexual orientation of the victims. In other incidents, victims were reported to have provoked or confused perpetrators because their appearance or behaviour subverted traditional gender stereotypes. For others, their work as prostitutes may have compounded their risk of victimization.

Victim's characteristics	No. of cases (n=221)	% of cases
1 male victim whose sexual orientation is not completely certain: claimed and/or appeared to be heterosexual and/or denies being homosexual	11	5%
2 male victims whose sexual orientation is not completely certain: claimed and/or appeared to be heterosexual and/or denies being homosexual	4	2%



3 female victims whose sexual orientation is not completely certain: claimed and/or appeared to be heterosexual and/or denies being homosexual	1	0.5%
1 male victim who violates gender stereotypes	6	2.5%
1 female victim who violates gender stereotypes	3	1.5%
1 victim who is a transsexual woman and a prostitute	2	1%
1 victim who is a male prostitute	2	1%
1 victim who is a female prostitute	2	1%

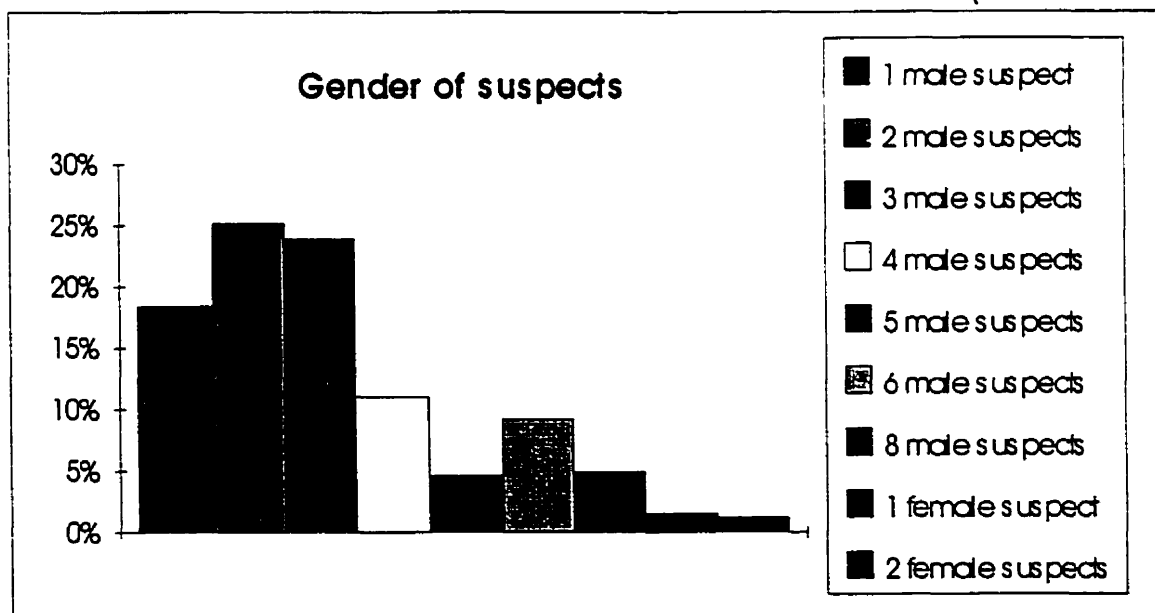
**Table 3.3 Queer-bashing victim's characteristics**

**Suspect's gender**

Out of the 326 suspects whose gender was reported, 317 were male, comprising 97%.

Gender/no. of suspects	No. of cases	Total suspects	Total suspects %
1 male suspect	60	60	18%
2 male suspects	41	82	25%
3 male suspects	26	78	24%
4 male suspects	9	36	11%
5 male suspects	3	15	5%
6 male suspects	5	30	9%
8 male suspects	2	16	5%
1 female suspect	5	5	2%
2 female suspects	2	4	1%
<b>Total</b>	<b>153</b>	<b>326</b>	<b>100%</b>

**Table 3.4 Queer-bashing suspects by gender**



**Figure 3.3 Queer-bashing suspects by gender**

### Types of crime

Many incidents involved not just threatening behaviour and/or violence, but other crimes like robbery and sexual assault. This is why the total number of crimes is higher than the total number of incidents.

Description	# of crimes	%
Crime: physical (attempted murder, assault, assault with weapon, unwanted pushing, shooting, spraying, kicking or throwing objects at the victim)	203	66%
Crime: threatening behaviour (verbal threats, chasing, following, spitting)	58	19%
Crime: robbery/attempted robbery	34	11%
Crime: sexual assault	12	4%
	<b>307</b>	<b>100%</b>

Table 3.5 Queer-bashing: Types of crime

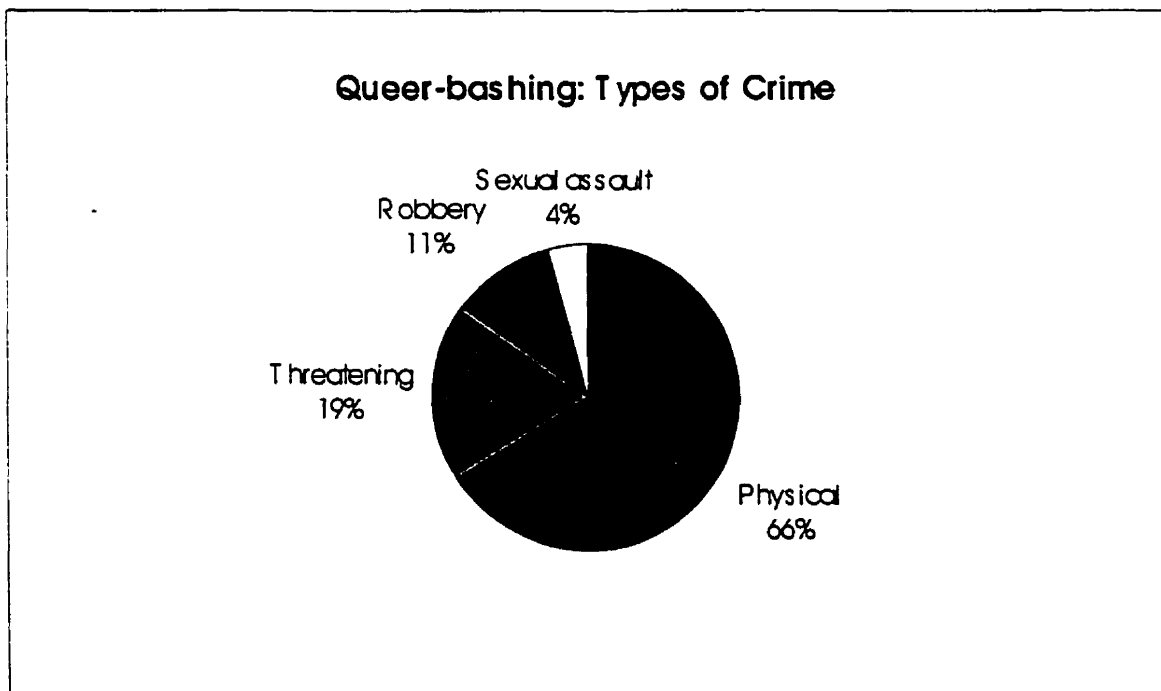


Figure 3.4 Queer-bashing: Types of crime

### Crime characteristics

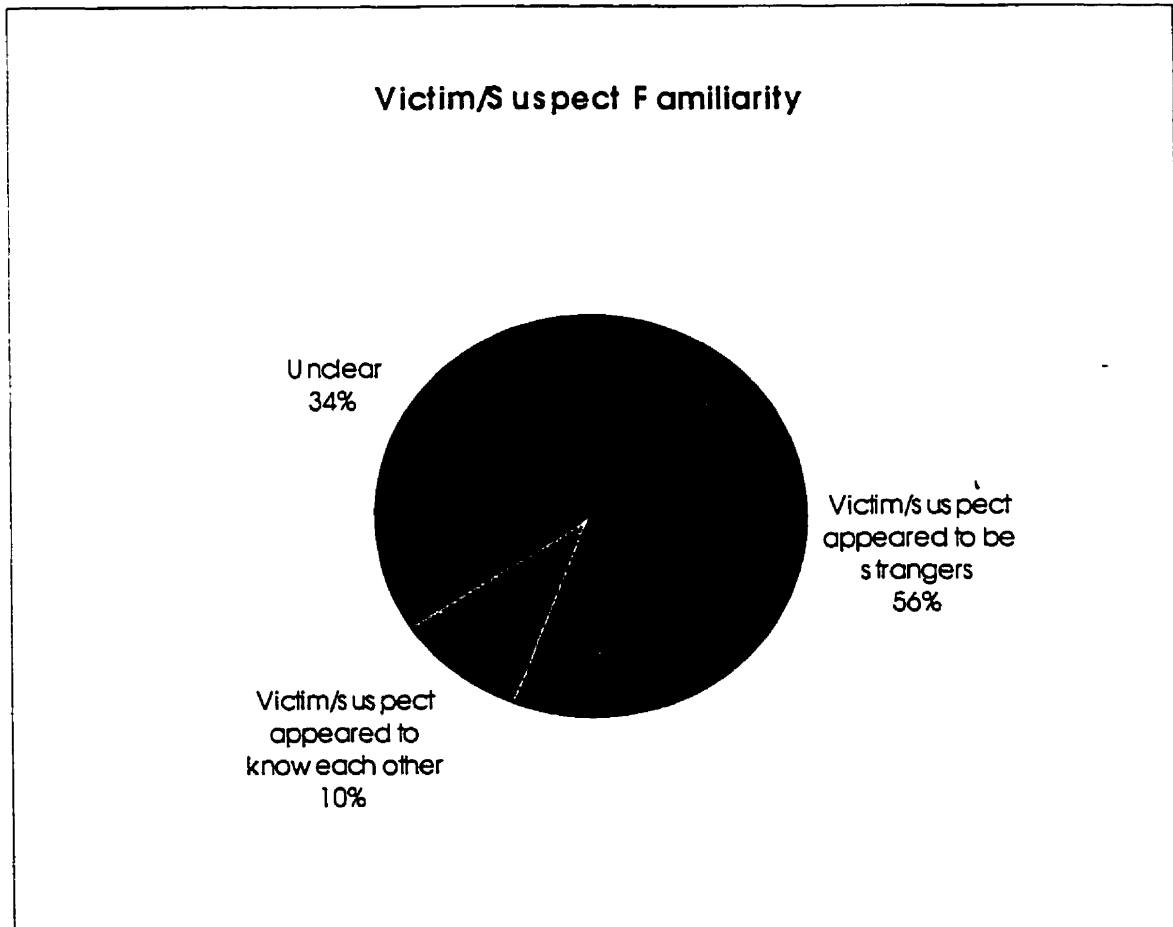
Some patterns emerged in these crimes. Although many of the sources used to compile this data did not mention the following aspects, it does not mean that these factors were not present. In other words, factors like drugs and alcohol may have been present in more than the 17 incidents listed below.

Incidents in which	# of incidents (n=221)	% of incidents
Violence occurred after victim and suspect picked each other up	20	9%
A sexual advance was alleged to have occurred	8	3.5%
Contact resulted from classified ads, phone lines, internet, etc.	2	1%
Alcohol and/or drug issues were reported	17	7.5%

**Table 3.6 Queer-bashing: Characteristics of crime**

Incidents in which	# of incidents (n=221)	% of incidents
Victim/suspect appeared to be strangers	124	56%
Victim/suspect appeared to know each other	21	10%
Unclear	76	34%
<b>Total</b>	<b>221</b>	<b>100%</b>

**Table 3.7 Queer-bashing: Victim/suspect familiarity**



**Figure 3.5 Queer-bashing: Victim/suspect familiarity**

**Police issues**

Although police were praised in 11 out of 221 incidents, or 5 percent, 41 incidents (or nearly 19%) featured at least one -- and sometimes several -- negative observations about police behaviour.

Incidents involving	# of cases (n= 221)	%
Insensitive and/or homophobic behaviour	8	3.5%
Incompetent/ inattentive/ didn't show up/ showed up late	14	6.5%
Violence	13	6%
Minimized the homophobic nature of the crime	10	4.5%
The victim ended up being apprehended and/or charged	7	3%

Table 3.8 Queer-bashing: Police issues

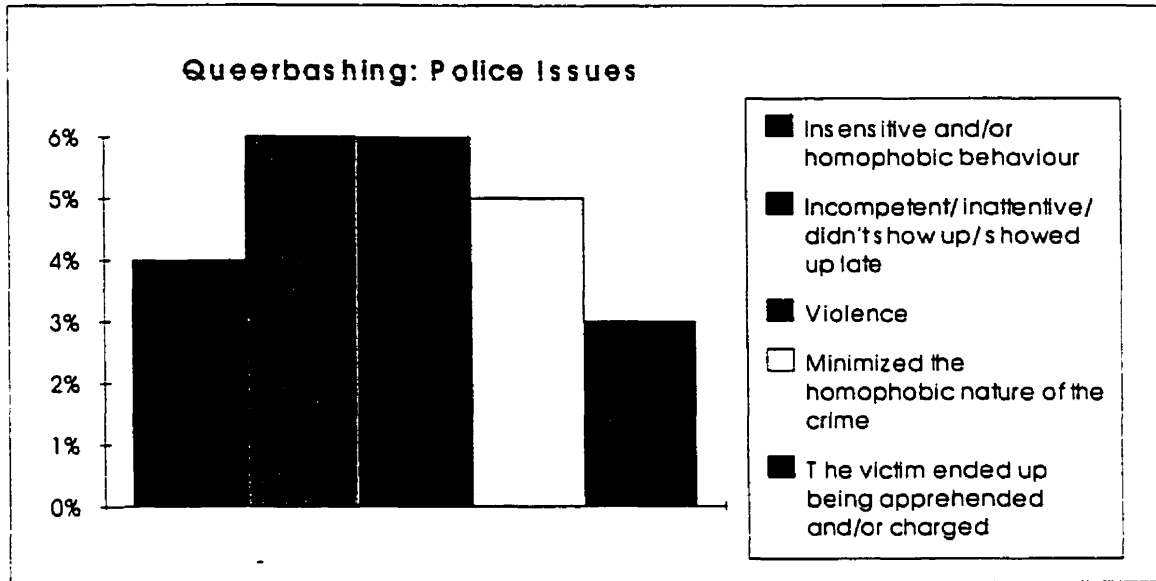


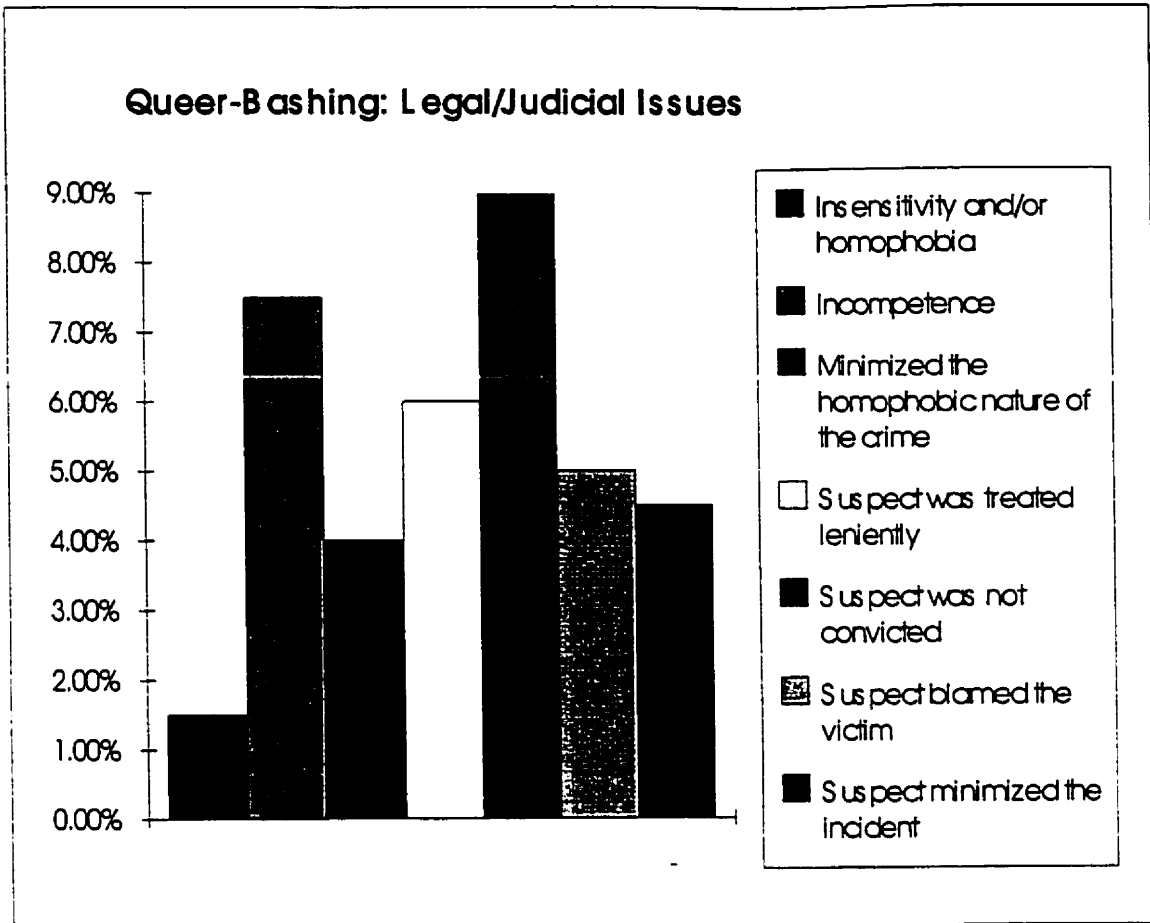
Figure 3.6 Queer-bashing: Police issues

### Legal/judicial issues

While the court was seen to have taken a positive stand in four cases (out of 221), 25 incidents (or 11.3 percent) featured one -- and sometimes several -- negative observations about the legal process. Although specific judicial outcomes were difficult to track down, reports that mention the accused's sentence are noted below.

Incidents involving	# of cases (n= 221)	%
Insensitivity and/or homophobia	3	1.5%
Incompetence	17	7.5%
Minimized the homophobic nature of the crime	9	4%
Suspect was treated leniently	13	6%
Suspect was not convicted	20	9%
Suspect blamed the victim	11	5%
Suspect minimized the incident	10	4.5%

Table 3.9 Queer-bashing: Legal/judicial issues



**Figure 3.7 Queer-bashing: Legal/judicial issues**

### The geographic context

The exact location of the incidents are noted below.

Geographic location	No. of cases	%
Attacked/threatened in or near victim's residence	32	14.5%
Location: in or near suspect's residence	3	1.5%
Violence occurred at a queer establishment	9	4.0%
Violence occurred outside, within a few metres of a queer establishment	19	8.5%
Attacked/threatened on other parts of a street where queers are highly visible	14	6.5%
Attacked/threatened in other parts of a neighborhood with a high queer population	21	9.5%
Attacked/threatened in other areas while walking in cruising areas including parks and prostitution strolls	33	17.5%
Prison, youth detention centre, jail or drunk tank	11	5%
Public washrooms	2	1%
Other locations/ not clear	71	32%
<b>Total</b>	<b>221</b>	<b>100%</b>

**Table 3.10 Queer-bashing: Geographic locations**

### Queer-Bashing: Locations

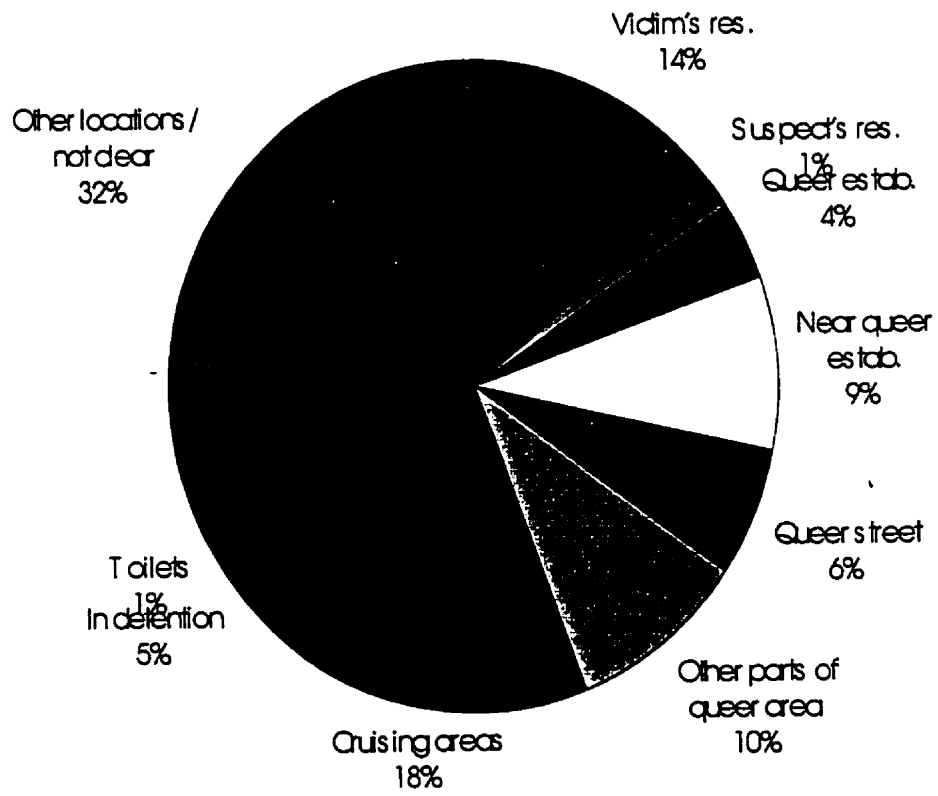


Figure 3.8 Queer-bashing: Geographic locations

### Victimization and media issues

Some of the source materials offered insights into the tremendous physical, emotional and financial consequences of this violence, and the media response to these incidents.

Incidents featuring	# of cases (n= 221)	% of cases
Extreme physical injury	37	16.5%
Serious financial consequences	9	4%
Severe emotional impact	30	13.5%
Media were insensitive, sensationalistic, incompetent or silent	9	4%

Table 3.11 Queer-bashing: Victimization and media issues

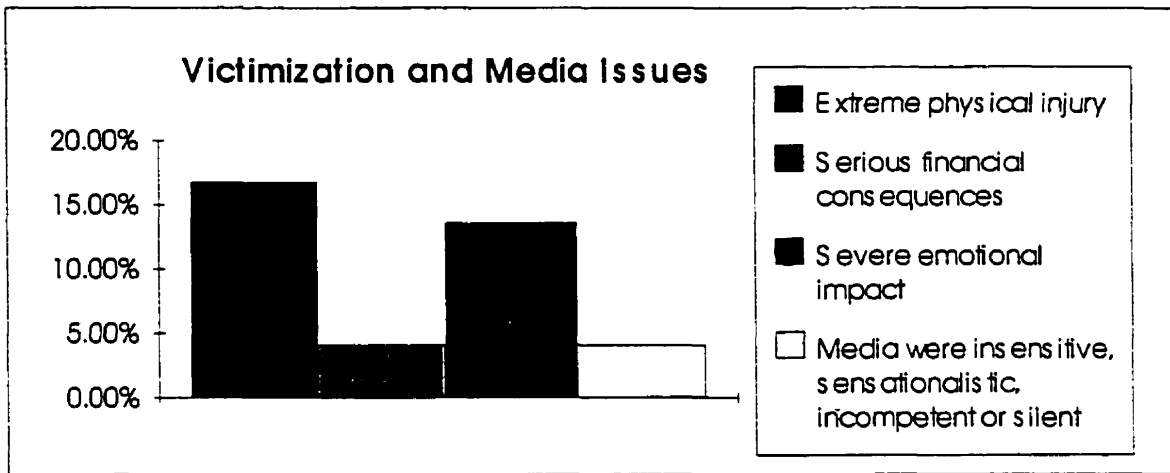


Figure 3.9 Queer-bashing: Victimization and media issues

### HOMICIDE INCIDENTS

In Appendix #4 I have compiled 83 homicide cases -- involving 88 victims -- that occurred across Canada since January 1, 1990. The homicides involve (a) victims perceived to be queer and/or (b) allegations of "homosexual advance," but they exclude known cases of domestic violence between queer couples. The incidents will be analyzed in many ways: by region, victim's gender, victim's characteristics, case resolution, crime characteristics, characteristics of the suspects,<sup>30</sup> the relationship between the victim and the suspect, sexual advance allegations, policing issues, legal/judicial issues, as well as victimization, media and community issues. Cases are divided into those with clear judicial outcomes and those with unclear judicial outcomes, and then are

<sup>30</sup> "Suspect" for the purposes of this chapter includes those charged, convicted and under suspicion in both "clear" and "unclear" cases, and includes those acquitted by reason of insanity and those who had their convictions stayed. It includes those suspects who killed themselves before trial and after conviction, but does not include those found "not guilty," or those whose charges were dropped due to lack of evidence.

further analyzed regarding charges, convictions, appeals and sentences. Space does not allow for elaborate discussions of all these crimes; for more information, refer to the full descriptions of the incidents that appear in Appendix #4.

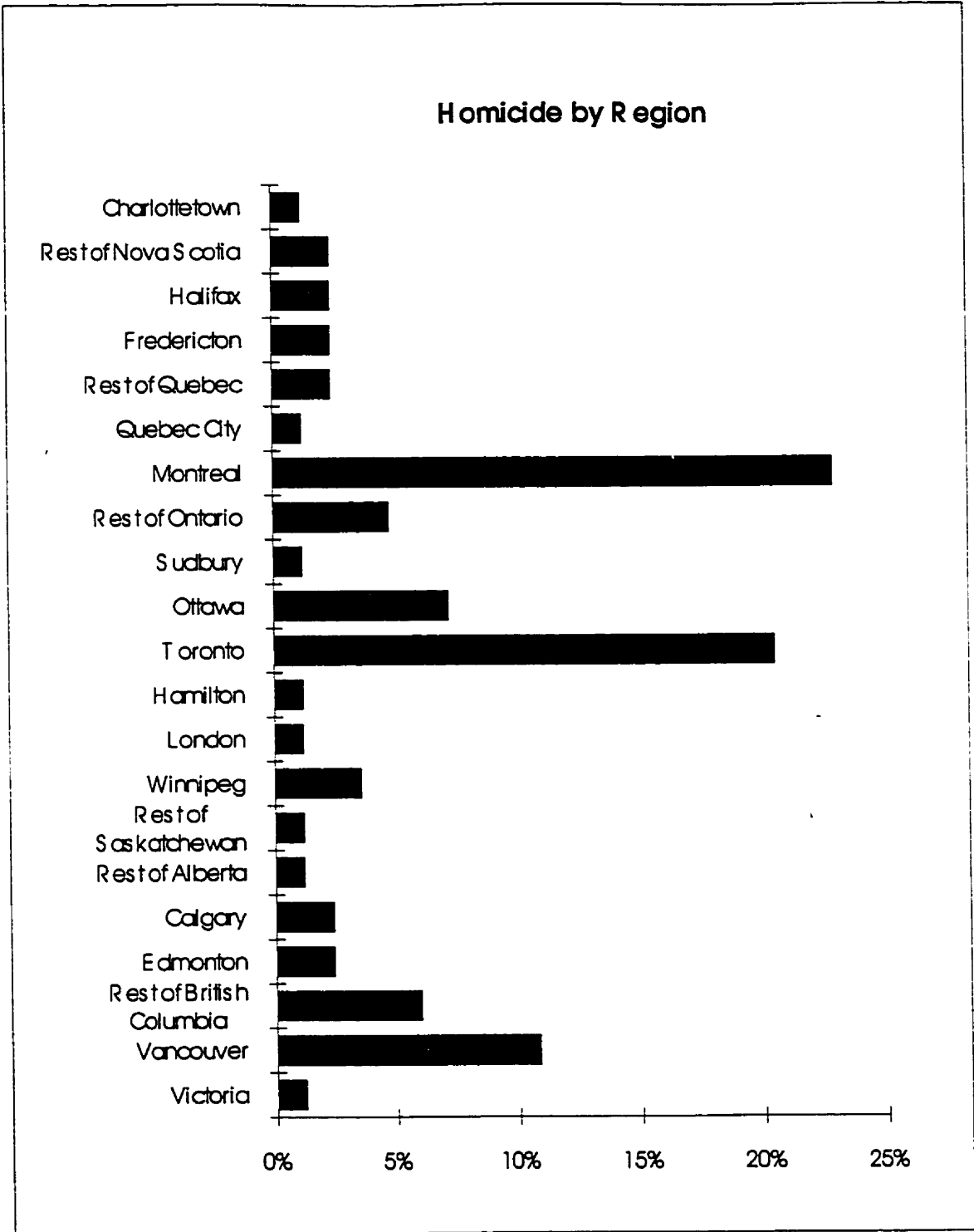
### Regional breakdowns

The homicides appear to be distributed fairly evenly across Canada. However, it is surprising that Toronto had fewer homicides than Montreal despite its much larger population. It is also noteworthy that a small province like Nova Scotia had four homicides.

Location	# of homicide incidents, 1990-99
Victoria	1
Vancouver	9
Rest of British Columbia	5
Edmonton	2
Calgary	2
Rest of Alberta	1
Rest of Saskatchewan	1
Winnipeg	3
London	1
Hamilton	1
Toronto	17
Ottawa	6
Sudbury	1
Rest of Ontario	4
Montreal	19
Quebec City	1
Rest of Quebec	2
Fredericton	2
Halifax	2
Rest of Nova Scotia	2
Charlottetown	1
<b>Total</b>	<b>83</b>

Table 3.12 Homicides by Region





**Figure 3.10 Homicides by Region**

## Victim's gender

Across Canada, 81 out of the 88 victims were male, comprising 92 percent.

Gender	# of cases	Total # of victims	% of victims
1 male victim	72	72	82%
2 male victims	3	6	7%
3 male victims	1	3	3%
1 female victim	3	3	3%
1 transsexual woman who is a victim	4	4	5%
<b>Total</b>	<b>83</b>	<b>88</b>	<b>100%</b>

Table 3.13 Homicide: Victim's gender

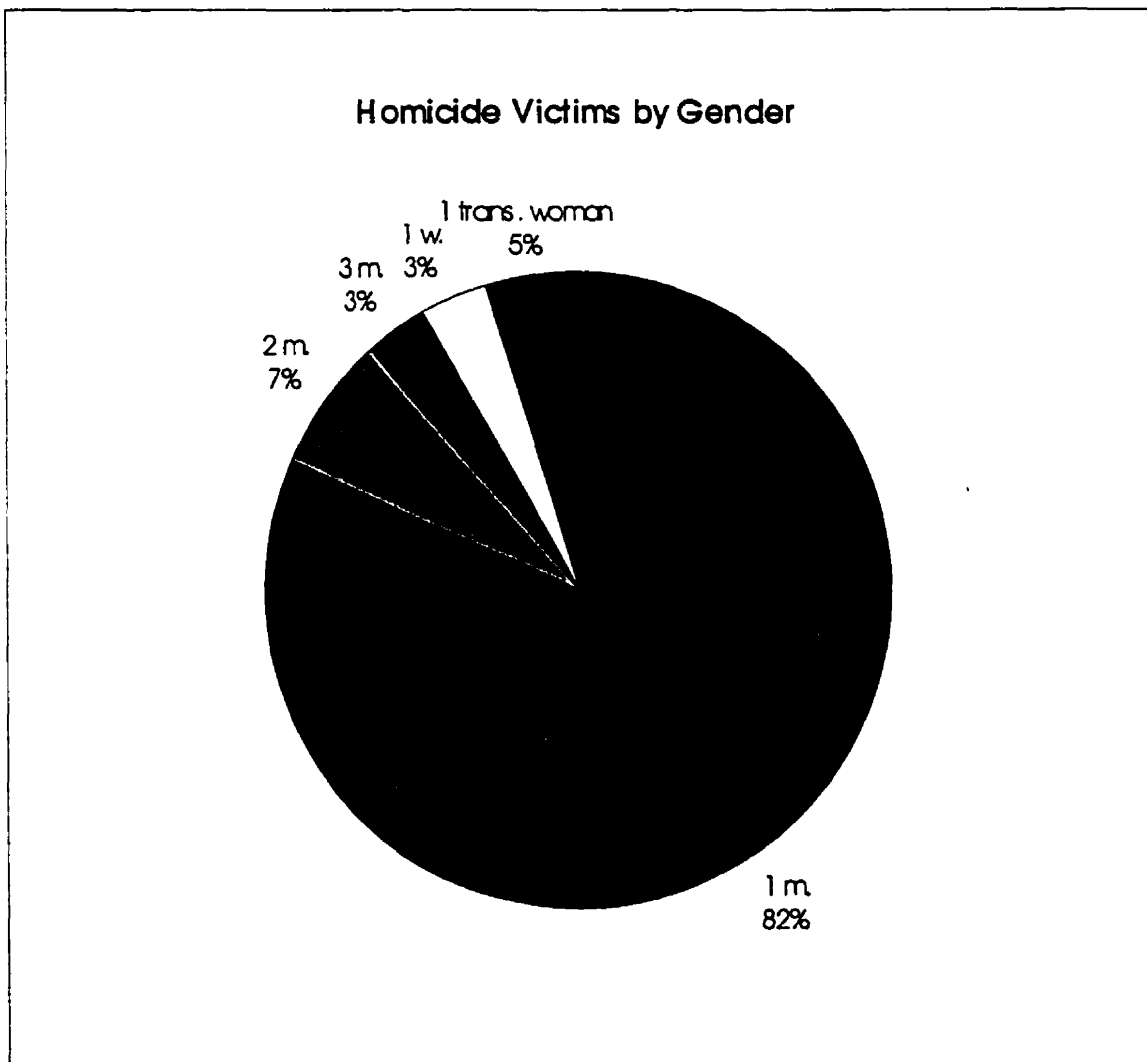


Figure 3.11 Homicide: Victim's gender

### Victim's characteristics

In some of the homicides, the sexual orientation of the victims was disputed, or remained unknown. In other incidents, suspects claimed to have been provoked or confused by victims whose behaviour subverted traditional gender stereotypes. For other victims, their work as prostitutes may have compounded their risk of victimization.

Victim's characteristics	# of cases	# of victims	% of victims
The community/police/media considered this victim to be queer	64	64	72.5%
The community/police/media considered these 2 victims to be queer	3	6	7%
Victim's sexual orientation is a contentious issue	9	9	10%
One victim's sexual orientation is uncertain	7	7	8%
Two victims' sexual orientation is uncertain	1	2	2.5%
1 male victim who cross-dressed	3	3	3.5%
2 male victims who cross-dressed	1	2	2.5%
1 older victim (60+)	4	4	4.5%
1 male victim who was a prostitute	2	2	2.5%
2 male victims who were prostitutes	1	2	2.5%
1 female victim who was a prostitute	2	2	2.5%
1 victim who was a transsexual woman and a prostitute	3	3	3.5%

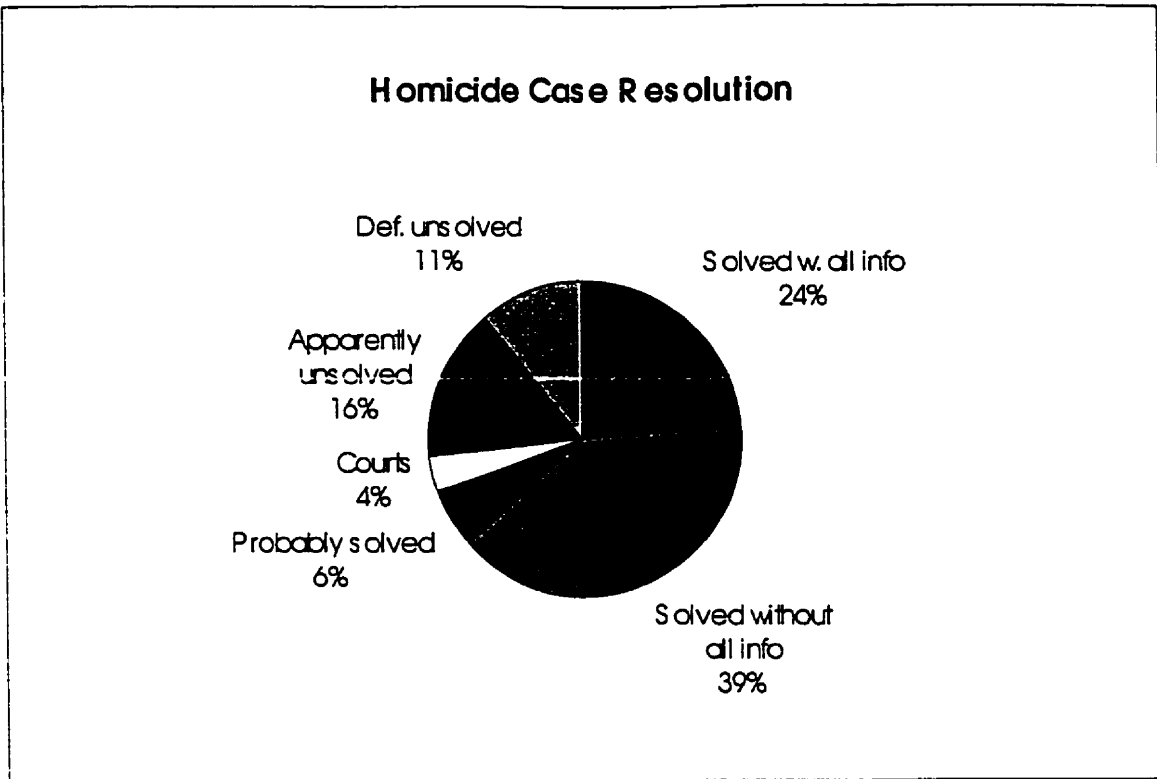
Table 3.14 Homicide: Victim's characteristics

### Case resolution

In many incidents, it was difficult to ascertain the status of the case from the source materials.

Case status	No. of cases	%
The crime appears to be completely solved, the names and outcome are known, and that information is filed	20	24
The crime appears to be completely solved, the names and outcome are known, but not all that information is immediately available.	33	40
The crime is probably solved, but more information is needed on names and/or outcome	5	6
The case is before the courts	3	3.5
The crime appears to be unsolved, but more information is needed to confirm that	13	15.5
The crime is definitely unsolved	9	11
<b>Total</b>	<b>83</b>	<b>100</b>

Table 3.15 Homicide: Case resolution



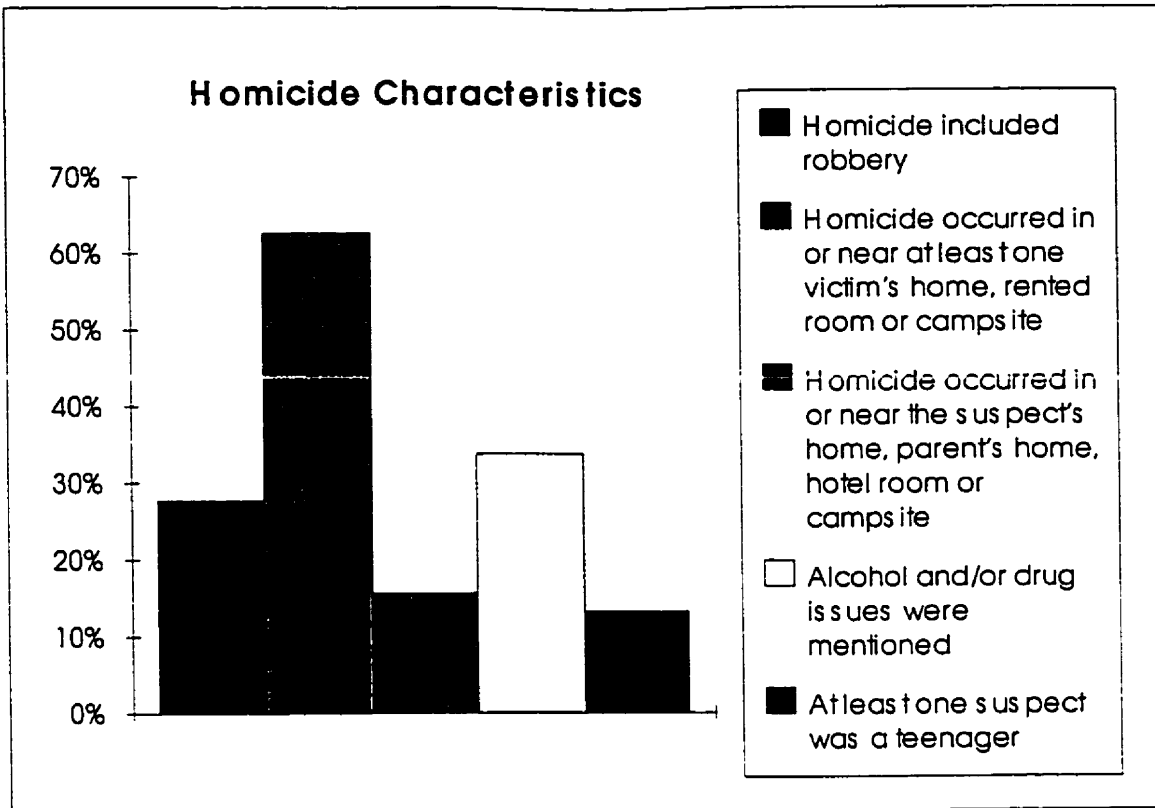
**Figure 3.12 Homicide: Case resolution**

**Crime characteristics**

In general, the source material contained more clues about crime patterns in the homicide cases than in the queer-bashing cases, allowing more conclusions to be drawn about the general nature of the crimes. More than a quarter of the homicides (27.7 percent) featured robbery. More than a third (35 percent) of the homicides contained references to drugs and/or alcohol. There also appears to be a higher level of intimacy between the victim and suspect in homicide cases than in queer-bashing cases: in fact, only 22% of the cases occurred in a setting not associated to the victim or the suspect.

Homicide characteristics	# of cases (n=83)	% of cases
Homicide included robbery	23	28
Homicide occurred in or near at least one victim's home, rented room or campsite	52	62.5
Homicide occurred in or near the suspect's home, parent's home, hotel room or campsite	13	15.5
Alcohol and/or drug issues were mentioned	28	33.5

**Table 3.16 Homicide: Crime Characteristics**



**Figure 3.13 Homicide: Crime Characteristics**

#### Characteristics of the suspects

Many characteristics of the suspects emerged from the source material. In 13 percent of the incidents, at least one suspect was a teenager. For the sake of consistency, and in order to not skew the data, in this section "suspects" include those charged, convicted and under suspicion in both "clear" and "unclear" homicide cases. "Suspects" includes those acquitted by reason of insanity, those who had their conviction stayed, and those who killed themselves before trial and after conviction. "Suspects" does not include those found "not guilty," or those whose charges were dropped due to lack of evidence.

Characteristics of suspects	# of cases (n=83)	%
At least 1 suspect was a teenager	11	13.5
At least 1 suspect was associated with organized gangs or identifiable hate groups	1	1
At least 1 suspect attempted to kill himself after arrest but before trial	2	2.5
At least 1 suspect killed himself after conviction	2	2.5

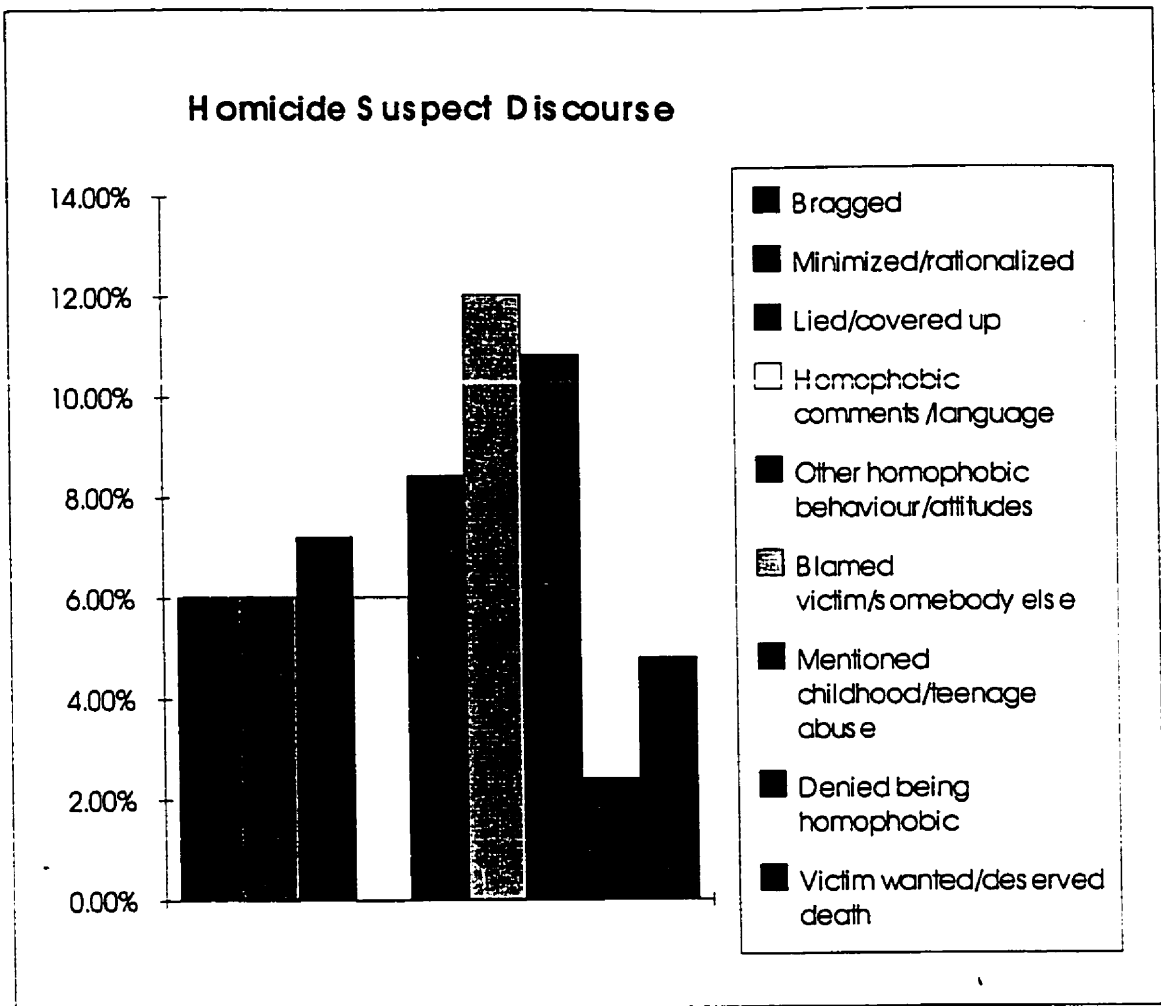
**Table 3.17 Homicide: Characteristics of suspects**

### Problematic discourse of the suspects

The source material provided many examples of problematic behaviour or comments attributed to suspects and/or their lawyers. In 40 percent of the homicide cases, this “problematic discourse” provided insights into the degree to which the suspect took responsibility for the crime, as well as the suspect’s attitudes toward the victim and about homosexuality in general.

Discourse of suspect	# of cases (n=83)	%
At least 1 male suspect bragged about the victim’s death	5	6%
At least 1 male suspect, or his lawyer, minimized or rationalized the victim’s death	5	6%
At least 1 male suspect, or his lawyer, lied or covered up the victim’s death	6	7%
At least 1 male suspect, or his lawyer, made homophobic comments or used homophobic language	5	6%
At least 1 male suspect, or his lawyer, claimed not to be homophobic	2	2.5%
At least 1 male suspect committed other homophobic acts or revealed his own homophobic values, attitudes or upbringing	7	8.5%
At least 1 male suspect, or his lawyer, blamed the victim or somebody else for the death	10	12%
At least 1 male suspect, or his lawyer, implied the victim either wanted or deserved to die	4	5%
At least 1 male suspect, or his lawyer, mentioned childhood/teenage abuse	9	11%

**Table 3.18 Homicide: Discourse of the suspect**



**Figure 3.14 Homicide: Discourse of the suspect**

#### **Relationship between victim and suspect**

In these homicide cases, it is very difficult to get a clear picture of the relationship between the victim and the suspect. The defence of many of these cases are predicated on the supposition that the suspect had no inkling of the victim's homosexuality. Although it is often difficult to say with certainty, "The suspect definitely knew his victim was gay," there are other indicators to measure how "street-wise" the suspect was, especially if he was a prostitute or met the victim in a gay bar or a gay cruising area.

Victim/suspect relationship	# of cases (n=83)	%
Met at gay establishment, killed elsewhere	11	13%
Killed victim inside/in front of queer establishment	2	2.5%
Met victim in cruising area, killed elsewhere	4	5%

Killed victim in a cruising area	9	11%
At least one suspect had apparently already had previous contact with the queer community	31	37.5%
At least one suspect probably already knew the victim was queer	41	49.5%
At least one suspect already had an intimate relationship with the victim	10	12%
The victim and at least one suspect had sex at some point	11	13.5%
The victim and at least one suspect probably met through classified ads	5	6%
At least 1 suspect was reported to have worked at some point as a male prostitute	11	13.5%

Table 3.19 Homicide: Victim/suspect interaction

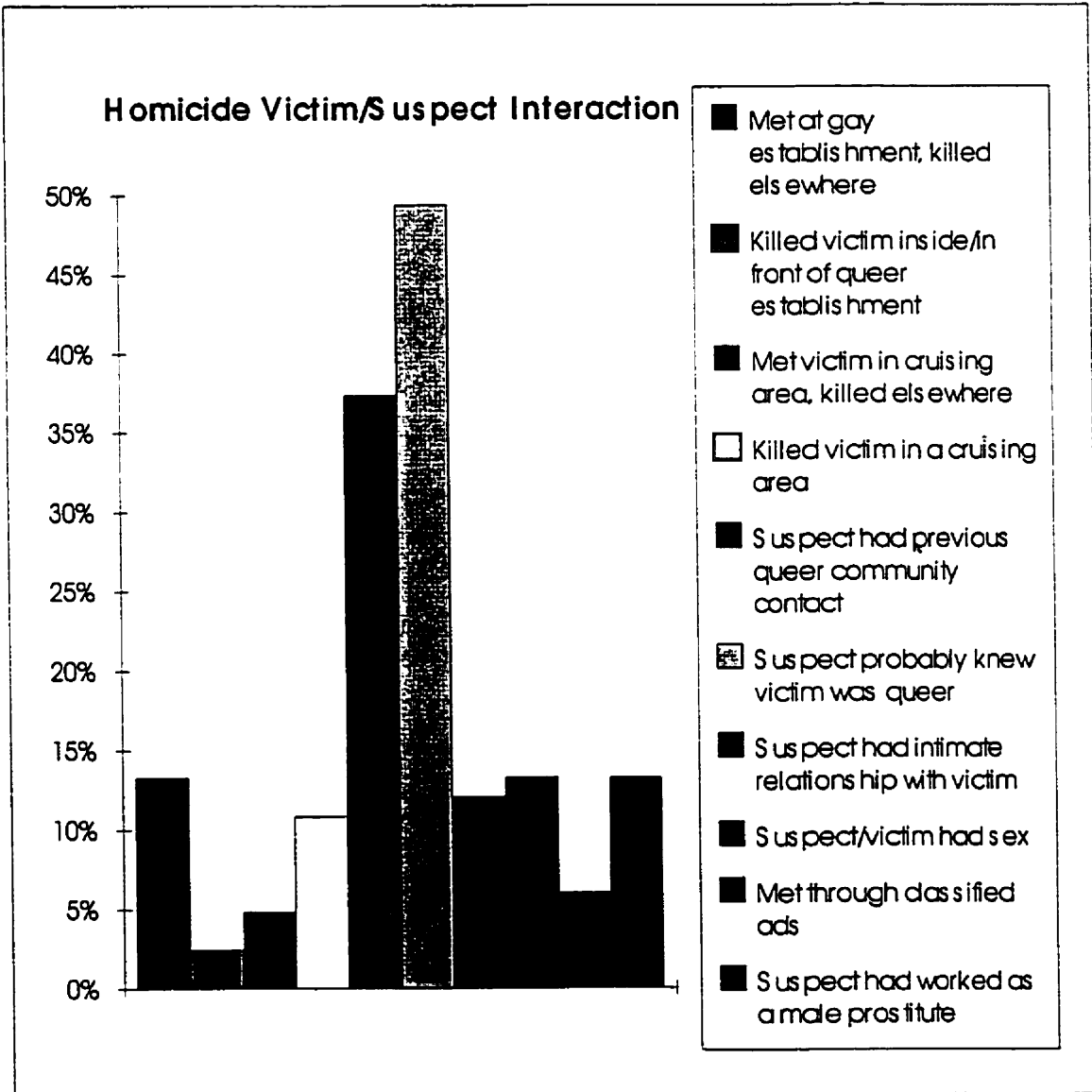


Figure 3.15 Homicide: Victim/suspect interaction



### Sexual advance allegations

Understanding the relationship between the victim and the suspect is even more crucial after the suspect has alleged a sexual advance. Many people think that homosexual advance cases occur only during a chance encounter, leading to inflamed passions. In fact, many suspects claim a homosexual advance even when they have known or lived with the victim for some time. Still others rob their victims, then claim they should receive special consideration since the victim attempted to have sex with them. More than half the cases (45 cases) need further research to ascertain whether a "homosexual advance" was alleged. More than 20 percent (17 of the homicide cases) warrant an immediate review.

Homicides in which	# (n= 83)	%
At least one suspect implied the victim had made a sexual advance	21	25.5%
Did not	17	20.5%
Don't know	45	54%

Table 3.20 Homicide: Sexual advance allegations

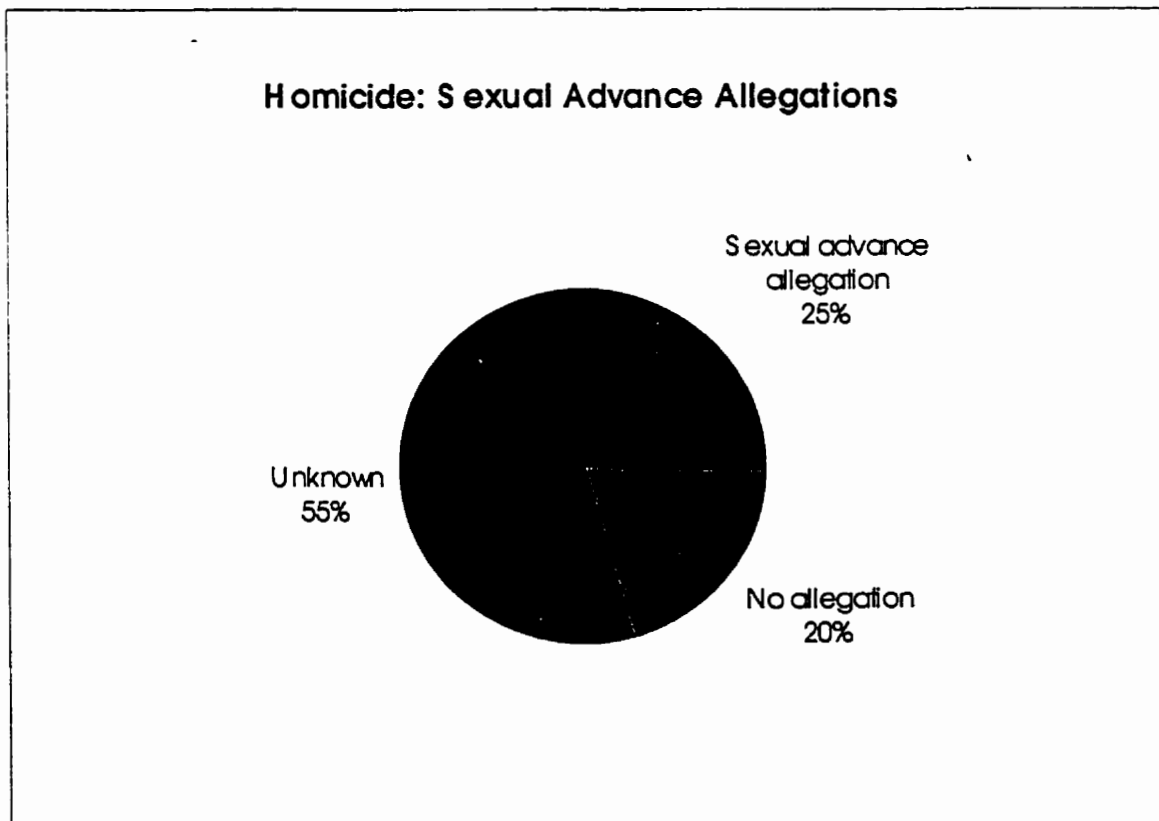
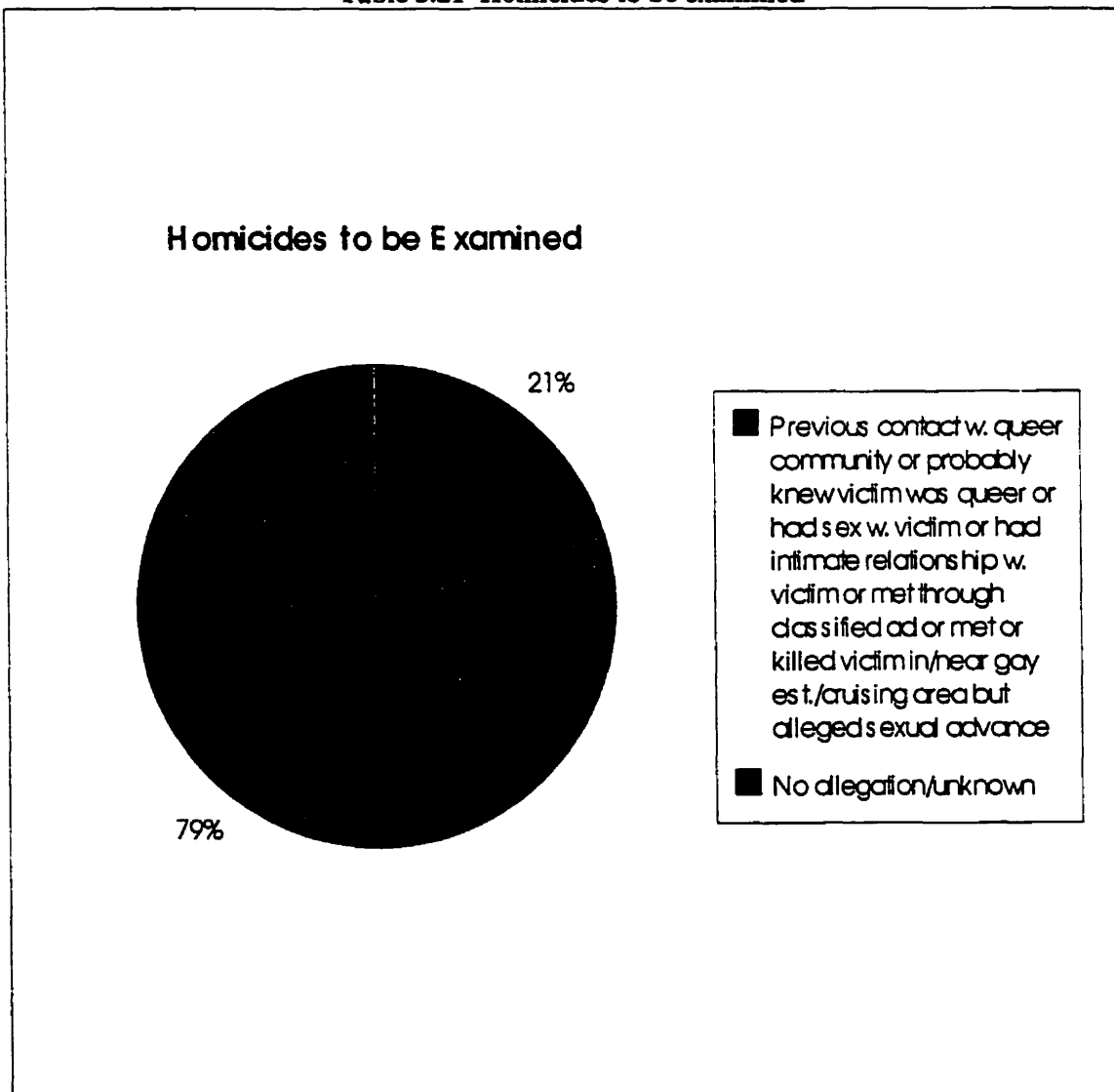


Figure 3.16 Homicide: Sexual advance allegations

Homicides in which	# (n=83)	%
At least one suspect had some previous contact with the queer community or probably knew the victim was queer or had sex with the victim or had an intimate relationship with the victim or met the victim through a classified ad, or met or killed the victim in or near a gay establishment or cruising area or robbed the victim	29	35%
Did not	16	19.5%
Don't know	38	46%
At least one suspect had some previous contact with the queer community or probably knew the victim was queer or had sex with the victim or had an intimate relationship with the victim or met the victim through a classified ad or met or killed the victim in or near a gay establishment or cruising area -- but alleged the victim had made a sexual advance	17	20.5%

**Table 3.21 Homicides to be examined**



**Figure 3.17 Homicides to be examined**

### Policing issues

Police made commendable efforts in 19 percent of the cases. However, in almost a third of the cases (27 cases), negative police behaviours were recorded.

Negative police behaviours	# of cases (n=83)	%
Insensitivity	6	7%
Unprofessional: incompetent, negligent, botched the investigation, acted inappropriately, blamed the victim or breached the rights of suspects	7	8.5%
Homophobia	3	3.5%
Homophobic nature of the crime was minimized or negated	13	15.5%

Table 3.22 Homicide: Police issues

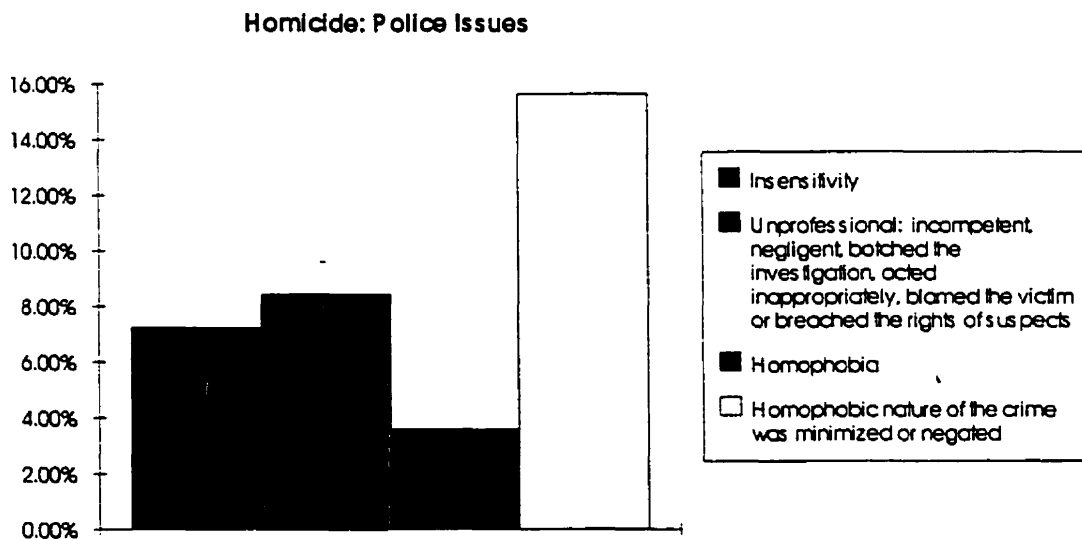


Figure 3.18 Homicide: Police issues

### Legal/judicial issues

While the court was seen to have taken a positive stand in one homicide case (out of 83). However, in 23 homicide cases (or 28 percent), the judicial system responded in a negative fashion.

Negative Legal/Judicial Issue	# of cases (n=83)	%
Procedural problems during the trial	6	7%
Crown was incompetent, insensitive or homophobic	7	8.5%
Crown appeared to downplay or disregard the homophobic behaviour of the accused	7	8.5%
Problems linked to judges	2	2.5%
Perpetrator escaped prison while awaiting trial	1	1%
1 male killed a gay man, went to prison, but fled while on parole	2	2.5%
Two teenage males killed a gay man after escaping from a youth detention centre	1	1%
Male skipped parole then killed two gay men	1	1%
Male jumped bail and then was charged with killing a gay man	1	1%

Table 3.23 Homicide: Legal/Judicial issues

Homicide: Legal/Judicial Issues

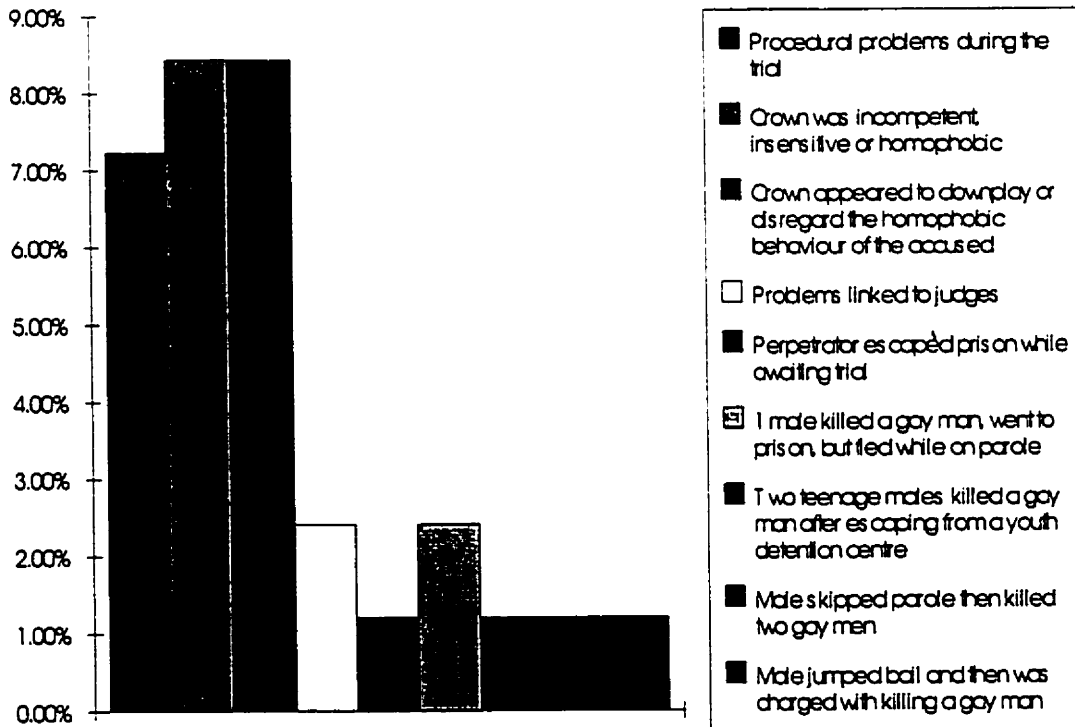


Figure 3.19 Homicide: Legal/Judicial issues

### Victimization issues

Although it is impossible to know what was going through the mind of homicide victims just before they died, it is clear that some killings exacted more suffering than others.

Victimization issue	# of cases (n=83)	%
At least one victim experienced a slow, agonizing death	8	9.5%
At least one victim experienced extreme violence	17	20.5%
At least one corpse suffered further indignities	4	5%

Table 3.24 Homicide: Victimization issues

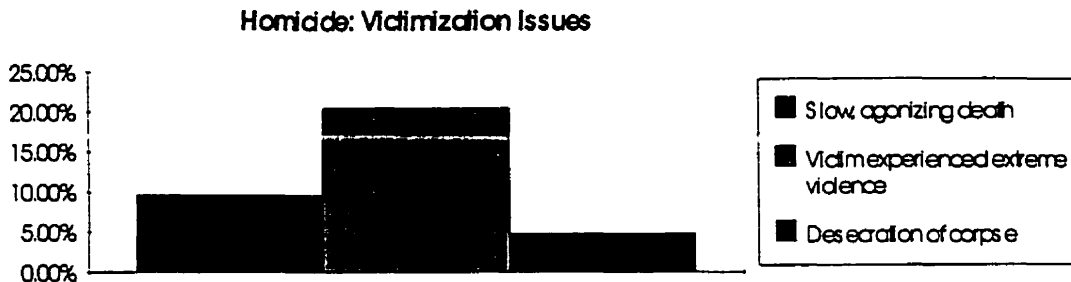


Figure 3.20 Homicide: Victimization issues

**Media issues**

Although the media responded positively to the killings in over nine, or 10 percent of the cases, coverage was problematic in 24, or 29 percent of the cases.

Media issues	# of cases (n=83)	%
Media was insensitive or sensationalized the crime	10	12%
Media approached the subject in an uncritical, incompetent, or heterocentric fashion	10	12%
Media was silent, downplayed the crime, or did not follow up	8	9.5%

Table 3.25 Homicide: Media issues

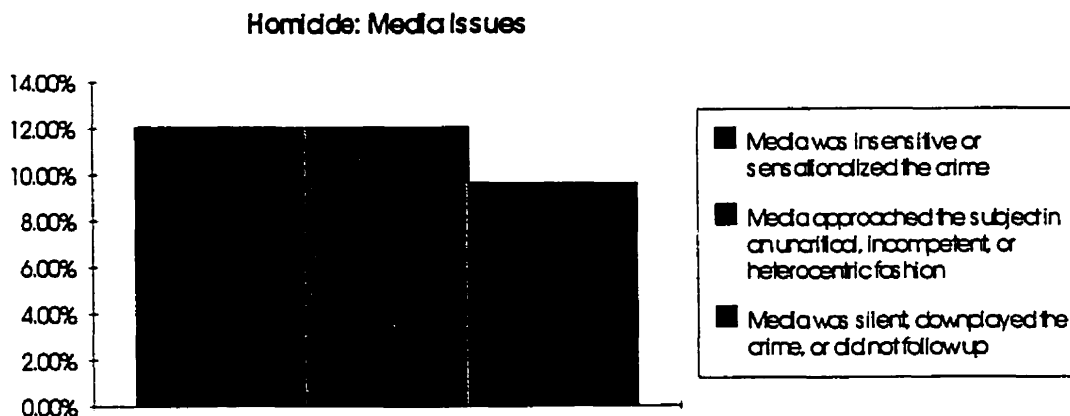


Figure 3.21 Homicide: Media issues

**Charges, convictions and appeals (clear outcomes)**

The cases were divided into those whose judicial outcomes have come to light through this research, and those cases whose outcomes are less certain, requiring further research. In those cases with clear outcomes, this is how the cases divided, with the number of each type of case.

Type of judicial outcome	Outcomes	Total # of outcomes
1 male convicted, no appeal reported, his name is known. (He is in prison or on parole or has completed his sentence, or he killed himself before completing sentence.)	21	21
2 males convicted, no appeal reported, their names are known. They are in prison or on parole or they have completed their sentences.)	5	10
4 males convicted, no appeal reported, their names are known. They are in prison or on parole or they have completed their sentences.)	1	4
1 female convicted, no appeal reported, her name is known, and is either in prison or has completed her sentence	1	1
1 male convicted, no appeal reported, his name is known, and skipped parole	2	2
1 male convicted, no appeal reported, but his name is not certain	6	6
2 males convicted, no appeals reported, but their names are not certain	2	4
1 male convicted, reportedly lost his appeal	2	2
1 male convicted, reportedly won his appeal, outcome is clear	3	3
1 male found to have killed the victim, but the charges were stayed	1	1
1 male found to have killed the victim, but acquitted by reason of insanity	2	2
1 male found not guilty	1	1
4 males found not guilty	1	4
<b>Total no. of convictions</b>		<b>59</b>

**Table 3.26 Homicide: Judicial outcomes**

**Specific convictions (clear outcomes)**

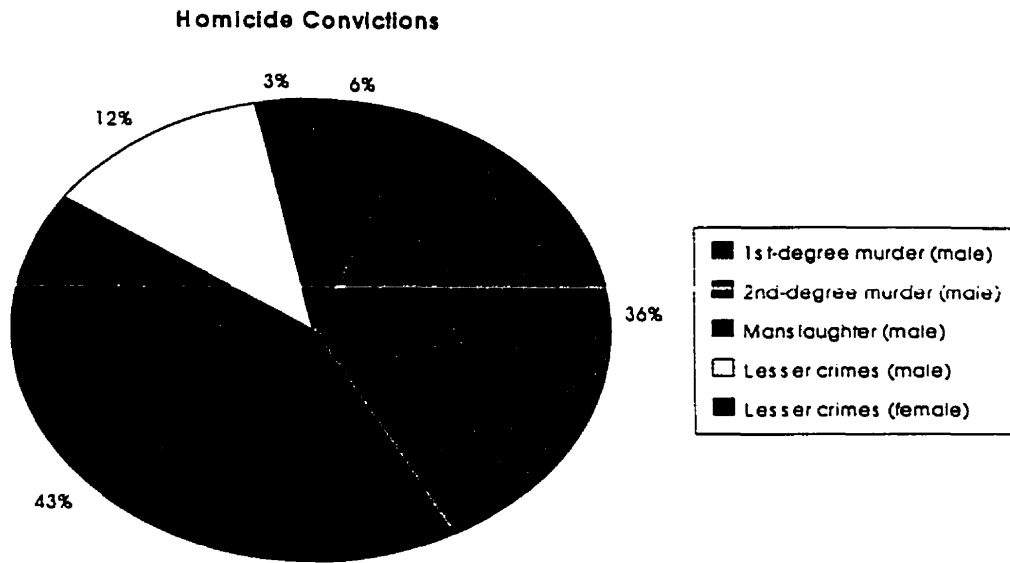
After compiling the information above, I was able to draw the following conclusions.

Type of conviction (known crimes)	Total no. outcomes	%
Male convicted of 1st-degree murder	2	6%
Male convicted of 2nd-degree murder	12	36.5%
Male convicted of manslaughter	14	42.5%
Male convicted of lesser crimes	4	12%
Female convicted of lesser crimes	1	3%
<b>Total</b>	<b>33</b>	<b>100%</b>

**Table 3.27 Homicide: Specific convictions, known crimes**

Type of conviction (unknown crimes)	No. of incidents	Total no. of outcomes
Male convicted of unknown crimes	2	2
Two males convicted of unknown crimes	3	6

**Table 3.28 Homicide: Specific convictions, unknown crimes**



**Figure 3.22 Homicide: Specific convictions, known crimes**

**Sentencing in cases with clear outcomes**

Using the data above, I was able to draw certain conclusions about sentencing. Technically, prisoners may apply for day parole after serving one-third of their sentence, except in crimes where the judge has affixed a minimum number of years to be served before parole eligibility, i.e. all murder convictions and some other convictions. It would be pointless to compare X, with a ten-year manslaughter sentence with Y, who receives a 10-year second-degree "murder sentence." In reality, X will be able to apply for day parole in three years, four months, while Y will only be allowed to apply for day parole after 10 years.

<b>Known and unknown sentences</b>	<b># of cases</b>	<b>%</b>
Eligible to apply for day parole within less than 2 years	10	33%
Eligible to apply for day parole at 2 years but before 4 years	9	29%
Eligible to apply for day parole at 4 years but before 6 years	1	3%
Eligible to apply for day parole at 6 years but before 8 years	1	3%
Eligible to apply for day parole at 10 years but before 15 years	5	16%
Eligible to apply for day parole at 15 years but before 25 years	3	10%
Sentenced to at least 25 years before parole eligibility	2	6%
<b>Total</b>	<b>31</b>	<b>100%</b>

Table 3.29 Homicide: Parole eligibility

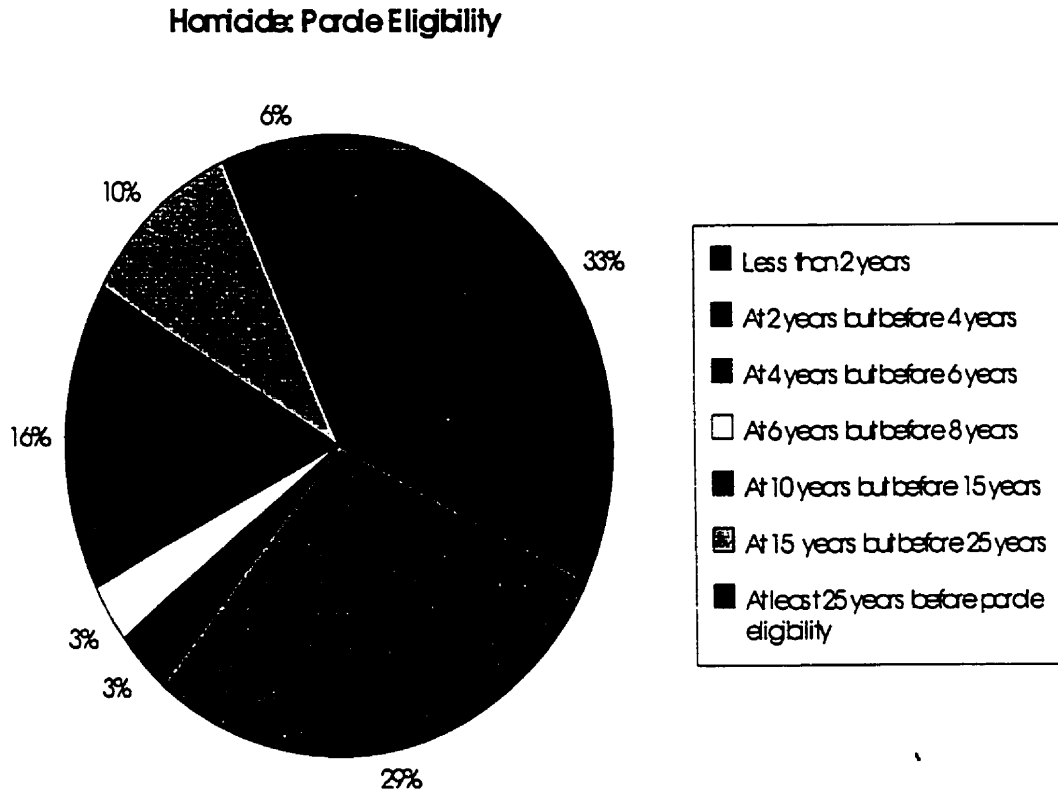


Figure 3.23 Homicide: Parole eligibility

**Charges, convictions and appeals (unclear outcomes)**

The research raised more questions than it answered. For that reason, I also compiled a list of cases for which only part of the story was known, according the source material.



Charges, convictions and appeals (unclear outcomes)	# of outcomes	Total # of outcomes
1 male convicted of killing a man, decision was reported to have been appealed, but outcome is uncertain	2	2
1 male convicted of killing a man, reportedly won his appeal, but outcome is unclear	2	2
1 male charged with killing a man, but it is unclear whether he was convicted	7	7
2 males charged with killing a man, but it is unclear whether they were convicted	1	2
3 males charged with killing a man, but it is unclear whether they were convicted	1	3
4 males charged with killing a man, but it is unclear whether they were convicted	1	4
1 male suspect was arrested for the murders of two gay men, but killed himself before trial	1	1
1 male wanted in connection with the killing a gay man was killed before he could be arrested	2	2
1 male suspect, now on trial, accused of murdering two gay men	1	1
A man is presently awaiting trial, accused of killing a gay man	2	2
A person is suspected in connection with the killing of a gay man, but it's not known whether he's been charged	1	1
1 male, suspected of killing 1 gay man and 2 men of unknown sexuality, killed himself before he could be arrested	1	1

**Table 3.30 Homicide: Unclear outcomes**

### Discussion

Do men who kill queers or who allege a “homosexual” advance “get away with murder”? Out of 41 known outcomes, 14 were for manslaughter, five for lesser crimes, while eight got off; in other words, more than half the cases resulted in manslaughter or less, compared to about a quarter (12) resulting in second-degree murder, and only two 1<sup>st</sup>-degree murder convictions. Out of 31 known sentences, almost a third (10) of the men were eligible to apply for day parole within two years. Researching specific judicial outcomes is extremely labour-intensive, but homicides involving queer victims and homosexual advance clearly need a lot more scrutiny.

## CHAPTER FOUR

### HOMOPHOBIA, HATE CRIMES AND THE CRIMINAL JUSTICE SYSTEM

To cheers from almost all of the few hundred delegates in the room, MP Myron Thompson declared, "I do not hate thieves, I hate thieving; I do not hate murderers, I hate murdering; I do not hate homosexuals, I hate homosexuality..." (Rayside 1998:114).

In this chapter, the criminal justice system's ability to respond to this violence is examined, as are government policies that address hate crimes, policing issues and approaches, and legal remedies available to victims.

#### **Hate crimes statutes and sentencing provisions**

In the past decade, there has been an increasing tendency, especially in the United States, to criminalize hate through the legislation of specific crime categories or by increasing penalties. Gilmour (1994) warns that this criminalization strategy can create resentment towards minorities, has the potential for disempowering minorities, or may give rise to definitional problems about hate crimes -- how does one "prove" hate motivation, and what particular acts need to be included? Jeffery (1998) insists that crimes partially-motivated by hate must be included and "the definition should be conceptual and should avoid limiting its scope to closed categories of victim characteristics" (Jeffery 1998:6). The Federal-Provincial-Territorial Working Group on Multicultural and Race Relations in the Justice System suggested targetting "behaviours which flow from or give rise to hatred and which target persons by reason of their real or perceived membership in an identifiable group or which target a group as a whole" (Jeffery 1998:11). Roberts (1995:ix) defines hate crimes more clearly: "crimes in which the offender is motivated by a characteristic of the victim that identifies the victim as a member of a group towards which the offender feels some animosity." Unfortunately, a concept that takes 30 words to define is unwieldy and fraught with controversy.

In 1994, hearings were held to discuss the impact of Bill C-41, the act that would amend the *Criminal Code*'s sentencing provisions for hate crimes. However, even the queer community could not agree on a common definition or approach: Giese (1995) warned that, in spite of Bill C-41's support from human rights advocates, "it doesn't actually do much to fight hate. It doesn't attack the root causes of prejudice, and it might even cause new human-rights abuses." Furthermore, "joining the hate-crimes bandwagon has allowed the government to pretend that it's doing a lot more for minority rights than it really is." She concludes: "Revenge -- and punishment -- provide a quick solution and temporary comfort to highly complex problems" (Giese 1995:7-9). Although media and activist groups depicted Bill C-41 as a sea change, in practice the provisions "did nothing to impair the wide discretion of judges to decide the weight to be attached to each factor when deciding sentencing." Whether the new provision has any impact whatsoever is unclear "since judges are not even obliged to cite the new provision when pronouncing sentence" (Jeffery 1998:21).

Shaffer offers four reasons why Bill C-41 was inadequate, and why a distinct hate-crime offence needs to be created. The first reason is definitional: a unique hate-crime statute "is recognition that such violence constitutes a specific form of harm" (Shaffer 1995:210). Second, certain criminal laws play "a normative or symbolic role in instructing citizens about the types of conduct that give rise to social disapprobation." Third, since "white law-makers are far less likely to view themselves as potential victims of hate crime than are members of minority groups, they may never have contemplated the criminal law's role in responding to hate crimes" (Shaffer 1995:213). Finally, such a law would guarantee a more accurate statistical mapping of hate crimes since, at present, "...in the course of plea bargaining the Crown and the defence sometimes agree to omit motive from the attention of the trial judge" (Shaffer 1995:214).

In the US, the constitutionality of hate crime laws has been brought into question because they are seen as: (a) infringing on First Amendment freedoms of speech and thought; (b) violating guarantees of equal protection under the law; and (c) "violating the due process clause of the

Fourteenth Amendment through vagueness” (Shaffer 1995:215). In Canada, Shaffer warns of the possibility of constitutional challenges if Parliament were to pass legislation creating specific hate-crime laws in the *Code* (Shaffer 1995:235). Furthermore, very few convictions have materialized in jurisdictions that have passed specific hate-crimes laws. Prosecutors may be reluctant to avail themselves of laws that are under a constitutional cloud, or to make bias the central focus of the case, for fear of sparking a public outcry. Racist or homophobic police officers might not be investigating “hate crime vigorously and might even resist laying a charge under a hate-crime provision.” Shaffer notes that the above criticisms are “conspicuously absent from the literature,” which tends to focus on two safer criticisms: the need to prove hate motivation beyond a reasonable doubt, and the presence of “unconscious” discrimination in the criminal justice system (Shaffer 1995:238).

Shaffer gives three main reasons why governments are eager to adopt hate crime laws. First, “enacting criminal legislation is often a relatively easy way for the government to claim that it is addressing a social problem.” Second, such a tack is relatively inexpensive, and allows the state to avoid the costs associated with the more complex task of fighting intolerance and educating the public about the fundamental human rights of minorities. Finally, this approach generates “considerable media attention, as do trials conducted under hate-crime provisions. The publicity provides the government with free political mileage” -- in a way that less glamorous, grassroots education does not. Criminal law reform does not usually create genuine social change, and the powers of the new sentencing provisions to affect substantive change are largely “illusory” since judges do not have to explain the degree to which the sentence either was or was not increased because of aggravating hate factors (Shaffer 1995:203). In Shaffer’s view, Canada is better off adopting specific US-style hate crime laws (Shaffer 1995:245-6). However, she is concerned about “the forms of group hatred to be proscribed” and “the offences to which hate-crime legislation would apply.” Lawmakers would have to choose between sentence enhancement and the creation of a separate offence, and would have to decide what to do in

situations of inter-group violence when “the accused attacks a member of his or her own group because of that member’s association with members of a disliked group.” “Finally, the degree to which the maximum penalty for committing a hate-motivated crime should be increased beyond the existing maximum for the underlying violent offence” would also need to be clarified (Shaffer 1995:247-8).

### **Prison issues**

Some research suggests that gay prisoners tend to be singled out for rape. Gay and lesbian organizations have received letters from prisoners describing “widespread beatings, rapes, verbal harassment, and other abuse of those who are gay or HIV-positive, or perceived to be so” (Berrill 1992:35). Correctional Service Canada (CSC) has conducted its own surveys about sexual activity in federal prisons. According to one survey, 6 percent of male prisoners had had consensual sex, 4 percent had had unprotected sex, and 11 percent had no access to condoms (Correctional Service Canada 1996:17). Consensual sexual activity in federal prisons is technically forbidden, “punishable by 30 days in segregation or a move a higher security institution” (CP, Dec. 18, 1994). According to a media report, CSC refuses to lift the regulations on sexual activity (Elder 1997:3). Despite the rule, CSC has reportedly distributed condoms for several years (CP, Dec. 18, 1994). This may be due, in part, to the CSC’s own survey which found that only about a third of the 6 percent of inmates who had consensual sex used condoms (Elder 1997). Eigenberg (1994) notes that most of the literature is unclear when it deals with homosexuality and rape, since there is no distinction between consensual and non-consensual sex acts. Both the abusers and the victims are lumped together in the “homosexual” category; in addition, “researchers and inmates re-define acts of rape as consensual homosexual behaviour.” Rape rates can vary from .3 percent to 14 percent; those who report rapes also risk being stigmatized (Eigenberg 1994:146-147). A good example of the way homosexuality and rape are collapsed can be found in journalist Kevin Marron’s book, *The Slammer: The crisis in Canada’s prison system:*

Young and vulnerable prisoners are always at risk of being exploited by sexual predators... Prison psychiatrist Neil Conacher and colleagues at Kingston Penitentiary estimated in a study for a professional journal that, among the 400 inmates... there were at least five predatory homosexual prisoners, 'wolves'... the victims end up in the 'bug ward' under psychiatric care... 40 percent of the inmates have sex with other inmates... (quoted in Rau, March/April 1998).

The "typical" sex offender is never described as a "heterosexual rapist," but in this instance, "predatory" and "homosexual" are said in the same breath. Lockwood (1994) believes that reports of widespread rape in US prisons are exaggerated; a more realistic term is "sexual harassment." In his survey, 28 percent of the prisoners "had been the targets of aggressively perceived approaches at some point" in their incarceration. To fend off unwanted advances, he cites Nacci and Kane (1982), who concluded that gay prisoners should be

avoiding 'feminine' hairstyles, gestures and clothing, and staying away from others, especially homosexuals, who may suggest to others that they are available for sexual activity. Such an approach... is logical and recommended... what is called for is the moral reform of the prison... For example, prisoners would not be allowed to refer to other men by female referents, it would not be permitted for males to be accepted as female surrogates, and consensual homosexual activity would not, as it now is, be condoned (Lockwood 1994:101).

Correctional officers' attitudes may have a direct affect on reporting rates. Eigenberg's survey of correctional officers found they "were slightly more willing to prevent rape than to deter homosexuality, which is especially problematic if some rape is being committed under the guise of consenting homosexual acts." Also troubling was the fact that officers said "they were more willing to protect heterosexual inmates from rape," equating "bisexuality and homosexuality with voluntary participation" (Eigenberg 1994:148). Eigenberg discovered that nearly one-half of the officers surveyed believe that "some victims deserve to be raped"; a third think these victims are weak, and one-sixth think the rape victims are gay (Eigenberg 1994:152). Incredibly, none of the US training modules for federal or state prisons cover issues of male rape or homosexuality

(Eigenberg 1994:159).<sup>31</sup> It would be interesting to analyze the effectiveness of support groups like Kingston Penitentiary's gay group Discovery, whose members have lobbied for same-sex conjugal visits and same-sex commitment ceremonies performed by a gay and lesbian church. It took Discovery over two years of lobbying before the government would provide prisoners with safe-sex information (Rau 1998:15-17).

Tensions over lesbian relationships in prison recently reached a boiling point at the Nova Institution for women in Truro. Prisoners went on a rampage, "claiming they were being discriminated against because they were gay... Inmates articulated a concern relating to the level of antagonism and violence surrounding same-sex relationships." A board of inquiry found that staff were not homophobic, but noted that prisoners and staff were confused about the lack of clarity about the rules governing lesbian relationships. A male Conservative MLA demanded to know "what in the heck is going on," stating, "There's been some allegations of open lesbianism" (Lambie 1997:4).<sup>32</sup> A male CSC spokesman said that while lesbianism is tolerated, authorities "will intervene if the sexual activity is coercive or predatory, offensive to others or against community standards" (Beeby 1997). But to which community and to which standards is he referring?

Violence is also a concern to transgendered prisoners. A transsexual woman who is a VPD officer<sup>33</sup> mentioned the case of another transsexual woman who robbed a store, upset that her surgery had been postponed. "Because she's pre-op and still has a penis, she'll probably have to go to a men's prison..." (Interview with P, April 30, 1999). An extremely disturbing account

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<sup>31</sup> Like Lockwood, Eigenberg thinks part of the solution is to prevent all prisoners from having sex -- a rather naive and heterocentric approach to the complex issue to anti-gay violence in prison: in the guise of protecting gay prisoners, these academics would prefer to regulate homosexuality in prison even more, forcing gay men to "pass" as heterosexuals. Although Lockwood mentions certain drawbacks to these recommendations, the fact that he actually gives them credence and does not discredit them gives pause. In contrast to this desire for more regulation, why not consider more innovative approaches?

<sup>32</sup> This statement is either extremely naive, or shockingly homophobic, or both. Is he suggesting that it is inappropriate for queer prisoners to come out? Is he suggesting that "closed lesbianism" would be tolerated? Or is he really saying, "The existence of openly-lesbian prisoners is truly frightening"?

<sup>33</sup> A transsexual woman who is an activist said she was not impressed by P's decision to go public about her surgery, because of all the violence that has already been inflicted on transsexuals: "Big deal. This person silently stood by when all these acts happened. I wish her the best, but just because someone in the police department is now taking on a new identity doesn't make her part of the family" (Interview with NN, May 11, 1999).

of one transsexual woman's struggle for survival in Canada's prison system is entitled *Prisoner of Gender* by Katherine Johnson and Stephanie Castle (1997). Although CSC now has guidelines in place for transsexual prisoners, CSC refused to take Johnson's request for a sex change seriously. She said that beatings, rape and harassment were commonplace, and one transsexual woman, Crystal Morgan Furry, was murdered at Joyceville Penitentiary (Johnson and Castle 1997:66). She recounts being locked inside a bathroom, held down and raped by two prisoners: "If I had yelled I would have been killed...". A young prisoner smashed her with his fists 30 or 40 times "for no specific reason... as usual there were no repercussions...". Although a steady relationship offered protection, it also subjected her to more violence. A drunken lover kicked her repeatedly in the back: "This and other abuses while in prison have left me with three injured vertebrae..." (Johnson and Castle 1997:63-65). Fortunately, the Elizabeth Fry Society accepted her with open arms when she began to live at a women's half-way house.

### **Consequences to victims**

When women are sexually or physically assaulted, most Canadian cities offer 24-hour shelter, emotional support and medical attention. No such services are available to male gay-bashing victims in Canada. A gay Vancouver man who was assaulted at a gay café on Davie Street, suffered severe damage to his back: his thorax was shattered, along with L2 and L3 vertebrae, and his body was bruised for six months. After arriving at the hospital in an ambulance, he was given a Demerol shot and told to either walk home by himself or pay for his own taxi. A year and a half later, he was still off work, suffering from depression, and living in a rooming house with a hotplate on \$285 a month after his rent was paid. Although he had received \$6,500 in victim compensation, it had gone mainly toward paying off accumulated debts. He was also suffering from sinusitis, an intestinal infection and a skin infection – side-effects from his daily medication: ASA, tetracycline, clonazepam, trazodone, penicillin, cloxacillin, ibuprofen and lithium (Janoff 1995:7-8).



The intense violence of many Toronto queer bashings suggests that “crimes of violence directed against gays and lesbians involve a greater degree of violence than the average assault... All respondents reported bruising of some kind, with almost one in five reporting a fracture... Of the 22 cases of head injuries, one-third resulted in concussion.” (Roberts 1995:32). In Stermac and Sheridan’s (1993:34) review of treatment issues, queer-bashing victims experienced depression, anxiety, “headaches, nightmares, crying, agitation and restlessness, weight loss, increased use of drugs and alcohol, and deterioration of personal relationships.” They also “lived in continuous fear of future aggression” (in Garnets, Herek and Levy 1990). Stermac and Sheridan (1993:36) warn that homophobia may be subtly internalized by both the client and the therapist. Queer-bashing victims

may experience a resurfacing of critical issues in their identity development, such as increased feelings of self-loathing, guilt, shame, alienation and isolation, and rejection of homosexuality... may feel that they have been justifiably punished for being gay; they may be blamed by others for the assault and accused of inviting or deserving the attack... Significant rage and anger at society, and even at the gay community, following a victimization is common (in Anderson 1982, Bard and Sangrey 1979, Bohn 1984; Garnets et al 1990).

The verbal abuse that usually accompanies queer-bashing is particularly damaging “to a survivor’s sense of self, as it provokes feelings of self-hatred... Clients may attempt to hide or even deny their sexual orientation to avoid further victimization” (Stermac and Sheridan 1993:37). Queer-bashing victims suffer the psychological trauma experienced by other crime victims, but are doubly affected “because of their stigmatized status” representing an assault “on victims’ identities and their communities.” These victims demonstrated higher levels of anger, depression, anxiety and post-traumatic stress disorder. “They also displayed less willingness to believe in the general benevolence of people and rated their own risk for future victimization somewhat higher than did others...” (Herek et al 1997:209-10). Arey (1995) is concerned that gay clients feel too powerless to stand up to gay bashers, having “consciously or unconsciously accepted second-class citizenship.” Therapists dealing with gay male victims are sometimes

unable to distinguish between symptoms of childhood abuse and symptoms of internalized oppression. Arey, a gay therapist, points to a client who saw himself as a wimp: "From childhood memories of being targeted for abuse for being 'different' on the playground without allies for protection, to the current reality... of having no legal protection or recourse, a mind-set is created and reinforced..." (Arey 1995:210-11).

### **Legal remedies for victims**

Jeffery (1998) has written an important handbook, clearly spelling out how Canadian hate crime victims can seek legal redress. There are two types of legal responses: formal legal proceedings, paid for by the state and conducted by the Crown, and private proceedings financed and conducted by individuals. Under Section 737 (3) of the *Canadian Criminal Code*, judges may also demand that the offender pay restitution as a parole condition, even though one survey showed that restitution was only ordered 6 times out of 4,294 convicted appearances -- less than .1%. Still, hate crime victims are encouraged to request that prosecutors raise the issue of restitution during sentencing submissions (Jeffery 1998:23). Besides the more obvious charges (assault, sexual assault, attempted murder, etc.), there may be other applicable statutes:<sup>34</sup> for example, the torture provisions (s. 269.1) provide a penalty of up to 14 years to persons "acting under the authority of a public official" who intentionally inflicts "severe physical or mental pain or suffering, for the purposes of intimidating, coercing, punishing or extracting information from the victim or a third person" (Jeffery 1998:25).<sup>35</sup> Gangs who swarm their victims can also be charged with criminal harassment (s. 264), intimidation, or watching and besetting (s. 423). People who threaten queers over the phone can be charged with indecent or harassing phone calls

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<sup>34</sup> Many hate crime investigators have complained that advocating genocide (s. 318) and public incitement of hatred (s. 319) do not include sexual orientation as a hate category (Jeffery 1998:13-16). Finally, harassing phone calls can also be pursued under s. 13 of the *Canadian Human Rights Act* (Jeffery 1998:15).

<sup>35</sup> The victim, who complained that guards in a drunk tank roughed him up, said the Crown "went through the paces. It was my word against the word of 5 people." While a male guard kneed him and punched him in stomach, a female guard "picks up a book and sticks it in front of her face so she can claim she hasn't seen anything" (Interview with EEE, July 17, 1999). Victims can also file with quasi-independent police complaints commissions, but the victim felt the odds were against him: the police officers were only found guilty of a misdemeanor. After the victim had gone through a two-year bureaucratic nightmare, "They got a slap on the wrist ... One got a 14-day suspension, while one got a ten-day suspension. But they wouldn't even offer an apology" (Interview with EEE, July 17, 1999).

(s. 372) or uttering threats (s. 264.1). People who intimidate queers can be subject to charges of criminal harassment (s. 264). Harassing phone calls can also be pursued under s. 13 of the *Canadian Human Rights Act* (Jeffery 1998:15). Finally, queer-bashers who demonstrate “a persistent pattern of sexually or physically violent behaviour” and who are “likely to cause death, physical injury or to inflict severe psychological damage on other persons in the future” may also be declared dangerous offenders (Jeffery 1998:25).

Unfortunately, queer Canadians cannot necessarily rely upon the state to investigate and prosecute these crimes; the next two chapters include many examples of homophobia and incompetence by police and prosecutors. Another option is private prosecution. Although complex hate crime cases “require considerable legal expertise, time and financial resources to underwrite necessary expenses of investigation and, sometimes, expert witnesses,” it may, in some cases, be the only way to achieve a satisfactory outcome. While a successful private prosecution may not immediately yield financial damages, it can still have a huge impact: a successful private conviction can bolster subsequent litigation and create public outrage (Jeffery 1998:17-19).<sup>36</sup> Queer-bashing victims are also eligible for compensation, administered by their provinces.<sup>37</sup> A victim can also complain to a provincial human rights commission. There is a very low ceiling of maximum allowable compensation; commissions only have the resources to refer a fraction of the complaints to the tribunal, and attempt to resolve the rest through mediation. “Often, defendants who recognize that there is little likelihood of being subject to a formal tribunal hearing will not make any genuine attempts at settlement in the hopes that the

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<sup>36</sup> Ernest Zundel is a household name in Canada precisely because a Jewish organization initiated a private prosecution for “wilfully spreading false news.” The state eventually took it over and appealed it to the Supreme Court of Canada, generating a huge public debate and increasing awareness of anti-Semitism in Canada.

<sup>37</sup> Although it is relatively easy to apply for, there are many disadvantages. In Ontario, for example, the average award is only \$5,000. Lump sums are capped at \$25,000 and at \$1,000 for periodic payments. Applications must be filed within a year of the crime, and the whole procedure can take up to three years to conclude. In addition, the payments have been known to affect welfare payments, insurance pay-outs, and disability pensions (Jeffery 1998:28).

commission will simply abandon the case (Jeffery 1998:33).<sup>38</sup> The victim bashed in a St. John's "drunk tank" went to the Human Rights Association, which advocates on behalf of complainants and submits applications to the Newfoundland and Labrador Human Rights Commission. The Commission is

very officious and bureaucratic, and decided that I had no case. The HRA wrote a long letter. It went back and forth and back and forth: after two years I was so frustrated. I thought, "Why am I going through all this when they can't enforce anything?" Seven months after the incident, they phoned and said I hadn't filed the claim in time and so my claim was cancelled, even though I had walked in the door the Monday after the incident and gave them the information. By this time I was exhausted by the whole thing. You can only do it for so long. I'd had enough of this. I was tired of it by then" (Interview with EEE, July 17, 1999).

Litigation is "expensive, time-consuming and stressful to plaintiffs..." Although perpetrators of hate crimes are often youths with limited financial resources, successful lawsuits can financially cripple or bankrupt perpetrators and organizations that would otherwise be untouched by the law (Jeffery 1998:38). In cases of queerbashing, sexual assault, intimidation, and harassing phone calls, recognized grounds for civil action include negligence, assault, battery, trespass to person and intentional infliction of mental suffering. In cases of swarming, civil grounds can also include wrongful imprisonment (Jeffery 1998:13-16). Since these are intentional torts, it is not necessary to prove physical harm. "The mere threat of harm is sufficient to constitute assault...". These actions "empower the victim to direct and define the issues, the burden of proof is less onerous, and the plaintiff can receive compensatory damages and, possibly punitive damages" (Jeffery 1998:39-40). However, substantial punitive damage awards -- in the event of harsh, vindictive, reprehensible and malicious behaviour -- are rare in Canada. As of 1996, there had been only four in excess of \$100,000 in Canadian legal history (Klar 1996:94, in Jeffery 1998:43). Moreover, punitive damages are not awarded when offenders have been sentenced in

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<sup>38</sup> Three provinces require that the complaint be filed within a "reasonable" time, the federal Act and three other provincial codes require that it be filed within a year, while other jurisdictions give the complainant just six months (Jeffery 1998:33).

criminal court – to avoid the principle of “double punishment.” This rule, however, “has been held not to apply where the defendant had been granted a conditional discharge in the criminal court and, as such, not truly punished” (Jeffery 1996:43). Finally, another possible option for queer-bashing victims is a class action, which is

... a legal suit initiated by a representative on behalf of herself and other people who have suffered similar harm due to the same act or omission... they allow for a large number of victims to obtain redress in situations where no single individual could afford to sue on his or her own (Jeffery 1996:44).

This raises the question of whether, in law, it would be possible for queer rights organizations to sue police agencies or prosecutors that refuse to acknowledge queer-bashing, either in specific cases or in their general policies. If this could be done, the threat of a lawsuit could force the RCMP, the OPP and the QPF to pay more attention to queer issues. The advantage to class actions is that they could be “an alternative means of law enforcement and private compensation” (Jeffery 1996:44) because they promote deterrence and level an economic penalty on people or organizations that would normally escape the law. Unfortunately, because preliminary procedures are costly and very time-consuming, only law firms, wealthy individuals, or groups of individuals, pooling their resources, with a lot of means at their disposal would be able to consider this option. Ostensibly, this option could be initiated by a gay and lesbian rights organization.

### **Homophobia and policing**

One US survey of victims of anti-gay/lesbian violence revealed that 73% never reported the crime to the police (Comstock 1991:58). In a survey of queer-bashing victims who failed to report, 67 percent “had experienced or perceived the police to be anti-gay; 14% feared abuse from the police; and 40% feared public disclosure of their sexual orientation” (Comstock 1989, quoted in Berrill and Herek 1992:294). How well do police departments across Canada interact with queer populations? According to my research, not very well. For example, in 1990, the Montreal police raided a private gay and lesbian warehouse party:

“Having removed their badges, and armed with nightsticks, ‘peace officers,’ standing in formation, provoked the party-goers as they poured out of the single entry to the empty loft-factory. With verbal insults (‘maudites tapettes,’ etc.) then with mock masturbation (using their nightsticks), and limp wristed gestures, the motive for the raid was evident to those present... One of the victims of the beating, a well-known Montreal photographer, photographed the police attack... was tripped and thrown to the ground and her camera was smashed” (Commission 1994:59).

Some of the film survived and was published the next day in *La Presse*. “Fifty people reported injuries and there were nine arrests. Police insisted they had been asked to break up the party by its organizers, but this was flatly denied” (Hays 1995:29).

Two days later, about 200 demonstrated in the street in front of station 25: “At 1400, about 60 men and women police officers in riot squad equipment, with name badges removed, formed a wall on three sides of the demonstrators sitting in the street. On signal, they attacked... The TV cameras recorded the brutality... It took about 20 minutes to beat the 200 or so gays and lesbians sitting on the street. 48 were arrested, taken into Station 25 and beaten again inside the station. One man had a ruptured testicle from being beaten with a nightstick in the groin while in Station 25; he lay screaming on the floor for 30 minutes (until the journalists had left the scene) before the Police would call an ambulance for him.” (Commission 1994:60)... “Protesters were dragged into custody, some by their legs, some by the hair. In all, 48 people were arrested for mischief, disturbing the police and refusing to circulate...” (Hays 1995:29).

Another defining moment in Canadian queer-police relations occurred during the 1981 Toronto bathhouse raids, which “resulted in the largest arrest quota since the War Measures Act was invoked in 1970, and the largest mass arrest in the city’s history” (Fleming 1983:37). Fleming’s analysis looks at three interwoven themes: police procedure, media construction of deviance,<sup>39</sup> and gay resistance to this criminalizing process: the images of police smashing through bathhouse doors with hammers and axes hearkens images of illicit bootlegging operations. Such raids could also be “a form of political protest by enforcement authorities against what they may construe as

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<sup>39</sup> During the *The Toronto Sun*’s coverage of the bathhouse raids, the paper inserted a story about a young man who had been kidnapped and sexually assaulted by three men, providing “a connection of gay sexuality with criminal actions...”. *The Sun* also juxtaposed the bathhouse raid coverage with an article of a police officer who had been killed during a bar robbery, raising the question, “Who shall we support, gays who engage in bizarre sexual activities, or the police who die to protect us against unscrupulous criminals?” (Fleming 1983:47-48).

overly liberal laws...” (Fleming 1983:38-41). The operation was extremely costly, requiring six months of investigation: four bathhouses were raided simultaneously, and 300 officers were involved (Fleming 1983:51). The police justified the raids because of suspicions about prostitution, organized crime and involvement of youth -- charges that remained almost completely unsubstantiated (Fleming 1983:42).

Smith (1988) focuses on “the secret penetration of gay men’s lives by the police” by analyzing the steps leading up to the raid on a Toronto bathhouse. Research into police oppression of the queer community is not “a theoretical or legal issue... Rather it arose out of our generalized everyday experience as gay people of having our sexuality denied and our lives overrun and sometimes destroyed by the police” (Smith 1988:167). The arrest of over 300 men “goes beyond personal bigotry... the raids were not part of a master plan to win the election” (Smith 1988:166). He questions whether these police actions can simply be put down to a particular mental state (homophobia) and notes that over-simplified accounts of police oppression conveniently fail “to provide a concrete description of how the various critical sites of ruling involved in regulating sex are articulated to each other.” He teases out some of the competing “explanations” of homophobic police activity that analysts routinely employ:

- “a case of ‘homophobia simple’”
- the “clean-up campaign” explanation, where gays are described as “merely pawns in a larger political scenario”;
- “the rule of sergeants,” where oppressive force is instigated by specific local officers with a grudge; or
- as a conspiracy involving the entire criminal justice system: “a rather self-serving arrangement whereby judges have an easy day of it handling guilty pleas that are relatively simple to dispense with; the police their clearance quotas... and the lawyers, their sometimes extravagant fees” (Smith 1988:165-6).

Smith feels gay activists have missed the mark by organizing police liaison committees and demanding psychological testing to weed out homophobic recruits: “...the central mechanisms of organizing the policing of gays is the Criminal Code... getting the police off our backs is not... a matter of developing better public relations with police departments, etc. but of changing the law”

(Smith 1988:179-180). In the same way that police advise women to behave to avoid male violence, Stanko and Curry (1997:519-520) argue that police-queer liaison committees have created a dichotomy between the “responsible” queer citizen, who avoids walking in certain public areas or behaving “inappropriately,” and the “irresponsible” queer, who engages in public sex or who fails to conform in public settings.

Police “promises” amount to a “declaration of intent to support ‘true victims’ of homophobic violence. “More generally, the police promise of sensitive treatment when someone comes forward to the police *after* he or she has been assaulted is what is meant by protection.” In fact, almost the only thing police offers the queer community is advice: the “‘responsible’ queer must consider himself or herself to be perpetually at risk” (Stanko and Curry 1997:520). On the other hand, police appear to find many resources to police public sex: Humphreys (1970) has noted that police routinely patrol areas where men engage in public or semi-public sex: some demand extort men by threatening arrest, fines or simply publicizing the fact to family members (Humphreys 1970:89). One survey of gay men found that “85% of those threatened by police have engaged in frequent public sex” (Harry 1982:559). Back in the 1960s, police in Toronto would routinely create peepholes in the ceilings of public washrooms. Kinsman has written about a case in 1969 “when a man died in police custody after two cops spied on him through a ventilation grill in the washroom of a Toronto gay bar” (in Greyson 1993:388). Greyson explains how, in the 1980s, the Ontario Provincial Police would lend a video surveillance system to small police forces across the province, leading to mass arrests in public washrooms, followed by press releases “naming the names of the men charged. In St. Catherines in 1985, one of the thirty-two men charged committed suicide on the day his name was printed in the local paper.”

The undercover cop will stand at a urinal, pretending to play with his cock, until another man signals interest. Sometimes that interest can be as little as eye contact or the nod of a head. According to some reports, the really zealous cops even flash their own hard-ons. It’s a simple arrest, the cop’s word against the man’s in court... (Greyson 1993:385-6).



There is no standard approach to police training programs that deal with homophobia. One cursory survey showed that police colleges and police services across the country “showed an almost complete lack of training on lesbian and gay issues at present” (Pepper and Holland 1999:49). After one group of Ottawa police officers received homophobia training, they responded that they wanted more information on gay-bashing and washroom sex, the queer community’s perceptions of the police, the ideology of radical queers, the psychology of drag queens, as well as AIDS and blood-letting issues” (Pepper and Holland 1999:54-60).

### **Non-urban police forces**

How do major non-urban police departments across Canada interact with the queer community? The analysis is divided into three sections: first, a consideration of the policies of police departments responsible for large sections of Canada, i.e., the Royal Canadian Mounted Police (RCMP), the Ontario Provincial Police (OPP) and the Quebec Police Force (QPF); second, a discussion of a special cooperative arrangement between the Vancouver Police Department (VPD), the Attorney General of British Columbia and the RCMP; and finally, an examination of the hate crime policies, programs and statistics specific to other police departments in Canada’s largest cities.

Not only are vast regions of Canada under the RCMP’s purview, but the force has traditionally fulfilled federal criminal justice priorities and played a leadership role in shaping the approach to policing in the rest of the country – except in matters queer. Gary Kinsman recently released a study on the RCMP’s witch-hunt against Canadian public servants and the military during the Cold War, with details about how the lives of gay men and lesbians were ruined in the late 1950s and early 1960s. Even now, most victims have been reluctant to talk about it (Bronskill, March 9, 1998:A4). Within the RCMP, homosexuality was considered a “character weakness.” Despite the Criminal Code reforms of 1969, an anti-queer hiring policy was strictly enforced until 1986; the RCMP also strongly supported the federal decision to exclude sexual orientation from the Canadian Human Rights Act. As recently as 1985, RCMP documents

described homosexuals as a “security risk,” an “operational impediment” and “in conflict with ‘accepted moral standards’” (Kinsman 1996:359-360).

Regarding hate crimes, getting even a “straight” answer out of the RCMP proved to be nearly impossible. There is no particular person in charge of queer-related issues and no liaison committee with the queer community. The RCMP first advised me to call the Canadian Centre for Justice Statistics, but I was quickly informed they had no records on queer-bashing. An RCMP officer in charge of statistics in Ottawa told me, “The victim’s sexual orientation is none of our business.” He said: “We’ll get in trouble if we ask the victim’s sexual orientation because of the human rights code.” I explained that there were many gay and lesbian victims who would be willing to tell the RCMP officers their sexual orientation, but he became agitated and ended the conversation. With more persistence I got in contact with a representative of the RCMP’s Crime Prevention Branch who is responsible for crime prevention programs, policy development and victims’ issues. He said: “Are we actively studying anti-gay violence or monitoring it? Not to my knowledge. Why not? A good question. There isn’t a real movement to do this.” Then he said, “Because of human rights legislation, we’re not allowed” to track crimes affecting minorities. When I asked why the RCMP was “allowed” to track crimes affecting aboriginals, he explained that the the RCMP had entered into an agreement with the Assembly of First Nations, and he hypothesized that a national gay organization could also be mandated to capture queer-bashing data (Interview with KK, May 21, 1999). Unsatisfied with the vagueness of these responses, I forwarded him the following list of extremely detailed questions. My comments are in italics.

*In a BC assault, what choices does the attending officer have in terms of classifying the crime, classifying the victim, and classifying the suspect? What boxes does he check off? Let’s say the assault involved a gay white male. How is that crime classified? How easy is it for you to access specific information on that crime, compared to, say, an assault against an aboriginal, a woman or a Sikh? What human rights legislation prevents the RCMP from tracking hate crimes? What is the Ottawa Police Service free to do that you are not? Why does the*

*RCMP keep saying, "We're not allowed to inquire about a victim's sexuality. We'll get in trouble if we ask. We'd like to help but we are bound by human rights legislation?" What RCMP policies are in place to recruit women, visible minorities and Aboriginals? What RCMP policies are in place to recruit gays and lesbians? How many hours/days/weeks of training do new recruits, and longer-serving members, receive devoted to issues involving women, aboriginal Canadians, ethnic minorities and, in comparison, gays and lesbians? Why has the RCMP developed programs that address the victimization of Aboriginals, women and visible minorities, but not gays and lesbians? (Letter from Janoff, June 10, 1999).*

The most practical way to answer these questions is for you to make a request under the Access to Information Act, asking to look at our Operational Policy, Operational Scoring Reporting, as well as the Course Training Standards for recruits at Depot.... This would be the most expedient way to get the information to you and would allow you to view the policy to see why we investigate these matters in this manner (Letter from KK, June 28, 1999).

*I've been trying to get answers to these questions from the RCMP for three months, and have now run out of time... It would appear that there is nobody in the RCMP who is willing to give me 'straight' answers to those very specific questions I've faxed you (Letter from Janoff, June 28, 1999).*

The questions may be 'straight,' but as you said it is the explanation that would accompany that answer that will take the time. By looking at the policy that I mentioned, you would get a very good idea as to why the research would take so long. I would not say that the RCMP is trying to avoid your questions, but the rationale behind the answer would take the time" (Letter from KK, June 29, 1999).

### **Ontario Provincial Police and the Quebec Police Force**

The OPP and QPF function very much like the RCMP do in other provinces and territories: they police areas that are not served by any other municipal police force. My discussion with the OPP was also frustrating, but for other reasons. My call was forwarded to an official in the hate crimes unit who claimed that the OPP *does* keep track of hate crimes on the basis of sexual orientation. However, when I asked him how many there had been, he said, "Zero." When I asked him to explain, first he said, "We go by the Criminal Code definition of crimes." In other words, since queer-bashing is not a crime under the *Criminal Code*, they do not even keep track of it. His

explanation for the “low” number: “There could be two reasons: 1) It’s not being identified like that, or 2) there hasn’t been any.” At first I thought he was saying the system was flawed, but then he said: “I believe it’s adequately addressed in terms of the way the system handles it. The sentencing category adequately addresses this issue.”<sup>40</sup> Although at first he claimed not to know of any queer-bashing cases, he extrapolated a bit, explaining that queer-bashers are “not like regular offenders. Usually there is money or drugs involved.”<sup>41</sup> When I asked him how much training OPP officers receive at Ontario Police College, he explained that “the investigation of hate crimes is in our syllabus. It’s a three-week course. One three-hour lecture on hate crimes. I broadly touch on anti-gay violence” (Interview with X, May 17, 1999).

I called a QPF official, who said the force does not keep track of queer-bashing because its jurisdiction falls outside Montreal’s populous queer community. The only crimes he had ever heard about involving queers were public nudity and a gay man who was falsely accused of murder. He referred me to a QPF officer who used to coordinate a gay and lesbian liaison committee in the mid-1990s which has since been disbanded: “We’ve taken a step back because it’s not a priority from the community point of view.” I asked the officer if he could think of any crimes against gays and lesbians in the QPF’s jurisdiction. He mentioned a murder in Shawinigan but immediately said, “But it wasn’t a gay-bashing,” although he added that the suspect’s version of events did not seem believable (Telephone conversation with DD, May 12, 1999). On the other hand, the coordinator of Dire Enfin la Violence complained that the QPF denies that queer-bashing occurs within their region, even in the populous suburbs: “...they still arrest gays for public sex at Oka Beach – but they don’t want to have anything to do with violence! We don’t have any data on queer-bashing outside the city since the authorities say it doesn’t exist.”

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<sup>40</sup> The inference is that, as far as the OPP are concerned, there are 0 queer-bashing cases.

<sup>41</sup> The inference is that queer victims of violence are the authors of their own misfortune.

### **Cooperation between the RCMP, British Columbia and Vancouver Police**

An interview with a couple gay-bashed in Osoyoos, BC, indicates the dilemma queer-bashing victims can face in outlying areas, where the police and Crown have less exposure to the problem. While the couple was in bed asleep, three suspects smashed their way into their home with an iron bar and attacked them. The suspects also broke all the windows in their house, called them "Fucking faggots," and threatened to come back and kill them. Police and Crown botched the case, and the suspects were acquitted. The victims had to beg the police to investigate the suspects the next day; one suspect was seen nursing a head wound obtained when one of the victims, while being attacked, had struck back with a large pepper shaker. Vital evidence -- the blood of the victims and suspects which lay spattered throughout their home, the iron bar and the broken pepper shaker -- remained in their house after they were rushed to the hospital.

Our lawyer only had two days to prepare. Our Crown Attorney was homophobic so we got rid of him. He had a problem with homosexuality in general. His attitude. He said he couldn't understand why we wouldn't call it a break and enter. The cops were calling it break and enter for the first day. The ambulance attendant knew from the outset it was a gay-bashing. The police didn't go after the case like an aggravated assault. They didn't investigate it in that light. The photographer admitted he was inexperienced. They didn't guard the site. They didn't take fingerprints. They didn't properly take evidence. They didn't take pictures of us (Interview with CCC, June 7, 1999).

Fortunately, there is also some good news to report: it *is* possible to move beyond bureaucratic indifference, veiled homophobia and a lack of cooperation between agencies and jurisdictions. A Vancouver Police Department officer and an RCMP officer have been seconded by the B.C. Attorney General's Vancouver office, where they coordinate the provincial hate crimes unit, established in 1996 with a staff of ten, including Crown prosecutors (Yeung, Feb. 6, 1997:7). British Columbia is the first province to institute a province-wide, universal definition of hate crimes, a province-wide enforcement policy, a provincial toll-free information line, and a

province-wide database to track details of hate crimes across the province.<sup>42</sup> The mandate of the hate crimes unit is to:

- attain consistency in police investigation and reporting
- coordinate enforcement
- develop a data tracking system
- strengthen linkages with provincial, federal and international agencies
- respond to victim needs
- identify required legislative changes
- provide training for police and other personnel (Ministry of Attorney General 1999)

The unit also cooperates with VPD's *Bash Line* and Multiculturalism BC, an arm's-length provincial agency that facilitates cross-cultural understanding and supports anti-racist activities with conferences, youth activities and community consultations (Ministry of Attorney General 1999). Police officers who work with the hate crimes unit are expected to:

- assist local police agencies with hate crimes investigations;
- create and update a database of hate crime suspects and link it to other intelligence sources;
- make sure that specific local police agencies know about hate-related activities that are occurring in their own and surrounding jurisdictions;<sup>43</sup>
- participate in community education and outreach;
- cooperate with other provincial and federal agencies; and
- inform human rights groups about hate activities that cannot be prosecuted (Ministry of Attorney General, Jan. 1998:3).

Out of 7,000 police officers in the province, about 1,200 have been trained in the hate crime team's new approach to hate crimes (Interview with O, April 30, 1999). The unit has issued the following guidelines for investigating officers:

- they *must* attend to a hate crime
- if they have questions as to the suspect's motivation, they are encouraged to contact the hate crimes unit

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<sup>42</sup> The provincial government has also initiated other changes. After a passenger was queer-bashed by a teenager on a Bowen Island ferry, BC Ferries announced plans to spend up to \$10,000 for a youth worker to ride the ferry (CP July 19, 1999). The Attorney General also appointed the province's first openly gay judge, Gary Cohen, who was sworn in on Feb. 15, 1999 (Findlay 1999:11).

<sup>43</sup> In one instance, the provincial hate crimes unit was consulted by the RCMP detachment in Mission after a man who used homophobic language was charged with uttering a threat (Yeung, Jan. 22, 1998). Recent RCMP budget cuts have affected the hate crimes unit's ability to investigate crimes outside Greater Vancouver, since the program is jointly funded by the RCMP and the province. Corp. Craig MacMillan said the cuts have already had an impact on two hate crimes investigations in British Columbia, since his unit must compete against other special units, like the commercial crimes section (Yeung, Oct. 29, 1998:7).

- "...proper securing of evidence, witness and victim statements, consultation with supervisors and other senior officers, and utilizing other police resources (e.g., identification, crime lab, media relations) must be considered"
- victimization issues are "paramount"

The officer must take into account:

- the suspect's statement and comments
- the use of symbols or gestures associated with hate
- the timing of the event (e.g. a specific holiday)
- the perception of the victim or the victim's community
- the perception of witnesses
- the location of the crime
- the suspect's previous involvement in similar crimes (Ministry of Attorney General, Jan. 1998:13-15).

The new guidelines for prosecutors were established in July 1997: "Crown is supposed to oppose release and isn't supposed to go to alternative measures without express permission of the victim. The Crown must put the accused before court, and isn't supposed to plea-bargain."

Unfortunately, very few Crown have received training on these new guidelines which means that, in reality, many hate crimes are still being prosecuted the old way. "We find we're having to motivate the Crown to implement the new policies" (Interview with O, Ap. 30, 1999). The following BC queer-bashing statistics come from a number of police sources, and in many different configurations.

### BC POLICE HOMOPHOBIC HATE CRIME STATISTICS, 1994-1998

1994: Vancouver	In February 1994, VPD said there had been 26 gay-bashing incidents in the past year and a half. (Smith 1994:2).
1995: Vancouver	In 1995 there were 13 assaults, and three threats; in part of 1996 there were 12 assaults, two threats, a robbery and a hate mail (Ward 1996:A1).
1996: Vancouver	In part of 1996 there were 12 assaults, two threats, a robbery and a hate mail (Ward 1996:A1). Two months later, the police said that out of 25 offences based on sexual orientation, 16 of these were assaults (Yeung, Feb. 6, 1997:7).
1996: Rest of BC	In 1996, the hate crimes unit tracked 25 queer-related crimes across BC, including 16 assaults, although how many occurred outside of Vancouver is not clear (Yeung, Feb. 6, 1997:7).
1997: Vancouver	In 1997, when the Vancouver Police Department established a reporting service called the Bash Line, "about a dozen" separate incidents were reported within the first three months, including "five cases of relationship violence, all from men..." (Yeung, July 24, 1997:15). From May 12 to Sept. 25, 59 criminal offences were recorded at the Bash Line, "with 38 located in the West End and six on the East Side. Of these calls, 23 were assaults, including five assaults with a weapon and one sexual assault... nine threats of violence and three domestic assaults... 34 incidents reported to the Bash Line were not reported to the police..." (Yeung, Oct. 2, 1997:9).

<b>1998: Vancouver</b>	Out of the 34 homophobic crimes in Vancouver in 1998, 24 were violent crimes: 23 were levels 1 and 2 assault, and one was a robbery. There 20 male victims, 2 female victims and 2 transgendered. In 1998, there were 44 crimes across the province with homophobic motives. Only seven of the 44 occurred outside Vancouver (Letter from O, Sept. 23, 1999).
<b>1998: Rest of BC</b>	Seven crimes occurred in Burnaby, Surrey, Houston and Pender Island. Of these seven, only one was an assault (on a lesbian victim). The rest were mischief and harassment (Letter from O, Sept. 23, 1999). In Victoria, the police department said that "0" hate crimes had been registered (Interview with Q, April 28, 1999).

**Table 4.1 BC Police Homophobic Hate Crime Statistics, 1994-1998**

**Urban Police Departments: Policies that track queer-bashing**

“Calgary Police have kept track of hate crimes on the basis of sexual orientation since 1996,” according to one deputy chief (Interview with S, June 8, 1999). In Edmonton, a crime motivated either “in whole or in part” by hate is considered a hate crime. “It’s been the responsibility of an assigned detective in the criminal intelligence area” to review hate files for about 20 years, but statistics are only available since 1994 (Interview with S, May 21, 1999). “Saskatoon Police Service does not have a separate category for hate crimes” (Interview with L, Aug. 12, 1999). Regina Police Service “would keep track of crimes if they did occur. But it’s not a policy to specifically classify those crimes” (Interview with U, April 22, 1999). In Winnipeg, the police have tracked hate crimes on the basis of sexual orientation since 1993. The city is broken into six districts; there are hate crime-trained officers in each district. All hate crimes are flagged as such and are automatically high-priority. When their computer system generates a report, “it pops up every four days until we deal with it” (Interview with W, June 23, 1999).

Although the Sudbury Regional Police introduced a hate crime policy in August 1995 (Roberts 1995:8), it would appear to exclude sexual orientation, since the department declined to send me any information (see letter from CC, May 17, 1999). In London, “We have a coding system. When the officer gets to the scene, the officer is able to change the code. Each report is audited by a street supervisor to see that the officer has coded the crime properly. In Dec. 1996 we had a different system. Started tracking hate crimes on the computer in 1994. Before 1997, I can’t identify any of the crimes because there’s a ‘tombstone’ system. Just the basic name,



address and date of birth. All I know is that some person is a victim. Now we have a keyword system" (Interview with Y, Aug. 31, 1999). Since 1996, Hamilton police have considered hate crime motivation to be "in whole or in part" (Hamilton-Wentworth Regional Police, Oct. 15, 1997:1). Ottawa police have kept track of queer-bashing since 1993 (Ottawa-Carleton Regional Police Service 1998). The Hate Crime Section of the OCRPS investigates hate crimes, conducts intelligence on hate groups and individuals, and provides community outreach to the affected communities of hate crimes (Letter from BB, May 26, 1999). The Toronto Hate Crime Unit, which comes under Intelligence Services, was set up in Jan. 1993. From 1993 to 1997, a hate crime had to be "solely motivated" by hate. Now it's "in whole or in part." In the past, a traffic incident would never have been classified as a hate crime (Interview with NNN, May 4, 1999).

Police for the Montreal Urban Community did not supply information despite repeated requests. However, according to a media report, "Unlike police forces in Toronto and Ottawa, MUC police don't have a specialized hate-crime squad. MUC police are instructed to note in their reports if they suspect a crime is hate-related" (Riga 1996:A3). In Quebec City, a police representative said there was no specific category for anti-gay violence (Interview with FF, May 20, 1999). In Fredericton, a police representative said that no records were kept specifically on hate crimes against gays and lesbians (Interview with GG, May 26, 1999). In Charlottetown, the police randomly receive reports of queer-bashing (telephone conversation with HH, May 21, 1999). In Halifax -- according to the "official version" given to Roberts in 1995 -- "Collection of statistics relating to hate crimes began in January 1994. The Halifax Police Department has taken steps to ensure that all members of the force are aware of the existence of hate crimes..." (Roberts 1995:27). However, a senior officer said, "We don't keep track of hate crimes. Unless there is a separate violation put into the Criminal Code, we're not going to change [this policy]" (Interview with II, April 22, 1999). A spokesman for the Royal Newfoundland Constabulary said the RNC has no specific policies or committees that deal with the gay and lesbian community.

## **Urban Police Departments: Statistics**

The purpose of this section is to demonstrate how difficult it is to make sense of most police department's hate crime statistics. Few departments keep track; the statistics that do exist outside of Toronto and BC are quite unclear. Some departments sent me hate crime statistics without explaining how many involved queer victims. Others sent "sexual orientation" statistics on "hate crimes" which did not explain how many of these were assaults and how many were less serious offences, like name-calling or mischief. It is precisely this lack of uniformity that has been criticized by experts, who are calling for national hate crime strategy. A summary of the statistics from these police departments appears on the next pages.

**CANADIAN URBAN POLICE HOMOPHOBIC HATE CRIME STATISTICS, 1990-1999**

City	1990	1993	1994	1995	1996	1997	1998	1999
Calgary	"Police are aware of numerous incidents of assault on male prostitutes and their customers" (Hutchinson 1990:48).					From June 1, 1997 to May 31, 1998, "9 crimes involving sexual orientation were recorded," but unclear if they are violent (Interview with D, May 14, 1999).	For 1998, 11 offences were recorded relating to sexual orientation, but unclear if they are violent (Interview with D, May 14, 1999).	
Edmonton			5 hate crimes, unclear if they refer to sexual orientation (Edmonton Police Service 1998).	6 hate crimes, unclear if they refer to sexual orientation (Edmonton Police Service 1998).	5 hate crimes, unclear if they refer to sexual orientation (Edmonton Police Service 1998).	7 hate crimes, unclear if they refer to sexual orientation (Edmonton Police Service 1998).		
Saskatoon		2 or 3 gay-bashing incidents, approx. 1993 (Interview with L, Aug. 12, 1999).					1 threatening incident against a gay man in June 1998 (Interview with L, Aug. 12, 1999)	
Regina							Only homophobic crime was a hate letter to the Mayor. (Interview with U, April 22, 1999)	
Winnipeg		6 gay-bashings (Letter from V, Dec. 2, 1998)	4 gay-bashings (Letter from V, Dec. 2, 1998)	6 gay-bashings (Letter from V, Dec. 2, 1998)	3 gay-bashings (Letter from V, Dec. 2, 1998)	4 gay-bashings (Letter from V, Dec. 2, 1998)	5 gay-bashings (Letter from V, Dec. 2, 1998)	2 muggings, 3 assaults, and 2 threats against gay men (Interview with W, June 23, 1999).
London						2 non-violent homophobic crimes (Interview with Y, Aug. 31, 1999)	1 non-violent homophobic crime (Interview with Y, May 10, 1999)	

<b>Hamilton</b>					"Hate crimes" against 4 gay men, 1 lesbian, 1 transgender, but unclear if they are violent (Hamilton-Wentworth 1996)	"Hate crimes" against 6 gay men, 2 lesbians, but unclear if they are violent (Hamilton-Wentworth, Dec. 31, 1997)	5 "hate crimes" based on "sexual orientation," and 4 "bias incidents based on sexual orientation," but unclear if they are violent (Fax from Z, May 28, 1998)	
<b>Toronto</b>		16 "crimes based on sexual orientation" (but unclear how many are violent): (TPS 1998)	11 "crimes based on sexual orientation" (but unclear how many are violent). (TPS 1998)	22 "crimes based on sexual orientation" (but unclear how many are violent) (TPS 1998)	14 homophobic assaults (including 2 lesbian victims) and 2 threats (Metro Toronto 1996:2-7)	15 homophobic crimes, including 9 gay-bashings, 1 lesbian-bashing and 1 threat against a gay man (Metro Toronto 1996:4-8)		
<b>Ottawa</b>			1993 and 1994: Anti-gay, lesbian, bisexual and transgender, crimes (but unclear how many are violent): 42, 3, 0, 0 (OCRPS 1998)	Anti-gay, lesbian, bisexual and transgender, crimes (but unclear how many are violent): 21, 4, 3, 2 (OCRPS 1998)	Anti-gay, lesbian, bisexual and transgender, crimes (but unclear how many are violent): 33, 18, 7, 7 (OCRPS 1998)	Anti-gay, lesbian, bisexual and transgender, crimes (but unclear how many are violent): 42, 12, 0, 1 (OCRPS 1998)	Anti-gay, lesbian, bisexual and transgender, crimes (but unclear how many are violent): 38, 7, 1, 4 (OCRPS 1998)	

Montreal		"...about a dozen serious assaults a week against gays and lesbians" (Picard, Feb. 12, 1993). <sup>44</sup> Over a three-month period in 1993, 83% of all Montreal hate crimes victims were gay men, and over half of all hate crimes in Montreal during this period involved violence (Roberts 1995:33).		In 1995, Montreal queer-bashing cases were "significantly more likely to involve violence. Thus almost nine out of ten hate crimes against gay targets involve violence, while only 30 percent of anti-semitic hate crimes involved a crime against the person" (Roberts 1995:25).		In 1997, 25 hate crimes were recorded in Montreal, including eight that targeted gays and lesbians -- compared 187 in Toronto and 161 in Ottawa-Carleton (Vu 1998: B1).		
Fredericton							A gay bar was burned to the ground in the late 90s, but nothing was proved (Interview with GG, May 26, 1999).	
Charlottetown								"We randomly receive reports" (Telephone conversation with HH, May 21, 1999)
Halifax			3 hate crimes between Jan. and Oct. 1994, but unclear if they were violent or homophobic (Roberts 1995:27)					"We have 0 gay-bashing cases... We've had a few bashings where they're not reported, and verbal insults in front of bars" (Interview with II, April 22, 1999)

Table 4.2 Canadian Urban Police Homophobic Hate Crime Statistics, 1990-1999

<sup>44</sup> The Montreal police did an "analysis" of crime in the Gay Village from Nov. 1991 to Oct. 1993 and concluded that, in 1992, there was actually 3% less crime there than in the rest of the district. Even though the police admitted the survey was methodologically flawed, they still concluded that crime in the Village was less than what people believed. They also blamed gays for refusing to report criminals who victimized them (Commission 1994:66).

## **Urban police departments: Initiatives that address queerbashing**

“Police initiatives” across the country regarding the queer community have ranged from proactive outreach to reactive violence perpetrated by the police. Even within a given police department, it is impossible to generalize: a program that received a lot of media coverage one year could be dead the next year. In Vancouver, after a series of gay-bashings and a street march in 1992, VPD announced that officers would “be given sensitivity training and instructed to record the sexual orientation of assault victims when responding to reports of gay-bashing.” However, the chief said that “confidential notations on sexual orientation will be taken only if members of the gay community agree.” He also promised that police would “be given training on how to recognize gay-bashing and how to respond” (Lee 1992:A1).<sup>45</sup> As part of the city’s community policing initiative, an office was established just off Davie Street. The police have also had drop-in hours at the The Centre (the queer community centre) where community members can talk to the police (Allan 1997:10). In August 1997, VPD Chief Bruce Chambers made headlines as the first Canadian police chief to march in a Pride parade. However, in an interview, he was asked to commit to establishing “a real committee where community members can have a real effect on the way policing is done,” but he did not.<sup>46</sup> Was he satisfied with the current civilian complaints process? He said, “Yes I am, I think the system works extremely well, I think it’s a system people should have confidence in...” (Yeung, Nov. 13, 1997:19).

In 1990, a Calgary police officer who overheard four teenagers planning to “roll some gays” in a cruising area went undercover; he was attacked in his unmarked car, and three teenagers were arrested (Hutchinson 1990:48). The Calgary Police Service has a gay and lesbian

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<sup>45</sup> In 1999, however, diversity training courses were “still voluntary for serving members” although new recruits are given the course, and trained on gay-bashing through the Justice Institute of British Columbia” (Letter from O, Nov. 23, 1999).

<sup>46</sup> One Vancouver Police Department officer, responsible for “gay and lesbian liaison,” admitted in an interview that when he first came into contact with gay people on Granville Street, “I was shocked to discover that most of them didn’t even find me attractive! After that, I realized they weren’t monsters and they weren’t trying to rape me” (Janoff 1995:4). In another interview, the same officer, when asked to describe issues affecting the transgendered, said: “You’re dealing with a different culture with a different set of rules, values and morals if you will. It’s really no different than when I went to Paris when I was 19...” (Mike Bell 1996:3).

liaison committee which meets once a month. Police representatives have also had a booth at a community dance, spoken on queer radio shows and been featured in queer publications (Interview with D, May 14, 1999). In 1998, a system was set up to allow queers to anonymously report queer-bashing incidents (Dolik and Toneguzzi 1998:B2). The Edmonton Police Service established a gay and lesbian liaison committee in 1992 "to raise awareness and promote education on gay issues. Six police officers and eight civilians serve on the committee" (Mandel, Dec. 5, 1995:B6). A senior officer has chaired it for more than two years, talking to queer radio shows and to groups at the gay and lesbian community centre (Interview with S, May 21, 1999). In 1991, after an outbreak of queer-bashing in Winnipeg, police would not commit to increased patrols. "Staffing levels dictate if [officers] can patrol the walkway behind the Legislature grounds and the Granite Curling Club," a police spokesman said. A liaison committee was also being established (O'Connor, Oct. 14, 1991:5). In 1992, a Crime Stoppers commercial was taped, recreating the 1992 murder of Gordon Kuhtey in a gay cruising area ("Police get tip on 'gay bashing,'" *Winnipeg Sun*, June 12, 1992, p. 5). In 1993, five officers from the hate-crimes unit were assigned "to investigate gay-bashings near the Legislative Building... police will also step up the frequency of bike patrols in the area" ("Squad to probe attacks on gays," *Winnipeg Free Press*, Sept. 8, 1993). In 1995, "along the river walk behind the Granite Curling Club... undercover officers tried to catch violent thugs who prey on homosexuals who frequent the area" (Owen 1995:A4).

In Hamilton, there has been a gay and lesbian liaison committee for three years. It was formed after police arrested gay men at the Royal Botanical Gardens cruising area (Mulkewich, May 17, 1999). The committee met twelve times from January 1997 to February 1998, "and the Chief attended almost every meeting (Mulkewich 1997:3-5). They organized a community forum attended by 75 people, including the Chief. The media was excluded. An anti-bashing campaign was launched February 1998, involving two posters and a pamphlet on hate crime (Mulkewich 1997:6-7). In Ottawa-Hull, the Alain Brousseau murder in 1989 was a catalyst for community

dialogue with the police, spurring the creation of the Hate Crimes Section and a liaison Committee that still exists (Letter from BB, May 26, 1999). A group went to Boston to study hate crime policing (Pepper and Holland 1999:3). In June 1993, the liaison committee funded the Ottawa Police Lesbian and Gay Liaison Committee Action Plan Project (Pepper and Holland 1999:8). The Ottawa police received their first homophobia training in 1992: it took three years of meetings for the community to convince the police of the need for it (Pepper and Holland 1999:52). Toronto's Hate Crime Unit with four members, is involved in investigative support, public education and outreach, police training, education and crime analysis (Metro Toronto 1996:14).

We are a support unit, not a frontline organization. We gather intelligence and disseminate information. We have Hate Crime Investigating Coordinators in 17 divisions across Toronto. They call on us for expertise. The local division sends a uniformed officer. We get a copy of every occurrence from across Canada. It's not a solo unit like in Ottawa (Interview with NNN, May 4, 1999).

Toronto's Unit has also participated in hate crime training for 390 Crown attorneys: (Toronto Police Service 1998). Community policing began in the Church-Wellesley gay neighborhood in 1991. In 1995, the ten-day long "Policing and Diversity Course" was introduced. A year later, it was reduced to six days. "The unit responsible for the training now has two staff members instead of the original five..." (Faulkner 1997). In 1996, Station 33, located in Montreal's Gay Village, participated in a pilot project with the community organization Dire Enfin la Violence "to encourage victims of gay-bashings to make police reports... The project is also a way to gather fuller statistics, find problem areas and develop profiles of attackers..." (Riga 1996:A3). A Halifax police officer now sits on a gay and lesbian youth committee (Interview with II, April 22, 1999).

In summary, Canadian police approaches to queer-bashing vary wildly from region to region. These are now contrasted with community initiatives to address this violence.



## CHAPTER FIVE

### COMMUNITY INITIATIVES AND CRITIQUES

While some of the police initiatives described in the previous chapter have been praised, others have fallen short of the expectations of the queer communities served by these departments. Grassroots community activists have taken many different approaches to the problem of queer-bashing, and these programs are surveyed in the first half of this chapter. In the second half, simmering controversies and criticisms bubble to the surface, exposing not only the community's dissatisfaction with police approaches to queer-bashing, but the lack of consensus that exists within the queer community itself.

It is also worth noting that although many of the following programs generated considerable media publicity at the outset, there is little follow-up to explain *why* so many of these programs do not survive more than a year. In Montreal and Toronto, community-based violence programs enjoy a certain degree of continuity, but even these programs are severely constrained financially and terms of their scope.

#### **Western Canada**

Although most anti-violence initiatives in British Columbia originate in Vancouver, Rainbow BC has developed a province-wide network of queer organizations that have organized conferences, workshops and made recommendations on violence and how it affects queers in less populated areas. In 1994, "the Victoria Community Foot Patrol," began night patrols of Beacon Hill Park, a gay cruising area. Up to 16 volunteers wore fluorescent yellow arm bands and carried flashlights and whistles (Wilson 1994). In 1995, Robb Stewart chronicled queer-bashing incidents "on behalf of the Victoria Gay and Lesbian Anti-violence Project" (Dutton 1995:A1). The same year, 30 lesbians staged a rally at the Victoria courthouse after a woman was stabbed in a lesbian bar (Westad, May 2, 1995).

In the early 1990s, Vancouver's Pride Foundation established Equal Justice, aimed at "keeping track of gay-bashings, assisting people in pressing charges and helping them through the court process." Self-defence courses were also planned (Griffin, Aug. 31, 1991:E23). In September 1992, several hundred rallied to protest queer-bashing in Vancouver, and 2,000 names were collected on a petition "demanding that police pay more attention to the rights of gays and lesbians" (Morton 1992:B4). About 20 women lit candles and gathered at the Law Courts in April 1996 to support women who had been queer-bashed, and to attend the trial of a man accused of assaulting lesbians: "Women filled the courtroom where the trial was taking place, wearing T-shirts written with names of women who have been queer-bashed..." (Hardwick 1996:1).

In 1992, there was a weekly support group at First United Church attended by a dozen transsexuals, which also maintains "a hotline for crisis counselling and information" (Sarti 1993:B4). The High-Risk Society was a support group serving over 100 transsexual clients out of the Sheway Health Centre in the mid-nineties, which eventually disintegrated because of divisions within the organization. The members participated on the transgender-police liaison committee, which would meet at the Dufferin Hotel (Bell 1996:3). Transsexuals also receive support from the Zenith Foundation (see Johnson and Castle 1997). Transsexual prostitutes participate in Grandma's House, a support centre for prostitutes, started in 1997 by Jamie-Lee Hamilton. They put out a newsletter called, "On the Stroll." Male prostitutes also have access to the Boys R Us program in the Downtown South Health Centre at the Gathering Place community centre. "We want to empower prostitutes to be a political force in our society... and give them skills" (Interview with NN, May 11, 1999).

In 1994, the Q-Street Patrol introduced patrols and safety classes in Vancouver's West End, "the first of its kind in Canada" (Aird 1994:A3). The patrol distributed 3,000 "wanted" posters with a photo of Brian Hickey, sought by police in the killing of a gay Vancouver man (Yeager 1995:B2). Because of difficulties of attracting volunteers, the Q-Street Patrol folded in

1995. In 1998, the Seattle-based Q-Safety Patrol was visiting Vancouver regularly to “test the feasibility” of setting up “a formalized training and testing program,” which required volunteers to undergo background checks and “to achieve an 80 percent score to pass. Volunteers ... can expect to undergo training in basic defence, basic first aid, conflict resolution and how to talk to assault victims” (Yeung, Feb. 19, 1998:11).

Lindy Monaghan, another bashing victim, organized The Violet Foundation, with the hope of providing self-defence classes and counselling, and hoped to model it after The 519’s Victim Assistance program in Toronto (Yeung, May 29, 1997:9). They conducted a survey in 1997, but the organization finally folded in 1998 because of lack of support. Peter Weir, a psychiatric social worker at St. Paul’s, said he was lobbying to have an educational video shown on queer-bashing to emergency-room workers (Zillich, June 19, 1997:4). Murray Warren, a teacher and anti-homophobia educator, has worked on many committees to “make schools safer and friendlier for gays and lesbians” (Bell 1997:B2) and to fight against groups like Homosexuals Opposed to Pride Extremism. “Claiming to represent the ‘civilized majority’ of homosexuals, HOPE rallied June 25 with parents and religious groups to support the Surrey School Board’s banning of three books depicting same-sex parents from classrooms” (“Opposing Pride”).

The Calgary Public School Board has also expressed concerned and has “formed an advisory committee to help the board deal with issues of security and safety for gay and lesbian students... with representatives from the Calgary police, the Calgary Council of Home and School Associations and Calgary Health Services” (“Schools address homophobia”). In Edmonton, the only program that assists victims is a gay men’s discussion group every Sunday evening at the Gay and Lesbian Community Centre (Interview with OO, May 21, 1999). Gay and Lesbian Health Services of Saskatoon publishes a newsletter and addresses many health and social issues at a community level: victims are encouraged to identify the vehicles of queer-bashing suspects. “Some say yes and some say no. We generally put out an info sheet. In the last two years, we have had to do it twice” (Interview with C, July 13, 1999). The Regina Gay and Lesbian

Community Centre also provides programs and resources to support various gay and lesbian groups (Interview with QQ, Aug. 10, 1999).

In the wake of the Kuhtey murder in Winnipeg, the Coalition Against Homophobic Violence distributed a pamphlet with “instructions on how to thwart an attacker by jabbing at his throat” and announced plans to distribute warning whistles in the cruising area (CP, Sept. 14, 1991:L11). A two-month training course was also planned: “By spring, four-person safety patrol teams will spread out... equipped with two way radios...” but will not “modify the behaviour of people who are being victimized” (O’Connor, Oct. 14, 1991:5). In 1994 gay activist Chris Vogel was trying to raise money for 500 safety kits that would contain “whistles, self-defence pamphlets and other information” (Lakritz 1994:5). Another Winnipegger launched a letter-writing campaign to the provincial justice minister, encouraging some youths accused of queer-bashing to be tried in an adult court (Kuxhaus, Sept. 3, 1995:A3). Anti-racist activists maintained a presence at the courthouse during trial of the men accused in the Kuhtey murder, then marched to the murder site (O’Connor, Aug. 12, 1997). The Winnipeg Gay and Lesbian Resource Centre has a free legal clinic with an anonymous reporting system. Workers at the centre help victims fill out an anonymous form with the suspect’s description and fax the form to the police station, then destroy the form so there is no copy (Interview with RR, May 14, 1999).

## **Ontario**

The Lesbian Gay Bisexual Youth Line was instituted in 1994, and received 1000 calls in the first five months. Twenty volunteers answered the phones, from 3 to 11 p.m., seven days a week. The Ontario government contributed \$35,000 at the outset and said it would contribute \$10,000 annually, “But it will take about \$98,000 a year to effectively operate and advertise the service” (Murray 1994:B1). In London, HALO runs a community centre with many activities, including the social services committee, which responds to issues of violence and criminal justice. In the summer of 1989, many queer-bashing incidents occurred in Ottawa, including a man who was thrown off a bridge and killed. The Ottawa-Hull Lesbian and Gay Task Force on Violence

developed many initiatives, including pamphlets, marches and safety campaigns, however the group felt the police department was not engaged; the Task Force called a meeting with the police, invited other groups and politicians, and made several demands. A liaison committee was set up and has been meeting every since. Further issues were raised afterwards, including police training, washroom sex and a “request that entrapment not be used...” (Pepper 1993). The committee’s action plan was summarized in a final report, *Moving Toward a Distant Horizon* (see Pepper and Holland 1999).

In Toronto, “a few dozen Queer Nation members marched down Yonge St. on Halloween night” in 1990, chanting slogans that denounced queer-bashing (Giese 1995:7). In 1994, tensions boiled over when the government killed the same-sex benefits bill. Gays and lesbians packed the public gallery, whistled and screamed “Shame!” when the results were announced, and were whisked out of Queen’s Park by security police wearing rubber gloves (Lakey 1994:A10). On Pride Day in June 1994, a group of marchers grabbed hold of a single pink ribbon and wrapped it around Queen’s Park. “Several hundred pairs of rubber latex globes were distributed to parade-goers by the Campaign for Equal Families, in mock protest” of the police treatment (Rankin 1994:A1). Later in 1994, 250 people gathered at the site of a gay-bashing at the corner of Church and Wellesley, blocking traffic (DeMara 1994:A15). Demonstrators were asked to wear armbands if they had been victims of a gay bashing. “At least two-thirds of that group wore bandages...” (House of Commons 1994:11). In 1991, when rumours surfaced that queer youth were being poorly treated in Toronto group homes and shelters, the Sexual Orientation and Youth Program was created. Youth, front-line staff and management were interviewed (O’Brien 1994:38-39). In 1995, the Toronto Board of Education developed the Triangle Program “for kids at the extreme end of the harassment spectrum...” The program had space for 25 students in a room donated by the Metropolitan Community Church in the east end (“Are you a happy homosexual?”). *Hate: Communities Can Respond: A Community Handbook* was published in 1996 (see Fernandes and Costanzo 1996). It is clearly written, the joint project of several

agencies and minority and anti-hate groups. At Wellesley Central Hospital, emergency staff were trained “how to ask more questions and be more sensitive when treating someone they suspect has been assaulted because they’re gay or lesbian” by learning to treat “the psychological trauma as well” (“Gay Bashing”). The 519 Church St. Community Centre started taking bashing reports in 1990; the coordinator, who has a background in community development, has been there since 1994. “A person calls in, leaves a message and we try to get as much information as we can about the incident. Sometimes people don’t leave a number -- just information. We’re going to help them report it. We’re not doing any independent investigation.” They sometimes have to make a judgement call about whether the crime was hate-motivated, e.g. in the case of a traffic altercation. “We do lots of follow-up. Our focus has shifted: it’s more of a client focus.” 1200 people showed up for a Matthew Shephard memorial service (Interview with M, May 26, 1999).

### **Quebec and Atlantic Canada**

In response to a violent police raid on a Montreal warehouse party in 1990, and the violent police response to a demonstration in front of a police station two days later, 1500 people demonstrated against police violence, carried black placards, chanted “shame, shame,” clapped and blew whistles. The march, organized by the 250-member Lesbians and Gays Against Violence, “was also billed as a celebration of homosexual visibility” (Patel 1990:A3). In 1993, Montreal’s queer community centre urged gay men “to take special precautions with new partners, though they stopped short of suggesting that frequenting bars was dangerous” (Picard, Feb. 12, 1993:A1). At the same time, two magazines and two anonymous donors offered more than \$6,000 for information leading to a conviction in the killings of two gay men (Lalonde and Authier 1993:A3; “Reward increased”). Two weeks later, the head of Station 33 announced that queer bashing victims could file complaints at the Gay and Lesbian Community Centre. Queer activists collected the names of twelve officers “whose behaviours have been particularly offensive,” and threatened to make the names public if officers who consistently display bias against gays are not “taken off the street and assigned to desk duty” (Norris, Feb. 27, 1993:A3). A gay man who said

he was bashed by the Montreal police said that eleven gay men with similar concerns were filing a lawsuit, "but he couldn't comment specifically on their cases" ("Maybe he thought").

The Gay and Lesbian Community Centre started a volunteer-run information service in the early 1990s that could not survive for lack of funds (Commission 1994:71). Dire Enfin la Violence began offering services for victims of homophobic violence and gay and lesbian relationship violence on September 28, 1995. An 800 line was established; programs included support for victims and educational programs within the gay and lesbian community, and with the police (Dire Enfin la Violence 1997:20). The group also instituted a code of ethics, created a complaint form, sent out press releases, appeared in the media, analyzed statistics, helped produce and distribute flyers and other material, attended several court cases and other judicial processes with victims, interviewed volunteers, maintained contact with counsellors, produced and presented audio-visual material, organized a "Violence week" and a vigil for murder victims, put up information booths in the Gay Village, distributed information in bars, put silhouettes on the sidewalks, met with other gay organizations, and organized support groups for lesbians, gay-bashing and domestic violence victims (Dire Enfin la Violence 1997:21-22).

The office was closed for six months and restructured (Dire Enfin la Violence 1998:3). When it closed in June 1997, the group was unable to pay its sole staff member, who said an annual budget of \$150,000 would be needed to pay the salaries of four employees. "We have only received \$70,000 over 20 months and we have received only \$35,000 from the different ministries this year..." Over 600 queers used the service since February 1995 (Wilton 1997:A7). From March to October 1998, three employees conducted a media campaign and worked with the MUC police, while contacts with suburban departments have been expanded (Dire Enfin la Violence 1998: 3-4). They collaborated with businesses and the Human Rights Commission, conducted seminars at various colleges and universities, including education for police recruits from Trois-Rivières, who are given a guided tour of the Gay Village, and participated in various radio and television interviews. Two discussion groups, one for men and one for women, were

organized; all participants had been victims of violence at some point in their lives. The group also provides host families for queers fleeing abusive partners (Dire Enfin la Violence 1998: 6-7).

In *Wayves*, a queer newspaper for Atlantic Canada, an article discussed safe cruising. Planned Parenthood Nova Scotia's Lesbian, Gay and Bisexual Youth Project was invited to give a workshop at Millwood High School. It started in 1994 and has helped 175 youths... "A 1-800 phone line, OUT Line, aimed at rural Nova Scotians and Prince Edward Islanders... offered peer counselling to people 25 and younger who are struggling to accept their sexuality" (Aikenhead 1996:17). A Halifax activist said that earlier in the 1990s there was "a gay support phone line but it had limited hours and most of their calls were for information or to deal with loneliness..." but they "gave out good advice on avoiding getting bashed." Queer journalists also attended murder trials to provide an alternative viewpoint to the mainstream media (Interview with WW, May 25, 1999). In Newfoundland, NGALE is a community support organization that has a phonenumber and newsletter, which recently published an article on a queer-bashing (Interview with XX, May 25, 1999). NGALE held a public meeting on violence and policing a few years ago (Interview with GGG, June 22, 1999).

## **QUEER-BASHING: COMMENTS AND CRITIQUES**

### **Yukon and British Columbia**

In Yukon, the RCMP was attentive to the needs of one gay man, who was an outspoken proponent of firearms legislation, and offered additional security. "While not mentioning that my sexual orientation could further incite the right-wing gun lobby, they hinted at it ... I appreciated their concern" (Interview with LL, Aug. 13, 1999). In Victoria, an activist observed that police stay in their cars and drive through Beacon Hill Park "and do not get into the more secluded areas." He said he hoped police would add bike patrols (Wilson 1994). A heterosexual man stabbed a woman in a queer Victoria nightclub with a concealed combat knife after she rejected his advances and continued dancing with another woman. That "other woman" said:



The police refused to charge him with attempted murder, saying they could not prove premeditation. I don't buy that. I saw him stalk her, watched him staring at her as she collapsed in my arms and lay bleeding on the dance floor... I don't agree ...about it not being related to being a lesbian. Would it have been different if she was dancing with a man? I think so, it wouldn't have been as much a wound to his machismo, but to get rejected for a woman, well that's worth killing over I guess (Interview with MM, Aug. 11, 1999).

In Vancouver, after a 1992 queer-bashing in Stanley Park, a gay city councillor said: "Do citizens have the right to walk through a darkened park at 3 a.m. and expect a high level of security? No, they do not. Do gay men having sex in a park at 3 a.m. have the right to a high level of security? No, they do not. On the other hand... Gay men should be able to walk down Davie Street at 2 a.m. without fear." In that incident, police refused to label it a gay-bashing (Janoff 1992:D4-5). One activist said this refusal "has allowed police to deny there is a problem in the community" (Lee 1992:A1).

Almost two years later, the same activist criticized police for not mentioning the Edge Café attack at their regular police conference. 'By not making reference to it, the police are furthering the invisibility of the gay community'..." (Griffin, May 14, 1994). The coordinator of the Gay and Lesbian Centre suggested that the man convicted in the Edge Café incident, who was sentenced to community service, could do some cleaning at the GLC, "or possibly some painting job – a more manual, menial task that's less popular with volunteers" (Takhar, May 1996:1). The attack also provided several insights into the workings of the criminal justice system. Of the five assailants, one was charged with assault, while two were charged with assault causing bodily harm. In May 1995, there was a preliminary hearing, which had been remanded five times. Then the trial was remanded three times, and took place in April 1996. The Crown who handled the case said the delays were unfortunate, but not uncommon. Two weeks into the trial, after seventeen witnesses had been called, a plea bargain was struck: in the end, only one man was convicted; he pleaded guilty to assault causing bodily harm and received a suspended sentence. The victim said that during the preliminary hearing the defence asked him if he was a friend of

any of the other witnesses. He said no. The defence went on to describe The Edge Café as a “last-chance pick-up joint” for gays coming out of the bars at 2:00 a.m. The defence asked him three more times if he knew any of the witnesses. He said no. Then the defence asked him if he had ever *slept* with any of the witnesses. The victim yelled: “I object to this. You’ve asked me four times if I knew any of them, and I told you ‘No.’ Now you’re asking me if I slept with any of them? I told you: No!” It was only at this point that the Crown objected. When asked if it is normal for victims to be asked if they have had sex with bystanders, the Crown conceded privately: the victim “was asked questions that other witnesses would not have been asked because of his homosexuality” (Janoff 1995:6-11).<sup>47</sup>

When a Vancouver city official was bashed with his friends, Anne Drennan, a police spokeswoman, dismissed the attack, but at the same time she claimed she was not downplaying it:

... Drennan said the assault doesn’t fit the pattern of most gay-bashings. Police are investigating both the hate crime angle as well as the possibility the attack was motivated by a traffic dispute... She said most attacks usually involve a large group of “good ol’ boys” looking for just one or two homosexuals to assault. She noted this case is unusual because it started with a traffic dispute, Wilson was just hit once, and his friends weren’t attacked. Drennan denied police are dodging the gay-bashing description (Culbert 1996:B2).

Although Wilson’s attack received enormous publicity, an attitude of overwhelming indifference may actually be a more typical police response:

The police arrived shortly but did not seem to be that concerned about what had taken place and seemed to view it as common assault.... one of the officers... basically told me to shut up... I was to understand that someone could chase you down the street yelling “fucking faggot” and as long as they did not touch you or

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<sup>47</sup> A gay Vancouver lawyer lawyer sees a double-standard at work: “We limit cross-examination of female victims about their sexual history, but most judges say that it’s very relevant to talk about gay men’s sexual history. The Crown definitely showed a lack of sensitivity toward Pablo... (Janoff 1995:10-11).” The lawyer believes sentencing is a key issue, and draws a parallel to violence against prostitutes. “Over the last ten years, judges became aware, and clearly acknowledged, that sentencing for killing prostitutes was generally more lenient than violence against other women.” With gay victims, “We’re not at that stage. Judges calculate sentences based on previous cases. In *Gilroy* (1995) and *Moore* (1996) the judges were referring to previous homosexual panic cases when they determined sentencing -- and so the cycle continues” (Interview with HHH, May 6, 1999). He feels the Crown needs to challenge this practice, and find other cases.

say "I am going to physically harm you," they were not guilty of a crime ... (Interview with ZZ, April 13, 1999).

One transsexual woman complained about violence affecting her community's sex workers: "...mainly from irate johns who have discovered their true sexual identities... street transsexuals need their own 'safe house' or drop-in, so they can get counselling and health care from people who understand their special problems..." (Sarti 1993:B4). Another transsexual woman, Megan Anderson, was harrassed by a VPD officer about the name on her ID. She filed a human rights complaint (Interview with P, April 30, 1999).

The recruitment and treatment of queer police officers in BC has also been a thorny issue. One VPD officer "contacted by *The Vancouver Sun* and who is known to be gay, according to a police contact, denied he was gay and declined to be interviewed, even without his name being used..." (Stainsby 1995:F11-12). A VPD recruiting officer admitted that "Gays fight an uphill battle in the Vancouver Police Department because there are many prejudiced officers on the force." However, despite VPD's claim to be proactive in its hiring policies of queer officers, "*Angles* asked why new gay and lesbian recruits wouldn't receive a warm public welcome like newly recruited people of color. The police constable responded, 'Sexual preference is a private matter'"(McFall 1997:2). A gay male RCMP officer from the Vancouver area asked his superiors if he could "march in the Pride Parade recently, and was told that he couldn't, and if he did there would be repercussions" (Interview with P, April 30, 1999).

The Bashline is a phone line set up in May 1997 by VPD to allow gays and lesbians to phone in information on violence. It began with a lot of publicity and a \$15,000 budget, mainly to publicize the new number (Zillich, June 19, 1997:4). At first, the VPD officer in charge of the Bashline recruited volunteers to work on the line, but not any more: "There wasn't enough to keep them busy or interested." At first, there was an advisory board, but not anymore: "I don't have to report to anyone." He carries a beeper seven days a week, for which he is paid an extra twelve hours per month (Interview with N, May 20, 1999). The VPD's Bashline has been

criticized because it is seen as an initiative that did not originate in the community. When a memorial vigil for Matthew Shephard was planned, the organizer “tried to get the Bashline involved but volunteers at the Pacific St. community police office only had a vague idea of how to get in touch with the line’s organizers.” When one gay man was attacked, his friends said the Bashline did not return calls for a week (Yeung, May 13, 1999:7). Another victim said, “I tried to follow up the whole matter with some constable from the Bashline and ran into nothing but bureaucratic walls. To this day I still am unclear as to what function that line is supposed to fill” (Interview with ZZ, April 13, 1999). A gay man who said he was attacked by two police officers said he called the Bashline but hung up after he heard the following message: “If this is an emergency, phone the police” (Yeung, Mar. 4, 1999:7).<sup>48</sup>

Eighteen months later, in response to some of this criticism, the Bashline officer said some of the regular volunteers at the Yaletown office “didn’t want to do work on the Bashline. It was too intense for them. A couple of them are homophobic, and the majority of them are straight...”<sup>49</sup> He explained that he did not phone back the victim’s friends because “we never leave messages unless someone says it’s perfectly fine” (Interview with N, May 20, 1999).<sup>50</sup> Unfortunately, the Bashline has deflected criticism onto the queer community, complaining to *Xtra West* recently that the Bashline is barely getting by, “with virtually no support from gays,” and with “almost no volunteers from the gay community” (Yeung, Oct. 28, 1999:7,10).<sup>51</sup> In a letter to the editor, a freelance journalist researching an article on the Bashline complained: “... Not one of several phone calls to the Yaletown Community Police Office was returned.” Then he

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<sup>48</sup> Another gay man -- who said police threw him into a wall on June 17, 1997 -- also did not look to the Bashline for support (Kirkby, June 26, 1997:7).

<sup>49</sup> In other words, he excused the homophobia and discomfort of the volunteers, instead of saying to them, “Part of your duty in this job is to help minimize violence in the gay and lesbian community; if you don’t like gays and lesbians, you can’t work here.”

<sup>50</sup> In other words, even when community members use the line, and freely give out their phone numbers and ask to be called back, the police assume that we are so closeted and ashamed of being queer that we are afraid to have phone calls returned from the Bashline!

<sup>51</sup> Unfortunately, this victim-blaming approach has been internalized by queers themselves, including the Matthew Shephard memorial organizer who “places the blame squarely on gays, saying we’ve failed to keep the Bashline staffed with enough volunteers” (Yeung, May 13, 1999:7).

decided to call the Attorney General of British Columbia who, ironically, was easier to contact than the Bashline:

I asked Attorney General Ujjal Dosanjh what he was doing to prevent gaybashing... He referred me to the police, as they determine the use of their resources and the Bashline. I again made calls to the Yaletown Community Police Office; again not one was returned... The community hasn't abandoned the Bashline as your headline suggests; I believe its outreach efforts were ineffective at best" (McMahon 1999:4-5).

The criticism is distinct, but muted. Why? "A frequent complaint, voiced anonymously to Xtra West staff, is the belief that establishing the Bashline has allowed local police to avoid more substantial programs to actually reduce gaybashings" (Yeung, Oct. 28, 1999:7,10). Why "anonymously"? Unlike Toronto and Montreal, which have community-based agencies that provide an alternative to police reporting, queer-bashing victims in Vancouver have only one choice: to call the police. In the past decade, two Vancouver organizations that attempted to support queer-bashing victims folded; the present queer community centre operates on a strained budget and has not had the means to take on this vital task. However, there are no specific Bashline staff to investigate queer-bashing -- and since the Hate Crimes Unit handles investigations, it is unclear what the Bashline actually does, except provide VPD with a public relations opportunity. The VPD's involvement with the BC Hate Crimes Unit makes it one of Canada's leaders in hate crime investigations: the Unit would probably be surprised to discover other queer-bashing incidents are escaping their scrutiny, as victims give up calling the Bashline - or call and get no answer -- or simply do not consider it, in the case of police violence. A new community-based organization and phone line -- with direct links to the Hate Crimes Unit -- needs to be established as soon as possible.

### **The Prairies**

One Calgary activist complains that while queer Calgarians are well aware of the bashing issue and even specific incidents, the apathy is overwhelming: "Few gay men in Calgary seem interested in organizing to combat this phenomenon. Part of this is Calgary has historically never

organized itself along political lines..." (Interview with C, July 13, 1999). A deputy chief in the Calgary Police Service, explained that part of the problem with queer-bashing is that "if the victim doesn't allude to his homosexuality, we're not going to do it. How can we classify it unless the bad guy classifies it himself as a hate crime?" Rhetorically, he asked, "If a member of the gay community has their bicycle stolen, is it a hate bias crime?" When asked if he felt the police should educate the public on queer-bashing, he said, "I'm reticent to focus on a single issue" (Interview with T, July 1, 1999). A Calgary activist lamented that officers are constantly being assigned to the gay and lesbian liaison committee, then shunted off. A dispute arose when some queer committee members demanded that an anonymous reporting system be set up -- a move strongly opposed by the police, who threatened to throw community members off the committee who opposed them (Interview with D, May 14, 1999).

A senior Edmonton police officer, who sits on Edmonton's gay and lesbian liaison committee, has been discouraged about the lack of reporting. "Whether it's real or not, they think that if they come out they could lose their jobs and homes. Now that the *Vriend* decision has guaranteed gay rights here, there is a catch-up process that needs to take place" (Interview with S, May 21, 1999). However, Stockwell Day, a provincial Conservative cabinet minister, said, "... homosexuals don't need protection under the law because they don't suffer discrimination... anecdotes about people getting fired and evicted are pure fabrication (Kossowan, May 11, 1996). Edmonton Reform MP Randy White accused gays and lesbians of stretching the truth. "You have to dig up a lot of rocks to unearth a worm... There are enough real victims of crime, gay and otherwise, for police to deal with, without seeking imaginary ones" ("Edmonton Imports the Fag Project"). In a tautological fashion, a right-wing magazine seized on the fact that "... not a single 'gay-bashing' assault has been reported to the police... no such incident has been reported to the Edmonton Police ever..." and concluded that "the homosexual political lobby seeks to promote itself by creating a mythical persecution" (Byfield 1996:2).

A Saskatoon activist was frustrated that many men "believe they have been bashed because they were cruising the park. They take the victim role. They don't report it to us, or to the police. For two people, it seems to be a recurring thing." Even when gay men have sex in dangerous locations, the activist sees it as a positive choice: a man who was knocked unconscious by four attackers was hospitalized and off work for a while. "To his credit, he's now back cruising the park" (Interview with JJJ, May 7, 1999). One heterosexually-identified man, who knowingly entered a gay club in a small city in Western Canada, claimed "he got hit on" and punched a man on the dance floor. Part of his plea-bargain involved doing 30 hours of community service at the local queer community centre. One activist explained, "We had him doing every dirty shit job... When he left he was apologetic and came back to say hi... We have had a couple of other offenders here... If we can make a change in one person maybe he'll stand up and say it's wrong" (Interview with C, July 13, 1999).<sup>52</sup> Another activist said, "There is a reluctance to act" on the part of the Regina Police Service (Interview with QQ, Aug. 10, 1999).

In Winnipeg, a victim said police "are more often scornful and uninterested when they respond to complaints of gay bashing" (CP, Sept. 14, 1991). Police said they were frustrated at the lack of reports (Carreiro, Jan. 13, 1992). A local columnist criticized a queer activist who wanted to distribute safety information in a cruising area: "...the Gay and Lesbian Resource Centre should think about putting the money to some more productive use. If 20 years of proselytizing hasn't convinced people to steer clear of the area, then nothing will (Lakritz 1994:5). There is also a report of a gay Winnipeg police officer who, ironically, will not cooperate with the queer community. He insists on doing all the police sensitivity training single-handedly, without consulting anyone in the city's gay and lesbian community, and only facilitates discussions between them and the police on his own terms (Interview with RR, May 21, 1999). However, it would appear that the Gay and Lesbian Resource Centre's anonymous reporting

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<sup>52</sup> The women's community would never allow wife-beaters to serve their time working at a women's centre, so why do queers feel "honoured" to "educate" queer-bashers?

system has not been successful. "I've worked here two and a half years; I would say about two or three are sent per year" (Interview with RR, May 14, 1999). A Winnipeg hate crimes officer is also frustrated, especially when police are criticized for not asking if the victim is gay: "...get the bad guy first... at 2 a.m., the cops are going to be brusque. Afterwards, they can go into detail" (Interview with W, June 23, 1999).

## **Ontario**

In 1993, the London police discovered some videos and proceeded to institute Project Guardian, a moral panic based on the premise of a "kiddie porn ring" that eventually became a "joint-forces operation" involving the Toronto police and the OPP. A gay radio journalist began interviewing the "victims," young male prostitutes, who were then warned by police to stay away from the journalist. "Project Guardian... was based on several lies... It is simply untrue that there was ever a child-pornography ring... they continued to use that loaded term to barter for what they wanted..." The police seized 875 videotapes

and though the police did not display them all, those mute stacks around Chief Fantino certainly conveyed the impression... that it was out of control... an alphabetical list, and the first title is, Abbot and Costello Go to Mars... The last... Zorro. Every title in between is a mainstream American or European film... They could, however, use them to window-dress a press conference, which they did... (Hannon 1995:D1, D5).

A member of the London Police Board, said, "The arrest of 47 men through Project Guardian hasn't done a thing to address the problems of street youth. Those kids are still out there..." (Hannon 1995:D1, D5). Many in London's gay and lesbian community, seeing a double-standard at work, actively opposed Fantino's campaign. Meanwhile, the police instituted "massive" washroom and park arrests while the mayor bolstered anti-gay rhetoric by refusing to issue a Gay and Lesbian Pride proclamation. The mayor also claimed that Fantino had told her there was no queer-bashing problem in the city: when victims went to the police, they were told, "You have HALO, why don't you go there?" (Interview with HHH, May 6, 1999). HALO's social services



committee coordinator, said that when he complained about Project Guardian and its homophobic overtones, he was targetted by the Chief himself:

... your conduct over the life of Project Guardian, attacking the integrity of our efforts to pursue a criminal investigation delving into the sexual exploitation of children, causes me and all members of the London Police to be suspicious and guarded about your motives. You have spearheaded a malicious campaign with what we know to be negligible support from the community at large... we will continue to provide professional services and assistance to all citizens regardless of your skewed perception of reality (letter to MMM, Dec. 9, 1996).

Alarmed, the letter's recipient decided to take a back seat to another HALO member, who received this letter:

...It is, indeed, regrettable that proponents of adult/child sex have, in a very sinister way, brought disrepute to the integrity of the gay/lesbian community... Under no circumstances will I engage and give credibility to the proponents of criminal activity (i.e. the sexual exploitation of children) (Letter to MMM, Feb. 5, 1997).

The London police officer I interviewed about queer-bashing said "from an official and personal point of view, it's not much of a problem." In the 1990s, he has worked both as a hate crimes investigator and a vice crimes investigator, but saw no contradiction between the two roles (Interview with Y, May 10, 1999).

In Hamilton, the Community Relations coordinator observed that for most police, the point of reference regarding homosexuality is "around public sex and not around bashing" (Interview with Z, May 17, 1999). The Hamilton police also instituted their own moral panic: Project Rosebud "reflected 'old-style' policing involving an undercover operation... rather than the newer approach of being highly visible in the community and dialoguing and partnering with community representatives." Although "it is not normal police practice to issue a pro-active media release naming names every time charges are laid," a press release "listed the names, ages and addresses of twenty men," whose sexual assault charges were all withdrawn by the Crown. "At least one person lost his job because of the police action" (Mulkewich 1998). In Ottawa, a

crime prevention initiative in the queer community “sparked some backlash from an officer... who objected to being seen with gay-related material... .” Queer community workers were often “excluded from taking an active role in information displays” even though community workers from other programs were constantly visible (Pepper and Holland 1999). In Toronto, at a Queen’s Park demonstration in 1994, activists complained that police used latex gloves: “Officers assigned to the regular Queen’s Park security detail occasionally are called on to eject protesters, but latex gloves are never worn.” A Queen’s Park official said gloves are “worn by officers at their own discretion as a health and safety precaution” (Lahey 1994:A10). The 519 Church St. Community Centre, meanwhile, has been criticized for not taking a more activist stance: in the case of Matthew Shephard, instead of just having a memorial vigil, why not a community march to protest violence? For Gary Kinsman, the program’s name, “Victim Assistance,” says it all:

Victim culture: these are social work notions. You get a feeling that the “victims” are being put into a category. They have to compile stats to justify their existence. They are not given funding. The 519 board was told that they were not allowed to organize a Matthew Shephard demonstration. This is self-control. We’re not getting at the social roots of the problems, we just manage the problem” (Interview with Kinsman, April 27, 1999).

However, the 519 Victim Assistance Program (VAP) coordinator argues that “we’re a city-funded agency. If people had wanted to organize a march, they could have, but... We don’t have the volunteer resources to do something like that. Our priority is to provide service to victims and we have limited resources” (Interview with M, May 26, 1999). She is also over-worked: she is only paid to do 25 hours a week and doesn’t even have time to clip articles about queer-bashing in the city or to do statistical analyses of the information that comes in. To her credit, she intervened when the police did not, at first, classified one incident as a hate crime: the crime was reclassified, but “not all victims are willing to persist.” The hate crime unit is part of intelligence services, but as the coordinator observed, “what’s happening is not through organized hate

campaigns. Violence against gay men is random acts of crime.” In other words, the only way to address queer-bashing is through constant education and outreach – which is dependent on a steady stream of volunteers that are difficult to train. “The number of phone calls drops very low if you’re not doing constant outreach” (interview with M, May 26, 1999).

The VAP coordinator believes “increased sentencing provisions don’t work. The judges don’t want to use it. I don’t think the criminal justice system in any way meets the needs of bashing victims -- they are not heard or acknowledged.” She believes that the hate aspect of a bashing is often more difficult to prove than, say, a hate-motivated vandalism. She complains that the Crown doesn’t take time to prepare its case. They usually don’t even get their cases until the morning of the trial; even when Crown spent two weeks preparing for a one-day sentencing hearing in the Ed Pollak case, the assailants still didn’t get an increased sentence. In fact, the opposite occurred.<sup>53</sup> “On the other hand, I don’t think jail time is going to teach people not to hate. We need a more creative restorative justice for queer-bashing.” Unfortunately, attempts at restoring justice are lacking in creativity: a gay man dressed up in drag and testified in court that his friends, accused of queer-bashing, were not homophobic. The bashers were found guilty but did no jail time; part of their sentence involved writing an essay on a famous homosexual (interview with M, May 24, 1999).

The conservative values of queer urban culture have been indirectly linked to violence against queer prostitutes: after the double murder of two transvestite prostitutes, Kinsman observed that although drag queens provide entertainment to the mainstream gay community, “they are just as often shunned and rejected,” forcing them to work the streets in more dangerous neighborhoods. A spokesperson for the Sex Trade Workers’ Alliance said, “The gay community has to take responsibility for pushing the stroll eastward” (Saunders 1996).

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<sup>53</sup> When a Toronto gay man and his friend were beaten up, a third person testified that he heard the attackers say, “Fucking faggot.” The judge did not believe him, did not increase the sentence because it was a hate crime, and sentenced the assailants to six months. The bashers appealed the sentence, and served no jail time. Pollak committed suicide in November 1998 (see Clement 1995:27).

The Toronto police have also been at the centre of discussion over queer officers. In 1989, six gay officers formed the Law Enforcement Gay Alliance (LEGAL) to fight harassment and discrimination. By 1995, 40 officers had “sought support from the group, including two from Vancouver.” The group’s co-founder<sup>54</sup> said the gay officers are afraid of losing their jobs or careers: “Some are suicidal and they are very, very afraid of being gay in the police force...” A Toronto police spokesman disagreed, complaining that gay officers “bring gay perspectives into work, making it an issue in confrontational ways. The self-declared are taking political positions” (Stainsby 1995:F11,12). Some Toronto officers apparently complained to their union that they didn’t want to shower in same area as their gay colleagues (Janoff 1998:11).

### **Quebec and the Atlantic Provinces**

Five years after the 1990 Montreal police attacks, one writer reflected: “The police made no attempts to make amends with the community. There was no apology and no inquiry” (Hays 1995:29). However, a broader human rights inquiry into the lives of Quebec gays and lesbians took place in 1993; although the commissions’s recommendations were not legally binding, the process generated considerable coverage. Because Montreal’s large queer community had been divided for so long along linguistic and ideological lines, the hearings revitalized the movement there. The spate of murders in the early 1990s gave activists a clear focus for their anger: some criticized the police for letting a “serial killer” run rampant. The police eventually invited some members of the commission to review the evidence; activists told the press that there was a serial killer (Commission 1994:67-8).

Dire Enfin la Violence has attempted to get to the social roots of violence -- sometimes with mixed results. For example, victim support groups were a good idea, but were not well-attended, so the program had to be changed to individual therapy sessions. The idea to provide support to violent lesbians also fizzled: the group realized they did not have the expertise to

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<sup>54</sup> He has reportedly curtailed his involvement with LEGAL, and would not respond to repeated requests for an interview.

address these issues: "We had lesbians calling us, saying, 'I'm the one doing the hitting. If it continues, I'm going to kill her...'" (Taylor 1997:A3). Although educating police officers throughout Quebec is an important goal for the group, it is an ongoing and demanding process, which is why the group is doing it gradually, and only on demand (Dire Enfin la Violence 1998:5). Relations with the police are still strained: one gay man was bashed by three men in the Gay Village -- on a fireworks night, after France beat Brazil in the World Cup -- while people seated at gay bars overlooking the street watched the attack. At Station 22, the police asked if Pharand recognized the attackers, and he said, "No, there's a mob out there for the fireworks." They told him it wouldn't be worthwhile filing a report, and he was forced to take a taxi to the hospital. A police representative suggested "it might have been that the duty officer that night was new, and didn't even know what gay-bashing is," station commander Richard Fournel said (Vu 1998:B1).<sup>55</sup>

Because Dire Enfin la Violence has no budget to even make long-distance calls, nobody is dealing with the issue in Quebec City, Sherbrooke or Trois-Rivières -- sizable cities by Canadian standards. The group facilitated a violence workshop there in 1998. At first, there was no mention of queer-bashing, but as the evening wore on, "and when the cases started to come together, the stories were horrifying!" For Quebec City's police, "there is officially no gay bashing. It happens in Montreal, not in Quebec." (Intevie with VV, July 14, 1999). A Quebec City police officer confirmed this view, explaining that queer-bashing is "not important here. We don't have anti-gay violence. Maybe one or two out of thousands. Nothing major or organized, no movements against gays." He explained that "To say that there are not specific crimes would be wrong. There are isolated incidents but no patterns. There's no problem for gays" (Interview with FF, May 20, 1999). On the other hand, there have been police actions. At the Aquarium, two police officers were seen writing down license plate numbers and interrogating men about

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<sup>55</sup> However, the unanswered question, however, is "Why are there police officers working in the province's gayest police district who don't know what a gay -bashing is? And why is nobody taking responsibility for that?"

their presence in the park. On the Plains of Abraham, two RCMP members would cruise the park, “pick up men, bring them back to their car, then arrest them for solicitation” (Commission 1994:61-62).

A Charlottetown activist said, “There’s a very closeted mentality here. I only know five or six openly gay men, but I know 50 closeted men.” He said there are some “incredibly dangerous” cruising areas: “I think gay men are predatory by nature and I think some gay men don’t know how to hunt very well.” Since the opening of the Confederation Bridge, “a quarter of the people in the Moncton gay bars are from PEI” (Interview with H, May 17, 1999). A pilot project by Planned Parenthood to reach out to queer youth in Nova Scotia was overwhelmed: “...the organization racked up hundreds of dollars in long-distance phone bills, all from rural kids calling collect because they were too scared to let their parents know they might be gay -- and too isolated to talk to anyone else” (Aikenhead 1996:17). One activist explained: “The entire gay culture in Halifax was dominated (and this remains a big reality) by a level of closetedness that would shock people from larger cities.” He felt that “The police try very hard... but they are definitely working with many uncooperative victims” (Interview with WW, May 25, 1999). A Halifax police officer said, “I don’t think under-reporting is an epidemic... I think the issue is adequately addressed. It’s not a big issue.” He fears “a backlash” if penalties are increased for gay-bashing, then added, somewhat cryptically: “What people do in private is their own business” (Interview with I, April 22, 1999).

One activist explained that queer-bashing occurs in specific parts of St. John’s: a small section of downtown and one park. He felt that the RNC should make their presence felt in these areas, and complained that “police and media do not perceive a problem.” His organization has not addressed queer-bashing “to any degree because information is sketchy at times and provides little to work with” (Interview with YY, May 25, 1999). Although the Royal Newfoundland Constabulary does not appear receptive to queer issues, one gay man who was harassed by four youths in a cruising area got their licence number and reported it to the police, who “found the

car, went to the house, woke up the father and the boy denied it” (Interview with GGG, June 22, 1999). One community member says there is at least “one RNC officer who is definitely gay” (Interview with GGG, June 22, 1999). However, the police department has arrested gay men in washrooms in St. John’s (Kinsman 1996:345). In St. John’s an activist reported that a queer-basher was ordered by the court to receive counselling, but that requirement “was never followed up” (Interview with XX, May 25, 1999).

## CONCLUSION

It was a murder trial reminiscent of *The Crying Game*... In *The Crying Game*, a man attracted to a young woman is later shocked to learn during sex that the object of his desire is really a transvestite... Savoy claimed in his defence that he was provoked into killing Voght, who liked dressing in women's clothing (Hall 1994:B4).

The headline read, MURDER CASE HAD A TWIST REMINISCENT OF CRYING GAME. Unfortunately, the really "twisted" aspects of the murder were not even mentioned in the article: in his hotel room, the killer's fingerprints were found on a copy of *The Kink Pages*, a magazine featuring ads for transgender prostitutes. The article also neglects to mention that the killer went to the largest gay discotheque in Vancouver, selected his victim, and talked to her for three hours -- yet claimed to be "surprised" to discover that his victim was not a biological female. For the media, it was a bizarre killing devoid of context; the article did not mention violence against prostitutes, or transsexuals, or the queer population in general. It did not mention the dozens of other killers across Canada who "claimed" they were provoked, disgusted, and horrified by the queerness of their victims. The victim, known as "Kendra" to her friends on the street, was not a real person in the eyes of the media and the police. Although she was pre-op, on hormones, the police press release referred to her as "A man found in women's black stockings" (Interview with NN, May 11, 1999). For *The Vancouver Sun*, the victim was William Vogt, who simply "liked dressing in women's clothing" (Hall 1994:B4).

In 1998, as word of the killing of gay Wyoming university student Matthew Shephard spread around the world, there was extensive media coverage; queer communities across Canada held memorial vigils. And yet, why was there no outpouring of anger for the dozens of victims I have listed in these pages? True, there was a memorial vigil for two prostitutes -- one in Vancouver and one in Ottawa -- a march for a Winnipeg victim, and a series of initiatives in Montreal to address the murders there. But even if we take all these murders away, we are still left with dozens of deaths -- and a deafening silence on the part of the queer community. Is it



because we shy away from cases in which alcohol, drugs and allegations of sexual advance are involved? Apparently not, since Matthew Shephard's case involved all three. Was it because of the sheer brutality of Shephard's slaying? Perhaps, but what about the killer who strangled Garth Hill with a belt that was applied and released over a four-minute period? At least the Matthew Shephard killers are locked away for life. Where are the memorials and demonstrations to protest the fact that Garth Hill's killing was not even acknowledged as a hate crime or a murder? Where is the anger that the killers got ten years, and were eligible to apply for day parole three-and-a-half years later? Will anyone comfort Hill's lover? He managed to survive the attack, but will always live with the memory of his lover being killed before his eyes.

This thesis began with the observation that fear of violence is pervasive in the queer community, a community difficult to identify. Anecdotes, media reports and victimization surveys all indicate that Canadian queers have experienced extensive violence, but there is no agreement about the extent. Methodological issues abound: because of homosexuality's stigmatized status, victims are reluctant to acknowledge their own suffering, and many assaults are disguised as other crimes. Victimization surveys are limited in their ability to accurately measure the extent of the violence. Despite these obstacles, I designed a research project that scoured the media and case law; I interviewed dozens of Canadian experts in the area and pieced together the limited information on queer-bashing that we have at our disposal.

Before interpreting this data, however, various theoretical approaches to sexuality were examined, focusing on Foucault's concept of *pathologization*: same-sex activity was labeled as a perversion in the 19th century, which has allowed doctors, clerics, and lawmakers to regulate this behaviour throughout the 20th century in various ways, from legal exclusion to mass-murder. The rise of a gay and lesbian social movement created a resistance to these forms of labeling and exclusion, and new organizations have now emerged to confront queer-bashing. There are many theories about the etiology of homophobia, and how this fear and hatred is not only projected onto but internalized by the minority. While queers have gained many legal rights in Western

countries, men have continued to kill queers and walk. Why this has happened is the subject of fierce debate among queer legal scholars who have successfully shown how homosexuality is constructed through case law. Meanwhile, criminologists like Stanko and Curry (1997) have pointed out that the state has not been able to guarantee queers the fundamental right to walk hand-in-hand in an open space without repercussion. The reasons for this failure are extremely difficult to “prove” and have formed the foundation of this inquiry.

Canadian victims -- and the loved ones of murder victims -- have every right to demand justice as a legitimate part of their healing process, which can take many avenues.

- Restitution: Victims can demand restitution in criminal courts when an offender receives a suspended sentence. Victims should insist on this.
- Torture: Police officers and prison officials who queer-bash can and should be prosecuted under this statute.<sup>56</sup>
- Private prosecutions: There are several examples in this thesis of queer-bashing cases that the police chose not to investigate. This could be an option when solid evidence exists.
- Dangerous offenders: This research points to at least two men<sup>57</sup> who have consistently targeted gay men. Prosecutors should request that these men be labeled dangerous offenders.
- Refusal to provide goods and services: At least one incident<sup>58</sup> can possibly be pursued under the *Competition Act*.
- Litigation: By suing offenders, all victims benefit; if the process were supported by an organization that represented queer-bashing victims, offenders could feasibly contribute to queer-bashing education programs. Prosecutors who plea-bargain with killers in return for manslaughter convictions could also be sued.
- Class actions: Victim organizations and queer rights organizations could also sue police agencies and prosecutors that refuse to acknowledge queer-bashing, either in specific cases or in their general policies. The threat of a lawsuit could force the RCMP, the OPP and the QPF to pay more attention to queer issues.
- *Charter* challenges: The unwillingness of police and prosecutors to address queerbashing might also be found to violate the *Charter of Rights and Freedoms*.

The nature of Canadian social policy -- fragmented into federal and provincial jurisdictions -- means there is no particular ministry or social policy mandated to address queer issues. Although the enhanced sentencing provisions provoked widespread condemnation -- as well as boasts that

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<sup>56</sup> While some examples are hard to prove, it is outrageous that Montreal police beat queer citizens in front of television cameras in 1990 and were never charged or convicted. If offenders can be prosecuted for sexual abuse that occurred 30 years ago, surely police who were caught on camera beating up peaceful demonstrators 10 years ago can be prosecuted as well. Not only would this action prevent the criminal justice system from falling into disrepute, it would act symbolically to restore justice to a community whose faith has been shattered.

<sup>57</sup> See Appendix #3, 20-Aug. 26, 1993 and 17-Sept. 15, 1998.

<sup>58</sup> See Appendix #3, 21-Spring 1996.

the government was getting tough on hate crime -- the new approach appears to have achieved little. A separate hate crime statute would not guarantee results, but would give law enforcement officials more tools to work with and would allow researchers to track hate crimes nationally. A universal definition would make the statistics between various departments more comparable and understandable, and would force lackadaisical agencies to take hate crime more seriously. Only a strong coalition of minority groups can successfully lobby the federal government to dust off the Hate Crimes Statistics Act, which died after one reading in Parliament in 1993 (Roberts 1995:43). The three regional police agencies -- the RCMP, the QPF, and the OPP -- must be made accountable to their queer constituencies, not just by investigating and keeping track of queer-bashings, but by acknowledging the queers within their ranks -- who should not be forced to go, cap in hand, to ask permission to march in Pride Parades. British Columbia's Attorney General has taken the lead, creating a strategy that includes *all* police agencies, *including* the RCMP. The RCMP has absolutely no excuse for claiming that they are "not allowed" to collect hate crimes data. A national gay and lesbian organization like EGALE should propose a pilot project with the RCMP, in the same way that the Assembly of First Nations and women's groups have worked with the RCMP to address their own specific criminal justice concerns. Citizens in all major urban centres should demand that their police departments establish hate crime units.

Canada's prison system needs to confront several pressing issues, particularly in men's institutions: the education of prison guards, the fate of pre-op transsexual prisoners, the lifting of regulations governing consensual sex between prisoners, and innovative ways to help effeminate, less assertive and/or physically smaller inmates from being raped by predators or coerced into having sex. Immigration Canada must also take queer issues into account. The ministry needs to commit more resources for the research of homophobic laws in other countries: not just to assist in the refugee process, but to ensure that queer immigrants to Canada are not unfairly stigmatized by previous convictions. Agencies will also need to prepare for an influx of queer refugees over the next decade, many of whom will be suffering from delayed symptoms of PTSD. The queer

community must also demand social services for men who have been sexually and/or physically abused.

Across Canada, queer/police relations range from excellent (Ottawa) to almost non-existent (RCMP, OPP and QPF). Montreal, Toronto, and Vancouver lie somewhere in the middle of that spectrum – where, exactly would require a lot more research. The degree to which the community participates with the police on queer-bashing strategies can be located on another continuum. On one extreme is Vancouver, where there is no community organization working on violence or policing issues, and the only semblance of services is being delivered by VPD, despite the fact that at least five gay men have accused Vancouver Police of roughing them up over the past five years. Although BC's Hate Crime Unit is leading the way in terms of cooperation between departments and educating Crown prosecutors, there is no real dialogue between the police and the queer community. The relationship is not one of distrust so much as one of stasis and indifference; the Bashline, for all its flaws, is still the only program to address queer-bashing. Vancouver is the only major city that has not produced a serious, in-depth report that addresses the problems of violence, policing and the queer community, and this document is necessary as a blueprint for future action.<sup>59</sup>

On the other end of the spectrum, Montreal's Dire Efin la Violence keeps a certain distance from the police and takes an advocacy, community-building approach to violence that tries expose the social roots of queer-bashing. If the group disagrees with police actions, like washroom arrests or police inaction, they are not afraid to send out press releases. They are the only group in Canada to acknowledge homicide as a queer community issue that needs to be addressed. The Montreal police headquarters appear to forward all requests for "gay information" to Station 22, which is probably beyond the ken of any one precinct. Media reports

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<sup>59</sup> In Montreal, the human rights inquiry report was a blueprint that outlined these issues (see Commission 1994). In Ottawa, the Action Plan served a similar purpose, bringing together the police and the queer community (see Pepper and Holland 1999). In Toronto, the handbook *Hate* has allowed many communities targeted by hate to share vital knowledge (see Fernades and Costanzo 1996). Vancouver needs a similar point of reference.

suggest that Montreal hate crime investigations are not up to par with those of other major cities. The police assaults of 1990 are still within recent memory. There are also suggestions that MUC police have reached out-of court settlements with up to 12 victims queer-bashed by police, but this allegation would require a lot more research. In 1998, four Quebec men complained they had been "abused" by Montreal police officers within the previous year.<sup>60</sup> Police and activists in Ottawa received top marks for working together to address violence. The police set up a Hate Crimes unit and hired an openly gay man, for community relations; officers are extremely approachable. However, I could not find anyone in the community who was critical of the Ottawa Police. Would the man who accused an Ottawa police officer of assaulting him in 1991<sup>61</sup> have a supportive group to go to if the same thing were to happen today? If he wanted prosecutors to pursue charges, or if he wanted to file suit, who would support him?

A problem common to the police departments in all four major cities is the decision about what "hate crimes" the police will devote most of their resources towards is decided by police, and not the community. For example, Ottawa's hate crime division sent me statistics dating back several years, but would not, despite repeated requests, explain what these numbers actually meant. Did they not respond because they were short-staffed -- or because few of their stats are actually assaults? Are the majority of their hate crime statistics actually minor offences like vandalism and name-calling, or have many queer-bashings been recorded? Is it unreasonable to ask the hate crime unit of a major city how many assaults they have registered? Furthermore, although five queer-related homicides occurred in Ottawa during the 1990s, the Ottawa Police, like all Canadian police departments, make a neat distinction between "hate crimes" and "homicides." The Ottawa Police Service's frequent reference to the victim thrown off the bridge in 1989 is a "safe," clear-cut case of violence involving an "innocent" victim that police and the community can all relate to. This means no messy discussions about hustlers and drug deals going

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<sup>60</sup> See "Maybe he thought he was an unemployed taxi driver" (1995) and *Dire Enfin la Violence* 1998.

<sup>61</sup> See Appendix #3, (19-March 1991)

down. But Montreal activists have learned through experience that *all* murders involving queer victims undermine the community. The homophobia implicit in all these horrible killings eventually seep into the court and the media.

Moreover, out of the 17 queer-related homicides in Toronto during the 1990s, none of them is considered a hate crime. This begs the question -- in the case of the man who shot two transvestite prostitutes dead, if this isn't a hate crime, then what is? Is it "not really" a hate crime because the victim was a prostitute? Or because the victim isn't dressed like a "normal-looking" gay man walking his dog on Church St.? If, as in Ottawa, the killing of a "straight" man in a gay cruising area can raise the indignation of the entire community, then why is it not considered a hate crime when the victim is a prostitute? What if the victim meets his killer on the internet or through a classified ad? How is that any different than if the killer stalked his prey in a park? Why is the queer community allowing police to decide what constitutes a hate-motivated killing?<sup>62</sup> The Toronto queer community's approach to violence is also at arm's length from the police; although relations seem fairly cordial, there were 12 complaints of police violence made to The 519 between 1990 and 1995 (Roberts 1995:32). The Victim Assistance Program has a narrow mandate -- to assist victims -- but does not appear to lobby for social change or publicly challenge the way police, prosecutors or judges handle queer-bashing cases. Furthermore, Toronto's Hate Crimes Unit seems very small and over-worked for a city the size of Toronto, compared to Vancouver's unit.

Ideally, approaches to queer-bashing will gather momentum by integrating the best elements that all four major cities offer: from Vancouver, superior crime analysis and communication between agencies; from Toronto, the excellent reputation of an organization that provides immediate concrete support to victims in pain; from Ottawa, the ability to directly influence the way the queer community is policed; and Montreal, with its activist, more holistic approach to the impact of violence and the queer community.

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<sup>62</sup> When I asked the 519's VAP coordinator, she said the 519 does not keep track of murder cases.

Queer citizens who have been less affected by violence could also make a difference by contributing to an organization focused on seeking social justice for queer-bashing victims. Such an organization, if it were to exist, could create programs that address this violence on many different levels. It could be a clearing-house for statistical information and function as a research centre to produce new knowledge in the area. It could raise community concerns in the media and lobby for legislative changes. It could create educational programs for young people, police personnel and Crown prosecutors. It could also encourage partnerships between social service agencies to develop programs that best meet the needs of queer-bashing victims. Finally, a national organization of this kind could pursue various legal challenges, not unlike the activities of Canadian women's groups in the seventies and eighties.

This thesis has attempted to serve as an overview of queer-bashing issues in Canada. While conducting the research, I was surprised to discover that nobody else had attempted to do this. Has the queer community become inured to this pain? When I interviewed victims who had experienced great suffering, I often felt helpless, as though I had nothing to offer them -- and that making them relive their experience would only make things worse. However, instead of turning away, many victims were interested in supporting programs or organizations that educate young people and offer new hope to victims. One straight man, who was recently queer-bashed on Davie Street in Vancouver,<sup>63</sup> wrote an open letter to the *Georgia Straight*, thanking "the man who handed me his phone so I could talk to the police and didn't mind when I returned it covered with blood" and "the father and son who pursued at least one of the assailants... thank you for not just turning away."

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<sup>63</sup> See Appendix #3, 05-Late 1999.

## INTERVIEWS AND CORRESPONDENCE

I talked and corresponded with dozens of people for this project. The information was gathered through one-on-one interviews and telephone interviews; instead of conversing directly with me, some interview subjects sent me answers to questions by fax or by e-mail. Others sent me additional information about queer-bashing, including personal correspondence that featured their names and personal information about them and other people. Still others would not consent to a formal interview, but sent me statistics on official letterhead; it is not clear that these experts would like to be named. Although most interview subjects gave me permission to publish their names, some did not. In order to de-emphasize the subjects' particular names -- and to focus instead on the larger themes that these people were addressing -- I decided to code the names of everyone I had personal contact with, except for two university professors who, as experts on the topic of homophobia and hate crimes, were referring to their own research and gave me permission to use their names. I also referenced two letters I wrote myself. In some cases, I had several communications with one person: first in an interview, then in a follow-up letter, and then in a fax, on three different dates. Each communication contained a specific and important fact that I needed to keep track of; for this reason, within the text of the thesis I referenced each item not only by the coded name of the person I communicated with, but also by the date and nature of that communication, e.g. (interview with D, May 14, 1999) or (letter from CC, May 17, 1999). The following is a list of codes, with a corresponding description of each person and the type of communication I had with that person.

Code	Description of person and interaction
	Kinsman, Gary (1999) Interview. April 27. Sociology Department, Laurentian University.
	Roberts, Julian (1999) Interview, May 11. Criminology Department, University of Ottawa.
	Janoff, Victor (1999) Letter to RCMP, June 10, 1999
	Janoff, Victor (1999) Letter to RCMP, June 28, 1999
A	Edmonton researcher in the area of anti-gay violence. Interview, June 16, 1999.
B	Toronto researcher in the area of violence against gays and lesbians. Interview, May 6, 1999.
C	Saskatoon queer community activist. Interview, July 13, 1999.
D	Calgary queer community activist. Interview, May 14, 1999.
F	Calgary Crown counsel. Interview. June 29, 1999.
G	Gay male refugee from Mexico, living in Vancouver. Interview, May 11, 1999.
H	Charlottetown queer community activist. Interview, May 17, 1999.
J	Vancouver male gay-bashing victim. Interview, April 23, 1999.
K	Ottawa-area community activist. Interview, Sept. 21, 1999.
L	Saskatoon Police representative. Interview, Aug. 12, 1999.
M	Coordinator of the Victim Assistance Program at Toronto's queer community centre. Interview, May 26, 1999.
N	Vancouver Police Department coordinator of the Bashline. Interview, May 20, 1999.
O	Vancouver Police Department coordinator of the BC Hate Crimes Unit, Ministry of Attorney General. Interview, April 30, 1999. Letter, Sept. 23, 1999. Letter, Nov. 23, 1999.
P	Vancouver Police Department transsexual female police officer. Interview, April 30, 1999
Q	Victoria Police Department spokesman. Interview, April 28, 1999.



<b>R</b>	Edmonton Police Service homicide detective. Letter, June 9, 1999.
<b>S</b>	Edmonton Police Service senior officer. Interview, May 21, 1999.
<b>T</b>	Calgary Police Service deputy chief. Telephone conversations, June 8 and J 1999.
<b>U</b>	Regina Police Service spokesman. Interview, April 22, 1999.
<b>V</b>	Former hate crimes officer, Winnipeg Police Service. Letter, Dec. 2, 1998.
<b>W</b>	Current hate crimes officer, Winnipeg Police Service. Interview, June 23, 1999.
<b>X</b>	Hate crimes unit spokesman, Ontario Provincial Police. Interview, May 17, 1999.
<b>Y</b>	Former hate crimes officer, London Police. Interview, May 10, 1999. Letter, 31, 1999.
<b>Z</b>	Community relations coordinator, Hamilton Wentworth Regional Police. Inte May 17, 1999. Fax, May 28, 1999.
<b>AA</b>	Coordinator, Hate Crime Unit, Metro Toronto Police Service. Interview, M 1999.
<b>BB</b>	Hate crimes officer, Ottawa-Carleton Regional Police Service. Letters, May 2 June 29, 1999.
<b>CC</b>	Deputy Chief, Sudbury Regional Police. Letter, May 17, 1999.
<b>DD</b>	Officer, Quebec Provincial Police. Telephone conversation, May 12, 1999.
<b>EE</b>	Officer, Service de Police, Ville de Québec, section crimes contre la per Telephone conversation, June 9, 1999.
<b>FF</b>	Officer, Service de Police, Ville de Québec. Telephone conversation, May 20.
<b>GG</b>	Intelligence officer, Fredericton Police Force. Interview, May 26, 1999.
<b>HH</b>	Deputy chief, Charlottetown Police Department. Telephone conversation, M 1999.
<b>II</b>	Senior police officer, Halifax Police Service. Interview, April 22.
<b>JJ</b>	Media relations officer, Royal Newfoundland Constabulary. Letter sent to I June 6, 1999.
<b>KK</b>	Officer, crime prevention branch, RCMP. Interviews, May 5 and 21. Letters, J and 29.
<b>LL</b>	Gay male community activist, Whitehorse, Yukon. Interview, Aug. 13, 1999.
<b>MM</b>	Lesbian community activist, Victoria. Interview, Aug. 11, 1999.
<b>NN</b>	Transsexual woman and community activist, Vancouver. Interview, May 11.
<b>OO</b>	Gay male community activist, Edmonton. Interview, May 21.
<b>QQ</b>	Gay male community activist, Regina. Interview, Aug. 10, 1999.
<b>RR</b>	Lesbian community activist, Winnipeg. Interview, May 14, 1999. Fax, Aug. 9
<b>TT</b>	Gay male community activist, Hamilton. Interview, April 27, 1999.
<b>UU</b>	Gay male artist, Peterborough. Note 1, Note 2, Note 3, Note 6, Note 9, July 22
<b>VV</b>	Lesbian community activist, Montreal. Interview, May 11, 1999. Letter, J 1999.
<b>WW</b>	Gay male community activist and journalist, Halifax. Interview, May 25, 1999
<b>XX</b>	Gay male community activist, St. John's. Interview, May 19, 1999. Letter, A 1999.
<b>YY</b>	Gay male community activist, St. John's. Interview, May 19, 1999. Note 3, Aug. 23, 1999.
<b>ZZ</b>	Gay male witness to a gay-bashing. Interview, April 13, 1999.
<b>AAA</b>	Gay male victim in British Columbia. Statement to RCMP, Oct. 7, 1995.
<b>BBB</b>	Gay male victim and AAA's ex-partner. Statement to police, Oct. 7, 1995. from RCMP, including police report, Nov. 21, 1995.

<b>CCC</b>	Victimized gay male couple. Statement of Claim, Supreme Court of British Columbia, Oct. 6, 1997. Interview, June 7, 1999.
<b>DDD</b>	Heterosexual male gay-bashing victim in British Columbia. Police statement, Oct. 7, 1999.
<b>EEE</b>	Gay male victim, St. John's. Statement submitted to the RNC Public Complaints Commission, July 19, 1993. Interview, July 7, 1999. Letter to him from the RNC Chief, Oct. 18, 1993.
<b>FFF</b>	Gay male friend of gay man killed. Interview, March 27, 1999. Letter, Aug. 17, 1999.
<b>GGG</b>	Gay male victim, St. John's. Interview, June 22, 1999.
<b>HHH</b>	Gay male lawyer, Vancouver. Interview, May 6, 1999.
<b>III</b>	Halifax Crown Counsel. Letter, April 20.
<b>JJJ</b>	Gay male community activist, Saskatoon. Interview, May 7, 1999.
<b>LLL</b>	Gay male victim, Vancouver. Interview, May 3, 1999.
<b>MMM</b>	Gay male community activist, London, Ontario. Letter, May 6. Note "1A," Aug. 26, 1999. Note "1B," Aug. 26, 1999. Letter, Sept. 8, 1999. Letters to him from London Police Chief, Dec. 9, 1996 and Feb. 5, 1997.

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## **APPENDIX #1**

## QUEER-BASHING DATA ANALYSIS CODES

Code	Cases in which there is or there are:	No. of cases	No. of victims
<b>Statistics on victims</b>			
1am	1 male victim	144	144
2am	2 male victims	36	72
3am	3 male victims	10	30
4am	4 male victims	2	8
1af	1 female victim	14	13
2af	2 female victims	6	14
3af	3 female victims	1	3
1at	1 victim who is a transsexual woman	7	7
2aa	2 victims, gender unclear	1	2
		221	293
<b>Characteristics of victims</b>			<b>No. of cases</b>
1aum	1 male victim whose sexual orientation is not completely certain: claimed and/or appeared to be heterosexual and/or denies being homosexual		11
2aum	2 male victims whose sexual orientation is not completely certain: claimed and/or appeared to be heterosexual and/or denies being homosexual		4
3auf	3 female victims whose sexual orientation is not completely certain: claimed and/or appeared to be heterosexual and/or denies being homosexual		1
9am1	1 male victim who violates gender stereotypes		6
9af1	1 female victim who violates gender stereotypes		3
12at1	1 victim who is a transsexual woman who is a prostitute		2
12am1	1 victim who is a male prostitute		2
12af1	1 victim who is a female prostitute		2
<b>Statistics on suspects</b>		<b>No. of cases</b>	<b>Total suspects</b>
1bm	1 male suspect	60	60
2bm	2 male suspects	41	82
3bm	3 male suspects	26	78
4bm	4 male suspects	9	36
5bm	5 male suspects	3	15
6bm	6 male suspects	5	30
8bm	8 male suspects	2	16
1bf	1 female suspect	5	5
2bf	2 female suspects	2	4
2bb	2 suspects whose gender is unclear	11	22
3bb	3 suspects whose gender is unclear	1	3
4bb	4 suspects whose gender is unclear	1	4
5bb	5 suspects whose gender is unclear	1	5
6bb	6 suspects whose gender is unclear	1	6
8bb	8 suspects whose gender is unclear	1	8
12bb	12 suspects whose gender is unclear	1	12
15bb	15 suspects whose gender is unclear	1	15
50bb	50 suspects whose gender is unclear	1	50
		165	451
<b>Aspects of suspects</b>		<b>No. of cases</b>	<b>Total</b>
8b1	1 prostitute	10	10
9b1	1 teenager under 20	14	14
9b2	2 teenagers under 20	8	16
9b3	3 teenagers under 20	4	12
9b4	4 teenagers under 20	4	16
10b1	1 suspect alleged to be associated with and/or exposed to organized gangs and/or identifiable hate groups	4	4
10b2	2 suspects alleged to be associated with and/or exposed to organized gangs and/or identifiable hate groups	4	8
10b3	3 suspects alleged to be associated with and/or exposed to organized gangs and/or identifiable hate groups	1	3
10b6	6 suspects alleged to be associated with and/or exposed to organized gangs and/or identifiable hate groups	4	24
10b8	8 suspects alleged to be associated with and/or exposed to organized gangs and/or identifiable hate groups	2	16
10b15	15 suspects alleged to be associated with and/or exposed to organized gangs and/or identifiable hate groups	1	15
10b50	50 suspects alleged to be associated with and/or exposed to organized gangs	1	50

	and/or identifiable hate groups	
	Total number of suspects	188
<b>Crime statistics</b>		
1c	Crime: physical (attempted murder, assault, assault with weapon, unwanted pushing, shooting, spraying, kicking or throwing)	203
2c	Crime: threatening behaviour (verbal threats, chasing, following, spitting)	58
3c	Crime: robbery/attempted robbery	34
4c	Crime: sexual assault	12
	Total number of crimes	307
<b>Aspects of crimes: crimes in which</b>		
1e	Victim/suspect appear to be strangers	124
2e	Victim/suspect appear to know each other	21
8d1	Violence occurred after victim and suspect picked each other up	20
3d1	A sexual advance was alleged to have occurred	8
9e	Contact resulted from classified ads, phone lines, internet, etc.	2
1d	Alcohol and/or drug issues were reported	17
6d	Media were insensitive, sensationalistic, incompetent or silent	9
<b>Temporal considerations</b>		
9f1	Crime occurred around queer community events (parades, rallies, celebrations)	9
9f2	Crime occurred around Halloween	3
9f3	Crime occurred during fireworks celebrations	4
9f4	Crime occurred during sporting events	2
<b>Police issues</b>		
4d1	Insensitive and/or homophobic	8
4d2	Incompetent/ inattentive/ didn't show up/ showed up late	14
4d4	Violence	13
4d5	Minimized the homophobic nature of the crime	10
4d6	The victim ended up being apprehended and/or charged	7
7d2	Positive police response	11
<b>Legal/judicial issues</b>		
5d1	Insensitivity and/or homophobia	3
5d2	Incompetence	17
5d4	Minimized the homophobic nature of the crime	9
3e1	Suspect was treated leniently	13
3e2	Suspect was not convicted	20
4e1	Suspect blamed the victim	11
4e2	Suspect minimized the incident	10
7d3	Positive response from the court	4
<b>Geographic context</b>		
11a	Violence occurred when victim was returning home from a queer bar	14
11b	Attacked/threatened in or near victim's residence	32
11c	Location: in or near suspect's residence	3
11d	Violence occurred at a queer establishment	9
11e	Violence occurred outside, within a few metres of a queer establishment	19
11f	Attacked/threatened on other parts of a street where queers are highly visible	14
11g	Attacked/threatened in other parts of a neighborhood with a high queer population	21
11h	Attacked/threatened in other areas while walking in cruising areas including parks and prostitution strolls	33
11i	Attacked/threatened inside or close to a vehicle parked in a cruising area or a queer neighborhood	6
11j	Prison, youth detention centre, jail or drunk tank	11
11k	Other locations/ not sure	68
11m	Public washrooms	2
<b>Victimization issues</b>		
5c	Extreme physical injury	37
6c	Serious financial consequences	9
7c	Severe emotional impact	30
7d1	Positive community response	8



**APPENDIX #2**

## HOMICIDE DATA ANALYSIS CODES

Code	Cases featuring...	No. of cases	Total victims
<b>Statistics on victims</b>			
1aa1	1 male victim	72	72
1aa2	2 male victims	3	6
1aa3	3 male victims	1	3
1ab1	1 female victim	3	3
1ac1	1 transsexual woman who is a victim	4	4
<b>Characteristics of the victims</b>		Total:	83
2aa1	The community/police/media considered this victim to be queer	64	64
2aa2	The community/police/media considered these 2 victims to be queer	3	6
2ab1	Victim's sexual orientation is a contentious issue	9	9
2ac1	One victim's sexual orientation is uncertain	7	7
2ac2	Two victims' sexual orientation is uncertain	1	2
2ad1	1 male victim who cross-dressed	3	3
2ad2	2 male victims who cross-dressed	1	2
2ae1	1 older victim (60+)	4	4
2af1	1 male victim who was a prostitute	2	2
2af2	2 male victims who were prostitutes	1	2
2ag1	1 female victim who was a prostitute	2	2
2ah1	1 victim who was a transsexual woman and a prostitute	3	3
<b>Case resolution</b>		No. of cases	Total cases
3aa1	The crime appears to be completely solved, the names and outcome are known, and that information is filed	20	83
3aa2	The crime appears to be completely solved, the names and outcome are known, but not all that information is immediately available.	33	83
3ab	The crime is probably solved, but more information is needed on names and/or outcome	5	83
3ac	The case is before the courts	3	83
3ad	The crime appears to be unsolved, but more information is needed to confirm that	13	83
3ae	The crime is definitely unsolved	9	83
<b>Crime characteristics</b>			
5aa	Crime included robbery	23	83
5ad1	Crime occurred in or near at least one victim's home	49	83
5ad2	Crime occurred in or near at least one victim's rented room or campsite	3	83
5ag	Crime occurred in or near the suspect's home, parent's home, hotel room or campsite	13	83
5aj	Alcohol and/or drug issues were mentioned	28	83
<b>Characteristics of the suspects<sup>64</sup></b>			
4aa	At least 1 male suspect was reported to have worked at some point as a male prostitute	11	83
4ac	At least 1 male suspect was a teenager	11	83
4ae	At least 1 male suspect was associated with organized gangs or identifiable hate groups	1	83
4ag1	At least 1 male suspect bragged about the victim's death	5	83
4ag2	At least 1 male suspect, or his lawyer, minimized or rationalized the victim's death	5	83
4ag3	At least 1 male suspect, or his lawyer, lied or covered up the victim's death	6	83
4ah1	At least 1 male suspect, or his lawyer, made homophobic comments or used homophobic language	5	83
4ah3	At least 1 male suspect, or his lawyer, claimed not to be homophobic	2	83
4ah2	At least 1 male suspect committed other homophobic acts or revealed his own homophobic values, attitudes or upbringing	7	83
4aj	At least 1 male suspect, or his lawyer, blamed the victim or somebody else for the death	10	83
4aj	At least 1 male suspect, or his lawyer, implied the victim either wanted or deserved to die	4	83
4ai	At least 1 male suspect, or his lawyer, mentioned childhood/teenage abuse	9	83
4am	At least 1 male suspect attempted to kill himself after arrest but before trial	2	83
4an	At least 1 male suspect killed himself after conviction	2	83

<sup>64</sup> Includes those charged, convicted and under suspicion in both "clear" and "unclear" cases. Includes those acquitted by reason of insanity and those who had their conviction stayed. Includes those suspects who killed themselves before trial and after conviction. Does not include those found "not guilty," or those whose charges were dropped due to lack of evidence.

Relationship between victim and suspect			
6aa1	At least one suspect reportedly met the victim at a gay establishment	11	83
6aa2	At least one suspect fatally shot or beat the victim inside or in front of a queer establishment	2	83
6aa3	At least one suspect reportedly met the victim in a cruising area	4	83
6aa4	At least one suspect killed the victim in a cruising area	9	83
6ad	At least one suspect had apparently already had previous contact with the queer community	31	83
6ag	At least one suspect knew that the victim was probably queer	41	83
6aj	At least one suspect already had an intimate relationship with the victim	10	83
6am	The victim and at least one suspect had sex at some point	11	83
6ap	The victim and at least one suspect may have met through classified ads	5	83
Sexual advance allegations			
7aa	Crimes in which at least one suspect implied the victim had made a sexual advance	21	83
7ab	Did not	17	83
7ac	Don't know	45	83
7ad	Crimes in which at least one suspect had some previous contact with the queer community or knew the victim was queer or had sex with the victim or had an intimate relationship with the victim or met the victim through a classified ad, or met or killed the victim in or near a gay establishment or cruising area or robbed the victim	29	83
7ae	Did not	16	83
7af	Don't know	38	83
7ag	Crimes in which at least one suspect had some previous contact with the queer community or knew the victim was queer or had sex with the victim or had an intimate relationship with the victim or met the victim through a classified ad or met or killed the victim in or near a gay establishment or cruising area -- but alleged the victim had made a sexual advance	17	83
Policing issues			
8aa	Insensitivity	6	83
8ab	Unprofessional: incompetent, negligent, botched the investigation, acted inappropriately, blamed the victim or breached the rights of suspects	7	83
8ac	Homophobia	3	83
8ad	Homophobic nature of the crime was minimized or negated	13	83
8ae	Positive police response	16	83
Legal/judicial issues			
9ac	Procedural problems during the trial	6	83
9ad	Crown was incompetent, insensitive or homophobic	7	83
9ae	Crown appeared to downplay or disregard the homophobic behaviour of the accused	7	83
9af	Problems linked to judges	2	83
9ag	Positive response by judges	1	83
9aa	Perpetrator escaped prison while awaiting trial	1	83
9ab	1 male killed a gay man, went to prison, but fled while on parole	2	83
9ah1	Two teenage males killed a gay man after escaping from a youth detention centre	1	83
9ah2	Male skipped parole then killed two gay men	1	83
9ai	Male jumped bail and then was charged with killing a gay man	1	83
Victimization, media and community issues			
4ba	The victim experienced a slow, agonizing death		8
4bd	The victim experienced extreme violence		17
4bm	The corpse suffered further indignities		4
4bg	Media was insensitive or sensationalized the crime		10
4bh	Media approached the subject in an uncritical, incompetent, or heterocentric fashion		10
4bi	Media was silent, downplayed the crime, or didn't follow up		8
4bj	Positive media response		9
4bk	Negative or unusual community or family response, including silence		11
4bl	Positive community/family response		9
Charges, convictions and appeals (clear outcomes)		Out-comes	Total # of out-comes
10aa1	1 male convicted, no appeal reported, his name is known. (He is in prison or on parole or has completed his sentence, or he killed himself before completing sentence.)	21	21
10aa2	2 males convicted, no appeal reported, their names are known. They are in prison or on parole or they have completed their sentences.)	5	10
10aa4	4 males convicted, no appeal reported, their names are known. They are in prison or on parole or they have completed their sentences.)	1	4

10ab1	1 female convicted, no appeal reported, her name is known, and is either in prison or has completed her sentence	1	1
10ac1	1 male convicted, no appeal reported, his name is known, and skipped parole	2	2
10ad1	1 male convicted, no appeal reported, but his name is not certain	6	6
10ad2	2 males convicted, no appeals reported, but their names are not certain	2	4
10ae1	1 male convicted, reportedly lost his appeal	2	2
10af1	1 male convicted, reportedly won his appeal, outcome is clear	3	3
10ag1	1 male found to have killed the victim, but the charges were stayed	1	1
10ah1	1 male found to have killed the victim, but acquitted by reason of insanity	2	2
10ai1	1 male found not guilty	1	1
10ai4	4 males found not guilty	1	4
Specific convictions (clear outcomes)		No. of out-comes	Total no. out-comes
2ba	Male convicted of 1st-degree murder	2	2
2bb	Male convicted of 2nd-degree murder	12	12
2bc	Male convicted of manslaughter	14	14
2bd	Male convicted of lesser crimes	4	4
2be	Female convicted of lesser crimes	1	1
2bf1	Male convicted of unknown crimes	2	2
2bf2	Two males convicted of unknown crimes	3	6
Sentences for cases with clear outcomes			
3ba	Sentence: was able to apply for parole within less than 2 years		10
3bb	Sentence: was able to apply for parole at 2 years but before 4 years		9
3bc	Sentence: was able to apply for parole at 4 years but before 6 years		1
3bd	Sentence: was able to apply for parole at 6 years but before 8 years		1
3bf	Sentence: was able to apply for parole at 10 years but before 15 years		5
3bg	Sentence: was able to apply for parole at 15 years but before 25 years		3
3bh	Sentenced to at least 25 years before parole eligibility		2
3bi	Unclear/ unknown sentence		19
Charges, convictions and appeals (unclear outcomes)		No. of out-comes	Total no. out-comes
1ba1	1 male convicted of killing a man, decision was reported to have been appealed, but outcome is uncertain	2	2
1bb1	1 male convicted of killing a man, reportedly won his appeal, but outcome is unclear	2	2
1bc1	1 male charged with killing a man, but it is unclear whether he was convicted	7	7
1bc2	2 males charged with killing a man, but it is unclear whether they were convicted	1	2
1bc3	3 males charged with killing a man, but it is unclear whether they were convicted	1	3
1bc4	4 males charged with killing a man, but it is unclear whether they were convicted	1	4
1bd2	1 male suspect was arrested for the murders of two gay men, but killed himself before trial	1	1
1be1	1 male wanted in connection with the killing a gay man was killed before he could be arrested	2	2
1bf2	1 male suspect, now on trial, accused of murdering two gay men	1	1
1bg1	A man is presently awaiting trial, accused of killing a gay man	2	2
1bh1	A person is suspected in connection with the killing of a gay man, but it's not known whether he's been charged	1	1
1bi3	1 male, suspected of killing 1 gay man and 2 men of unknown sexuality, killed himself before he could be arrested	1	1

**APPENDIX #3**

KEY QUEER-BASHING INCIDENTS IN CANADA SINCE 1990

Region	Incident Date	Reference	Incident Description	Codes
01	Fall 1991	"A Study of Discrimination"	Somewhere in Alberta (unspecified): "Two women, partners of many years, are walking to their car after an evening out. They are accosted by a male. In addition to being called a number of insulting and degrading names implying they were lesbians, one is slammed against a wall. Only the arrival of another group of women prevents the two from being further victimized."	2af, 1bm, 1c, 1e, 1lk
01	March 1992	"A Study of Discrimination"	Somewhere in Alberta (unspecified): "A heterosexual man crossed the street to a convenience store. When he emerged, he was confronted by two men. Through the use of derogatory language, they accused him of being gay. One struck him on the head. At this point, the victim, who is trained in martial arts, ended the confrontation to the duo's disadvantage."	1am, 2bm, 1c, 1e, 1lk
01	July 1992	"A Study of Discrimination"	Somewhere in Alberta (unspecified): "A young man approaches another in a major public striping centre. He makes it clear that he is gay and wants to get to know the other better. The response is clearly negative and he withdraws. A short time later he leaves the mall, heading for his car. He is followed by the other man and assaulted in the parking lot. Following multiple blows and a demand that he give up his leather jacket, he escapes to the safety of his car. The assailant continues the attack, kicking in the car's door."	1am, 1bm, 1c, 2c, 3c, 1e, 1lk
01	April 1996	Kossovian, May 11, 1996	"But a month ago, outside a popular city tavern, the two young men knocked him to the ground and kicked his face and head until he passed out... Other bar patrons came outside to watch... damage suffered from a partially-detached retina..." Two suspects pleaded not guilty to assault.	1am, 2bm, 1c, 5c, 1lk
01	May 1996	Maynard 1996	"Four attackers swung chains and threw punches as a terrified gay businessman fought back with a fire extinguisher. Leather-clad men with shaved heads charged into Red Deer's gay bar last May, smashing a glass door and throwing over a table, said Doug, the bar owner. Doug and a patron returned punches, sparking a brawl which put one attacker in the hospital and left Doug with a bleeding head. The fight ended after the slightly-built bar owner shot a fire extinguisher at the attackers, temporarily blinding them until police arrived."	2am, 2bm, 1c, 2c, 1ld, 1e, 10b2
02	The 1990s	Interview with D, May 14, 1999	A bartender at a gay bar "was attacked in his home. It appears he was followed and may have possibly invited the man up to his apartment... his head beaten with a heavy ashtray, and his apartment ransacked... his landlady... found him lying unconscious on his living room carpet in a pool of blood and called 911. He also spent several weeks in hospital, some of it in a coma. He continues to suffer headaches and has some motor and memory problems. His attacker was also eventually caught. The attacker was linked to several other such attacks."	1am, 1bm, 1c, 3c, 5c, 8d1, 11b
02	Early 1990s	Interview with D, May 14, 1999	... a man stopped by two or three men in a car on what is known as 'The Loop'... a popular cruising area for gay men... He was asked if he had a fight... at least two of the men jumped out of the vehicle and proceeded... in beating him to the ground. The one attacker was sentenced to be served on weekends because he had steady employment and was the father of a small child.	1am, 3bm, 1c, 11i, 3c
02	October 1990	Hutchinson 1990	A cop who overheard four teens planning to "roll some guys" along the Calgary stroll went undercover: "The young man got into the policeman's car and discussed sexual favours in exchange for money... then grabbed the wallet, punched him in the chest and ran... the police officer suffered bruised ribs... Darren Bird was charged with robbery, possession of a weapon, and conspiracy to commit robbery. Kelly Barber was charged with conspiracy.	1am, 4bm, 8b1, 9b2, 1c, 3c, 7d2, 11i
02	Aug. 6, 1994	Carolyn 1995; Interview with F, June 29, 1999	A young drunk man kicked an older man in the head 32 times, claiming the victim, who went into a coma and had to be put on life support, had come on to him. The assailant pleaded guilty to aggravated assault; at the sentencing hearing, the court refused to admit the videotape as evidence, stating that "any attempt to colour the events and inflate the court in this fashion is totally improper." (I noticed in the case headline that the victim had "subsequently died of respiratory failure." When I called the Crown to see if the victim had indeed died as a result	1am, 1bm, 1c, 5c, 1d, 3d1, 5d1, 6d, 1e, 3e1, 11m

			of his injuries, I was assured that that was impossible because otherwise, "we would have raised the charge. But it's up to the police to monitor the situation. We don't have the resources to check up on everyone" (Interview with F, June 29, 1999). I asked the police if anyone kept track of whether crime victims died as a result of their injuries, which would then allow the Crown to raise Carolan's charge from aggravated assault to murder or manslaughter. I was told that neither the Crown nor the police takes responsibility for this duty -- which means that some assailants (and not just queer-bashers) may be literally getting away with murder.	
02	Early May, 1996	Shurtz 1996	"... Carl and his boyfriend... were walking hand-in-hand on a Calgary street early in the morning when they were accosted by three skinheads. Carl was kicked in the head."	2am, 3bm, 1c, 1e, , 11k, 10b3
02	July 30, 1997	Slade, Nov. 6, 1997	Krista Hinks, 18, "who pleaded guilty to robbery and unlawful confinement of the 33-year-old man, was the driver of the car in which four men allegedly picked up the victim and beat and robbed him... Hinks and the four men stopped the man near 14th Avenue and 7th St. S.W., reputedly a gay stroll, and someone asked if he was gay. They then attacked him, punching and breaking his nose and cheekbone, before dragging him into the vehicle. Court heard the victim was taken to a convenience store where they robbed him of \$100 and forced his personal identification number for his bank card from him and took another \$600 from his account before dumping him off."	1am, 4bm, 1bf, 1c, 3c, 11i, 1e,
02	Late 1990s	Interview with D, July 13, 1999	The CPS reported that a man had been hospitalized after being robbed in Centenary Park, and denied being gay.	1aum, 3c, 1c, 11h, 1e
02	Late 1990s	Interview with D, July 13, 1999	The CPS reported that another man had been hospitalized after being robbed in Centenary Park, and denied being gay.	1aum, 3c, 1c, 11h, 1e
02	Nov. 1998	Interview with D, July 13, 1999	Gay man lured, with promise of sex, to a truck stop, and then mugged, and robbed of his wallet.	1aum, 3c, 1e, 8d), 11h
02	Jan. 1999	Interview with D, July 13, 1999	One queer-bashing recorded by CPS.	1c
03	Early 1990s-a	Note 9 from UU, July 22, 1999, Mandel 1995	A gay man "in his early 20s" "was beaten and choked into unconsciousness by roommates while he was attending U of A."	1am, 2bb, 1c, 5c, 2e, 11b
03	Early 1990s-b	Note 9 from UU, July 22, 1999, Mandel 1995	A gay man "in his early 20s" "was beaten and choked into unconsciousness by roommates" a second time while he was attending U of A.	1am, 2bb, 1c, 5c, 2e, 11b
03	Early 1990s-c	Plischke 1995	"The boy was in tears as he pleaded with the robbed figure sitting before him. He didn't want to return to the Edmonton Young Offenders Centre, where he had been the victim of a horrific sexual assault at the hands of the other kids. 'They had perceived he was a homosexual,' says youth court Judge Walder White. 'I'll never forget that kid.' White had no option but to send the boy back to the centre."	1am, 11j, 9b2, 4c, 2d, 5d2, 2c
03	1994	Note 1 from UU, July 22, 1999; Mandel 1996, Staples 1996	"One man, in his 40s, who was knifed in the face during an assault, told of people laughing when his case was heard in court." (Mandel) "This case went to court. A conviction of assault was the outcome. It was not presented as any sort of hate crime" (UU). "And I can feel the steel going through my face. And blood. They're kicking all the part of body" (Staples).	1am, 2bb, 1c, 7c, 1e, 11k
03	June 1994	Lord 1995	"A drunken man who was on his way home from a nightclub harassed a slightly-built man, calling him a homosexual, pleaded guilty Wed. to assault. David Montour, 20, received a one-day sentence... and must perform 70 hours of community service..."	1am, 1bm, 1c, 1d, 2c, 3c, 11k
03	Early 1999	Interview with OO, May 21, 1999	Two straight teenagers on an Edmonton city bus were accused of being gay by a bunch of teenagers. At the bus loop, they got off and were assaulted in full view of three or four bus drivers. But they didn't need to be hospitalized.	2aum, 3bb, 9b2, 1c, 2c, 11k
04	June 25, 1991	Hamilton 1992, "Incident at Lemon Creek	Hamilton: "A youth broke a gay man's [David Cassidy] arm with a baseball bat was given a nine-month sentence... "I wanted to know if they were homosexuals and if they had the AIDS virus"... 17 at the time of the beating..." Incident: "There was a knock at the door... The guy just walked in with two other guys -- and he had a baseball bat... I couldn't walk for three weeks... this other one left the room, came back with a butcher knife and tried to	1am, 1bm, 9b1, 1c, 5c, 4d2, 11b

			stick in me... Trying to get me to admit that I was an AIDS-infected faggot... So I'm being beat on for like over an hour, with this guy trying to get me to say this... (p.1) ... they smashed the phone, but he put back together ... phoned the RCMP and Dave Gardner told him that "Well there's nothing we can do now; we'll come around at about 2 o'clock tomorrow and see what we can do then... drove himself to the ambulance... (p.3)	
04	July 26, 1991	Hartline, Aug. 1, 1991; Hartline, Aug. 2, 1991; Incident at Lemon Creek	<p>"Brent Steven Winje, 21, was sentenced to two years imprisonment in provincial court Friday after pleading guilty to assault with intent to cause bodily harm... Winje, who had been drinking, punched and kicked Michael Cassidy, 43... was left with multiple bruises, a broken eye socket, a fracture under one eye and a possible fracture to the base of his skull...Winjes's mother said outside court '...there are two sides to this. There has been political pressure to call this a gay bash but it was not a gay bash and it was not a gang. It was fear of AIDS.'... Cassidy has maintained there were three incidents of 'gay bashing' in his home... involving seven different assailants, none of whom he knew." Cassidy said he was attacked June 25 and July 26. In a third incident, Cassidy said, another man staying in his home was attacked. (Hartline Aug. 1)</p> <p>After the July 26 incident, 3 men were charged, included Winje, a youth and Barry Mercer, including assault, aggravated assault and assault with a weapon. "...an arm broken when he was first attacked June 25 needs to be reset because of a beating he sustained July 26." (Hartline Aug. 2)</p> <p>Incident: The second time: Yeah these three people came in a car... I got a bop on the nose ... And shortly after, another two weeks went by, and it happened again... I saw these two fellows walking up the driveway and I got scared immediately... I was in a cast up to my shoulders. This Brent Winje, he just came right at me, with his fists and his feet -- no questions or anything, just saying, "You're a faggot, aren't you? You're a faggot!... standing on my cast and kicking my head in. And he just wouldn't stop..the phone rang and I managed to get it turned on and kicked under the coffee table, so my friend Michael was able to call the police... 'I had been drinking all day... (p. 4) He fell against the couch and I closed my fist... I used the back of my fist and sidestroke to each side of his head about between fifteen and twenty times... his eye was swollen closed and discoloring. His nose was bleeding; his mouth was hanging open because he had a broken jaw; it was hanging open and these gobs of blood just coming out of his blood.... (Colin Reed): ... they really were after me to begin with... this individual from the RCMP pressed upon them that I had AIDS... Gardner: "I told people.... I have heard that he was HIV-positive, but what does that mean?"... (Brent Winje) ... I wasn't saying 'AIDS-infested faggot.' I was asking him, 'Do you have AIDS... that scares me very much... an RCMP officer that had some dealings with him -- I don't know when -- said, 'You attacked Mr. Reed,' and I said, 'No-no, it wasn't Mr. Reed.' And he said, "Well did you know he had AIDS?' And I said, 'I'd heard the rumours.' And he said, 'Well, it's a fact.'" Was that Dave Gardner? 'Yes, it was... I've heard it from a number of people and three of them were police officer.' (p. 6).</p>	1am, 3bm, 9b1, 1c, 5c, 1d, 4d1, 1e, 11b, 4e1
04	Summer 1992	Hartline Aug. 1, 1992, "Incident"	In the second incident, Cassidy said, another man staying in his home was attacked. (Hartline Aug. 1) Incident: The second time: Yeah these three people came in a car... I got a bop on the nose ...	1am, 1c, 11b
04	Nov. 23, 1992	CP Feb. 12, 1994	Nanaimo: "A youth who smashed a gay man's jaw with a branch has been sentenced to nine months in jail. The youth earlier pleaded guilty to one count of assault causing bodily harm...assaulted the 43-year-old man because he made sexual overtures to the 17-year-old male... three days in hospital and had his jaw wired shut for six weeks, leading to \$3,000 loss in his wages. He still requires additional dental surgery."	1am, 1bm, 9b1, 1c, 6c, 3d1, 11h,
04	App. May 10, 1994	Berningham, July 14, 1994	"Four gay campers had to flee a campground in the middle of the night after a gang of hoodlums threatened to beat them up.... RCMP escort out of Cat Lake campground near Squamish after they phoned for help... police... warned them that about 30 youths had gathered nearby.... RCMP said the youths showed up to see a fight, not to start one. "They were not there to participate in any form of beating..."	4am, 4bb, 2c, 4d5, 7d2, , 11k
04	Feb. 2, 1995	Yeung, Feb. 6, 1997; April 17, 1997; July 24, 1997:53	Feb. 6: "A 65-year-old man was acquitted... of assaulting a lesbian and her friend outside a post office in Madeira Park, a community near Sechelt... on two charges of assault causing bodily harm against local residents Lindy Monihan and Myrtle Winchester. Monihan... testified that ... she and Winchester were talking outside ... when... Morrison... attacked them from behind, throwing Monihan to the ground and Winchester against the wall while punching and kicking at them... Monihan suffered a separated shoulder from the incident. She was forced to	2af, 9af1, 1bm, 1c, 6c, 7c, 5d2, 3e2, , 11k



			<p>continue in her new job as a gravel miner throughout the injury or else lose her job, as she was a new employee and did not yet qualify for disability benefits... Winchester testified she suffered whiplash from being thrown against the wall... Morrison admitted ... to referring to Monihan as a 'manwoman' when describing the incident to Sechelt RCMP... Monihan, who was already once reduced to tears during her cross-examination, broke down and ran out of the courtroom upon hearing the not guilty verdict... she and other crown witnesses were given no preparation on testimony or possible cross-examination by Crown lawyers..." Ap. 17: "Monaghan has decided to sue Morrison in civil court for damages ..." July 24: "... a Pender Harbour volunteer firefighter... Although her firefighter colleagues pressured the Sechelt RCMP to lay assault charges against the man... none of them would serve as a character witness for Monaghan... the fire chief himself sat down and apologized to Monaghan.</p>	
04	Oct. 7, 1995	<p>Interview with CCC, June 7, 1999; <i>Svendruzic</i> 1996, Statement from BBB, Oct. 7, 1995, Statement from CCC, Oct. 6, 1997, Statement from BBB, Oct. 7, 1995, MacAuley 1995, Letter to BBB, Nov. 21, 1995; Yeung, July 8, 1999</p>	<p>BBB, Oct. 7, 1995:[at the bar beforehand] "...a group of the males from the first pool table moved up and sat at that table. I heard them make derogatory remarks about faggots and homo lovers but they were not directed at me. They were directed at Ian MacCauley to aggravate him."  MacAuley: "As we were starting to get up to leave... the blond fellow made a remark, 'Fuckin' faggots should be killed.' I told him to fuck off and shut up. He said, 'You fuckin' homo lover and I spun around, grabbed him the lapel and drove my elbow into his nose. We scuffled and the bar staff came and broke things up."  <i>Svendruzic</i>: "At about 2:00 a.m., after the victims had gone to bed, three persons smashed their way into the victims' house by breaking down their front door. One of the intruders had a tire iron and hit the victims with it. Two of the intruders, one of whom was holding a piece of door moulding that had broken off the front door, and another a broom top or mop handle, beat the victims. The three intruders threatened to kill [BBB], repeating their threats several times during the attack, with his first name being specifically mentioned. During the melee derogatory remarks were made about homosexuals, the windows in the house were broken, debris was thrown at and into the house and the victims suffered wounds to their bodies" (para. 5)... "During the police investigation of the incident, no fingerprints were taken from the physical evidence, blood stained objects and clothing were not analyzed and no line-up or identification parade was conducted. The Crown's case relies entirely on the eyewitness identification evidence of the victims.. While some of the vidence before the court certainly constitutes suspicious circumstances, it does not, in my view, amount to evidence sufficient to support convictions. As the court cannot be satisfied beyond a reasonable doubt that the victims have made a correct identification of the three accused, therefore the charges against them must be dismissed (para. 48)."  Cross-examination by Mr. Patterson of victim AAA: "You pushed him. I'm going to suggest to you that any conflict between the two of you was as a result of you pushing him and attacking him and he did not, in fact, attack you, did he? A: He touched -- he hit me over the head with a crow bar, that's enough reason to go after him..."  AAA: "... the tall blonde guy then raised the tire wrench and then struck Randall on the head. The blonde guy then yelled 'I am going to kill you, you fucking faggot!' I then went towards the blonde guy, he raised the tire iron and then struck me on the left side of my head... when they were outside they started yelling and pointing at Randall, 'We're going to get you, we're going to kill you, you fucking faggot!' They...He kept pointing at Randall and telling him that he was going to hurt Randall down and that he was dead..." (4-6) "Physical and emotional injuries: "Received blow to the head with a tire iron resulting in a concussion and minor scalp laceration. Recently diagnosed with neurological damage as a result of blow to head... unable to sleep at night... suffering from recurring dreams... depression... loss of home and hhaving to relocate... fears of returning home (10)... Items that have been damaged: 1 large bath towel (burgundy) soiled with blood... 1 pair kitchen curtains, soiled with blood and torn... 1 tea towel, soiled with blood..." [also jacket, rug, shorts, socks, tie, bathrobes, jeans and t-shirts, soiled with blood] (12-13)..."  Interview with CCC, June 7, 1999: [BBB] When they came to the house they called my name. When he swung the tire iron and smashed me in the head, he said, "You're fucking dead."  Statement from BBB 1995: "... the last thing they did was pick up a piece of concrete and threw it through the back door window. All the time they addressed me, "You are fuckin' dead. We are going to kill you this is not over we</p>	<p>3am, 9am1, 9b1, 1c, 2c, 6c, 7c, 4d1, 4d5, 5d2, 1e, 3e2, 11b, 10b1, 1aum</p>

04	Spring 1999a	Interview with CCC, June 7, 1999	<p>will be back." All three of them were saying this... noticed that my head was bleeding</p> <p>The victims sued Hung Quoc Truong, Huan Quoc Truong and Anton Szeduzic in 1997. Letter to BBB, Nov. 21, 1995: "Anton Sveduzic has a criminal record of robbery and BB and Committing. He is currently on probation for armed robbery x 8 out of Langley RCMP Det., with curfew conditions 11 p.m.- 6am unless with his father. He is wanted on a warrant of Commital for breach of probation radius Alta., Sask. He is also on currently on probation for armed robbery x 11 out of Surrey Mun. Det...."</p> <p>Hung Quoc Truong has prior criminal conviction of aggravated assault and care and control over 80..."</p> <p>Huan Quoc Truong has prior criminal convictions of assault and assault with a weapon.... he is charged out of Penitction Det. for assault causing x2, awaiting disposition.</p> <p>All accused stated to the victims prior to leaving the scene that it was not over and that they would be back. it is recommended that all accused be held in custody pending trial."</p> <p>Yeung 1999: In 1997 CCC "filed a civil suit against Sveduzic and the Truong brothers seeking damage... their lawyer mark MacDonald missed a deadline in filing a writ last October and then tried dropping the case." AAA "retained another lawyer, Richard Hart, to threaten macDonald with a breach of contract suit. macDonald, formerly with gay law firm Smitha and Hughes and now working for Legal Aid, took the case back..." AAA "d to take out a bank loan so he could hire a second lawyer to go after the first... Four years ago he pleaded for support from Vancouver's gay community to no avail..."</p> <p>(At the time of the attack, John was 30, David was 28 and Anton was 19.)</p> <p>"One night just 15 minutes from Klawna a gay couple was just out looking at the stars and these guys with 4 x 4 trucks kept coming by and harassing them."</p> <p>I'm having a problem in Penitction. There's a guy, 19 or 20, who always calls me a fag. A few weeks ago, at the bar, this guy with a red baseball cap keeps calling me a fucking queer and fucking faggot... I'm walking down the street. Across the street, half a block down, this guy's yelling at me....</p> <p>The victim was 5'5", 120 lbs, 23, and they put him in a cell at Kent Institution for 8 months with a guy who was 35 or 40, 6', 240 lbs., and muscular. He was raped repeatedly, forced to submit to subservient acts in the middle of the night. He was in there for 8 months until they eventually put him in the hole, but the hole was closed for renovations, and he eventually got sent back to the same cell. The victim left after two years, and the perpetrator apparently is now out, selling drugs in Vancouver.</p> <p>A pre-up MTF (transsexual), on hormones, was raped at the Fraser Valley Regional Health Centre, a hospital prison. She had the suspect charged, but there was insufficient evidence to proceed to trial.</p> <p>"... a Seattle man... was temporarily blinded after being sprayed in the eyes with an unidentified substance from an aerosol can (Charlie Murphy)" by a teenager... his corneas were scratched. He does not yet know whether his vision will be permanently impaired...</p> <p>On Grey Cup night, two young men said, 'Get the knife, let's show the faggot the knife,' and 'Let's knife the faggot' .... They tripped him a couple of times, the police convicted two young men... "Michael Albert Desbiens, 22, was given a one-year suspended sentence... Kelly Jones, 21... fined \$200. (re Harry Gramsky leaving the Dufferin.)</p>	2am, 2bm, 2c, 1e, 11k 1am, 1bm, 2c, 1e, 11k 1am, 9am1, 2bm, 2c, 4c, 2d, 11j 1at, 4c, 2d, 5d2, 3e2, 11j 1am, 1bm, , 9b1, 1c, 5c, 1e, 9f1, 11g 1am, 2bm, 1c, 3c, 11a, 9f4, 1am, 2bb, 1c, 4d4, 2c, 9f1, 11f
04	Spring 1999b	Interview with CCC, June 7, 1999	John Kozachenko said police pepper-sprayed him "in his face while he took part in a public demonstration against gay bashing in September, 1992."	1am, 2bb, 1c, 1d, 4d4, 5d2, 3c2, 2c, 11j
04	1995 to 1998	"A friend"	"AIDS activist John Kozachenko said Thursday he will not appeal a police board ruling dismissing his complaint that Vancouver police broke his nose while he was in custody... jailed for three hours for being intoxicated in a public place." After being released, upset that his friends weren't there, he threw himself on the floor, was escorted outside and spat on a police officer... His nose was pushed into the wall inside the police station and broken.	3am, 2bm, 1bf, 1c, 2c, 1e, 9f1, 9f3,
04	In 1996 or 1997	"A friend"	It was a "welfare weekend," the Saturday night was a fireworks night, and it was gay pride that weekend. On the Saturday night at 2:30 a.m. "three gay men walking home from a nightclub along Davie St. were verbally and	
05	Aug. 1990	Griffin, Aug. 8, 1990		
05	Nov. 25, 1990	Griffin, Aug. 30, 1991		
05	Sept. 4, 1992	Griffin, April 15, 1994		
05	Dec. 3, 1992	Griffin, April 15, 1994		
05	Aug. 3, 1992a	Janoff 1992		

			physically attacked by two men and a woman."	11a
05	Aug. 3, 1992b	Janoff 1992	"At 4 a.m. the same night Tony LaFrance staggered into the St. Paul's Hospital emergency department.... Three men had kicked him the face repeatedly with their boots, while five of the attackers' friends stood by."	1am, 3bm, 8bb, 1c, 9f1, 9f3, 11g
05	Aug. 5, 1992	Janoff 1992, Hortie 1993	Janoff: In Stanley Park at 3 a.m., "...three young white males smashed Steve Macklin's face to splinters with a four-foot metal bar. Macklin (28) fell unconscious on his back in a puddle of blood; the men continued to pound the bar into his face. Two horrified onlookers chased away the attackers, carried the victim to a car and rushed him to.. St. Paul's hospital... Eight metal plates and 38 screws now hold Macklin's newly reconstructed face together... 'Robbery was the motive,' says police spokesman Const. Gord Elias. 'No words, notes or evidence were exchanged to suggest that the attack was motivated by anti-gay sentiment' Before he passed out, Macklin heard one attacker yell: "Give me your fucking money!' However no attempt was made to take his wallet. Why were Macklin's wallet and money not taken?... Hortie ... observed at the hospital that Macklin's wallet was full of money... His arm is broken in three places..." Seven teeth knocked out. ""The two men who saved Macklin, for instance, dropped him off at the hospital and ran away -- presumably to avoid having to explain what they were doing in a gay area of Stanley Park at 3 a.m. on a Tuesday (One of them came forward the next day, police reported.) Hortie: "Several weeks ago, he went in to have the metal plates in his temple and jaw replaced with plastic. Infection was discovered and a part of Steve's throat was taken to reconstruct the roof of his mouth. At this moment has more than 140 stitches on the inside of his mouth...total number of operations on Steven face and head to more than six... medical care for Steve is well into the hundreds of thousands of dollars... experiencing nightmares and mental fatigue..."	1am, 3bm, 2c, 5c, 6c, 7c, 4d5, 6d, 7d1, 11h, 1c, 9f1, 9f3
05	Oct. 2, 1992	Interview with J, April 23, 1999	At Bute and Davie, "I was walking west with a friend who happened to be a police officer. Right in front of the bank, at the bustop, which is now Blenz. Out of the blue I felt an excruciating pain in the kidney area. A car swooped into the bus lane, and then sped away. I was doubled over in excruciating pain. A rubber bullet bounced off me. Other people walking toward me saw it. A friend of a friend came up a week or two afterwards and said they had heard them yell 'Faggot' from their car. It happened so quickly that we didn't even know what kind of car it was. I went home and felt unwell and went to emergency. I was checked out at the hospital. By Sunday morning everything was bruised and painful. Two days later I filled in a report to the police (on the Sunday). The police officer came to my house and made out a complaint. One inch more, and it would have destroyed the kidney that had already been operated on. I heard from 2 or 3 other people who had been shot, but I was the only one who spoke out. Nobody else said anything."	1am, 1c, 7d2, 11f, 1c,
05	Fall 1992a	Interview with J, April 23, 1999	"I heard from 2 or 3 other people who had been shot, but I was the only one who spoke out. Nobody else said anything."	1am, 1c, 1e, 11g
05	Fall 1992b	Interview with J, April 23, 1999	"I heard from 2 or 3 other people who had been shot, but I was the only one who spoke out. Nobody else said anything."	1am, 1c, 1e, 11g
05	1993	Lowman and Fraser 1995:157	A transsexual woman was attacked with an electronic stun gun; a suspect was arrested.	1at, 1bm, 12at1, 1c, 11k
05	1993 to 1995a	Hall, June. 2, 1995	"The murder had a similar motive to five robberies that occurred in the last couple of years. Drennan said. In each case, a man picked up the victim in a gay bar and later accompanied him to his apartment, where he was beaten and robbed."	1am, 1bm, 1c, 3c, 8d1, 1e, 11b
05	1993 to 1995b	Hall, June. 2, 1995	"The murder had a similar motive to five robberies that occurred in the last couple of years. Drennan said. In each case, a man picked up the victim in a gay bar and later accompanied him to his apartment, where he was beaten and robbed."	1am, 1bm, 1c, 3c, 8d1, 1e, 11b
05	1993 to 1995c	Hall, June. 2, 1995	"The murder had a similar motive to five robberies that occurred in the last couple of years. Drennan said. In each case, a man picked up the victim in a gay bar and later accompanied him to his apartment, where he was beaten and robbed."	1am, 1bm, 1c, 3c, 8d1, 1e, 11b

05	1993 to 1995d	Hall, June. 2, 1995	"The murder had a similar motive to five robberies that occurred in the last couple of years. Drennan said. In each case, a man picked up the victim in a gay bar and later accompanied him to his apartment, where he was beaten and robbed."	1am, 1bm, 1c, 3c, 8d1, 1e, 11b
05	1993 to 1995c	Hall, June. 2, 1995	"The murder had a similar motive to five robberies that occurred in the last couple of years. Drennan said. In each case, a man picked up the victim in a gay bar and later accompanied him to his apartment, where he was beaten and robbed."	1am, 1bm, 1c, 3c, 8d1, 1e, 11b
05	1994	Interview with HHHH, May 6, 1999	Five years ago, another friend was walking back from Denman station with his arm around a friend. Three guys walked past them, and attacked my friends."	2am, 3bm, 1c, 11a
05	May 5, 1994	Janoff 1995, Aird 1994, Barr 1994, Takhar May 10, 1996	Janoff: The Edge Café attack: five drunk men, leaving a Davie St. restaurant located next door to a popular gay café, verbally attacked a gay man coming home from a gay bar at 2:30 a.m. When the gay man responded, he was slammed into the wall beside the café, which had a hundred patrons inside. The assailants, including one man who weighed about 300 lbs., entered the café and began attacking patrons, smashing barstools over people's heads, and yelling anti-gay slogans. A riot ensued, the police closed the street down to traffic, several injuries were reported, three were arrested. At least three gay men were treated for injuries, including a cracked ribs, a broken wrist, and permanent damage to the vertebrae. Two years later, one of the original five men received a suspended sentence. "While announcing his client's guilty plea, the defence lawyer conceded that "some homophobic comments had been made in the heat of the moment" but complained that café patrons had inflamed the situation by yelling racist insults at the attackers, who are of Indian origins. He said that while he sympathized with victims of homophobia, his client had also "felt the sting of prejudice." Aird: "The thugs were grabbing hot coffees and throwing them in people's faces, shouting 'fucking faggots, we'll kill all of you... Perritt ... sat on him until police came." Barr: Steve Fearn, co-owner of the cafe, was hit by a wrought iron stool... head wound that required 11 stitches to close. Tom Bridges... tackled one of the attackers and wound up with cracked ribs... Dave Perritt... also subdued an attacker... severely broken wrist. Takhar: "Rabinder Johl... was also ordered by Justice Oppal to issue a public apology to his victim Steve Fearn, then owner of The Edge Cafe... to be published in Angles magazine..."	4am, 5bm, 1c, 5c, 6c, 7c, 1d, 5d2, 5d1, 5d4, 6d, 7d1, 7d2, 11d, 11e, 1e, 3e1, 3e2, 4e1,
05	May 5, 1994	"Brawl closes Davie St."	"Another homosexual was beaten in the West End late Friday night."	1am, 1c, 11g
05	1994-1995	Ogilvie, Aug. 25, 1995	Adam Hindle, 23, and college footballer Greg Hallifax, 21, " were found guilty in June of assault causing bodily harm... Their victim, U.S. tourist Thomas Bull, has a permanently disabled arm as a result of the beating and has lost his job... driving around the West End with friends when they spotted three men... found guilty of beating only Bull."	3am, 2bm, 1c, 5c, 6c, 1e, 3e, 11g
05	August 1995a	Hardwick 1996	20 women rallied at the courthouse in April 1996 for a vigil. "Steve Myskew went on trial for physically assaulting three women outside of the Lotus last August... charged with five counts of assault, threw a woman to the ground outside the Lotus, after calling her a fucking dyke. Five women followed him to try to stop him from getting away... Two more women were struck before the police arrived, more than half an hour later... the defense lawyer called the group of women who followed the accused an "antagonizing mob," proposing that the basher had struck out in self-defense."	3af, 1bm, 1c, 4d2, 6d, 7d1, 11e, 1e, 4e1
05	August 1995b	Zillich, June 19, 1997	Peter Weir "turned to walk away again, the guy blind-sided him with a hard punch, breaking his nose and splashing blood on his clothing and the pavement..." (in a public washroom)	1am, 1bm, 1c, 1e, 11m
05	Aug. 17, 1995	Janoff 1995	Pablo Jones, one of the Edge Café victims, experienced further victimization from the police after complaining to a victim services worker about all the delays in the trial. Apparently in the belief that he was going to commit suicide, a dozen police officers arrived at his apartment building with an ambulance. Jones said that a policeman entered his apartment swearing at him, slamming his back into his table, and handcuffing him so tightly that he had blue marks on his wrists for a week, before taking him to a psychiatrist's office, where he was left unattended and eventually walked home.	1am, 1bm, 1c, 2c, 7c, 4d4, 1e, 4e1, 11b

05	Mid-1990s-a	Kuznik 1995	A heterosexual couple were mistaken for "faggots" by 3 young men on Denman St. The man was assaulted, police arrested the trio, who pleaded guilty to an unknown charge.	1am, 1af, 3bm, 1c, 1e, 11g, 9af1
05	Mid-1990s-b	Interview with J, April 23, 1999	"My roommate was brutally attacked on Davie St. He was pulled from a doorway of a restaurant. But he didn't report it."	1am, 1bm, 1c, 7c, 11f
05	1996-1997	Sanderson 1997	"... lesbian daughter... An older teenager lives here also and she defends her lesbian sister at every turn... she recently confronted another teen for bashing her sister..."	1af, 11k, 1c
05	May 1996	Lang 1996, "Richards Street Bashing"	"Two gay men were brutally bashed at the intersection of Smythe and Richards streets at approximately 2:15 am Sunday, May 5. The couple was walking along Richards allegedly holding hands when ... At least four men jumped out of the vehicle and assaulted them. One man received a concussion, while the other sustained cracked ribs and a broken arm. According to two female eyewitnesses, the attending officers did not take statements. (This may be the same incident as the following from Lang 1996) "My son called from Vancouver to say that he and his partner had been assaulted on a street in Vancouver by gay-bashers."	2am, 4bm, 1c, 4d2, 1e, 11e
05	Summer 1996	Ali 1997	A gay man was punched and kicked on Denman St. by a man who knew him and who said, 'Jesus told me to kill you.' The police did not acknowledge it as a gay-related crime.	1am, 1bm, 1c, 7c, 4d5, 2e, 11g
05	August 1996	Barriere 1997	Outside the Bread Garden on Denman St. on Pride Day, drag queen Sister C (Johnson), who dresses in a nun's habit, complained he was assaulted. A bunch of gay men surrounded the accused for 20 minutes before the police arrived. Kitchen J dismissed the charges, saying "... there's also a misunderstanding perhaps on Mr. Johnson's part as to what Mr. Jolicoeur intended with his homophobic comments... Mr. Jolicoeur was simply speaking in frustration...it's clear that Mr. Johnson, in wearing a nun's robe, upset Mr. Jolicoeur... so without any intention of doing that... Mr. Johnson upset Mr. Jolicoeur and, I would guess probably upset a lot of other people... I would have to say that Mr. Johnson was perhaps insensitive of the sexual proclivities of others and perhaps Mr. Jolicoeur was hypersensitive about that."	1am, 9am1, 1bm, 1c, 5d4, 7d1, 1e, 3e2, 4e1, 9f1, 11g
05	Dec. 8, 1996	Cemetig 1996, Culbert 1996, McFall 1997; Schaefer 1996, Shaefer 1997; Ward 1996	Cemetig: Duncan Wilson, 29, and friends walking in the west end, attackers "jumped out of a car, hit Duncan in the face with something hard like a tire iron or baseball, and as they left they yelled, 'Homo, homo, homo,'" recalled Richard Dopson... Wilson ... told local reporters that a car came speeding around a corner at about 2:30 a.m. last Sunday, narrowly missing Mr. Wilson and two friends as they were walking home. Mr. Dopson said he hit the car with his hand to warn the driver that he nearly hit them... three or four teenagers rushed out of the car and threw dirt in the face of Mr. Wilson's friends while another struck Mr. Wilson in the face... McFall:"Dopson asserts that, although 'they started yelling at us 'Hey fags,' I don't think they targeted us because we are gay males." Schaeffer 1996: Const. Anne Drennan: "'This incident was precipitated by a traffic dispute,' she said, adding that the youths made anti-gay comments at the end. 'It does not appear to have been premeditated... not a case of the car trolling, looking for gays to attack Ward: "Drennan said the police are not minimizing the incident in any way... 'But it does not appear right now that this was precipitated by the fact that either Mr. Wilson or his friends are gay."	3am, 3bm, 1c, 4d5, 1e, 11g
05	June 1997	Yeung, July 24, 1997	"...a man was charged with assault, following an incident where gays were being assaulted by an assailant with a fish club. The following police investigation yielded another arrest."	2am, 1bm, 1c, 11g
05	June 17, 1997	Kirkby, June 26, 1997	David McMullen says he witnessed a "violent encounter" where a police officer threw a gay man into a wall, handcuffed him, and then hit his head from the back with an open fist.... At least eight other police officers soon arrived at the scene... McMullen was frustrated in his attempts to get the badge number of the officer alleged to have struck the gay man... two of the three gay men spent the night in jail but were not charged with anything... Daniel Rucks and Joe Scott have retained a lawyer... Insp. Fred Biddlecomb...	2am, 1bm, 1c, 1d, 4d4, 11e, 1e, 3e
05	1997	Interview with G, May 11, 1999	"Somebody beat me up at a work party... There was a drunk Latino. He wasn't invited, but he was hanging around. There was a lot of booze... This guy wanted to take a whole bottle of win and I wouldn't let him. He called me <i>maricon</i> , and split my lip."	1am, 9am1, 1bm, 1c, 1d, 1e, 11k

05	Summer 1997	Interview with L.L., May 3, 1999	Two men walking down Denman St.: "...a fist suddenly appeared in my face.... two extremely inebriated, poorly dressed, dirty men... one... claimed that he 'felt like killing a fag.'"	1am, 2bm, 2c, 1e, 11g
05	Fall 1997	Interview with N, May 20, 1999	Police complaint about a gay man bashed in front of the Orpheum Theatre at the beginning of an Indian music concert. When the police came, they cuffed the victim because they thought he had done it, and took him home in a puddy-wagon. "When the Chief gets a letter, depending on the severity of the offence, the officer could get anything from a verbal reprimand to a criminal charge." (When I asked N afterwards about follow-up, he said the complaint to the Chief would be ignored and the arresting officers would get, at most, a slap on the wrist.)	1am, 1bm, 1c, 7c, 4d1, 4d2, 4d5, 4d6, 1e, 3e2, 5d2, 11e
05	8 Nov. 1997	Jiwa 1997, Yeung, Nov. 27, 1997	Jiwa: "Vancouver police believe they have identified at least three of five skinheads who smashed a beer bottle on the head of a man before viciously kicking him last week. Among the trio tagged by police is a young man who openly admits to being a neo-Nazi.... after an anonymous caller told police he had overheard them talking about going out to bash gays... police received a frantic call for help" in Stanley Park... asked, 'Are you guys fags?' 'The guy said 'No...' Yeung: "...Nov. 8... a group of eight white males were spotted on the corner of Bidwell and Davie Streets. The men were wearing nylon bomber jackets with the Canadian flag on one sleeve and white power symbols...a mugging was reported at... Stanley Park..."	1am, 8bm, 1c, 3c, 7d2, 1c, 11h, 10b8
05	10 Nov. 1997	Yeung, Nov. 27, 1997	"... a group matching the same description assaulted a man outside the Dufferin Hotel..."	1am, 8bm, 1c, 1e, 11e, 10b8
05	1998a	Letter from O, Sept. 23, 1999	One assault on a lesbian occurred outside of the Vancouver area.	1af, 1c, 11k
05	1998b	Interview with HHHH, May 6, 1999	"In 1998, a friend of mine left the Odyssey. Two straight couples attacked him. He was too embarrassed to report it."	1am, 2bm, 2fm, 1c, 11a, 1e
05	Jan. 6, 1998	"Petey gets bashed"	"Peter Gibbs... was assaulted... his assailant repeatedly called him "faggot"... Both Gibbs and police have agreed that arresting and charging the alleged assailant would be fruitless."	1am, 1bm, 1c, 2e, 3e2, 11f
05	March 13, 1998	Yeung, Mar. 4, 1999	"Allan Paradis... phoned the Bash Line. The pre-recorded message became a bitter denouement ... 'if this is an emergency, phone the police'... suffered numerous injuries from a scuffle with two Vancouver police officers... after criminal charges against him from that incident were stayed late last year... between 11 p.m. and midnight, when Paradis left the Royal Hotel bar after three beers over three hours with friends. Two police officers were ticketing cars... Constable Cam Lawson.... a man, who Lawson says appeared intoxicated, approached him from behind screaming obscenities. Lawson says he warned the man off twice. When the man stuck his finger in Lawson's face, he then placed him under arrest for causing a disturbance. In the ensuing scuffle, where the ticket book was knocked out of Lawson's hand as he tried to handcuff his suspect, the man was knocked to the ground... charged with causing a disturbance and resisting an arrest... Lawson flat-out denies Paradis' allegation he called him a 'wiseguy faggot' at any point in the confrontation..." Paradis says he told police "they could be doing something more productive on a Friday the 13th with a full moon... only started cursing at the officer after he was struck and pinned to the ground... Lawson writes Paradis tried to punch him with his right hand. But Paradis is left-handed... Dr. Richard Taylor says Paradis' injuries were excessive in comparison the incident which started it... Paradis' complaint against the police was concluded after an internal investigation, which found Lawson was not at fault. The office of the Police Complaints Commissioner would not comment on the case, saying it is still under review by the provincial appeal body."	1am, 2bm, 1c, 1d, 4d2, 4d4, 5d2, 11a, 1e, 3e2, 4e1
05	March 21, 1998	Keating 1998, Yeung, Ap. 2, 1998	Keating: "Walter Muller... and a male friend were attacked by a group of thugs... Muller, 55 was kicked in the head, and at least five thugs brutally attacked his 32-year-old friend... 'Are you two guys fags?'... The suspects are described as Indo-Canadian..." Yeung: Muller... says the police are good at arriving after the fact..." (Burrard & Davie)	2am, 5bm, 1c, 11f

05	Ap. June 23, 1998	"Gay-bashing bid leads to charges against 5"	"Vancouver police arrested a group of six skinheads on the weekend... had rented a limousine and were cruising through the West End... looking for gays to attack... they spotted a black male and got out of the car... apparently threatening the man when he pulled out a 12-inch knife. Three of the assailants then jumped back into the limousine and three ran away... managed to catch all six, four of whom were juveniles. Two were released and four were charged with offences. The knife wielding man was also charged with possession of a dangerous weapon and uttering threats."	1aum, 4d6, 6bm, 9b4, 2c, 7d2, 11i, 1c, 10b6
05	Sept. 1998	Interview with ZZ, April 13, 1999, Interview with N, May 20, 1999, Kirkby 1998	4 men walking home on Davie St.: "There were 2 guys walking towards us and as they passed us, one of them rammed his shoulder into one of the people that was with us. He started calling us 'fucking faggots.' Then... they were right behind us and beating on my friend Ken Popert... The attacker managed to get a few punches to Ken's face and then was subdued and held for the police's arrival" (ZZ). However, "the suspect had an alias. When he was arrested, he printed and recorded his real name and his alias, and was fingerprinted. Then he was released. Then he failed to appear. We can't charge him with obstructing justice. If we had a gay-bashing law, and had seen that he'd recently gay-bashed someone, we'd then be able to keep him in" (N). A security guard held the man until police arrived, and got blood poisoning... (N) ... says it is unlikely that, if convicted, mahoney will be found to have committed a hate crime... Some witnesses did not believe it was hate-motivated, says" (N). Sean Mahoney/ Sean Evans, failed to appear... Victim Ken Popert has been given the runaround from the justice system, with many bureaucratic barriers to receiving information. Crown Counsel Jean Connor said, "People with eight-page records are being released from this location every day."	1am, 1bm, 1c, 4d1, 4d2, 5d2, 11f, 3c2
05	Oct. 1998	Kershaw 1999	"A Prince George gay youth, Joshua Pollard... drops a human rights complaint against Christian fundamentalists Ed Drewlo and Bob Zaylone... he is tired of fighting against telephone death threats..."	1am, 2c, 11k
05	Oct. 20, 1998	"Boy charged with assault," Yeung, May 13, 1999	"Boy": "A 13-year-old boy has been charged in relation to a threatening incident in the West End Oct. 20... three young males were alleged to have been threatening two men... one suspect brandished a pellet gun which looked real... one suspect said, "I think we should fuck all faggots"... charged with assault with a weapon and possession of a deadly weapon dangerous to public peace..." Yeung: Doug Freeman and Bruce Hoffman (victims) "...the only way they could keep up to date on the news was going to the courthouse and asking themselves..."	2am, 3bm, 9b3, 2c, 11f, 1e
05	Nov. 1, 1998	Holmes 1998, Yeung, Nov. 12, 1998	Michael Bugera and partner Sam Marshall's South Surrey house was targetted at Halloween... "The following night, this time around 9 p.m.... a rock the size of a fist sailed through a window just behind him." "... nearly striking a female cust member... Three days later Bugera and a cust member found the letters 'KKK' scratched into the paint of their cars..."	1af, 1c, 7c, 11b, 9f2, 10b1
05	Nov. 26, 1998	Interview with N, May 20, 1999; Yeung, Dec. 10, 1998; Yeung, May 13, 1999	Dec. 10: (Steve Gian) ...Gian and a friend were walking home from the Odyssey nightclub at approximately 12:30 a.m. Gian was last seen by his friend walking along Davie St., west from Burrard. Then at 4:40 am a cab driver spotted Gian staggering around on Burnaby St. Gian was picked up by paramedics, who didn't call police until they arrived at the hospital, where they found Gian had suffered multiple blows to the head with a blunt object... seven points fo impact on Gian's head and face, resulting in soft tissue damage and possible skull fracture... memory loss... Gian still had all his money when paramedics found him... released from St. Paul's hospital after three days... a week after the assault, his right eye was swollen shut and the left side of his face and forehead were littered with stitches... \$3,000 worth of future dental bills ... May 13: "Friends of Steve Gian... report the Bashline did not return voice mail messages for more than a "week. N: "When we call back we never leave messages unless someone says it's perfectly fine."	1am, 1c, 5c, 6c, 4d2, 11a
05	Nov. 26, 1998	Kirkby 1998	"Two men drinking coffee on a Davie Street patio were assaulted by a masked gunman.... one shot from a starter pistol... sprayed with pepper. The masked man yelled, 'You fucking faggots'..."	2am, 1bm, 11d, 1e
05	Winter 1999	Interview with NN, May 11, 1999	Gay couple's South Vancouver home invaded in the middle of the night, couple attacked.	2am, 1c, 3c, 11b

05	Spring 1999	Interview with NN, May 11, 1999	"Tara, who recently died, was really brutally beaten up and she had black eyes and bruises, her face was swollen. The John began choking her, and forced her to perform oral sex..."	1af, 12af, 1c, 4c, 5c, 11k
05	Summer 1999a	"A friend"	A gay man was left for dead on Sunset Beach one night and was rushed to the hospital. He lost several teeth and almost died. He doesn't remember what happened.	1am, 1c, 5c, 11h
05	Summer 1999b	CP July 19, 1999	"One teen recently punched an adult passenger, breaking his glasses, which cut his face, after teasing the man and making homophobic comments."	1aum, 1bm, 9b1, 1c, 1e, 11k
05	Late July 1999	Bennett-Brown 1999, Yeung Aug. 5, 1999	Yeung: 3 young men walking down Davie St. were yelling, "No fags, just women." "... after being attacked recently on Davie St.... To the numerous people who called 911 when I was attacked: thank you for not just turning away.... To the man who handed me his phone so that the police could talk to me, and didn't mind when I returned it covered with blood... To the father and son who pursued at least one of the assailants while maintaining contact with the police... To the police... you caught all three of them..."	1aum, 3bm, 1c, 7d1, 1e, 11f
06	Feb. 2, 1994	Westad: Jan. 14 and 21, 1995	James DeLorme (34) and Roy Marshall (19) pleaded guilty to manslaughter and got 10 years. Accused went to several Victoria bars, including two gay bars, where they met victim's lover Lyceck. All went to victim's house; Lyceck said Marshall tried to rape him, but he resisted. Lyceck was smashed on the head with a bottle and strangled with a telephone cord but survived. Hill was strangled with DeLorme's belt. It took four minutes for Hill to die (the belt was applied and released several times). They robbed the house and escaped. Crown accepted lesser offence because of the high level of intoxication of accused. DeLorme said he'd been sexually abused as child. Lyceck said intent was to gay-bash (robbery secondary). The Crown and Saanich Police said there was no evidence to support gay-bashing, and if there had been "the Crown would certainly put it forward to the court as ... an aggravating factor." Filmer J said it was closer to murder than an accidental killing.	1am, 2bm, 1c, 3c, 7c, 1d, 4d5, 5d4, 8d1, 1e, 3e1, 4e2, 11b
06	Summer 1994	Wilson 1994	"Jeff Pettit was ... by Beacon Hill Park when a gang of teenagers attacked dragged him to the ground. They cracked me a couple of times, gave me some good hits on the side of the head and kicked me..." They were kicking me and saying "Faggot!" They took the \$10 he had..."	1am, 3bm, 9b3, 1c, 3c, 11h, 1e
06	Summer/Fall 1994	Wilson 1994	Jeff Pettit said "a second attack a month later in the park on a friend, also beaten by a group of teenage boys..."	1am, 3bm, 9b3, 1c, 11h, 1e
06	April 28, 1995	Interview with MM, Aug. 11, Castle 1995; Westad, May 11, 1995	"The woman I danced with at an openly gay bar was attacked after refusing to dance with the man. He says that he couldn't take rejection and stabbed her twice because she danced with someone else... He stabbed her on the dance floor as she and I danced. After he stabbed her once - we both never saw the knife and though he had pushed her - I went up to him and told him to leave this woman alone. He approached her again on the dance floor and I danced into his personal space, forcing him off the dance floor and again told him to leave her alone... Jody danced between him and I and that's when he stabbed her in the back.... He didn't make a move to leave (perhaps waiting to finish her off) till I looked him in the eye. He then walked quickly towards the doors. I intercepted him, told him he couldn't leave, he shoved me aside, I chased him yelling at the bouncers to stop him and finally as he was going up the steps to leave the bouncers grabbed him" (Interview with MM, Aug. 11, 1999). "A 20-year-old man ... was jailed 18 months Wednesday, followed by three years probation. 'I've never been able to handle rejection... This girl just kept rejecting me.' ... Jason Peterson... pleaded guilty to assault with a weapon... Jody Hallwachs ... 21... has had physical difficulties with her bowels and ribs since the April 28 attack... She had only lived in Victoria a few days when she was stabbed. In a victim impact statement... "I don't believe that this was any sort of gay issue.-It however did happen to me in a gay bar. It just goes to show that this can happen to anyone and it doesn't matter if you're heterosexual or homosexual." (Castle) "... man charged ... was released on bail Wednesday. 'I'm not happy at all about it,' said Jody Hallwachs, the 20-year-old woman stabbed. 'Maybe it's because I'm the victim, it really blows my mind' ... Investigating police officers Bob Macdonald and Jim Semkiw said outside court that bait with strict conditions was appropriate. 'He doesn't belong in jail,' said Macdonald, noting Peterson is young and hasn't been in trouble with the law before.'" (Westad)	1af, 1bm, 1c, 5c, 7c, 4d1, 5d1, 5d4, 11d, 1e, 3e1, 4e1



06	October 31, 1996	Ivens 1998, Westad 1997	Ivens: "Five young men on trial..." Two brothers walking past a party in Esquimalt on Halloween, had a Roman Candle directed towards them, then a man asked Jesse Constible, "if he was a fag... a group of people joined in the beating. They were kicked and punched as they lay on the ground" knocking Jesse unconscious, and continued kicking him... Constible lay in a coma for about seven weeks, spent another three months in hospital and still has trouble with small tasks." (Robert) Mahan, Joseph Blais, Michael Hawkes and Jason Woods charged with attempted murder. They and Evan Spring also face two counts each of aggravated assault. Westad: "Jesse did survive... but is a changed man... has difficulty with some minor tasks such as buttering bread, and has lost much strength. He was on life support in a coma for weeks..." His brother "Samuel's nose was broken in several places, his cheekbone fractured and a nerve damaged so that he can't feel his teeth on one side."	2am, 5bm, 1c, 5c, 1e, 9f2, 11k
08	Spring 1991	CP, Sept. 14, 1991, Roberts 1991	CP: Glen Murray, city councillor, "was walking near the legislative building early one morning this spring when he was cornered by a lone man who threatened to kill him... The attacker started throwing punches..." Roberts: "Police refused to attend when Mr. Murray was assaulted by a lone assailant and then claimed to have lost any record of his complaint. It was only later, when he told police he was a city councillor, that he got any action from the department."	1am, 1bm, 1c, 2c, 4d5, 11h
08	Aug. 16, 1991	Bray 1991	"A Winnipeg man was beaten and choked unconscious yesterday near the Assiniboine River... Police say three young males on bicycles chased and then beat the 39-year-old man... and stole his wallet and keys..."	1am, 3bm, 1c, 3c, 5c, 11h, 1e
08	Jan. 10, 1993	Longpré 1993, MacDougall 1998:333-4, Dingwall 1993, Rollason, Feb. 20, 1993	Earl Longpré pleaded guilty to attempted murder and was sentenced to eight years. The victim was the "female lover of the accused's 21-year-old married step-daughter. The step-daughter's family was 'vehemently opposed' to the lesbian relationship and the two women were forced to flee to Winnipeg from Sudbury. The family found her and the accused and at least the two other male members of the party... dragged her out of the furniture and into a waiting vehicle. She was then dragged into a residence and on the back porch of that residence, the accused threatened her again at knife point to end the relationship or he would kill her. When the complainant indicated that she was not going to end the relationship, the accused stabbed her while she was being held by persons whom she was unable to identify. She was repeatedly stabbed in the area of her heart. Her fingers on one hand were sliced off and her arm penetrated" (MacDougall) "...Longpre tried stabbing her in the heart four times while she was being held, but miraculously the woman lived. She suffered a four-centimetre-deep wound under her heart, a six-centre-deep wound above the heart, and an eight-centimetre-deep wound below the heart." (Rollason) "It was Shakespeare's classic tale of star-crossed lovers, but thanks to a modern-day twist it would have to be retitled <i>Juliet and Juliet</i> .... the family of one woman abducted her lover off the street in broad daylight... Richard McLean and Douglas Saunders, brothers-in-law to Rizzotti's lover Marlene Towegishig, pleaded guilty to forcible confinement, and Towegishig's step-father, Earl; Longpre, pleaded guilty to attempted murder... She was dragged at knife-point into the back seat of a car, punched in the head... (Collene) Rizzotti's record contains convictions for assaulting a peace officer, robbery and prostitution and the family felt the relationship was 'unhealthy,' (defense lawyer Greg Hrudsky) said." (Dingwall)	1af, 12af1, 1c, 2c, 5c, 7c, 6d, 2e, 4e1, 11c
08	App. July 18, 1993	"Gay-bashing tactic," Verhaeghe, July 28, 1993; Wiecek, July 17, 1993; Wiecek, July 28, 1993	"Gay-bashing tactic": "... a 40-year-old man was lured to an apartment from the area around the Legislature... the man was beaten, sexually assaulted, threatened with death, tied up and put into a closet.. after he met up with a youth by the Legislature... Police have charged a 17-year-old male with several crimes. They're still looking for his 19-year-old brother. Officers seized weapons at the apartment -- including a sawed-off axe with a chain labeled "GBB," which police said means "gay brain basher." Verhaeghe: Jarvis Bruce, 19, was arrested... a woman claims she couldn't get city or rural cops to take her tip after cops listed Bruce in a media top-10 wanted list last weekend... called Gimli RCMP who couldn't help because they say the address wasn't complete. She called city cops collect, but they wouldn't accept the charges. '(The operator) hung up before I could say I have information on the guy you want the most to be in the pen.' She tried contacting rural Crimestoppers and was told they couldn't take the tip because she gave her name..." Wiecek, July 17: "A small arsenal of weapons was seized from the apartment where the attack occurred, including	1am, 2bm, 9b2, 1c, 2c, 3c, 4c, 4d2, 7d2, 8d1, 1e, 11c

08	Sept. 4 1993a	<p>Fianagan 1993, "Foul-up stirs anger", Graham 1993, <i>Gallant</i> 1994; MacDougall 1998; Hiebert-Pauls, Sept. 25, 1993; Rollason, June 14, 1994; "Second charged in bashing"; "Third man arrested in gay-bashing"; Wild 1994</p>	<p>a sawed-off axe which had been fitted with a chain to make it easier to wield. The letters "GBI" were written on the handle in several places... The victim "ran several blocks downtown clad only in his underwear before he was able to summon help at a hotel."  Wiecek, Jul. 28: "...police were unable to locate Bruce until yesterday -- just two days after he was featured in the <i>Free Press</i> as one of Manitoba's 10 Most Wanted."</p> <p>Fianagan: "One 25-year-old man was in the process of getting beaten near the Assiniboine walkway by a group of six skinheads... when he yelled out that he wasn't gay. The mob then stopped their attack."  Foul-up: "A man accused of being a neo-Nazi gay basher sought to have his assault charges dismissed yesterday... James Russell Lisk, 20 ... Lisk has had to pass up opportunities for full-time work as a reservist in the Armed Forces, including an assignment to peace-keeping duties in the former Yugoslavia... Sept. 4, 1993, incident near the Legislature Building. Three men used a bat to beat a man they thought to be gay. Police allege Lisk is part of a group known as the Northern Hammerskins.  Graham: "He said they 'put the boots' to him," Tataryn said, adding they stopped only when he screamed he wasn't gay."  In <i>Gallant</i> (1994), three men beat a man, perceived to be gay, with a club. The accused appealed his two-year sentence; Huband JA, who reduced the term to seven months in prison wrote that the accused was sorry and had dissociated himself from his co-accused. "This is the school of quick-change-of-heart-on-homosexuality-come-time-for-sentencing" (MacDougall 328).  20-year-old Ian Gallant's father "vows to support his son -- even if activists call for his head to avenge all attacks on homosexuals... charged with assault with a weapon and uttering threats..." (Hiebert-Pauls)  Rollason: "Stephen Carter, 26... was ... knocked down and beaten... At Gallant's sentencing in April, the judge used harsh words... 'This is the way Nazi Germany got started...' ... Gay rights activist Chris Vogel, who applauded the original sentence, said yesterday that he also accepts the appeal decision. He said gay bashing should be considered in the same light as any other assault - taken just as seriously, but not warranting a sentence higher than other assaults..."  "Second charged": "City cops charged a second man and are looking for a third in connection with two gay bashing earlier this month. Dion Sirling, 19, of Elgin Avenue was charged Monday of assault with a weapon and uttering threats to kill."  "Third man": "... arrested a third man... facing charges similar to those laid against two men previously arrested in the Sept. 4 incident..."  Wild: "Gay rights activist Chris Vogel was 'delighted that the crime is being taken as seriously as an assault on someone who is not homosexual.'" (Charges were eventually stayed against Lisk.)  Graham: "...an anonymous caller complained he'd been beaten up and chased home by shaven-head thugs..."</p>	<p>1am, 6bm, 1c, 11h, 1e, 3e1, 4e2, 5d4, 6d, 7d3, 10b6</p>
08	Sept. 4 1993b	Graham 1993	<p>"Later, another man called and told the cops he was jumped and beaten with a bat or a pipe while he was walking along the riverbank..."</p>	<p>1am, 2bm, 1c, 2c, 11h, 10b2</p>
08	Sept. 4 1993c	Graham 1993	<p>"City police are searching for a 29-year-old man in a suspected gay-bashing incident that left one man with nail wounds to his head and a second man stabbed in the throat. Police say the victims were in the area of the Legislative Building... when they met two brothers. The brothers accepted an invitation from the two men to go to their Broadway apartment for a drink, police said. But when the foursome got there, city police say the two brothers armed themselves with a large kitchen knife and a board tipped with nails and informed the two men they were being robbed of their cash and jewelry. Police say one of the men was struck in the head with the nail-tipped board, leaving a serious cut just above his eye. The other man was stabbed in the neck. He was later rushed to hospital where surgeons found the wound had penetrated eight centimetres into his neck and had missed his jugular vein by millimetres... arrested one of the brothers immediately... The second brother was arrested Jan. 7, 1993 and</p>	<p>1am, 1c, 11h  2am, 2bm, 1c, 3c, 5d2, 8d1, 1e, 11b</p>

08	April 1, 1994	Lakritz 1994, Naime, April 2, 1994	charged with attempted murder, possession of a dangerous weapon and two counts of robbery... released on bail but failed to appear in court in December." Lakritz: "... two Winnipeg men -- walking through the Great-West Life parking lot at 4 a.m. -- were severely beaten by a couple of gay bashers... Jonathan Carrington...33, was the first to come upon the beaten men -- who incidentally, aren't gay -- lying in pools of blood in the parking lot." Naime: "Witnesses said the attackers were yelling anti-homosexual insults at the victims during the beating, despite the victims' screams that they were not gay..."	2am, 2bm, 1c, 5c, 11h, 1e
08	App. April 15, 1994	Reynolds 1994	"Two weeks ago, Jonathan Carrington witnessed the brutal beating of two men... This week, Carrington himself was assaulted. He was stomped by three men who hissed 'homo' and 'queer' as they rained blows on him..."	1am, 3bm, 1c, 11h, 1e
08	Late July 1994	Kantiuga 1994	"Three men were shot by a high-powered pellet rifle ... an area frequented by male prostitutes. sent one of the men to hospital... it would be investigated as a possible gay-bashing."	3am, 1c, 11h, 1e
08	Late Sept. 1994	Guttmerson and MacKenzie 1994	"Coun. Glen Murray said... two men were badly beaten by groups of men in the Osborne Village and south Osborne areas over the weekend. "They see a man walking alone in that neighborhood and they assume he's gay.""	2am, 2bm, 1c, 1e, 11g
08	1994-1995	"Homophobia at college"	"Bruce Smith is attempting to start a gay and lesbian group at Winnipeg's Red River Community College... One poster was defaced with an arrow pointed at Smith's name with 'You're dead' written by the arrow. He added that he has received threatening messages on his answering machine as well."	1am, 2c, 11k
08	June 16, 1995	Kuxhaus, Sept. 3, 1995	Glen Parbery "was jumped near the intersection of Carlton Street and Broadway around 1:30 a.m. Parbery, who is 6-2 and weighs 170 pounds, said one of the attackers was brandishing a baseball bat. 'I was knocked to the ground, kicked in the face and when I rolled over to protect myself I was kicked in the back of the head.'" Also, "The 35-year-old was knocked unconscious... Three 17-year-olds have been charged with assault causing bodily harm. An 18-year-old man is facing a charge of assault with a weapon."	1am, 3bm, 9b3, 1c, 1e, 11k
08	Oct. 22, 1995	Paul 1995	"... a man who was savagely beaten, stripped nude and left for dead on a riverbank walkway notorious for gay bashing... lying on his back, barely conscious and badly beaten, lying on the walkway by the river..."	1am, 1c, 5c, 11h, 1e
08	March 17, 1996	MacKenzie, March 18, 1996	"A man stabbed in an alley in downtown Winnipeg early yesterday was attacked in an area known for male prostitutes... the victim had been stabbed eight times... He said the victim... underwent surgery... after he was admitted, and was operated on again yesterday afternoon because of bleeding..."	1am, 1c, 5c, 11h,
08	March 1997	Naime, May 29, 1997	"A judge has thrown out a landmark investigation into Internet hate crime... unlikely that charges against the youth... will ever be heard, frustrating the local gay activist who claims to have received e-mail death threats ... a 17 year-old youth who allegedly sent an e-mail threat to Zoldy over the Internet last March. The message said, "Death to homosexuals; It's prescribed in the Bible! Better watch out next Gay Pride Week!!" and was signed Inbred Jed and "Winnipeg's newly formed gay bashing patrol."	1am, 1bm, 9b1, 2c, 9e, 11k
08	July 1997	Hasseltris 1997	"A couple of months ago, he says an assault occurred just outside one of the city's few gay nightclubs, Happenings."	1c, 11e
08	Winter/ spring 1998	Fax from RR, Aug. 9, 1999	"Victim claims she was beat up by female police officer after she revealed she is bisexual... reported to GLB community, not police at that time..."	1af, 1bf, 1c, 7c, 4d4, 11k
09	Feb. 5, 1993	Lautens 1994, Chaisson 1995, MacDougall 1998	2 men and a woman assaulted and humiliated 3 men in a rooming house: "Sarah MacMillan continued calling them queers and said she would like to see the queers [suck] each other's penis. She ordered them all to pull down their pants, which they did out of fear of the continued beatings... Sarah MacMillan was saying 'that's what you cocksuckers deserve.' She then went into the kitchen to fetch her curling iron and returned into bedroom. She had Mr. Chaisson and Mr. Bindas hold down André Boudreau and inserted the curling iron in his rectum it would appear for a few seconds. The curling iron was then inserted in the reclusms of Mr. Steven Gordon and Alvin Mellish in the same fashion." Chaisson got three years, nine months; Michael Bindas was sentenced to 3 years, 6 months; Sarah MacMillan was sentenced to two years.	2am, 2bm, 1bf, 1c, 4c, 5c, 7c, 6d, 11b

10	1993 / 1994	CP April 20, 1993	"Two men were recently charged with gay-bashing in the city. One man was fined \$900 and placed on a year's probation. The other man is awaiting sentencing. The young men said they were affronted by the actions of two gay men in a bar who they felt were flirting with them."	2am, 2bm, 1c, 3d1, 3e1, 11k
10	Nov. 7, 1999	Baldwin 1999	University of New Brunswick gay student Robbie Peterson was attacked in Fredericton "by one man on Regent Street shortly after 2:00 a.m. Robbie suspects the perpetrator followed him from the G-Spot... pushed down and kicked in the face several times...attacker fled screaming homophobic remarks... plastic surgeon sewed his eye lid back together, and stitched other areas of his face... Constable Dave Cooper assigned to his case. However Const. cooper is off for four days and will be returning Thursday when he will begin his investigation... (Demonstration occurred.)	1am, 1bm, 1c, 4d2, 7d1, 11a
12	July 6/7, 1993	Interview with EEE, July 7, 1999; Statement from EEE, July 19, 1993, Devereaux 1996, Letter to EEE, Oct. 18, 1993	<p>EEE, July 7, 1999: "I left the bar at midnight. I had three drinks at Lynn's and two more at the bar. We were five minutes from Lynn's house, where we were staying. At that time we'd been staying out of town. I left the bar around 12:15 p.m. I turned to go up this alley. I noticed there were 2 or 3 police cars, and some kind of commotion. I turned to see if there was an accident. A police woman grabbed me by the collar and said, "What's the matter, faggot, got nowhere to go?" She and her partner pushed me into the back of the cruiser and drove me to the lock-up and during the drive were verbally abusing me: "We got a place for you fags. We'll give you a place to stay, you fucking faggot." I was put into a cell with 4 drunks. They wouldn't let me call a lawyer and they didn't say I was under arrest. I learned later I'd been in the wrong place at the wrong time. Some greasy guy had been barred from the gay bar because he'd caused fights. Apparently he'd come back and was causing trouble. The bartender called the police. When the first cops came by, they saw him in the alley, called for backup, then I happened to be on my way up those same steps. I a.m.: I was in shock. I gently knocked on the cell bars, asked to talk to someone, and eventually went to sleep. At 6 or 6:30, they banged on the cell and got everyone to get up. I happened to be the last one in the line to pick up my money and my wallet. They asked me to sign this paper. I said, "Before I sign this, could I please have the name of the woman who brought me in. (I hadn't taken down her number.) The burly prison guard who was behind me grabbed my left arm and wrenched it up behind my back. He comes around and while still holding my arm, knees me and then punches me in the stomach. There were 4 men and a woman in the room. At the same time, the woman picks up a book and sticks it in front of her face (so she can claim that she hasn't seen anything). I'm bent over in pain and meanwhile he's continuing to wrench my arm and kicking me and pushing me up against the wall. He pushed me back to my cell, and said, "You'll sign, you fucking faggot" and then threw me back into the same cell. Then he jumped on me and was kneeling on me and continued to wrench my arm even more forcefully when I said, "I'll sign!" He pulled me up, using that same arm, pushed me back down the hallway in front of me. They gave me my things, I signed and then he threw me out. I was 5'10-1/2, 175 lbs, he was about 5'10, 230 lbs. I came into Lynn's apartment about 6:30 or 7 a.m. sobbing and in shock. They drove me to the hospital, they did an examination and determined that there was bruising, but no visible marks. I was only in the hospital for 20 or 25 minutes."</p> <p>Statement from EEE, July 19, 1993: "It is important to note that: 1) I was not staggering or acting in any improper manner. 2) I did not struggle or fight with the police constables. 3) I did nothing to provoke them and in fact did not speak because I was totally overwhelmed by the situation. (2)</p> <p>"... He grabbed my right wrist and twisted my arm painfully upward behind my back. He then came around to my left side, still holding my arm behind my back, and kneed me in the stomach. This was followed by a punch, a bit lower from the spot where he had hit me with his knee. He then grabbed me by the neck, pulled me backwards while hold me by the twisted arm, and yanked me towards the cell. He then forced me around and showed me through the cell door, face down, onto a mattress on the floor.</p> <p>During this assault, he shouted such phrases as:  'Maybe another day in this cell will make you think about signing, you fucking faggot?'  'How do you feel about signing now, queer?'  The ferocity of his attack and the lack of any interference by his co-workers made me feel that my life was</p>	1am, 2bm, 1bf, 1c, 2c, 7c, 4d4, 4d6, 5d4, 11a, 1c, 3e2, 4e2, 11j

12	1997	Letter from YY, Aug. 23, 1999	<p>threatened. Thus I was willing to agree to anything they wanted and therefore I told him as best as I could through the pain that I would sign.</p> <p>He again twisted my arm behind my back and used that arm to pull me back onto my feet. He then pushed me back to the wicket. He slammed me against it and forced me to sign for my personal effects. After signing, he pushed me towards the door and threw me outside." (3)</p> <p>"... the officers/perpetrators are sticking together and protecting themselves. I feel very strongly that the Chief of Police is deliberately ignoring the severe problem of homophobia and prejudice within his department in an attempt to save face and I feel that if this problem is not addressed it will escalate to the dangerous point where some gay man or woman is going to be seriously hurt or killed" (4).</p> <p>Letter to Rix: "... The main areas of concerns were: Did the police officers have sufficient grounds to detain you under the Detention of Intoxicated Persons Act, and were you physically assaulted or the subject of derogatory remarks directed by police? On reviewing the statements of persons with whom you associated during the evening and night prior to your detention, and the statements of all police officers and correctional officers at the Lockup, I find there is insufficient evidence to substantiate the mentioned allegations."</p> <p>Devereaux: "The accused was charged with assault but acquitted following a trial in Provincial Court. The Crown's appeal to the summary conviction appeal court was dismissed. On further appeal by the Crown to the Court of Appeal, held, the appeal should be dismissed. (244) ... The accused's honest belief he was authorized by law to physically detain the complainant was reasonably held and he acted rationally in the circumstances... gthe accused acted in good faith, and was justified in executing the performance of his duties as he perceived them...nothing more than an innocent, honest misunderstanding by a correctional officer in the carrying out of his duties..." (245)</p>	1am, 1bm, 4c, 7c, 1e, 11h
12	Summer 1998a	Interview with GGG, June 22, 1999; Note 3 from YY, Aug. 23, 1999	<p>In St. John's, a young man was lured into an alley, raped, and prayers and religious words were used during the attacks. "The young man was hurt less physically (he didn't resist for fear of being seriously hurt) as much as emotionally. He was traumatized and confused. The religious aspect of this was quite disturbing."</p> <p>In a local cruising area, "A friend of mine was telling me that about a year ago, a friend of his was out at 3:30 a.m. He saw a guy being lured up the lane and a couple of other guys were waiting for him" (YY). "This incident was pretty severe. The guy ended up in hospital for a short time." (GGG)</p>	1am, 2bm, 1c, 1e, 11h
12	Summer 1998b	Letter from XX, Aug. 30, 1999	<p>Stewart Myers, 19, "met the victim outside a Water St. bar, went for a walk, and ended up in a secluded area drinking beer. Once alone, Myers assaulted the victim and stole his wallet. The victim was so seriously injured that he required extensive hospitalization. In a meeting with the police several months later, Myers asked police if he was being questioned for what he 'did to gay people.' The victim who is married denied that he is gay... In sentencing Myers to (3 years in) jail, Judge Woodrow found that the crime was motivated, at least in part, by hate based on sexual orientation."</p>	1am, 1bm, 9bl, 1c, 1d, 3c, 5c, 7d3, 1e, 8dl
12	Fall 1998	Interview with GGG, June 22, 1999	<p>Last fall a man was beaten up behind the back entrance of the gay bar.</p>	1am, 1c, 11e,
12	Spring 1999	Interview with GGG, June 22, 1999	<p>A month or two ago, this van passed by me. He turned around and I kept walking. There he was, parked right in front of me. There was a driver, a passenger, and two other guys under a blanket.</p>	1am, 3bm, 3c, 11i, 1e
13	June 13, 1994	McLean, July 1994	<p>Two lesbians in Hubbards, after getting graffiti spray-painted on their car, received an anonymous letter "AIDS KILLS FRUITS..." The RCMP in neighbouring Tantallon offered little assistance in this case as well. When shown the letter, a constable told Sherman and Beatrice that it was not hate mail because it was 'factual...' in the process of filing complaints with the Nova Scotia Human Rights Commission and the RCMP..."</p>	2af, 2c, 4d5, 11b
14	Aug. 23, 1991	Rodenhisser, Feb. 10, 1993	<p>Robert Hogen sentenced to two years in prison for assault causing bodily harm in attack against Todd Rix, 20, who was drunk. "Hogen and two other men came by and called one of Rix's friends a 'fag.' Hogen kicked at Rix's head... Rix was too drunk to defend himself, and ... Rix's head struck the pavement hard... As Rix tried to raise his head, Hogen struck him again with a jumping kick that smacked Rix's head back into the road... Hogen smiled at Rix's friends and walked away... Rix, now 21, suffered a skull fracture and damage to cranial nerves that left him</p>	1am, 3bm, 1c, 5c, 1d, 1e, 11k

			with a permanent hearing loss in his right ear that cannot be corrected by a hearing aid, and partial loss of his sense of smell.	
16	1990s	Fisher 1999	"I was name-called and spat at and shoved around while leaving a gay bar in Kingston with a group of students."	1am, 1c, 2c, 11e, 1e,
16	Early 1990s-a	Note 6 from UU, July 22, 1999, Plischke 1996	An article appeared in the Peterborough Examiner (unspecified date) about "an incident in which three men entered a Peterborough bar, upon invitation by an employee, who then stood on a chair and pointed out all the gay men to the attackers. The employee then left and the gay men were assaulted."	2am, 3bm, 1c, 7c, 1e, , 11k
16	Early 1990s-b	Murray 1994	"A 13-year-old from Samia tries for 40 hours to get through to a province-wide phone line for gay and bisexual youths. He attempted suicide after his family discovered he is gay and kids at school chased him with a BB gun while yelling "faggot."	1am, 2bb, 9b2, 2a, 2c, 7c, 7d1, 2e, 11k
16	Early 1990s-c	K(M) 1993	The accused also assaulted a homosexual inmate while in detention. The application for an order to transfer to ordinary court was refused.	1am, 1bm, 9b1, 1c, 2d, 11j
16	July 19, 1992	CP Jan. 13, 1997; <i>Murphy v. Little Memphis Cabaret Inc.</i> (1996)	"A Windsor tavern has been ordered to pay a former auto worker \$548,000 for injuries he suffered in a bar brawl...one of a group of four men' was heard to shout, "Are you calling me a queer" .... After the remark, one of the four tried to hit James Murphy and a second one punched Mr. Murphy's friend, Terrance Cairns. All the men were then thrown out... Mr. Murphy, 45, suffered a fractured skull and several broken facial bones. The injuries left him with vertigo and unable to return to work. "It was eminently foreseeable that when Murphy and Cairns were ejected from the tavern that they would be attacked by one or more of the group or four..."	2aum, 4bm, 2c, 5c, 6c, 7d3, , 11k
16	1993	Note 1 from UU, July 22, 1999, Klaasen 1997	A straight man walking home in Peterborough wearing a motorcycle jacket was yelled at, "You with the leather coat on, you faggot!" and was brutally attacked.	1aum, 1bm, 1c, 1e, , 11k
16	1993	Rau 1998	"... at Millbrook Penitentiary, he was attacked both because of his crime and because news accounts made it clear he was gay."	1am, 1bm, 1c, 2d, 11j
16	Jan. 30, 1993	CP March 27, 1993	"A man nicknamed Meathead has been sentenced to six months in jail for shooting out a tire of his wife's car... and threatening to kill her cousin. Brian Botterill, 36, pleaded guilty to threatening death, assault ... drinking and smoking marijuana when two of his wife's friends asked him to be best man at their lesbian wedding... His wife was running to the car with their three-month-old son when he fired the gun..."	3auf, 1bm, 1c, 2c, 1d, 2e, 11k
16	Early 1994	CP July 23, 1994	Patrick Fortin, 18, "After beating a man for no better reason than he looked like a homosexual, Fortin asked to say sorry... to everyone he offended while associated with the white-supremacist Heritage Front... Sexually abused as a child..." (called the newspaper)	1am, 1bm, 9b1, 11k, 1c, 1e, 5e, 10b1
16	Dec. 18, 1994	Note 3 from UU, July 22, 1999; Mandel 1996	Someone called Spencer's studio from a phone booth 50 meters from his studio, and unleashed a string of death threats, shortly after the outspoken gay artist opened a show in Peterborough.	1am, 2c, 7c, 11b
16	1995	Rau 1998	"... Shawn came out to the prison population in 1995 while he was in yet another institution, and once again, found himself the target of violent attacks."	1am, 1c, 1c, 2d, 2d
16	June 24, 1996	Legall 1997	Legall: "A Maplehurst inmate indicated he was too paralyzed with fear to fight off his attacker when he was raped by another prisoner at the jail last year... He claimed Eduardo Colomenares, 28, had appeared in his cell uninvited after curfew in the early morning hours... he asked if I was gay, or something like that, and I said, 'No.' Moments later, he added, Colemanares climbed into the bed and got into the covers behind him before raping him... Defence lawyer Bruce Olmsted said it was hard to believe a street-wise person like the complainant, who has four convictions for assault, wouldn't protest or fight if he was being attacked against his will. He also suggested the inmate... had invited Colomenares into the cell for consensual sex. The complainant ... disputed Olmsted's suggestion that other inmates had been taunting him about being 'bisexual' and a 'drag queen.' 'Even if I was gay or bisexual, it doesn't mean I deserve to be raped,' he stated." Maplehurst: "Eduardo Carlos Colomenares will serve a six-year sentence for sexually assaulting a young inmate and then be deported to his native country... "I am innocent. I am a victim," he said."	1am, 9am1, 4c, 2d, 4e2, 11j

17	1990	Nolan 1998, "Show strikes home"	Nolan: Rui Pires... "One guy walked up and started hitting me in the side of the head..." (Jackson St.) "Show strikes home": "They (his attackers) were skinheads..."	1am, 2bm, 1c, 1e, 11f, 10b2
17	1993	Fax from Z, May 28/99	Don Gunn, convicted in the manslaughter death of an older gay man in 1986, is convicted of aggravated assault against a "homosexual" at the Tim Horton's at John and Jackson Sts.	1am, 1bm, 1c, 5d2, 11f
17	Late 1990s	Interview with TT, Ap. 27, 1999	"I've witnessed 7 different incidents in 3 years... one was beaten at the Windsor Hotel and was in the hospital for two months. The perpetrator was sent to trial".	1am, 1bm, 1c, 5c, 11k
17	Jan. 1996	Fax from Z, May 28/99	Young female threatened with death (p. 9)	1af, 2c, 11k
17	July 1996	Fax from Z, May 28/99	Male with HIV "found words 'Fag we will kill u before human rights' stencilled on apartment door." (p. 10)	1am, 2c, 11b
17	1997	Nolan 1998	"... Charles Westfall... knows of one gay... who was stabbed last year..."	1am, 1c, 11k
17	App. Ap./97	Fax from Z, May 28/99	"... involved two gay men, who were spit on and had stones thrown at them, and this had been dealt with by officers on Rick's squad" (10)	2am, 1c, 11k
17	App. May 20/97	Fax from Z, May 28/99	"... a lesbian was walking along the street, about 2:00 a.m... She is boyish looking, could have been mistaken for a fag. Two men were walking towards her, and as they approached, out of blue, one of them punched her in the mouth. Her lip broke open, she said "oh fuck," when they heard her voice... ran. She did not report the incident to police (11)."	1af, 9af1, 2bm, 1c, 1e, 11k
17	June 1997	Fax from Z, May 28/99	"Lesbian and her gay friends depart a gay bar (121 Hughson), followed by known suspect who grabbed her breast and crotch and made comments regarding sexual orientation ("dyke"). A physical confrontation between suspect and lesbian's friends takes place. Suspect arrested, bail opposed. (11)	1af, 1bm, 4c, 11a, 1c
17	June 28, 1997	Fax from Z, May 28/99	"A known homosexual is the target of an unprovoked assault which required stitches to his chin. No conversation or verbal interaction took place between unknown suspect and complainant." (11)	1am, 1bm, 1c, 1e, 11k
17	Jan. 11, 1998	Fax from Z, May 28/99	"Two gay males assaulted on James St. N. by three unknown males. Division 1." (12)	2am, 2bm, 1c, 1e, 11k
17	Feb. 28, 1998	Fax from Z, May 28/99	"Gay man attacked at bus stop, Main and Oster. 1 identified, witness refused to attend court. (13)	1am, 1c, 1e, 3c2, 11k
17	May 19, 1998	Fax from Z, May 28/99	"Transsexual assaulted by unknown suspect." (13)	1af, 1c, 1e, 11k
17	June 5, 1998	Fax from Z, May 28/99	Two gay males assaulted by group of four males. 1 male charged with Assault/Robbery. (13)	2am, 4bm, 1c, 3c, 11k
17	Aug. 18, 1998	Fax from Z, May 28/99	Transgender bartender struck with beer bottle. Division 1. (13)	1af, 1c, 11k
17	Sept. 15, 1998	Fax from Z, May 28/99	"Male attacked, charged Robert J. Smith. Internal email states: "The accused accosted and robbed a 72 year old male. Smith has 7 prior convictions for robbery, some of which were related to gay bashing type robberies." No doubt this accused has been busy since his release in March 1998. Subject frequents the gay hangouts on York Blvd. and Jackson St."	1am, 11k, 1bm, 1c, 3c, 5d2
18	App. March 1990	HALO 1999	"About a month ago some people were assaulted outside Lacey's."	2aa, 1c, 11c
18	App. June 1990	HALO 1999	At the HALO club: "One assault on a man..."	1am, 1c, 11d
18	App. Aug. 8, 1991	HALO 1999	"Ron said he was threatened by some young men in Gibbon's Park who referred to him as a 'fag.'"	1am, 2bm, 2c, 11h
18	App. Aug. 12, 1993a	HALO 1999	"A male member of the gay youth group was assaulted after leaving HALO, he was followed by three men in a truck."	1am, 3bm, 1c, 11a
18	App. Aug. 12, 1993b	HALO 1999	"A female member of gay youth was assaulted by two men in a parking lot after leaving Lacey's."	1af, 3bm, 1c, 11c
18	App. May 19, 1994	HALO 1999	"Man gaybashed after making suggestive gestures in his window."	1am, 1c, 3d1
18	App. May 19, 1994	HALO 1999	"Two straight men from Ottawa here for a conference, took a short cut through the park and were assaulted, badly treated by police and ambulance attendants."	2aum, 1c, 4d1, 11h, 1c
18	App. July 13, 1994	HALO 1999	"... there was a gaybashing outside Lacey's people waiting for someone to come out of the bar."	1am, 2bb, 1c, 11e,
18	App. May 17, 1995	HALO 1999	"John received death threats at work after he wrote a gay positive letter to the Editor of the London Free Press."	1am, 2c, 11k

18	App. May 21, 1996	HALO 1999	"... a pre operative transsexual... is being targeted by the police because of gender identity."	1at, 2c, 4d1, 2e, 11k
18	App. July 10, 1996	HALO 1999, Letter from L.L., Ap. 28, 1999	"Two gay youths were brutally beaten up downtown..." (reported in the media)	2am, 1c, 11k
18	App. Aug. 13, 1996	HALO 1999	"A man walking through Victoria Park had three men approach him and say 'We don't want people like you in this park.'"	1am, 3bm, 2c, 11h,
18	Jan. 10, 1997	HALO 1999	"A gay bashing outside 52nd St... He did not want to report to the police or go to the hospital, felt police would "brush it off."	1am, 1c, 11e,
18	Late 97/Early 98a	HALO 1999; Note 1B from L.L., Aug. 26, 1999; Note 1A from L.L., Aug. 26, 1999	"A young man was assaulted at Western and assailants told police it was because he made a pass at them and police believed the assailants" (HALO). "... since the police believed the assailants, nothing further was done. The person who told me was someone in whom the assaulted person had confided" (1A).	1am, 2bm, 1c, 3d1, 4d2, 4e1, 3e2,
18	Late 97/Early 98b	HALO 1999; Note 1B from L.L., Aug. 26, 1999; Note 1A from L.L., Aug. 26, 1999, letter from L.L., Sept. 8, 1999	A male "phoned asking about lawyers in a case where he was beaten up by a gaybasher then charged with sexual assault" (HALO). "Police charged victim per comments made by the victim. I am not sure if charges were also made against the assailant. It is not uncommon when charged with assault for the person charged to file some kind of counter charge of assault" (1B). "... the victim contacted me asking for the name of a lawyer because he was charged by the police instead of the assailants" (Sept. 8).	1am, 1bm, 1c, 3d1, 4d6, 4e1
18	App. Dec. 13, 1997	HALO 1999	"... one night I was walking to HALO 4 young men talking loudly walking down centre of Pall Mall, I was walking on northside. Heard them talking about faggots as they passed HALO. As they passed me one said, "You'd better not turn right or the results will be awful."	1am, 4bm, 2c, 11c, 1e
18	App. Jan. 12, 1998a	HALO 1999	"Young man beaten up by the river..."	1am, 1c, 11h
18	App. Jan. 12, 1998b	HALO 1999	"Two girls followed home called dykes."	2bm, 2c, , 11k
18	Late June 1998	HALO 1999	"Bomb threat at HALO the Sunday of Pride Weekend in Toronto."	2c, 11d, 9f1
19	March 1991	Blanchfield, Mar. 18, 1993, Blanchfield, July 20, 1993; "Charges against Ottawa officer withdrawn"	"An Ottawa police officer received an absolute discharge Wed. on a charge stemming from an incident with a gay-rights activist... no conviction is registered despite a jury's finding in Dec. that Const. Eric Fenato was guilty of dangerous operation of a motor vehicle. He was acquitted of three more serious charges, including assault causing bodily harm... "A conviction would have an affect on your future that is disproportionate to the crime itself, Justice Jean Forget told Fenato, 33... Robert Nadir accused Fenato of being homophobic and deliberately trying to hit him with his police cruiser on Bank Street in March 1991..." (Mar. 18) On July 18, 1993, "An Ottawa man has been charged with assaulting an officer... Robert Nadir, 43, was charged with assaulting causing bodily harm on Ottawa police Const. Eric Fenato... in a Nepean grocery store... leaving him with a bruised eye, a swollen cheek and scratches to his face..." (July 20) "Charges": "...recently, the Ontario Court of Appeal set aside the conviction and ordered a new trial. Peter Griffiths, Eastern Ontario's senior Crown attorney, told a judge Tuesday he was withdrawing the charge. He referred to the absolute discharge and changes in law that would have made a conviction of Fenato unlikely."	1am, 2bm, 1c, 2c, 4d4, 1e, 3e1, 4e2, 11k
19	November 1992	Pepper and Holland 1994:39; House of Commons 1994; EGALE 1995	Pepper and Holland: A gay male victim "told participants how his nose had been broken a year earlier when he was attacked outside a gay bar, but that he had been too frightened to tell the police it was a gay bashing." House of Commons: "Allan Dingle... We left the bar and were walking back to our respective cars when four male youths ran into us... my friend unfortunately was knocked to the ground.... one of the guys called me a 'faggot' and punched me in the face... one in particular proceeded to bash me quite severely... I don't remember feeling any pain. I was in utter disbelief that this was happening. I couldn't understand why it was happening, and quite frankly I thought it was a dream. While being bashed, I remembered very vividly the recent videotape of the Rodney King bashing.... I can remember chanting to myself over and over again, don't fall down, don't fall down."	2am, 4bm, 1c, 7c, 11e, 1e



			The vivid pictures of being kicked and beaten while on the ground. (p. 12) I also remember the watch of the person who was punching me. If he didn't hit me squarely in the head, his watch would slip and it would cut my jaw and my head. The watch finally broke and fell to the ground. I can remember that as I was being hit, the watch became covered with blood. It was at this time that one of his friends, as they cheered him on, told him to watch it because he'd get AIDS from my blood. I was bleeding quite profusely and each time I was hit it would splatter quite a distance. At the mention of AIDS the person attacking me stopped... My eyes were swollen shut. My ear was swollen shut and bleeding quite profusely. They put me in a room by myself. It was at that particular point I realized what had happened to me: I had been beaten because I was gay. I went into shock. I went into uncontrollable shivers and convulsions. I was sick to my stomach several times... Since that time I've had my nose reset, which was more physically painful than the actual bash itself... (p. 13) ...I did not come out at work or to my professional colleagues. I didn't report the incident, and since then I have felt a certain degree of guilt...	
19	June 1993	House of Commons 1994, EGALE 1995	"... in Ottawa a young man was accosted by members of a neo-Nazi group who called him faggot repeatedly, uttered death threats, carried knives."	1am, 2bb, 11k, 2c, 10b2
19	July 1993	EGALE 1995	"... a motorist jumped out of his car and assaulted a pedestrian after asking the pedestrian if he was homosexual."	1am, 1bm, 1c, 1e
19	August 1993a	EGALE 1995	"... a gay man was hit in the face by an aunt and an uncle at a family party."	1am, 2bb, 1c, 2e, 11b
19	August 1993b	House of Commons 1994, EGALE 1995	"... a man was returning to Ottawa from a bar in Hull." He was approached by strangers who... replied, 'Oh, you're a fag,' and beat him so badly that he was in hospital for two days."	1am, 2bb, 1c, 11a
19	Late 1998/early 1999	"Pepper spray in Ottawa"	"... Capital Xtra, has reported a pepper spray attack on customers of the Centretown Pub, a gay bar..."	2am, 1c, 11d
19	Jan. 21, 1999	Hum 1999	Tyler Comeau, 20, pleaded guilty to aggravated assault, "beat Sebastien Alexander 25, and Christopher Portman, 17... Witnesses saw Mr. Comeau hit the two men in the head with his skateboard. His victims, unconscious and suffering massive head injuries... Portman has made a complete recovery... Alexander, however has continuing problems... witness saw Mr. Comeau search the pockets of one of his victims... Comeau has said one of the victims tried to kiss him..." Police said they're not gay, Comeau was drunk and on mushrooms.	2au, 1bm, 1c, 3c, 5c, 1d, 3d1, 4e, 11k
20	Early 1990s-a	O'Brien 1994:43	"...young man; ...Everybody knew that I was gay... I caught this guy going through my stuff... He threatened to kill me and we started fighting, he tried to push me over the bannister..."	1am, 1bm, 9b1, 1c, 2c, 3c, 2e, 11b
20	Early 1990s-b	O'Brien 1994:43	"...young man... Another guy wouldn't let me out of my room..."	1bm, 9b1, 2c, 2e, 11b
20	March-April 1990a	Claridge: May 16 and 18	"...drifter who posed as a male prostitute..." "...death by asphyxiation resulted from being bound and gagged by Mr. Glode, who had bound, gagged and robbed six other male homosexuals in the preceding four weeks..." In most cases, the victims agreed to having their hands tied and then were gagged and bound hand and foot. In prison, he bragged to an undercover officer "about his prowess in having homosexuals pick him up... ' I guess I've got a pretty face the faggots like.'" A homicide officer described him as "a one-man wrecking crew in the homosexual community."	1am, 1bm, 8b1, 1c, 3c, 7d2, 1e, 11b, 8d1
20	March-April 1990b	Claridge: May 16 and 18	"...bound, gagged and robbed six other male homosexuals in the preceding four weeks..."	1am, 8b1, 1c, 3c, 7d2, 1e, 11b, 8d1
20	March-April 1990c	Claridge: May 16 and 18	"...bound, gagged and robbed six other male homosexuals in the preceding four weeks..."	1am, 8b1, 1c, 3c, 7d2, 1e, 11b, 8d1
20	March-April 1990d	Claridge: May 16 and 18	"...bound, gagged and robbed six other male homosexuals in the preceding four weeks..."	1am, 8b1, 1c, 3c, 7d2, 1e, 11b, 8d1
20	March-April 1990e	Claridge: May 16 and 18	"...bound, gagged and robbed six other male homosexuals in the preceding four weeks..."	1am, 8b1, 1c, 3c, 7d2, 1e, 11b, 8d1
20	March-April 1990f	Claridge: May 16 and 18	"...bound, gagged and robbed six other male homosexuals in the preceding four weeks..."	1am, 8b1, 1c, 3c, 7d2, 1e, 11b, 8d1

20	October 1990	Greyson 1991	"During our production, one of our actors was gay-bashed by a group of teenagers in a public park."	1am, 8b1, 9b2, 1c, 11h, 1e,
20	Nov. 7, 1990	Gerard 1991	24-year-old U of T student met 2 men, including a skinhead, at The Barn and went to Allan Gardens, where they met another 4 or 5. He was thrown to the ground, kicked in the head and body, stabbed in the back, robbed of \$4, and walked away with the knife sticking out of his back "embedded to the hilt" penetrating more than 6 cm between along his spine... operated on at St. Michael's Hospital and released two days later... Jason Radmacher, 18, convicted of robbery and aggravated assault and sentenced to two years less a day in prison. Another one, 17, pleaded guilty to the same charges, the other 17-year-old pleaded not guilty but convicted of robbery and aggravated assault. This last one was actually gay. He explained he'd had a hard life, had turned to hustling, and his lawyer decided that "this young man had turned over a new leaf and was now admitting to himself that he is gay." (sentenced to two years less a day)	1am, 4bm, 8b1, 1c, 1c, 3c, 7c, 5d4, 8d1, 11h, 4e2, 10b1
20	April 13, 1991	Oakes 1995	"Stuart Maiden told police after his arrest that 'I want to kill those fucking faggots'... Defence... said it wasn't a case of 'gay bashing' but an assault by men who were drunk." (Sentenced to one year, found guilty of assault causing bodily harm...) Two co-accused, David Culp and Robert Bieniak, were earlier sentenced to 75 days in jail after pleading guilty to the lesser offence of common assault... the victim suffered a fractured leg when he was attacked... had to have the leg operated on, needs further treatment and is still in pain..."	1am, 3bm, 1c, 2c, 5c, 1d, 1e, 3e1, 4e2, 11g
20	April 19, 1991	"Jogger stabbed"	"... a group of teen-agers who beat and stabbed a 30-year-old Friday night in High Park. He was in serious condition last night... knife wound close to his heart... knocked to the ground, then stabbed in the back when he tried to get up... following a series of incidents of gay-bashing in the park.	1am, 2bm, 9b2, 1c, 5c, 11h, 1e
20	Oct. 31, 1991	"Gay men attacked by youths"	"About 50 youths roamed downtown Toronto on Halloween night, taunting, threatening and attacking gay men... 519 Church Street Community Centre said... the centre received an anonymous telephone call that 50 people had attacked and severely beaten a man. Metro Toronto Police confirmed that a man was taken to St. Michael's Hospital and treated for a broken nose, a cut under his eye and sore ribs and stomach after being kicked and punched by 'numerous youths... followed a parade organized by the gay group Queer Nation along Church Street... 'It was like a pack of jackals. You know, big tough guys travelling in packs of 30.'" "... Another man was also punched, police said."	2am, 50bb, 1c, 7c, 11f, 1e, 9f2, 10b50
20	July 5, 1992	"Man who raped, beat prostitute gets four years"; Vittala 1994	"A man who brutally beat and raped a prostitute when she refused to have sex with him for free has been given four years in prison... punched the woman with such force that her jaw was broken; it was wired shut for eight weeks... The 33-year-old victim is a lesbian and she testified she never had sex with a man unless it was for money..." (Wayne Cain is the name of the convicted.) Vittala: "The court heard that Mr. Cain had procured the services of the victim for an acquaintance and then suggested she have sex with Mr. Cain as a type of 'kickback fee..."	1af, 12af1, 1bm, 1c, 4c, 5c, 7d3, 2e, 11k
20	Aug 1992	Grant 1992	"Two Peel Regional Police constables were convicted of assault yesterday for beating up two men they thought were gay. The off-duty constables exchanged words with two men who were seated at a table with two women at a Mississauga hotel ... They then waited outside in the parking lot and beat the men after they left the hotel. Const. Charles Morden, 23, of Mississauga was fined \$750 and Constable Daniel Johnstone, 23, of St. Catherine's, \$1500. Each was placed on two years' probation. They also face disciplinary hearings under the Ontario Police Act."	2am, 2bm, 1c, 4d4, 1e, 3e1, 11k
20	Nov. 20, 1992	"Good memory pays off"	"A detective's good memory has resulted in a man being charged with the robbery of a 29-year-old transvestite prostitute who was slashed across the wrist last November and robbed of \$5... Church and Wellesley Sts. area."	1am, 9am1, 12am1, 1c, 3c, 11g, 1e
20	Jan. 20, 1993	"Councillor asks police"	"One guy phoned (Wednesday) and said 'One bullet, one dead homo..."	1am, 2c, 1e, 11k
20	Aug. 26, 1993	McDonald 1995; Pazzano, Jan. 10, 1995	"A bandit who boasted to police that he robbed homosexual men was jailed five years yesterday... 'He takes pride and justifies his criminal activities by replying... that (the victim is) 'just a fag'... and that type of thinking has to stop,' the judge said. McDonald... has 50 property and violence convictions from coast to coast and targeted gay men by answering or placing companion ads... 'He'd move in with the men he found in the companion ads and then rob them.' McDonald held a knife to the throat of a Toronto businessman at the man's downtown office ...	1am, 1bm, 1c, 3c, 5d2, 7d3, 1e, 4e2, 9e, 11k

			and demanded cash." He was sentenced to five years for robbery and two years concurrent for the use of a knife. He had also recently received 14 months for assault in Hamilton.	
20	Dec. 17, 1993	Brown 1998, Clement 1995, Corelli 1995, Drummie, March 11, 1995	Brown: "... Ed Pollak and his lover... a car came careening out of a driveway and straight at them... the four men... "... beat the crap out of us. [My partner] was on the ground; he was kicked in the head, the stomach, his entire body... Two of the assailants were convicted on assault charges; they served ten days before an appeal was filed and they were released on bail." Clement: 3 charged with assault: Vincent Iacozza, David Cvetan and Giancarlo Dicarolo of Stoney Creek. Corelli: Two convicted: both university students. "A witness heard the attackers yelling 'faggots!' several times... sentenced to six months in prison... Drummie, Mar. 11: "One of the victims, who asked not to be identified, testified he was kicked 15-20 times .. David Cvetan also denied trying to choke the man with his scarf." Drummie, Mar. 13: "Mr Justice Nicholson McRae stopped short of finding the vicious sidewalk assault in the Wellesley-Jarvis Sts. area a "gay bashing" or "hate crime" as Crown counsel Michael Leshner urged. But he did note that 'hate played a role' in the violence..."	2a, 4bm, 1c, 5c, 5d4, 1c, 3e1, 4e2, 11g
20	Spring 1994	"Death threats target Gay Pride Service"	"An inter-faith church service at Maple Leaf Gardens before next Sunday's Lesbian and Gay Pride Day parade will proceed, despite... a letter within the last month that said: 'We know about Maple Leaf Gardens. If you go ahead, a lot of blood will spill and a lot of faggots will die.'"	2c, 9f1, 11k
20	Oct. 15, 1994	"Attack shocks gay community"; DeMara 1994; Drummie, Oct. 28, 1995; House of Commons 1994	"The attack on the two men, 27 and 40, happened just before 1 a.m. yesterday outside a Second Cup coffee shop near Church and Wellesley Sts... saw one victim sprawled in a pool of blood and broken glass... Witnesses saw about six young men pile out of a van and attack the two men before getting back into the vehicle and driving off." ("Attack") "A 40-year-old man, who tried to help (Ross) Mulhearn and his partner, Steve Tait, was the most badly injured. He was struck on the head with a beer bottle and needed more than 20 stitches... A van pulled up and a passenger started calling the two men 'fucking queers and said, 'Why did God make you?' ... Giovanni DiFranco, 22, has been charged with aggravated assault, assault with a weapon and assault causing bodily harm." (DeMara) "Eduardo Santino, 20, wept as Judge Ian MacDonnell found him not guilty of assaulting Ross Mulhearn, 28, with a beer bottle. Spectators cheered after the verdict... As the vehicle moved through the intersection, Mulhearn spat at the van, which was being followed by a car that appeared to contain friends of those in the van. The two vehicles pulled over and the passengers jumped out... witnesses gave such divergent descriptions of who they believed was the attacker, it provided him with reasonable doubt as to his guilt" (Drummie). House of Commons: "Mr. Tait: ... Simple things that most Canadians take for granted, like walking down at street and reaching out for the hand of the person they love, and holding hands, terrifies us. We have to look at everybody on the street and decide whether these people are going to attack us... The picture of this third victim lying in a pool of blood and vomit on the side of the street as the vans pulled away with all of the perpetrators comes back to me every day. I think of that constantly...(10)... Mr. Mulhearn: ... I found out my 22-year-old brother has turned out to be very homophobic. He's been against me... from going to the police... my 22-year-old brother, whom I have loved and cared for since I can't remember. To find I don't get the acceptance I should from this, and the fact that the only problem with his caring is that I'm gay is an insult. It's very hard to handle, very hard to handle..." (p. 11)	3am, 6bm, 9b1, 1c, 2c, 7c, 7d1, 11f, 2c
20	June 8, 1995	CP July 16, 1995	"Two men have been jailed for 30 months... John Brick, 21, and Jason Sacco, 19, were sentenced Friday after pleading guilty to aggravated assault. James Robison continues to suffer brain damage from the June 8 attack. He was kicked 30 times in the face, head and body." ... "Sacco added: "... The sentence is pretty harsh..."	1am, 2bm, 9b1, 1c, 5c, 3e1, 4e2, 11k
20	June 24, 1995	Fernandes 1996:22, Darroch, July 31, 1996	Fernandes: 3 men yelled obscenities from a car. The third time, "James lost his patience and flicked a cigarette butt at the car... he was badly bruised and needed 16 stitches to his lips... A police officer... hinted that this all happened because James flicked a cigarette." Darroch: "Two Toronto men who beat up a homosexual walking hand-in-hand with his male companion have been	2am, 3bm, 1c, 4d1, 5d4, 1c, 3e1, 4e1, 11g, 9f1

			order to write two essays on noted gay men and to pay a fine of \$1,116... Judge Bernard Knazan... said he didn't think Nelson Pereira and John Matos were looking for gays to beat up. But they were motivated by homophobia, he added... It was noted that Pereira had once helped a high school chum berated for admitting he was gay. It was also noted that Matos had a gay brother and the two have an understanding and supportive relationship... During their first four months of probation, the men, both first-time offenders, must each research and write two short essays. One must be about a famous homosexual and the other about a homosexual who was persecuted for his beliefs."	
20	August 1996	Philp 1997	"... Stephen Seaborn... thrown to the ground in a vicious attack that fractured a few ribs... no investigating officer ever arrived..."	1am, 1c, 4d2, 1e, 11g
20	Between July and September 1998	Sarick 1998	A man was stabbed.	1am, 1c, 11k
20	Between July and September 1998	Sarick 1998	"... a man was beaten with a baseball bat and several vertebrae in his back were crushed."	1am, 1c, 5c, 11k
20	Appr. July 15, 1998	"Assault suspect on new charge"	"... a transvestite prostitute... was choked, stripped of her top and bitten on the nose and stomach... Alvin Sobers, 34, is charged with choking, forcible confinement and aggravated sexual assault."	1am, 9am1, 12am1, 1bm, 1c, 2c, 4c, 11c
21	Spring 1996	CP May 5, 1996	"A man has lodged a complaint against a bouncer at a local bar, claiming he was roughed up when he and his friends were kicked out because they're gay... they were kicked out because they were "disruptive" and because two of the women were kissing. "They can call it discrimination," said [Claude Michel, co-owner]. "Had they stayed another five minutes they'd be bleeding today. We hope everybody knows that we don't want them in our bar. We don't want any gays in our bar."	3am, 1bm, 1c, 2c, 1e, 11k
21	May 19, 1998	Carmichael, Nov. 19, 1998	"A Sudbury man who punched another man in the head after making the comment 'it must be nice to be a homo' ... was fined \$1,200... after pleading guilty to a charge of assault... outside Zig's..."	1am, 2bm, 1c, 11e, 1e
21	March 1999	Interview with Kinsman, April 27, 1999	"A male-to-female transsexual was beaten up in a pizza place in March, and the owners did nothing."	1at, 1c, 7c, 6c, , 11k
24	April 13, 1991	Mennie and King 1991; Noel, Ap. 16, 1991; Noel, Ap. 18, 1991; CP, Ap. 16, 1991	John Rivest, 46, killed a friend at his house, then went to Rawdon and killed a gay man, Cloutier, critically wounded Cloutier's lover Bougie. Accused killed himself in front of Rawdon police station after a ten-hour stand-off. He apparently had a "hit list" of 18 others, including gay men. He told police before he died he was heading to Montreal's gay village to kill 40 people. Accused always complained that "guys always laughing at him because of his homosexuality." The gun store manager said, "None of us could imagine him doing something like this. He appeared to be so timid. He had effeminate manners." Rivest told his mother a few hours before the shootings that one of his friends had AIDS. The victims apparently owed the accused money for drug debts	1am, 1bm, 1c, 5c, 7c, 1d, 4d2, 6d, 2e, 11b
24	1992	Mike King, Nov. 11, 1998	"There were insults and false claims that Ms. Lippe was involved in a lesbian relationship with a fellow guard. She was also threatened with assault and rape."	1af, 2bm, 2c, 2d, 11j
24	App. Feb. 17, 1997	"Beating victim met attacker at gay bar"	"A 40-year-old man who was beaten up... met his attacker earlier in a bar in Montreal's gay village... The victim suffered a broken jaw and a badly cut lip...tied up by his attacker... the victim refused his guest's demand for money in return for sexual favors... stole money and a videocassette recorder."	1am, 1bm, 8b1, 1c, 3c, 8d1, 1e, 11b
24	May 2, 1997	Gatehouse, Dec. 2, 1997	"The student said he and a friend were leaving [Longueuil station] when they encountered (Benjamin) Roy and a dozen friends near the exit. The teen described how the accused blocked his way, pushed him and tried to rifle through his pockets. Later as the group made its way to a bus, the youth said Roy called him a 'faggot' and punched him in the mouth, cutting his lip and breaking three teeth."	1am, 11k, 12bb, 9b4, 1c, 2c, 2e
25	July 15, 1990a	Commission des droits de la personne 1994, Hays 1995:29	Police raid on private gay and lesbian warehouse party, called "Sex Garage"... One of the victims of the beating, a well-known Montreal photographer, photographed the police attack... was tripped and thrown to the ground and her camera was smashed." (1994:59)	1af, 1c, 4d4, 11e, 5d2, 1e, 3c2
25	July 15, 1990b	Commission des droits de la personne 1994.	"Ballantine" ... "said he was marching because was angry at being 'treated like an animal' after the July 15 loft party. He said he was charged with assaulting a police officer because he tried to help a female friend who had	1am, 2c, 7c, 4d4, 4d6, 5d2, 11e, 1c,

25	July 1990	Flays 1995:29, Patel 1990 Commission des droits de la personne 1994; Flays 1995:29, Patel 1990	been shoved to the ground by police. "They pushed me face down on the pavement and told me they would break my arm if I moved," he said. "Then they put handcuffs on me and threw me into a car..." Two days later, about 200 demonstrated in the street in front of station 25: One man had a ruptured testicle from being beaten with a nightstick in the groin while in Station 25; he lay screaming on the floor for 30 minutes (until the journalists had left the scene) before the Police would call an ambulance for him." (1994:60) "Edward Cook, 25, spent a night in the Montreal General Hospital under observation for bruised testicle he blamed on police, saying he was knocked down, kicked and smashed in the groin with a club... (Patel 1990) Around the same time as the murder of Marc Bellerive in Parc Maisonneuve, at least 3 other men were attacked there. "...earlier this year, six men were severely beaten in the Gay Village. Six neo-Nazi youths were arrested in those incidents."	3e2 1am, 1c, 5c, 5d2, 2d, 4d4, 1e, 3e2, 11j
25	Late 1991	Gelbart 1994		3am, 1c, 11h, 1c
25	Early 1992	Picard, Dec. 4, 1992		3am, 3am, 6bm, 1c, 1c, 1c, 1c, 1c, 1c, 1e, 11g, 10b6
25	Nov. 28, 1992	Peritz 1992	"... two men were savagely beaten by skinheads in Lafontaine Park, in the city's east end... 'As they pounded him with a stick, they kept asking, 'Are you a faggot?'"	2am, 2bm, 1c, 11h, 1c, 10b2
25	Spring 1993	"A community in fear"	"Alex Schnubb... assaulted as he walked home from work... three youths... grabbed him by the neck and rammed his face into a lamppost, knocking him unconscious."	1am, 3bm, 1c, 1e, , 11g
25	May 13, 1994	"Gunnman befriended"	"... a gunman who assaulted a man he befriended in a gay bar..."	1am, 2bm, 1c, 8d1, 1e, 11k
25	June 4, 1994	"Man sexually assaulted in van"	"... The man pointed a gun at the victim's head and forced him into a dark-colored van... The victim was assaulted after being forced to undress. The attackers released him without his clothing or jewelry." (sexually assaulted)	1am, 2bm, 2c, 3c, 4c, 1e, 11i
25	Nov. 16, 1994	King and Wilton 1994, "Maybe he thought he was an unemployed taxi driver;"	Phillip Collins, "Suffering from AIDS, living on welfare in the city's Gay Village and \$30,000 in debt... 'very seriously thinking about killing myself...' ... went to neighborhood bar to use a pay phone sometime between 11 p.m. and midnight to call a suicide line. 'I was talking on the phone 10 or 15 minutes when two cops showed up...' ... As they proceeded to handcuff him... 'They wouldn't answer me or speak in English. My rights weren't read to me and they wouldn't let me phone an attorney.' Once at the police station, Collins said one officer twice asked him: 'Are you a faggot?' When Collins responded with a derogatory comment the second time, he said the officer knocked him to the ground by punching him the eye. 'That's when they all started punching me... One was hitting me on my rear and asking if I liked it.' Collins said he was then dragged, still handcuffed, into a cell where he was punched some more..." "Maybe": ... Philip Collins sued the police on April 21, 1995 for \$350,000. "...he has turned down several out-of-court settlements from the police."	1a, 2bm, 1c, 7c, 4d4, 4d6, 5d2, 11d, 3e2
25	Late 1995/Early 1996	Riga 1996	"A man was beaten up by a group of 15 thugs wielding branches and sticks on Mount Royal recently -- but he didn't report the attack to police."	1a, 15bb, 7c, 11h, 1e, 10b15
25	Late 1990s	Vu 1998	In the case of Luc Pharaud, he was gay-bashed in the Village on a fireworks night, as France beat Brazil in the World Cup. Three men beat him up on the street while people seated at bars overlooking the street watched the events. ... He went to Poste 22 to make a complaint, "they asked me if I recognized (the attackers). I said, "No, there's a mob out there for the fireworks." Then they told him it wouldn't be worthwhile filing a report... Then he took a taxi to the hospital... "In Luc Pharaud's case, it might have been that the duty officer that night was new, and didn't even know what gay-bashing is, station commander Richard Fournel said (Vu 1998).	1am, 3bm, 11e, 1e, 4d2, 4d6, 7c, 9f3, 9f4
26	Summer 1998	Letter from VV, July 14, 1999	We had a terrible case last summer in Quebec City.	1c, 11k
28	Aug. 16, 1997	"Fearing for his safety"	"A Regina man, C.A. Hatelid... was on his way home from the gay club in Regina when he was attacked by two men while a third one watched... Hatelid tried to drive away but the first man opened the door and started kicking him in the face... The second person... attempted to pull Hatelid out of the car but his seat belt prevented them..."	1am, 3bm, 1c, 11a, 1c

			managed to shift his car into gear and pull away. "The two guys hung onto my door and were running with the car... Hatelid escaped with a black eye, a fat lip... \$1,700 worth of damage."	
29	Late 1990s	Interview with C, July 13, 1999	"Another young man... was walking home from the club a couple of years ago late at night. This guy in a half-ton started following him and swearing at him from the truck. He ran and started going up the Broadway bridge, then he thought they might take another bridge and cut him off. Sure enough, they jumped out of the truck and tried to grab him. So he ran back to the club. By then they had two vehicles. They were cowboys. The woman in the club gave him a ride home. An hour later they were still waiting for him. This all happened some time after 2. That is when all the assaults go on..."	1am, 2bm, 1c, 2c, 11a, 1e
29	1990s-a	Interview with C, July 13, 1999	"In another incident, part of a court-ordered sentence was doing 30 hours of mediation. He was in the club, and got hit on, and took a swing and hit a guy." (He did some work at the Gay and Lesbian Health Centre.)	1am, 2bm, 1c, 3d1, 11d, 3e1
29	1990s-b	Interview with C, July 13, 1999	Random shot: "Someone was mistakenly hit. It had nothing to do with sexual orientation" (shot in the butt).	1am, 1c, 1e, 11f
29	1990s-c	Interview with C, July 13, 1999	"A couple of hours later, another guy was yelled at ("You fuckin' faggot!") Shot in the lower leg. Both guys kind of laughed it off, neither of them gave a description or reported it to the police."	1am, 1c, 1e, 11f
29	Summer 1996a	Interview with C, July 13, 1999	A young man who now lives Edmonton was assaulted by six guys. He was on his way home from the university with his books. He wasn't coming from a cruising area. He was dressed normally, and didn't have a gay walk to him. All of a sudden, he heard them coming up behind him. They hit him with a beer bottle. He got quite a few stitches and almost lost an eye. The left side of his face was paralyzed. They said, "That's teach you, you fag." They cut him up pretty bad and called him a fucking faggot. One person saw it and yelled and that's when they all took off on foot. The police were called. They came down, he was taken to the university hospital emergency, (Royal University hospital) and was kept in for a couple of days. He now has the feeling back in his face. I know a lot of kids out on the streets and I put the word out. I found out through the grapevine that it was a young man who had been charged with assault, an aboriginal with his little gang. When I found out who it was I made an anonymous phone call to the police station. But I knew I couldn't do anything. I got ahold of his probation officer. They confronted him and he said, "I'm not admitting anything." The others were apparently be initiated into a gang. One guy involved in it felt bad and tried to kill himself. These kids were drunk at the time. There were six assaults altogether. Three of the kids were aboriginal, 2 were white and one was Hispanic."	1am, 6bm, 9b4, 11k, 5c, 1d, 3e2, 10b6
29	Summer 1996b	Interview with C, July 13, 1999	There were a couple of young women beaten up (just before we left the old office) while coming out of Mac's Milk. There were 4 people in the truck. 2 men and 2 women. A young lesbian couple had left The Viper. It started out to be a gay club but the owners turned it into a mixed bar. The club was more gay at the time but a number of people were bashed on their way out of there. Two gay guys who owned it ended up selling it. These girls left and went to get a bite to eat 6 blocks away. They were coming out of the Mac's store. They started yelling obscenities at them. The guy rubbed his crotch and called them dykes and said, "I'll teach you bitches. I'll give you what you need." The guys and the girls were drinking. Another guy got out and grabbed the tire iron from the back. The driver got another tire iron from inside the truck. They grabbed a couple of pieces of rusty chains from the back of the truck. This was about 1 or 1:30 a.m. They hung a licking on the girls and then they took off. The girls got a partial licence plate number, the police came to the scene and took a statement. They took them to the hospital and passed it off as a random assault. The girls knew the individuals. But no charges were laid. But the girls were hurt. At least they were nice enough to take them to the hospital and they were treated and released. But the police didn't take them home. They had to find their own way home. There were a number of people at the store but nobody would say anything. It's the usual thing unless you get some humanitarian. At the time, I didn't know who they were. They had bruises and cuts. One got a couple of her teeth knocked out. They were black and blue, with black eyes and stitches. It didn't come out in the paper.	2af, 2bm, 2bf, 1c, 1d, 4d2, 4d5, 11a, 2c, 3e2, 6d
29	Summer 1997	Interview with JJJ, May 7, 1999	"An individual was attacked in Kinsman Park. He was knocked unconscious and he thinks there were 4 perpetrators. He was hospitalized and off work for a while."	1am, 6bb, 1c, 11h, 1e

29	June 13, 1998	Interview with L., Aug. 12, 1999	Two teenagers took a mahogany paddle and decided after a party to attack someone with it. They attacked one guy coming home from his girlfriend's, who still has brain damage. They killed a man coming out of a bar, who died immediately. In between these two incidents "Then they were seen lurking around the bushes, trying to lure some guys off the street into the bushes of Bessborough Park beside the river. They were unsuccessful. There were two guys. One guy just got a glimpse of them hassling this other guy, ran into a hotel lobby and called 911. The other one had been walking down the path when he heard a rustling in the bushes, and the other one was waiting further down. The one who called 911 couldn't pick them out of a photobook. He got ahold of the other one who had talked to them directly, who refused to look through the photos and said he couldn't remember anything."	2am, 2bm, 9b2, 2c, 11h, 1e
30	Oct. 1995	Interview with L.L., Aug. 13, 1999	An eighteen-year-old gay male in Whitehorse was walking home, taunted and beaten by five youths. The incident was reported to police, but not as a gay-bashing.	1am, 11k, 5bb, 9b4, 1c, 2c, 2e
30	Winter 1997	Interview with L.L., Aug. 19, 1999	A 33-year-old gay male made eye contact with a male outside a Whitehorse bar, was pushed against a wall and hit several times. He did not report it, and declined counselling.	1am, 1bm, 1c, 11k
31	1998	A friend	(Somewhere in Canada) "I was verbally assaulted in my city by someone who implied I was a child molester. I recognized him, reported him to the police, but he denied it. A few months later, he found me alone and approached me and threatened to hurt me. I reported him again, and again he denied it."	1am, 1bm, 1c, 7c, 3e2, 11k

**APPENDIX #4**



HOMOCIDES<sup>65</sup>

Approximate date and region of homicide	Name & approx. age of victim(s)	Name & approx. age of accused at time of victim's death	Accused charged with...	Accused pleaded...	Accused convicted of...	Accused sentenced to...	References	Comments	Codes
1990s (10)	? Un-named male	?			Man-slaughter	?	Interview with GG, May 26, 1999	According to the Fredericton Police, the victim owed the accused a lot of money for drugs. He went to the Green, a cruising area near the Legislature. "Maybe that's where he knew he'd be. He beat him to death with his fists..." Officer said it wasn't a hate crime.	1aa1, 2aa1, 3aa2, 5aj, 6aa4, 7ac, 7af, 8ad, 10ad1, 2bc, 3bi
1990s (08)	?	Henry Kent (39)	?	?	?	?	Cairns 1999	7 years after killing a Winnipeg man, Kent escaped on a day pass. Reported to be a male prostitute.	1aa1, 2ac1, 3aa2, 4aa, 5af, 5ai, 6ad, 7ac, 7ad, 9ab, 10ac1, 3bi, 4bi
1990 to 1995)(04)	Maureen	Wayne Sullivan	"Murder"	Not guilty	Acquitted, by reason of insanity		Thompson: Dec. 3, Dec. 8, 1995	Accused said he wanted a menage-à-trois with his wife and her female friend. One night eight months later, all three were together. He suggested it, but his wife told him that she didn't want to; she would rather just do it with her female friend. Accused ordered the female friend to strip and shot his wife in the head. The female friend threw the gun out the window and escaped. At trial, accused said the women set him up by talking suggestively about the menage-à-trois but not coming through. Survivor left town with a man because she felt she was being "accused" of being a lesbian.	1ab1, 2ab1, 3aa2, 4ai,, 5ad1, 5ag, 6aj, 6am, 7ab, 7ad, 10ah1
Feb. 6, 1990 (26)	Mario Fortin (31), Michel Landry (23)	Ghislain Girard (34)	"Meutre avec préméditation"	Accused died in detention before the hearing			Interview with EE, June 9, 1999; Jinchereau 1990; Fontaine 1990; Larouche, Feb. 10, 1990; Bolduc: Feb. 8, 1990; "Au mauvais endroit";	The accused picked up a female prostitute that night, went to a gay bar, took out a gun in the bar, went outside and shot at a car, then went by himself to a gay bathhouse in Quebec at around 1:30 a.m. A clerk (Fortin) and a client were shot dead. A friend of Fortin's arrived at the bathhouse to discover them dead and said he had heard the accused was quite "hot" and involved with the drug trade. Five or six clients fled before police arrived. A mirror was broken and the telephone was disconnected. The accused was reported to have bisexual tendencies (was married and living w. wife and child) and difficulties accepting his homosexuality. When investigating the crime scene, police used rubber gloves and said they all wanted to get hepatitis shots, a move a gay group condemned. During interrogation he didn't want to admit he was gay, although his wife said later he'd gone to gay bars before. He committed suicide about 3 months later.	1aa2, 2aa2, 3aa1, 4an, 5ad1, 6aa2, 6ad, 6ag, 7ac, 7ad, 8aa, 1bd2, 4bi

<sup>65</sup> Canadian homicides since 1990 involving victims perceived to be homosexual/transgendered and/or involving allegations of "homosexual advance, excluding known cases of domestic violence between homosexual couples"

March 27, 1990 (19)	Garth Balderston (31)	Ian Anderson (25)	2nd-degree murder	Not guilty	Man-slaughter	?	"Abbatus à bout" Upton 1990; "Reaction of dead man's lover 'odd'"; Blanchfield: March 29, 31, 1994	Victim met accused in an Ottawa bar and left with him after a night of drinking. Apparently they walked to a park where the victim was beaten to death and robbed of his ring. Friends of accused testified the accused had told them he had beaten a gay man in a park and showed them a stolen ring. Inmates also said he was going to try to pin it on the victim's lover, who "showed little anguish over the death of the man with whom he had exchanged wedding rings, a police officer" said. Defence lawyers attempted to portray Balderston's lover, Phil Kelly as being a "jealous brute and of being the true killer." Kelly's ex-lover testified he had lived through years of domestic abuse with him, and said he knew Balderston was also being beaten, but he also admitted to exaggerating Kelly's abuse when he talked to police. Accused hired and fired 6 lawyers including one who refused to represent him, telling the judge in open court that "the accused is admitting his acts caused the death." But on Oct. 15, 1993, Anderson hired a new lawyer who filed a petition asking that the admission be struck from the record. Morin agreed to the request, and the jury was unaware of the earlier admission. "Gordon tells me Garth was a victim from the day he was born, and it was because of his lifestyle," the Crown said.	1aa1, 2aa1, 3aa2, 4ag3, 4ag1, 4ai, 5aa, 5aj, 6ag, 7ab, 7ad, 7ag, 8ab, 9ad, 9af, 10aa1, 2bc, 3bi, 4bj
April 1990 (05)	Gerald May (49)	James Gee (34) and Donna Camponi (32)	Gee: 2nd-degree murder Camponi: accessory after the fact	Not guilty	Gee: murder charge stayed. Camponi: accessory after the fact	?	Still 1991	Victim was their building manager. Camponi told an undercover officer she helped cover up Gee's involvement in the killing of May. She said May made homosexual advances, then Gee beat and stabbed him and robbed him. Gee's charge was stayed because police breached his rights, but Camponi was convicted of the less serious charge anyway.	1aa1, 2ac1, 3aa2, 4ag3, 5aa, 5ad1, 5ag, 7aa, 7ad, 7ag, 8ab, 8ac, 9ac, 10ag1, 10ab1, 2be
April 1990b (25)	Brian Booth (53)	?	?	?	?	?	Interview with VV, May 11, 1999; Picard, Feb. 12, 1993, Gelbart 1994	Victim came from Yukon to attend a convention, was picked up at Club David, and was found bound and stabbed to death in his hotel room. The murder was solved.	1aa1, 2aa1, 3aa2, 4aa, 5ad2, 6aa1, 6ad, 6ag, 7ac, 7ad, 10ad1, 2bf1, 3bi, 4bd
April 14, 1990 (20)	Michael Boley (56)	Rodney Glode (24)	Guilty to 2nd-degree murder			Life; 17 years before parole eligibility	Clariuge: May 16, May 18, 1991	"...drifter who posed as a male prostitute..." "death by asphyxiation resulted from being bound and gagged by Mr. Glode, who had bound, gagged and robbed six other male homosexuals in the preceding four weeks..." In most cases, the victims agreed to having their hands tied and then were gagged and bound hand and foot. In prison, he bragged to an undercover officer "about his prowess in having homosexuals pick him up... I guess I've got a pretty face the faggots like." A homicide officer described him as "a one-man wrecking crew in the homosexual community."	1aa1, 2aa1, 3aa1, 4aa, 4ah1, 5aa, 5ad1, 6ad, 6ag, 7ab, 7ad, 8ac, 10aa1, 2bb, 3bg, 4ba

June 12, 1990 (08)	Richard McInyre (32)	Wallace McKay (27)	2nd-degree murder	?	Man-slaughter	43 months ÷ 3 = 15 months before p.e.	O'Connor 1990, Kuxhaus, Sept. 3, 1997	Victim was bludgeoned to death with a tree limb along dark path behind the curling club beside the Assiniboine River. (Crime Supt. Joe Gallagher said it wasn't a case of gay bashing... apparently the two men met by chance. The accused apparently was well acquainted with the victim, and was looking to recover some personal articles.	1aa1, 2aa1, 3aa1, 6aa4, 6ad, 6ag, 6aj, 7ac, 7ad, 8ad, 10aa1, 2bc, 3ba, 4bb
June 29, 1990 (14)	Lucien Bertin (32)	William Munroe (34)	2nd-degree murder	Not guilty	Not guilty by reason of insanity		Sonnichsen 1991: May 14, 16, 17, 20; Interview with III, April 20, 1999	Accused met the victim a couple of days earlier. He was a neighbour in the same apt. building as the victim and the victim's lover. Accused was much larger than 105 lb. victim, and went to a party at their house. Accused said after the others left, victim was in his apt. and made and pass, and he threw him out. He woke up on his bed and victim was touching his penis. Victim stabbed 40 times over a 45-minute period. Two defence psychiatrists said he was suffering from paranoid delusions of persecution and homosexual panic. Crown psychiatrist agreed he was insane, probably by developing cocaine psychosis. Crown said the verdict was not appealed "because there was no error ... by the judge to the jury." The "actions after the crime more in keeping with the insanity defense than a 'hate crime' in that the accused went to his apt. and was waiting there covered in blood when the police arrived... never tried to wash himself up."	1aa1, 2aa1, 3aa1, 4ag2, 5ag, 5aj, 6ad, 6ag, 7aa, 7ad, 7ag, 8ad, 9ad, 9ac, 10ah1, 4ba, 4bd
Dec. 15, 1990 (20)	Derek DuCosta (33)	John McLean (25)	2nd-degree murder	Guilty to manslaughter		5 years + 3 = 20 months before p.e.	"jailed five years for strangling"	Cocaine addict "... admitted strangling (victim) with a bathrobe sash... he said he had been enraged by the victim's homosexual advances and felt he was acting in self-defence."	1aa1, 2aa1, 3aa1, 5ad1, 5aj, 7aa, 7af, 10aa1, 2bc, 3ba
Found dead Jan. 2, 1991 (16)	Joseph Gligor (61)	?					CP, May 7, 1991	Joseph Gligor and his wife Persa "were found hacked to death at home.... Investigators say Gligor was a homosexual who led a promiscuous double life that was kept secret from friends and co-workers." The axe and knife were quarantined. "A precaution against AIDS" which is delaying the investigation.	1aa1, 2ab1, 3ad, 5ad1, 7ac, 7af, 8ab, 8ac, 4bd, 4bg
Feb. 11, 1991 (04)	Jason Mason	Charles Stewart	1st-degree murder	Not guilty	1st degree murder	Life; appealed; verdict of 2nd-degree murder substituted (? p.e.)	Stewart 1995	Victim was an old friend of the accused. After a night of drugs at his friend's trailer in Salmo, accused said victim was trying to stroke his penis. 3 days later he "lost it," stabbed him, stole \$90 and left. He said his father raised them to gay bash. Crown bought the advance theory, but told the jury that too much time had elapsed between the advance and the killing.	1aa1, 2ac1, 3aa2, 4ah2, 5aa, 5ad1, 5aj, 6ag, 7aa, 7ad, 7ag, 9ac, 1bb1, 3bi, 4bi
Body found Feb. 14, 1991 (20)	Norman Cardwell (51)	Ronald Cooney (28) and Darrel Marsh	Marsh committed suicide; Cooney 1st-degree murder	Not guilty	Man-slaughter	12 years. Sentence appealed and reduced to eight years, ÷ 3 = 32 mos.	Cooney 1995; MacLeod: July 16 and 17, 1992; Clardige, Oct. 7, 1992.	Victim lured by an ad in a "rag" magazine. Either one or both of the accused had sex with victim at his home, then he was robbed and shot in the head four times. Cooney admitted to taking out the ad in Now magazine, but only for Marsh, who died while Cooney was in custody. Cooney said Marsh wanted to take out the ad "in hopes of meeting a 'closet' gay, and then robbing him." Cooney said Marsh shot the man 4 times. Cooney said he used the dead man's credit card for several days, but didn't know it was the dead man's. A "Crown witness testified that	1aa1, 2aa1, 3aa1, 4ag1, 4ah1, 4ai, 5aa, 5ad1, 6ag, 6am, 6ap, 7ac, 7ad, 10af1, 1bb1, 2bc, 3bb, 4bk

						before p.e.		Mr. Cooney, in a barroom conversation, admitted to having shot a homosexual four times in the head." The judge "said one of the most chilling aspects of the case was 'the random way in which the victim was selected.'"	
Body found March 24, 1991 (20)	Michael Vadeboncoeur (41)	Adam Harris (16) and J.-R. A. (15)	1st degree (both)	Not guilty	Man-slaughter (J.-R. A); first or 2nd-degree murder (Harris)	?	H. (A) 1992; J.-R. (A.) 1991; Swainson, May 10, 1994	Two youths escaped from youth facility. A.J.R. said he'd had already had sex with an older man in Toronto. A day after the crime, they told police they had robbed and killed him, but a year later Harris said the man had had a knife and had ordered him to perform fellatio. Victim was "a single male homosexual who had a history of picking up younger males in various gay 'pick-up' areas" (H.A. 1992). However, AJR said that the man paid them to have sex once before, that they all ended up in bed together, and didn't remember what happened after that. Victim was an actor and CBC Radio comic.	1aa1, 2aa1, 3aa2, 4aa, 4ac, 4ag1, 4ag3, 9ah1, 4al, 5aa, 5ad1, 6ad, 6ag, 6am, 7aa, 7ad, 7ag, 10aa2, 2bc, 2bf2, 3bi, 3bi
April 2, 1991 (25)	Gaetan Ethier (45)	Michael McGray (27)					Interview with VV, May 11, 1999; Picard, Feb. 12, 1993; Gelbart 1994; Clark 1999	Victim met his killer at La Traque. He was stabbed and beaten to death in his Montreal apartment. A man awaiting trial in a New Brunswick prison for a 1998 double murder will be charged with this murder in Montreal.	1aa1, 2aa1, 3ac, 5ad1, 6aa1, 6ad, 6ag, 7ac, 7af, 8ac, 1bg1
April 7, 1991 (25)	Robert Assaly (59)	Michael McGray (27)					Interview with VV, May 11, 1999; Picard, Feb. 12, 1993; Clark 1999	Victim was stabbed and beaten to death in his condo on Nun's Island. Found bound. Unsolved. A man awaiting trial in a New Brunswick prison for a 1998 double murder will be charged with this murder in Montreal.	1aa1, 2aa1, 3ac, 5ad1, 6ad, 6ag, 7ac, 7af, 8ac, 1bg1, 4bd
April 13, 1991 (24)	Roger Cloutier (48)	John Rivest (46)	Committed suicide before captured.				Mennie and King 1991; Noel, Ap. 16, 1991; Noel, Ap. 18, 1991; CP, Ap. 16, 1991	Victims apparently owed money to accused. Accused shot Tommy Simoneau dead at home in Joliette; sexual orientation unknown. Then he went to Rawdon and killed a gay man, Cloutier, critically wounded Cloutier's lover Bougie, killed Cloutier's mother, and killed an other man, Stéphane Arcand, sexual orientation also unknown. Accused killed himself in front of Rawdon police station after a ten-hour stand-off. He apparently had a "hit list" of 18 others, including gay men. He told police before he died he was heading to Montreal's gay village to kill 40 people. Accused always complained that "guys always laughing at him because of his homosexuality." He was an outpatient of a psychiatric hospital for 6 years, and belonged to a shooting club that he visited once a week in the previous year. A psychiatrist interviewed by police said he was not violent. He was found with a .357 magnum revolver, a 9-mm pistol, 500 rounds of ammunition and owned .22-calibre pistol at home. The gun store manager said, "None of us could imagine him doing something like this. He appeared to be so timid. He	1aa3, 2aa1, 2ac2, 3aa2, 5ad1, 5ag, 5aj, 6ad, 6ag, 7ab, 7ac, 8ab, 1bi3, 4bg, 4bh, 4bi



1991 (25)	(33)								May 11, 1999		Victim killed in parc Jarry. Unsolved. No robbery. Stabbed 15 times.	4bd 1aa1, 2aa1, 3ac, 6aa4, 7ac, 7af
Oct. 9, 1991 (25)	Pierre- Yvon Croft (48)	Unsol- ved							Interview with VV, May 11, 1999			
Nov. 30, 1991 (25)	Garfield Walker (30)	Stephan Corbell (24)	2nd- degree murder	?	?	?	?	Interview with VV, May 11, 1999; CP, Nov. 6, 1994; Gelbart 1994			Victim was found beaten and stabbed to death in his apt. in the gay village. Corbell is deaf, and was remanded for psychiatric evaluation. Solved. Victim was a transvestite.	1aa1, 2aa1, 2ad1, 3aa2, 5ad1, 7ac, 7af, 10ad1, 2bf1, 6ag
(In 1992) (13)	Roderick MacLeod	Bernard Whiffen	Second- degree murder					Canadian Press, May 31, 1995			The victim was a music teacher in Sydney River. He was stabbed to death and a camera was stolen. The investigation took 30 months, more 1000 were interviewed. "2 people may have been involved... known within Sydney's gay community." Family offered \$23,000 reward, \$2,000 from Crimestoppers.	1aa1, 2aa1, 3ab, 5aa, 5ad1, 6ad, 6ag, 6am, 7ac, 7ad, 8ac, 1bc1, 1bh1, 4bi
Jan. 27, 1992 (14)	Donald Peitipas (51)	Charles Webb (30)	2nd- degree murder	?	?	?	?	Rodenhiser 1995			Accused is an inmate from Cape Breton. Victim was Via Rail bartender; stabbed twice in the chest with a large knife. Police website says "A suspected homosexual, it is reported that there was considerable male traffic coming and going from his apartment."	1aa1, 2aa1, 3ab, 5ad1, 7ac, 7af, 8ac, 1bc1
July 23, 1992 (16)	John Somerton (42)	M.K. (14)	1st- degree murder	?	?	?	?	K.(M.) 1993			Accused had gone to victim's house several times. Victim's skull had been crushed by 10 blows from a 36-inch iron bar. The apartment walls were spattered with blood. Accused claimed he regularly went to the victim's house for cigarettes and beer, and that the accused had made a sexual advance. "In relating this tale, the accused seemed calm and happy about what he had done." The accused said he had warned the accused that if he did it again he would kill him. The accused also assaulted a homosexual inmate while in detention. The application for an order to transfer to ordinary court was refused.	1aa1, 2ac1, 3aa2, 4ac, 4ag1, 4ah2, 5ad1, 5aj, 6ag, 6aj, 7aa, 7ad, 7ag, 1bc1, 4bd, 4bi
July 30, 1992 (21)	James Moffat (48)	Sieven Lynn (23)	murder and inter- fering with human remains	Not guilty	2nd- degree murder, appealed convic- tion, pleaded guilty to man- slaughter	11 years before p.c., substitute d for an eight-year sentence		CP July 5, 1993; Carmichael 1998			Accused had lived with victim for a year but did not regularly pay for room and board. Accused said that after a night of drinking victim grabbed his "privates" and so he pushed him over the deck and he struck his head and died. He hid the body in a woodpile then burned it. He took his girlfriend on a three-day trip to Toronto and charged thousands of dollars on the victim's credit cards. He was later arrested in Vancouver. He said he didn't mean to kill Moffat and sobbed upon conviction. He won his appeal in 1997. Defence and Crown decided that an 8-year sentence was appropriate. Article made it seem like a domestic quarrel with headline, "Man Jailed for Lover's Murder."	1aa1, 2ac1, 3aa2, 4ag3, 5aa, 5ad1, 5ag, 5aj, 6aj, 7aa, 7ad, 7ag, 10af1, 2bc, 3bc, 4bm, 4bh
Nov. 29, 1992 (25)	Yves Lalonde (51)	6 youths, aged 15 to 17	4 charged with 1st- degree murder, 2 with	4 pleaded guilty to 2nd- degree		4 received 3 years in reforma- tory, the other 2?		Interview with VV, May 11, 1999; Picard, Dec.			Victim, not confirmed to be gay, had been jogging. He was punched, beaten with tree branches and a baseball bat, and robbed of \$92 at a gay cruising area in Parc Angrignon. The police described the four youths as neo-Nazi skinheads. In 1992, 6 neo-Nazi youths were arrested in gay-bashings in the gay village. "After the killing, police revealed the	1aa1, 2ab1, 3aa2, 4ac, 4ac, 4ag2, 4ah1, 4ai, 5aa, 6aa4, 6ac, 6aj, 7ab, 7ac, 10aa4,

			complicity in an armed robbery	murder, the other 2?			4, Dec., 18, 1992, Ap. 13, 1993; Peritz 1992; "Fourth Suspect;" Buckie 1993; Lalonde 1993	park had been the site of dozens of assaults against solitary men in recent months." The night before the death, skinheads beat two men savagely in Parc Lafontaine, yelling "Faggot." One 15-year-old said he wanted to "rid the park of faggots so children could play there again." Another 15-year-old told his lawyer that Jews control money in the country; the psychologist said he "gravitated to skinhead and White Power groups to compensate for lack of a father figure." The psychiatrist for the 16-year-old said he had suffered abuse from an alcoholic father.	1bc2, 2bb, 2bb, 2bb, 2bb, 3bb, 3bb, 3bb, 3bb, 4bj
Dec. 8, 1992 (20)	Grayce Baxter (26)	Patrick Johnson (23)	1st-degree murder	Guilty to 2nd-degree murder		10 years before p.e.	Welsh, Jan. 13, 1993; Brazao 1993; "Suspect remanded in killing;" "Ex-BC man gets life term;" DeMara and Darroch 1994	Victim lived in a luxury condo, "lived the high life, wearing furs and driving a black 1989 BMW." She had had a complete sex change 7 years earlier. She was an escort, 6'1", specializing as a dominatrix, with a reported 100 regular clients and charged between \$350 and \$400 an hour. She went to the accused's apt. at 3 a.m. in North York, and a cell phone record was traced. Johnson, a part-time jail guard, "was having difficulty coming to orgasm and became angry when Baxter said his time was up" after 45 minutes and an argument ensued. Baxter grabbed her mace and stun gun to stop him, and he strangled her. Then he chopped up her body and put it in a dumpster. "Eleven days later, Johnson pawned a diamond ring and Rolex watch for \$1650." Police spent two months looking for the body in the dump. He was arrested at his apartment with a number of self-inflicted slash wounds.	1ac1, 2aa1, 2ah1, 3aa1, 4ai, 4am, 5aa, 5ag, 6aj, 6am, 6ap, 7ab, 7ac, 8ac, 10aa1, 2bb, 3bf, 4bg, 4bm
Found dead Dec. 12, 1992 (24)	Daniel Lacombe (37)	Patrick Paquette and 4 other males arrested in connection, btwn. 16 and 19	Paquette charged w. manslaughter, P. Macdonald with aggravated assault, 3 w. conspiracy to commit a criminal act	Paquette: guilty to manslaughter, P. Macdonald, aggravated assault, others?	Pascal Macdonald was sentenced to 18 months + 3 = 6 months before p.e., but only served 3 months, Paquette 2 years. Others: ?	??	Picard, Dec. 18, 1992, May 13, 1993; Peritz 1992; "Teen pleads guilty in death of teacher," Gelbart 1994	Victim was killed at 3:30 a.m. at a rest stop outside of Joliette, a cruising area where men have sex in their cars and in the nearby woods. The teacher stopped on his way home from a party and was "mistaken for a homosexual." They stole \$15 and spent it on French fries. Police suspect they were responsible for 60 other attacks. "The victim was beaten, but he died for other reasons. That's why the charge isn't murder." At the bail hearing, it came out that 4 or 5 youths would go to the rest area, sometimes with their girlfriends. Gay activists criticized the Joliette police for following up the investigation with undercover surveillance and the arrest of a dozen men instead of cracking down on gay bashing. Lt. Det. Lachance said two undercover police officers were looking for cruisers, not bashers, and the operation was a great success. Pascal Macdonald was quoted as saying his sentence was excessive and that he didn't feel responsible for the death. Paquette got 2 years. During one of the trials a judge said that he was also gay-basher when he was young.	1aa1, 2ab1, 3aa2, 4ac, 4ag2, 4ah2, 5aa, 6aa4, 7ab, 7ac, 8aa, 8ab, 9af, 10aa2, 1bc3, 2bc, 2bd, 3ba, 3bb, 4bj, 4bl
Jan. 16, 1993 (03)	Kenneth McDermott	Roger Comeau	?	?	?	?	Letter from R, June 9, 1999	From the Edmonton police records.	1aa1, 2aa1, 3aa2, 5af, 5ai, 7ac, 7af, 8ad, 10aa1, 3bi
Jan. 18, 1993 (25)	Michel Hogue (42)	Jean-Pierre L'Abbé	2nd-degree murder	?	?	?	Interview with VV., May 11,	Beaten and stabbed after returning home from a Montreal gay bar with accused. Auto stolen from Chomey home and driven to the gay village. Five months later, fingerprints found at burglary matched prints	1aa1, 2aa1, 3aa2, 4aa, 5aa, 5ad1, 6aa1, 6ad, 6ag,

		(22)					1999; Collister 1993; Gelbart 1994	found at victim's house. Killer was a prostitute.	7ac, 7af, 10aa1, 3bi
Jan. 28, 1993 (25)	Robert Panchaud (36)	Unsolved					Interview with VV., May 11, 1999; "Montreal gays vow"	Beaten and stabbed after returning home from the same Montreal gay bar as Hogue. Unsolved.	1aa1, 2aa1, 3ac, 5ad1, 5ai, 6aa1, 6ag, 7ac, 7af
Feb. 15, 1993 (16)	Douglas Grass	David Maltby (47) and Robert Gaunt (22)	Maltby: 1st-degree murder	Maltby pleaded guilty to 1st- degree murder, Gaunt pleaded guilty to man- slaughter		Maltby, 25 yrs. before p.e. Gaunt, 13 yrs., plus two more years for other crimes ÷ 3 = 5 years	CP Nov. 19 and Nov. 20, 1993, Battle 1993	The two went on a crime spree in Ontario and Quebec. In 1986 Maltby took the Bahamian vice-consul hostage at gunpoint in Ottawa for 15 hours, sentenced to eight years. In a film about this incident, the actor portrayed Maltby as a victim of child abuse with a male lover in the Kingston Penitentiary. He and Gaunt inquired at a Stratford bar about finding a room and was told that "Grass had a room and that he was a homosexual who preferred young men." Maltby decided to kill Grass, bought a hammer before going to the victim's home the following evening, and hit the victim on the head with it 15 times. They stole clothing and jewelry and stole his car. Grass was a props-maker and gay rights activist. Maltby said he killed him "to avenge the sexual abuse he suffered as a youth," when he worked as prostitute, and said, "It's time there was justice for victims and their families." He also asked for the death penalty, saying that he felt "dead inside."	1aa1, 2aa1, 3aa1, 4aa, 4aj, 4al, 5aa, 5ad1, 6ad, 6ag, 7ab, 7ac, 10aa2, 2ba, 2bc, 2bd, 4bd, 4bi, 4bk, 3bh
Mar. 10, 1993 (10)	Michel Comeau (37)	?					Morris (1993)	Gay man with AIDS was beaten in a Fredericton cruising area by more than one assailant, who kicked and punched him repeatedly in the stomach, ribs and head. Victim didn't report, became ill, couldn't eat or sleep, immune system deteriorated rapidly. 5 weeks later his brother stated that the bashers should get an AIDS test. Victim told his brother before he died that the attackers were strangers.	1aa1, 2aa1, 3ad, 5af, 5ai, 6aa4, 7ab, 7ac, 4bj
Went missing May 23, 1993 (05)	Bruno Minici (23)	?					"Foul play suspected."	Mentally handicapped gay man, with the capacity of a 10-year-old. Body found April 6, 1994 in Confederation Park, Hurnaby.	1aa1, 2aa1, 3ad, 5af, 7ab, 7ac
July 30, 1993 (20)	Norman Rusky (61)	Terry Fitzsimons (29)	1st-degree murder	?	?	?	?	See Aug. 4, 1993	
Found Dead Aug. 3, 1993 (20)	Jack Bell (58)	Dougall MacDonald (25)	2nd- degree murder	Pleaded guilty to man- slaughter		13 years; no p.e. for 6-1/2 yrs.	"Man gets 13 years in death of designer"	The victim, an interior designer, brought the accused to his home. There was evidence that the victim gave the accused alcohol and Valium, then "posed questions" that resulted in the fatal attack, which included a severe beating." Defence said "his client was 'neither homophobic nor anti-homosexual'..." accused "started a small fire in a	1aa1, 2aa1, 3aa1, 4ah3, 4ai, 5aa, 5ad1, 5aj, 7ac, 7af, 10aa1, 2bc, 3bd



								closet before leaving the house with the victim's video-cassette recorder."	
Aug. 4, 1993 (19)	Donald Hebert (30)	Terry Fitzsimmons (29)	1st-degree murder	Guilty to second-degree murder		16 years before p.e.	Moloney 1993; Ward 1993; Amsden 1995; Millar 1993; Blanchfield, June 21, 1994; "Warrants Issued."	F. was on parole for a manslaughter conviction while in prison. He married a Kingston woman 6 months before his release, which lasted ten days before moving in with a woman, stealing \$10,000 of jewellery, and disappearing into Toronto's gay community, where he met Hebert, who was HIV positive. F. robbed banks to get cocaine and met Rasky, a retired dentist with a crack problem who had been evicted for not paying his rent and moved in with F. and H. R. had previously been beaten in the previous weeks because of drugs. R. realized F. had robbed banks to get money for cocaine, and threatened to call police. F. was high, repeatedly stabbed and bludgeoned R. while H. looked on, in a basement locker room of the apt. building on July 30. A homicide detective said, "I will go as far as to say that in Mr. Rasky's case, it had nothing to do with his sexual orientation. It wasn't gay bashing." F. and H. fled to Montreal by train, robbed and killed a cab driver, then went to Ottawa. They were reported in the media as "The Gay Bonnie and Clyde." They went to local gay bars and bathhouses and moved into a rooming house. On Aug. 4, in an abandoned restaurant, F. took vials of H.'s blood and injected it into his own veins. Saying that H. couldn't face going to prison, F. strangled H. with a T-shirt, stuck a butcher blade into his heart, called 911, injected cocaine, then went to a police station and told the receptionist he had killed a man: "It's got to stop. I'm tired of killing people." Even though he described H. as "the best man I ever met" and said they had formed "a brotherhood of the doomed," he asked his lawyer "to correct what he claimed were erroneous news reports about his relationship with Hebert." Although H.'s friends say H. was infatuated with F., F. "characterized their relationship as friendly, Guertin said. 'He said he's not gay.' Fitzsimmons wanted to make his sexual preference known because 'it makes a difference in the way you're treated in prison...'" Killed himself Mar. 29, 1995.	1aa2, 2aa2, 3aa1, 4ah3, 4aj, 9ah2, 4an, 5ad1, 5af, 5ag, 5aj, 6aa1, 6ad, 6ag, 6aj, 7ac, 7ad, 8ad, 10aa1, 1bc1, 3bg, 4bd
Aug. 8, 1993 (13)	Gregory Jodrey (35)	Larry McLeod (21)		Guilty to manslaughter.	Man-slaughter	4 years + 3 = 16 months before p.e.	Canadian Press: Feb. 25 and June 7, 1994; McLean 1994	They met in a bar, and ended up in an isolated area. Medical evidence indicated sexual activity took place. Accused is an amateur boxer, said a sexual advance took place, and flew into a rage. Defense said accused was in a "minor to medium range" homosexual panic. Crown referred to victim as an "admitted homosexual." Defense portrayed him as an "aggressive homosexual" under the influence of booze. At sentencing, three people from his Sask. hometown were asked if he showed homosexual tendencies, and in written statements: "Absolutely not. Larry loved kids... He was not interested in boys or men... had an interest in meeting girls... a normal teenager."	1aa1, 2aa1, 3aa1, 4ah1, 4aj, 5aj, 6am, 7aa, 7ad, 7ag, 9ad, 10aa1, 3ba, 4a1, 4bh, 4bl
Aug. 12, 1993 (02)	Richard Gerlitz (22)	Cameron Sean Friesen (21)	1st-degree murder	Not guilty	1st-degree murder, appeal dismissed	Life, no p.e. for 25 years	Friesen 1995 Beaty: May 17, 19, 25	Accused pumped 23 nails into his best friend's head with a nail gun. Said he had been abused as a child, he and victim had been drinking for three days, victim made a pass. Defence psychologist said accused was afraid of being homosexual. Police actually suggested to him first that	1aa1, 2ab1, 3aa1, 4ah2, 4a1, 5ag, 5aj, 6ac, 7aa, 7ac, 8ab, 1ae1,

							and 26, 1994; Dolik 1995	maybe the victim made a pass, which he at first denied. The victim's aunt said he had many girlfriends and "he always had a picture of a pretty girl in his wallet."	3bh, 4bd, 4bk
Found dead Aug. 21, 1993 (18)	Phillip Bright (33)	Jessie Lee L'Ecuyer (21)		Guilty to manslaughter		Seven years ± 3= 28 months before p.e.	Interview with Y, May 10, 1999; Interview with I, Aug. 4, 1999; Massecar 1993; "Philip Bright, 33;" "Man guilty of manslaughter"	Victim was a drag queen at local bars, and had worked as a prostitute and an escort. One person interviewed said he'd been living in a house with a native woman and her kid. Accused died of a ruptured spleen in his home. Accused was arrested a couple of months after death and pleaded guilty to manslaughter. The police said they were limited to what they could explain because "we protect the privacy of our victims - deceased or alive." The letter: "1) Sexual orientation played no part in this homicide. The victim and the accused were casual acquaintances for about six months prior to the incident. Their common interests had nothing to do with sex. 2) Motive for the homicide was revenge. To right a perceived wrong. The accused was under the influence of alcohol and wrongly believed that the victim had molested a child of a mutual friend. There was no homophobic motive."	1aa1, 2aa1, 2ad1, 2af1, 3aa1, 4ai, 4aj, 5ad1, 5aj, 6ad, 6ag, 7ac, 7ae, 8ad, 10aa1, 3bb, 4bi, 4bk
Body found Sept. 5, 1993 (04)	Dennis Lee Fichtenberg	Butler	2nd-degree murder	Not guilty	2nd degree murder, appeal dismissed	13 years before p. e.	Butler 1995	Victim killed in a trailer in Prince George: The victim started talking "fag talk," then "... his hand brushed up against my leg..." Accused stabbed him with a kitchen knife. At trial, an unknown spectator said, "There's too many lies here, I have to get out."	1aa1, 2ac1, 3aa1, 4ah1, 6ag, 7aa, 7ad, 7ag, 9ac, 10ac1, 2bb, 3f, 4bi
Oct. 13, 1993 (04)	Henry Drosdevech	Carl Moore (approx. 40)	1st-degree murder	Not guilty	1st degree murder, appeal dismissed	?	Moore 1996 Hall, March 14, 1995.	Expert evidence that accused was in dissociative state; may have been triggered by alcohol or a homosexual advance. Nude victim stabbed 68 times, his testicles were stuffed in his mouth, his penis was never recovered. The advance theory was found to be "circumstantial and tenuous." Victim's clothes neatly folded before attack.	1aa1, 2ac1, 3aa2, 4ag3, 5ag, 7aa, 7ac, 10ac1, 2ba, 3bi
Oct. 21, 1993 (25)	Rolland Gagné (70)	?	?	?	?	?	Interview with VV., May 11, 1999; Gelbart 1994	Killed in his house. Found bound. Solved. The victim was a Catholic priest. The police arrested 2 men, one of whom was 17.	1aa1, 2aa1, 3aa2, 2ac1, 4aa, 4ac, 5ad1, 6ag, 7ac, 7af, 10ad2, 2bf2, 3bi, 3bi
Nov. 9, 1993 (25)	Rev. Warren Eling (53)	Danny McIlwane (31)	1st-degree murder	Not guilty	1st-degree murder	25 years before p.e.: conviction appealed, appeal allowed, new trial ordered. Outcome: ?	Interview with VV., May 11, 1999; Mennie, Baker and Riga 1993; Block 1994; Block and King 1994; Bustak 1994; CP: Nov. 12, 1994 and Oct. 3, 1996	Accused said he first met Eling while hitchhiking in the Gay Village. They went home and he was paid for sex. After that he asked a storeowner if he wanted to buy some electronic equipment; the Crown argued the killing was premeditated. The second time they got together, the accused said victim asked him to tie him up on his bed. Victim died of asphyxiation, on his stomach following strangulation with the belt of his bathrobe, rapped five times around his neck. Accused was inserting dildo and pulling on his neck: "He told me to squeeze the belt..." Defence argued it was "auto-erotic asphyxiation." Crown said it was more than kinky sex, since the circumference of the belt was 35 cm, circumference of the neck was 37. He did not call an ambulance, and he decided to make it look like a robbery; stole computer, VCR and CD player, money and car, to buy drugs. Abandoned car in Toronto, visited his daughter for 10 minutes, returned to Montreal and called victim's home twice; detective answered, and asked if he was a homosexual.	1aa1, 2aa1, 3aa2, 4aa, 4ag2, 4aj, 4am, 5aa, 5ad1, 5aj, 6aa3, 6ad, 6ag, 6am, 7ab, 7ad, 8ac, 1bb1, 4ba, 4bg

								<p>"I'm kind of both," he said and hung up. Fingerprint on pop can in victim's car was traced to accused, who by now was in the hospital after drinking six glasses of antifreeze. He was arrested in the hospital, and tried to kill himself again. A friend said he was upset that people found out he was having sex with men. In the media, victim was said to have hepatitis B, "usually associated with sexual promiscuity" and a collection of 120 male pornographic videos: "Friends suggested his sexual behavior had become compulsive, and they were especially distressed by his choice of street-toughened trade." Accused refused to plead guilty to second-degree murder. He appeared stunned at verdict: "What's going on? Is this possible?" His lawyer said he was shocked and had hoped for not guilty, or conviction of a lesser charge. Defence argued police illegally obtained statements from accused while in hospital after suicide attempt. "The QCA said the trial judge erred in the definition he gave to the jury of consent and forcible confinement." Accused said, "I am not a killer and I will never admit to being one. What happened was an accident. He asked for it to happen....I'm not the victim, my daughter is the victim here."</p>	
Nov. 9, 1993 (05)	William (Kendra) Vogt (24)	Paul Savoy (31)	2nd degree murder	Not guilty	2nd-degree murder	10 years before p.e.	Hall 1994, Interview with NN, May 11, 1999	<p>A Clarence Hotel guest reported problem, police found body on the roof. Savoy testified he asked Vogt for oral sex, thinking she was woman, then asked for intercourse and was told he was a man. Claimed he was infuriated and provoked. Media: "Murder case had a twist reminiscent of Crying Game." They met at Celebrities. Kendra was pre-op, on hormones. The police press release said, "A man found in women's black stockings." The police found rope in the killer's hotel room, and found his fingerprints on certain pages of the "Kink Pages," a sex magazine that features ads for transsexual escorts. He met her at Celebrities, Vancouver's largest gay bar, where there were witnesses who saw him pick her up. They were together for three hours, and took a cab to his hotel, where he strangled her and dragged the body onto the roof. Despite all this evidence, the defendant still claimed in court that he didn't know she was a transsexual and panicked (Interview with NN, May 11, 1999).</p>	1ac1, 2aa1, 2ah1, 3aa1, 4ai, 5ag, 6aa1, 6ad, 6ag, 6am, 7ab, 7af, 10aa1, 2bb, 3bf, 4bg, 4bh
Body found Dec. 1993 (19)	Benoit Ville-neuve (20)	Jason Millard (19), Bradley Millard (24) and a youth (18)	Bradley: 2nd-degree murder	Youth pleaded guilty to assault and forcible confinement. Bradley pleaded not guilty. Jason	Bradley acquitted.	Youth sentenced to 18 months in a half-way house; Jason: ?	Blanchfield, Dec. 9, 14, 17	<p>Many testified that Bradley and victim were lovers but Bradley denied it. All 4 men lived together. Bradley said Jason and the youth beat the victim to death. In a plea bargain, the youth testified that Bradley participated in the beating, but Bradley maintained he never struck a single blow. The youth was a key Crown witness against Bradley, but Court heard the youth had lied to police, beaten his girlfriend and forced her into prostitution. A witness saw the victim bound and naked from the waist down, his penis discoloured, and heard moaning coming from the downstairs. Bradley stripped the body of the victim, who had worked as a prostitute and was a crack addict, and put it in a steamer trunk. It took him 6 days to dig the hole, and used acid to burn the blood on the basement floor: "It was hard to get him into the trunk." Defence questioned "why Bradley should be prosecuted for murder</p>	1aa1, 2aa1, 2af1, 3aa2, 4ac, 4ah2, 5ad1, 5ai, 5aj, 6ad, 6ag, 6aj, 6am, 7ac, 7af, 9ad, 10aa2, 10ai1, 2bc, 2bd, 3ba, 3bi, 4bh, 4bi, 4bm



								agreed that Gillette never intended to kill him, that the doctor, "by his words and conduct, provoked a fight" with Gillette, and that Kirby was a bisexual well-known in the club as "an obnoxious drunk who often caused problems for other patrons and, on occasion, had to be asked to leave." Det. Clarence Cook said, "Although homosexuals are known to frequent the club, the beating was not a gay-bashing." In Feb. 1998, Gillette skipped parole after serving four years of his 5-year term.	
Found dead March 1994 (05)	Kristine Kavanagh (40)	?	?	?	?	?	Gold 1995; Interview with NN, May 11, 1999; Middleton, March 13, 1994	NN: "She was murdered in her apartment. In the press release it said that she used to be a man. She led a life removed from the street. She had been post-op for many years." Middleton: a neighbour said, "I didn't really know her... She had a nice figure, but her voice was always a little hoarse."	1a1, 2a1, 3ad, 5ad1, 7ac, 7af, 8aa, 4bg
March 28, 1994 (19)	Gerald Cuenier	One youth (17)	2nd-degree murder	?	?	?	"Youths found drug dealer dead at home, trial hears"	Victim was found dead in his home with a bullet hole in his head. Two Crown witnesses said they would buy drugs from him often. The victim was a well-known homosexual, and they "regularly rebuffed his sexual overtures while getting their drugs... he never forced the issue or offered drugs in return for sex."	1a1, 2a1, 3ab, 4ac, 5ad1, 5aj, 7aa, 7af, 1bc1
April 1994 (16)	Willis Arcand (66)	Christopher Sipes (25)	?	Pleaded guilty to manslaughter		5 years	CP, Ap. 14, 1995; interview with K, Sept. 21, 1999	Sipes alleged a sexual advance and stabbed victim in the neck with a gun-cleaning rod and strangled him. Arcand was gay "and known to invite young men over to his farmhouse near Kemptville for drinks... Sipes was extremely drunk ... recalled waking naked to find the semi-clad Arcand making a pass at him." Sipes weighed 300 lbs. The victim's family said the police were after Sipes for drugs, and were more concerned about that than the killing. Victim kept money in his house, and was an alcoholic. Probably a robbery.	1a1, 2ab1, 2ac1, 3aa2, 5aj, 7aa, 7af, 8aa, 9ac, 10aa1, 2bc, 4bi
Found dead May 7, 1994 (20)	John Wilson (60)	?	?	?	?	?	Swainson, May 10, 1994	Victim was found dead at 10 p.m.. from a single stab wound in his laundry room. "Wilson failed to answer the door for a 7 p.m. dinner party at his apartment..." "Wilson was a former theatre manager at the Bayview Playhouse... Wilson and Michael Vadeboncoeur.... were both active in Metro's small gay theatre community."	1a1, 2a1, 2ae1, 3ad, 5ad1, 5ai, 7ac, 7af
May 26, 1994 (02)	Elexer Martinez Arcaya (42)	Christopher Sessions (22)	2nd-degree murder	Not guilty	2nd degree murder	10 years before p.e. Appeal allowed; new trial ordered; pleaded guilty to manslaughter. Revised sentence ?	Jaremko 1994; Slade 1995; Ap. 26, 27, 28, 29; Slade 1997.	Accused had known the victim quite a while. The two men drank for several hours. Accused said he awoke to find victim with knife fondling his genitals and kicked him to death with his combat boots. Denied beating the victim several months previously. Social worker testified accused knew victim was gay. Jaremko: "...the dead man was known as 'a pretty nice guy. But he was a homosexual. He had a habit of hitting on guys when he was drunk. He'd take them up to his room late, give them drinks, then hit on them.'" [according to one client at a street drop-in] Ap. 25: "... Sessions... bragged about the incident to several friends and acquaintances later that evening." Ap. 26: "Sessions earlier told court he is heterosexual, but has gay friends and is not homophobic... Sessions admitted he 'told an untruth' when he initially was questioned	1a1, 2a1, 3aa2, 4ag1, 4ag3, 4ah2, 5ad1, 5aj, 6ad, 6ag, 6aj, 7aa, 7ad, 7ag, 9ac, 10af1, 2bc, 3bi, 4ba, 4bd, 4bk

								by police after being arrested the next morning. He made no mention to officers about the victim attacking him with a knife... Hagglund suggested Sessions concocted the story only after..." Slade 1997: "... should not have permitted questioning regarding previous assault..."	
Found dead July 7, 1994 (20)	Julianne Middleton (23)	?	?	?	?	?	Welsh and Brazao 1994	Body found on Lake Ontario's shoreline behind the Sunnyside Pool. "An autopsy found she had drowned and that the imprints on her neck were left by a would be strangler." She was a lesbian, a prostitute in Parkdale, and a crack addict.	1ab1, 2aa1, 2ag1, 3ad, 5af, 5ai, 5aj, 7ac, 7af, 8ac
August 1994 (19)	Mario Desrosiers (32)	Un-named suspect (28)					Lofaro 1994	A man was suspected of killing the victim, whose badly decomposed body was found by a hiker in Gatineau Park in Oct. 1994. Victim was last seen alive Aug. 17, the day before suspect was arrested, carrying the dead man's ID and personal belongings, at the Ottawa airport, with a one-way ticket to Fiji. The suspect has a long record, and was out on \$500 bail, attempting to skip an Aug. 23 court date for charges of assaulting a policewoman and possessing a 9 mm pistol used in a bank robbery. "The suspect was active in Montreal's gay community and met Desrosiers earlier this summer."	1aa1, 2aa1, 3ab, 9ai, 5aa, 5af, 6ad, 6ag, 6aj, 7ac, 7af, 8ae, 1bc1
Sept. 19, 1994 (20)	Harry Isaac (50)	Leonard Welch (33)	1st-degree murder	Guilty to second-degree murder		15 years before p.e.	Hiebert-Pauls, Sept. 22, 1994; Pazzano Feb. 21, 1996; Drummie, Feb. 24, 1996	Victim and accused met at a gay bar, left in a cab, bought beer, went back to victim's place, played cards and had sex. Accused said victim gave him his bank card to pay the \$60, but the card wouldn't work, so he went to a bar, drank, consumed cocaine and went back and killed him. He was partially nude, his hands were bound with electrical cord, his feet were bound with shoelaces and he was gagged with a dish towel, and stabbed 6 times. However, the headline read, "Ex-Winnipegger Hacked to Death."	1aa1, 2aa1, 3aa1, 4aa, 4ai, 5aa, 5ad1, 5aj, 6aa1, 6ag, 7ac, 7af, 10aa1, 2bb, 3bg, 4ba, 4bg
Sept. 29, 1994 (05)	Kenneth Gaspard (35)	Gary Gilroy (27)	2nd-degree murder	Guilty to manslaughter		Five years ÷ 3 = 20 months before p.e.	Still 1995	Accused met victim at the Dufferin; they had been drinking for hours. They went to victim's apartment, and Gilroy claimed victim tried to rape him when victim came out of the shower. Victim stabbed 60 times; five bloody knives were found, 3 of which were broken. Accused said he was emotionally, physically abused as a child, sexually abused by an uncle. Crown felt 5-year sentence appropriate. Although the victim died within seconds of being stabbed in the heart, the accused inflicted 60 stab or slash wounds. There was no evidence to suggest that the victim had a weapon. A psychiatrist stated that during an interview in custody, Gilroy never mentioned that the victim had tried to rape him; however, by the time the case was settled, Gilroy claimed that he had been warding off a sexual assault. Crown Counsel Craig Dykes agreed that a five-year prison term for manslaughter was appropriate because he "couldn't disprove Gilroy's claim that he was provoked into killing the victim."	1aa1, 2aa1, 3aa2, 4a1, 5ad1, 5aj, 6aa1, 6ad, 6ag, 7aa, 7ad, 7ag, 9ad, 10aa1, 3ba, 4bd, 4bl
Found dead Oc. 28/94 (25)	Virginia Coote (33)	?	?	?	?	?	Welsh and Brazao; Edwards and Duncanson	Lesbian prostitute in Parkdale, found washed up on a Toronto beach, naked from the waist down. Strangled.	1ab1, 2aa1, 2ag1, 3ad, 5af, 5ai, 5aj, 7ac, 7af, 8ac

Body found Nov. 19, 1994 (20)	Larry Arnold (46)	?	?	?	?	?	Duncanson: Nov. 23, Dec. 2, 1994; Gataveckas, Ap. 17, 1995	Victim was last seen at Traxx, sitting with two men, 25 and 35, with French accents. He left the bar with one of them. His battered body was found in a Rosedale ravine. 2 suspects were questioned, but no arrests were made.	1aa1, 2aa1, 3ad, 5af, 5ai, 6aa1, 7ac, 7af, 8ac, 4bj
Feb. 19, 1995 (25)	Richard Niquette (44)	?	?	?	?	?	Interview with VV., May 11, 1999; "Quebec killing renews call for gay rights"	The victim was a popular actor. He "picked up two men he thought were prostitutes in the Gay Village." He was stabbed to death and robbed of \$350. Solved.	1aa1, 2aa1, 3aa2, 4aa, 5aa, 5ad1, 6aa3, 6ad, 6ag, 7ac, 7af, , 10ad2, 2bf2, 3bi
March 7, 1995 (23)	Clifford McIver	Gary Gormley (26)	2nd-degree murder	Not guilty	2nd degree murder	12 years before p.e.	Ryder 1996: May 4, May 7; Canadian Press, Aug. 3, 1996; H (1999)	Accused went to buy drugs from victim, said victim opened his bathrobe and demanded sex. Said he lost control, bludgeoned and strangled him with a telephone cord, then stole his car and credit cards. In police interview, police hinted that maybe he didn't go there to kill him, maybe <i>something else</i> happened, but he should explain for his fiancee's sake, who would have to explain to friends that accused "was a fruit." Community source says accused had a rep for rolling queers. Victim was closeted, liked rough trade, cruised, but was portrayed by the media as a saint. CP: "Gormley apologized to the McIver family for their loss but insisted he is not guilty." He had escaped custody the week before on his way to court. Gormley's friend, Eddie Clarke, said "Gary's not gay... he's not a fag. He took offence..."	1aa1, 2aa1, 3aa2, 4ag2, 5aa, 5ad1, 5aj, 6ad, 7aa, 7ad, 7ag, 8ac, 9aa, 1ba1, 2bb, 3bf, 4bh
Body found March 23, 1995 (19)	Guy Robert (55)	Steven Gilling (27)	2nd degree murder	Not guilty	2nd degree murder	10 years before p.e.; appealed conviction, new trial ordered. Outcome: ?	Gilling 1997; Branswell and Harvey 1996; Rogers 1996; Rogers 1997	Accused had been living with victim for several weeks. Victim found naked on his bed with his neck slashed. After the two-week trial, the jury deliberated for 49 hours. Police said that during an interview accused said, "The knife, I still have it." At trial, accused claimed he was at the point of being raped at knifepoint. Accused said victim was a gay pimp and said, "I was offered a guilty plea, but... I am not guilty... It is not like I am a killer or anything like that" (Rogers 1996). At appeal, Crown said there was insufficient evidence to prove provocation; provocation should not have been left to the jury at all. Moldaver JA disagreed. The OCA ordered a new trial after Legal Aid turned down the accused twice to pay for the appeal. "David Butt, a Crown counsel in the Provincial Law Office... believed that Mr. Gilling had such a good case that he asked Mr. Justice Michael Moldaver to appoint a lawyer for him at the province's expense." One ground for appeal was that the trial judge "didn't adequately explain the defence of provocation to the jury." Also, "Wilmont Gilling, the accused's father, testified that his son Steven had said that Steven had had a confrontation	1aa1, 2aa1, 3ab, 5ad1, 5ag, 6ad, 6ag, 6aj, 7aa, 7ad, 7ag, 9ac, 9ac, 1ba1

								with Mr. Robert, who 'wanted him to go into homosexuality and he was at the point of being raped.'...the judge "didn't instruct the jury properly about a videotaped statement by Mr. Gilling."	
May 20, 1995 (05)	John Mogen-tale (40)	Brian Hickey (28)	2nd-degree murder	Not guilty	2nd degree murder	15 years before p.e.	Hall, June 2, 1995; Ogilvie 1996; CP, June 3, 1995	Victim may have met accused in a gay bar. The hotel executive was asphyxiated and beaten with a cylindrical object, stuffed into a trunk in his apartment.. Bank and credit cards stolen. Police kept quiet for a week, but finally issued a warning to press: "A killer on the loose." Hickey found at Wreck Beach shortly afterward. Showed no remorse, offered no explanation, said he was raped at age 12. The Province headline: "Gay Bashing 'Psycho' on the Loose."	1aa1, 2aa1, 3aa1, 4ac, 4al, 5aa, 5ad1, 6aa1, 6ad, 6ag, 7ab, 7ac, 8aa, 10aa1, 2bb, 3ba, 4bd, 4bg
June 26, 1995 (25)	André Lafleur (53)	?	?	?	?	?	Interview with VV., May 11, 1999	Killed at his home. Solved.	1aa1, 2aa1, 3aa2, 5ad1, 7ac, 7af, 10ad1, 3bi
Mid-Aug. 1995 (20)	Joe Peters (22)	Billy Weaver	?	?	?	?	Gallop 1995	A gay man was mauled to death by two American Staffordshire terriers. One was put down a week after the death. "Billy Weaver, Peter's roommate and the owner of the dogs, is still in custody awaiting trial."	1aa1, 2aa1, 3ad, 5ad1, 5ag, 6ad, 6ag, 6aj, 7ac, 7af, 1bc1, 4ba, 4bd
Body found Sept. 1, 1995 (05)	Robert (Chantal ) Gillade (28)	?	?	?	?	?	Chapman 1995 Interview with NN, May 11, 1999 Johnson 1995 Aird 1995	Body, wrapped in a tarp, found in lane. The transsexual prostitute was last seen getting into a black pickup at 4 a.m. Chantal was pre-op, taking hormones. Activist complained police released mugshot of Chantal, focusing on her previous record. "Heavy-set white male with dark brown, collar-length hair and receding hairline" sought. Aird 1995: Her family would not claim the body. Johnson: A memorial vigil was held, attended by police, media and the community.	1ac1, 2aa1, 2ah1, 3ad, 5af, 5ai, 6aa3, 7ac, 7af, 8aa, 8ae, 4bj, 4bk, 4bi
Sept. 7, 1995 (20)	Dennis Colby (47)	?	?	?	?	?	Lamberti (1995)	Victim was found in his apartment with his head beaten in. He was a heavy drinker and friends say he didn't frequent the gay community but made contacts through gay newspaper personal ads.	1aa1, 2aa1, 3ad, 5ad1, 5aj, 6ap, 7ac, 7af
Dec. 23, 1995 (05)	?	?	?	?	?	?	"West End man found slain in apartment"	Police found a 28-year-old man stabbed to death. "There was no indication the man was robbed or that the attack was a gay-bashing incident."	1aa1, 2aa1, 3ad, 5aa, 5ad1, 7ac, 7af, 8ad
Jan. 26, 1996 (24)	?	?	?	?	?	?	Letter from VV, July 14, 1999, Côté 1999	15-year-old killed a 55-year-old in Shawinigan. Accused claimed a homosexual advance. Accused was apparently a prostitute. The media portrayed the victim as a dirty old man. Sex apparently took place. Jean Côté of the QPI said it wasn't a gay-bashing. The whole crime scene didn't fit with the young man's version of events.	1aa1, 2aa1, 3aa2, 4aa, 4ac, 4al, 5af, 5ai, 6ad, 6ag, 6am, 7aa, 7ad, 7ag, 8ad, 1bc1, 4bg
May 21, 1996 (20)	Shawn Keegan (19) and Thomas Wilkin-	Marcello Palma (30)	1st-degree murder	?	?	?	CP, May 24, 1996; Hess 1996	Two transvestites, Keegan and Wilkinson, were killed with at least one bullet in the head. A female prostitute was also killed at the same time in the same fashion; all the bodies were discovered within hours of each other. Within two weeks Marcello Palma had been arrested in Halifax and brought back to Toronto. A hairdresser said the accused "tried to	1aa2, 2aa2, 2ad2, 2af2, 3ac, 5ai, 5ai, 6aa4, 6ad, 6ag, 7ac, 7ad, 8ad, 8ac, 9ac,



	son (31)								pick him up on the street one night about two years ago and later sought unsuccessfully to have sex with him." He is a female impersonator and was walking home down Church St. when the accused stopped in his truck, chatted and gave his pager number. The impersonator phoned him and they met, and the accused wanted to have sex, but the impersonator turned him down. After three years of legal wrangling, the case has now come to trial. A Toronto police officer said these were not considered hate crimes.	1bf2, 4bj, 4bk
Aug. 8, 1996 (25)	Réal Halde (53)	?	?	?	?	?	Interview with VV., May 11, 1999; "Montreal murder #31"		Killed at his home. Found in his underwear with his throat slashed. Solved.	1aa1, 2aa1, 3aa2, 5ad1, 7ac, 7af, 10ad1, 3bi
Dec. 5, 1996 (25)	Norman d Trudel (45)	Unsolved					Interview with VV., May 11, 1999		"L'Italicenne" was killed at his home. Unsolved. Excessive violence, numerous knife wounds.	1aa1, 2aa1, 3ac, 5ad1, 7ac, 7af, 4bd
Body found Dec. 16, 1996 (20)	Paul Armstrong (37)	?	?	?	?	?	Robertson 1996		Openly-gay man disappeared from his home. Someone picked him up but his roommates didn't see who it was. His body was found smouldering in a dumpster 2 days later. His roommates said he answered personal ads.	1aa1, 2aa1, 3ad, 5af, 6ap, 7ac, 7af, 4bm, 4bk
April 26, 1997 (25)	Francois Tousignant (58)	Unsolved					Interview with VV., May 11, 1999		Killed at his home. Unsolved. Excessive violence, numerous knife wounds.	1aa1, 2aa1, 3ac, 5ad1, 7ac, 7af, 4bd
July 26, 1997 (27)	Stacey Clarke (67)	James Tomlinson (29)	"Murder"	Not guilty	Guilty of second-degree murder	10 years before p.e.	"Homosexual Panic" (1998) "Panic Defence Fails" (1999)		Accused said victim grabbed his genitals so hard he saw stars, made advances on several occasions, and punched, choked and jumped on him several times. Accused broke 24 of the victim's ribs and his sternum; he died of suffocation. Accused stole Clarke's money and car and dumped body 1 hour away. Crown wondered why he continued to go back to work there if he was so upset about the advances, and asked for his parole date to be extended. Klebec J noted accused was 170lbs. vs. victim @ 130 lbs: "The defence of provocation was not intended to create an 'open season' on homosexuals... Tomlinson knew that Clarke was a crossdresser and had a strong desire for homosexual contact. He was not caught offguard."	1aa1, 2aa1, 2ad1, 2ac1, 3aa1, 5aa, 5ad1, 5af, 6ad, 6ag, 6aj, 7aa, 7ad, 7ag, 10aa1, 2bb, 3bf, 4ba, 9ag
Nov. 2, 1997 (17)	Cornelius Otte (67)	?	?	?	?	?	Dunphy: Nov. 5, 8, 1999		A former deacon of a Dutch Reformed church drove a choir to Hamilton from Wisconsin, where his brother was a state Assemblyman. He was found naked and dead on his hotel room bed, robbed of his jewellery and wallet. "A broken lamp suggested a struggle." For three nights he went to a porno movie house across the street from the motel. On the second night he asked for directions to a gay bar, and approached 4 or 5 customers in the movie house and asked them to	1aa1, 2ab1, 3ac, 5ad2, 6aa3, 7ab, 7ac, 8ac, 4bk

								come back to his room for sex. On the final night he was last seen heading to another gay club across the street.	
Dec. 17, 1997 (25)	Walter Bourbonnais (70)	?	?	?	?	?	Interview with VV., May 11, 1999	He was killed at home. Solved.	1aa1, 2aa1, 3aa2, 5ad1, 7ac, 7af, 10ad1, 3bi
Nov. 12/98 (03)	James Miles	Sabu Weerasooriya	?	?	?	?	Letter from R, April 28, 1999	From the files of the Edmonton Police Service.	1aa1, 2aa1, 3aa2, 5af, 5ai, 7ac, 7af, 8ad, 10aa1, 3bi
Body found Jan. 7, 1999 (04)	William Davis (59)	"Youth" (17) and 4 others	4 others: ?	4 others? Youth: Guilty	Youth: Aggravated assault 4 others?	Youth: 18 months 4 others?	Swanson 1998	Victim hired five men, gave them drugs and alcohol, and asked them to punish him for being a pedophile; he was not supposed to be stabbed or killed, but they punched, kicked, and burned him, pierced him needles, then took him home where he died, apparently alone, of his injuries.	1aa1, 2ab1, 3aa2, 4ac, 5af, 5ai, 5aj, 6ag, 7ac, 7af, , 10aa1, 1bc4, 2bd, 3ba, 4ba

## APPENDIX A

## REGIONAL CODE LIST

REGIONAL CODE	REGION COVERED
01	Alberta outside of Calgary and Edmonton
02	Calgary
03	Edmonton
04	British Columbia outside of Vancouver and Victoria
05	Vancouver
06	Victoria
07	Manitoba outside of Winnipeg
08	Winnipeg
09	New Brunswick outside of Fredericton
10	Fredericton
11	Newfoundland outside of St. John's
12	St. John's
13	Nova Scotia outside of Halifax
14	Halifax
15	Northwest Territories
16	Ontario outside of Hamilton, London, Ottawa, Toronto and Sudbury
17	Hamilton
18	London
19	Ottawa
20	Toronto
21	Sudbury
22	Prince Edward Island outside of Charlottetown
23	Charlottetown
24	Quebec outside of Montreal and Quebec City
25	Montreal
26	Quebec City
27	Saskatchewan outside of Regina and Saskatoon
28	Regina
29	Saskatoon
30	Yukon
31	Other (undisclosed locations in Canada)

**APPENDIX B**

1568 East 8th Avenue  
Vancouver, BC  
V5N 1T5  
Tel./fax: (604) 874-8674  
victor.janoff@sfu.ca

April 10, 1999

Superintendent \_\_\_\_\_  
Edmonton Police Service  
9620-103A Avenue  
Edmonton, Alberta  
T5H 0H7

Dear Superintendent \_\_\_\_\_

Thank you for your letter of November 23, 1998 with the latest hate crime statistics. Re our telephone conversation in the fall, I am now conducting interviews for my Master's thesis in criminology at Simon Fraser University. My project is a national survey on the prevalence of anti-gay violence, and the various approaches and policies that are being taken across Canada. To this end I am interviewing victims, criminal justice professionals and gay and lesbian community members. I am also hoping to interview \_\_\_\_\_ who I understand sits on your gay and lesbian liaison committee.

I'd like to interview you over the phone in the coming weeks, and am enclosing a list of questions. I realize that you don't have the resources to answer all the questions I am asking, and I know your time is limited, but even providing part of the overall picture will be a valuable contribution.

Because of the sensitive nature of this research, I am conducting all interviews in complete confidence under the supervision of my academic committee. The anonymity of my interview subjects will be absolute, should I ever be requested to name my sources. The details are included in the enclosed consent form that you would need to sign and fax or mail to me (at the above) before we could begin the interview. I look forward to hearing from you soon.

Sincerely,

## APPENDIX C

## INTERVIEW QUESTIONS

1. I understand that your department has been involved in investigating some cases of anti-gay violence. By anti-gay violence I am not referring to acts of domestic violence, but rather to violent hate crimes directed towards gay men, lesbians and transgendered people because of their sexual orientation. Please describe the nature of your work and the size of your force.
2. How many cases of anti-gay violence have you and your colleagues worked on? How many have indirectly come to your attention?
3. Does your department keep track of hate crimes on the basis of sexual orientation? If so, since when? If not, why not?
4. How many cases of anti-gay violence do you estimate have occurred in Edmonton over the past ten years?
5. How many of these cases can be accounted for by:
  - A police report?
  - A published account?
  - An eyewitness account?
  - Anonymous or untraceable calls to a phonenumber?
6. What would be the ratio of gay male, lesbian and transgendered victims?
7. How many of these attacks resulted in documented deaths? (Do you have references?)
8. What patterns and main issues have emerged?
11. In your view, does the criminal justice system adequately address the issue of anti-gay violence? In other words, do you feel that justice is served?
12. In your view, does the media adequately address the issue of anti-gay violence?
13. Of all the cases of gay-bashing you've encountered, are there any that stand out that were particularly:
  - Horrific in terms of sheer violence?
  - Problematic in terms of the administration of justice?
  - Inspiring in terms of the victim's or community's response to a particular attack?
14. In your view, how best can anti-gay violence be prevented?



**APPENDIX D**

**INFORMED CONSENT BY SUBJECTS TO PARTICIPATE  
IN VICTOR JANOFF'S RESEARCH PROJECT**

I have agreed voluntarily to participate in the research project described by Victor. I understand my participation will involve one or more interviews. I understand the purpose of the interviews is to gather relevant experiences in anti-gay violence and that he will use some of this information in his thesis and/or other books, articles or papers related to his research. If I so request, the transcripts will be made available and I will be able to obtain a copy of the results by writing to Victor Janoff at 1568 East 8th Avenue, Vancouver, BC V5N 1T5. I am aware that I have the right to withdraw from the research project, to refuse to answer any questions, or to withdraw anything I have said. Victor has assured me that he will not use the information for any other reason than has already been stated.

The research project is designed in such a way as to give participants the choice of remaining anonymous or not. If participants wish to be identified, they can check the appropriate box below. Participants who do not wish to be identified can also check the appropriate box below. These participants who prefer anonymity will be protected by the use of a coding system, in the event that this information is targeted by authorities. As a participant, I am aware that if I have any concerns about the way the research has been conducted I can contact Dr. Robert Gordon, Director of the School of Criminology, Simon Fraser University.

N.B.: Any information that is obtained during this study will be kept confidential to the full extent permitted by law. Knowledge of my identity is not required. I will not be required to write my name or any other identifying information on the research materials. Materials will be held in a secure location and will be destroyed after the completion of the study. There is a very remote possibility that Victor will be asked by a public body to reveal confidential information. In the unlikely event that this does happen, when a researcher's academic freedom is challenged or compromised by a court or other public body, the University is obliged to provide legal advice, representation, and/or indemnification to a researcher in defending against such actions. In the unlikely event that these efforts fail, and Victor is ordered to reveal confidential information by a court or other public body, he will make the ethical decision not to do so.

Please fax the completed form to (604) 874-8674 or mail to Victor Janoff, 1568 E. 8th Ave., Vancouver, BC V5N 1T5. Please check one of the following:

- You may identify me as a participant in this study.  
 I wish to remain anonymous.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **APPENDIX E**



200 RUE LARCH STREET  
SUDBURY, ONTARIO  
P3E 1C7

EMERGENCY 911 URGENCE  
ADMINISTRATION: (705) 675-9171  
FAX: ADMINISTRATION: (705) 674-7090  
FAX: OPERATIONS: (705) 675-8871

ADDRESS ALL CORRESPONDENCE  
TO THE CHIEF OF POLICE  
PRIÈRE D'ADRESSER TOUTE CORRESPONDANCE  
AU CHEF DE POLICE

May 17, 1999

Mr. Victor Janoff  
1568 East 8th Avenue  
Vancouver, B.C.  
V5N 1T5

Dear Sir:

With respect to your inquiry regarding your interview questions for your Master's thesis, the questions have been reviewed and it is felt that there are too many personal opinions required. Also, the information you are seeking, regarding violence, may be obtained through Statistics Canada.

Prior to having a legal opinion on your consent form for participants, the Sudbury Regional Police Service want to advise you that we do not wish to participate in this survey.

Yours truly,

**APPENDIX F**

1568 East 8th Avenue  
Vancouver, BC  
V5N 1T5

(604) 874-8674  
victor.janoff@sfu.ca

April 10, 1999

Dear \_\_\_\_\_,

\_\_\_\_\_ gave me your e-mail address. She said that you were involved with \_\_\_\_\_ for many years, and I wondered if you might be able to assist me in my research.

I'm a West Coast activist, researcher and freelance writer (having written for several mainstream publications, as well as The Body Politic, Xtra West, etc.). Now I am doing my Master's in criminology at Simon Fraser University. The main core of my research involves interviews with victims, activists, journalists and criminal justice professionals from across Canada on the topic of anti-gay violence and I was wondering if I could interview you for my thesis? I'm also talking to the Halifax police department, the AIDS coalition, and \_\_\_\_\_, but thought you might have other background information that could be of interest.

At the moment I don't have much material on Nova Scotia. There is the report that came out in 1993, as well as a few clippings on the killings of Greg Jodrey at Acadia University in 1993, and the killing of Lucien Bertin in the Halifax in 1990.

Because of the sensitive nature of this research, I am conducting all interviews in complete confidence under the supervision of Dr. Karlene Faith. The anonymity of my interview subjects will be absolute, should I ever be requested to name my sources. The details are included in the enclosed consent form that you would need to sign and fax or mail to me (at the above) before we could begin the interview. I hope you will be interested in participating in this interview. I look forward to hearing from you soon.

Sincerely,  
Victor Janoff  
P.S. Consent form and questions attached in Word 6.0

## APPENDIX G

## INTERVIEW QUESTIONS

1. I understand that you and your colleagues have published articles about queer-bashing. By queer-bashing, I am not referring to acts of domestic violence, but rather to violent hate crimes directed towards gay, lesbian and transgendered people because of their sexual orientation. Have you or any of your close acquaintances personally experienced queer-bashing? How have these experiences affected you?
2. Over the past ten years, how many stories on the topic do you estimate have appeared in your paper?
3. Using that approximate number of stories as a guideline, how many queers do you estimate have been victimized in Atlantic Canada over the past ten years?
4. What would be the ratio of gay male, lesbian and transgendered victims?
5. How many of these cases can be accounted for by:
  - A police report?
  - A published account?
  - An eyewitness account?
  - Anonymous or untraceable calls to a phonenumber?
6. How many of these attacks resulted in documented deaths? (Do you have references?)
7. What kinds of difficulties have you and your colleagues had while researching these kinds of stories?
8. Do you feel that you and your colleagues have been able to accurately report on these stories as you saw them?
9. Have you and your colleagues noticed any patterns in the course of your research?
10. Of all the cases of gay-bashing you've encountered, are there any that stand out that were particularly:
  - Horrific in terms of sheer violence?
  - Problematic in terms of the administration of justice?
  - Inspiring in terms of the victim's or community's response to a particular attack?
11. What do you feel are the main issues surrounding anti-gay violence?
12. In general, do you feel that the media adequately reports on the topic of queer-bashing?
13. In your view, is justice served in cases of anti-gay violence?
14. In your view, how best can queer-bashing be prevented?



## APPENDIX H

1568 East 8th Avenue,  
Vancouver, BC  
V5N 1T5

Tel./fax: (604) 874-8674

Aug. 6, 1999

Dear \_\_\_\_\_,

Thanks for all the information during our recent interview. I hope your summer is going well. I'm writing my thesis at the moment and was wondering if you could help fill in a few gaps for me? You made some references to some gay-bashing incidents, and now I'd like to get a few more details.

I've enclosed some "incident sheets" that I was hoping you might be able to complete and send back to me, elaborating on the violent incidents you and Gens mentioned that I am listing below. You can put down as much or as little information as you'd like -- these sheets will allow you to elaborate on the incidents themselves without naming names or compromising your subjects' confidentiality -- and your confidentiality will continue to be protected through our original agreement. I hope you're beating the heat (it's nice and cool here). The goal is to try to split up the reports listed below into individual incidents.

- Question one: According to the notes you sent me, "It was reported that a young man was assaulted at Western and assailants told police it was because he made a pass at them and police believed the assailants." This is undated, and assailants is plural. Later on in your notes you say, "[a male person] phoned asking about lawyers and a case where he was beaten up by a gaybasher then charged with sexual assault." This entry is dated 23/3/98. Are these two different incidents? I'm enclosing to separate incident sheets just in case.
- Question two: Dated 27/5/97, you've noted, "Clarence has reports of gay bashing. I've enclosed a few separate incident sheets for those incidents if you're able to find out any more information.
- Question three: Patrick has two separate reports of gay bashings. On 21/1/97 you note: "A gay bashing (Patrick) outside 52nd St. Friday 10/1/97." But on 18/2/97 you note, "It was reported to Richard that Patrick was aware of other gay bashings outside 52nd St. which were not reported." I've enclosed a few separate incident sheets in case you're able to sort out these facts.

I'm enclosing ten incident sheets, and look forward to hearing from you soon.

With best wishes,

## **APPENDIX I**

Incident # \_\_\_\_\_

### INCIDENT CLARIFICATION SHEET

1. Where did you get information about this incident?
  - a) I remember talking to the victim.
  - b) Somebody else told me about it.
  - c) From an article or a court case.
  - d) Details: \_\_\_\_\_
  
2. Did this incident take place after Jan. 1, 1990?
  - a) Yes, but I'm not exactly sure when.
  - b) Yes, and the date is: \_\_\_\_\_
  - c) No.
  - d) There is no way I can find out.
  - e) Details: \_\_\_\_\_
  
3. What Canadian town/city did this incident take place in?
  - a) \_\_\_\_\_
  - b) There is no way I can find out.
  - c) Details: \_\_\_\_\_
  
4. Did the victim report this incident to the police or the gay/lesbian community?
  - a) Yes
  - b) No
  - c) There is no way I can find out.
  - d) Details: \_\_\_\_\_

OTHER COMMENTS:

Date: \_\_\_\_\_

Initials: \_\_\_\_\_