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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
KRISTINE J. LUCIUS, *Democratic Chief Counsel and Staff Director*

October 21, 2015

The Honorable Loretta E. Lynch
Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable James B. Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Attorney General Lynch and Director Comey:

I write to express serious concern about the alarming number of homicides and violent crimes targeting transgender and gender nonconforming people. I strongly urge the U.S. Department of Justice to work with state and local authorities in the investigation and prosecution of these incidents, and to redouble its efforts to ensure the accurate reporting of all bias-motivated crimes.

On the afternoon of Thursday, October 15, 2015, a young man reportedly confronted 21-year-old Zella Ziona behind a laundromat in Gaithersburg, Maryland. After what witnesses describe as an argument, Zella suffered multiple gunshot wounds. She was pronounced dead hours later, the second transgender woman to die in a homicide this month. However, for nearly 24 hours after her murder, Zella was misidentified by police reports and local media that incorrectly described her as male. Although the extent to which anti-transgender bias played a role in her death remains unknown, it has been reported that the suspect plotted the attack on Zella after she approached him in public and embarrassed him in front of his friends.

According to the National Coalition of Anti-Violence Programs, Zella Ziona was the twenty-second transgender or gender nonconforming person to be a victim of homicide in 2015; her killing represents the nineteenth homicide of a transgender woman of color this year. Advocates who monitor attacks on lesbian, gay, bisexual, and transgender (LGBT) people describe the spate of killings as a state of emergency for the community. But unfortunately, an official count of bias-motivated crimes remains elusive.

Although the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act enables the Department to prosecute crimes motivated by the victim's actual or perceived sexual orientation or gender identity, and to provide assistance to state and local authorities in the investigation and prosecution of hate crimes, federal law does not require state or local law enforcement to report such incidents. An analysis of data from the Federal Bureau of Investigation's annual report of hate crimes statistics revealed that underreporting remains a widespread problem. In 2013, the most recent year for which data is available, law enforcement agencies reported that there were 7,242 victims of hate crimes in the United States, 33 of whom were victims of gender identity-motivated bias. However, 85 American cities with populations over 100,000 either failed to

report any information at all or reported zero bias-motivated crimes in 2013, a statistic that Director Comey described as “a fact that would be welcome if true.”

In light of the startling increase in violence against transgender Americans, I request information on the Department of Justice’s work to improve the tracking and reporting of bias-motivated crime. Underreporting of not just anti-transgender crime, but all bias-motivated crimes, obscures the threats many of our citizens endure every day. I applaud the Department of Justice and the FBI for their enforcement efforts to date, as well as the Department’s work to train federal, state, and local law enforcement officers to respond appropriately and effectively to reports of bias-motivated violence. However, accurate data on the frequency and severity of attacks is needed in order to direct prevention and enforcement efforts to the jurisdictions most in need of assistance.

In addition, I urge the Department to work proactively with local authorities to identify, investigate, and solve homicides and other serious violent crimes targeting transgender people, and to make strong public statements condemning the disturbing trend of anti-transgender violence this year. Further, there are indications that distrust in law enforcement among LGBT communities, and inaccurate or disrespectful reporting regarding transgender victims, have been barriers to investigations. The Department should develop a model policy for law enforcement agencies on interactions with LGBT and gender nonconforming individuals and guidance on public communications regarding crimes against members of the transgender community.

Thank you for your prompt attention to this matter. Should you have any questions, please do not hesitate to contact me or Nick Wunder on my staff at (202) 224-5641.

Sincerely,



Al Franken
United States Senator